



Appeal Decision

Site visit made on 23 July 2025

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal Ref: APP/Q4245/W/25/3364835

138 Ashley Road, Hale, Altrincham WA14 2UN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Orang Parto against the decision of Trafford Borough Council.
 - The application reference is 11/114914/FUL/24
 - The development proposed is described as change of use from takeaway (Sui Generis)/dwelling (use class C3) to ground floor takeaway (Sui Generis) and 2no apartments (Use Class C3) on the first, second and loft floors together with retrospective formation of loft conversion, creation of rear external access staircase and alterations to elevations including front and rear dormer windows and extraction flue.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The development has already been carried out although at the time of my visit the units were not occupied. I have dealt with the appeal on that basis.

Main Issues

3. The main issues in this case are:
 - The effect of the development on the character and appearance of the host property and linked to that, whether the proposal would preserve or enhance the character or appearance of the Hale Station Conservation Area.
 - Whether the proposal would provide satisfactory living conditions for future occupiers of the development having particular regard to outlook, light, noise and odour and the effect of the development on the living conditions of the occupiers of neighbouring properties in terms of odour from the proposed ground floor takeaway use.

Reasons

Character and appearance

4. The appeal site lies at the heart of the Hale Station Conservation Area, opposite the station itself. The Conservation Area Appraisal notes that station buildings epitomise the growth of a rural village into a wealthy suburb and retail centre. The area, which has a vibrant character, comprises a mix of building types, ages and styles. Along Ashley Road, retail units and some shop

fronts are of architectural value and the appraisal notes that the upper floors have often survived relatively unchanged from their original design.

5. No 138 Ashley Road is one of four similarly designed properties dating from the 19th century, which form part of a longer terraced row. The property has three floors, plus a basement and attic, and comprises a shop unit, currently a hot food takeaway, with residential space above. The front elevation is of red brick and features a shop window to the ground floor, tall arched windows with decorative surrounds to the first floor and simpler vertically proportioned windows to the second floor. As a group, the four properties, which have a vertical emphasis and a rhythm to their detailed design, make a neutral contribution to the appearance of the conservation area.
6. There are two dormers at the neighbouring property No 140. These dormers have a traditional appearance with a vertical format, each with vertically proportioned windows and a pitched roof to reflect the pitch of the main roof. In contrast to them, the dormer that forms the subject of this appeal is lower in height with a window of a horizontal emphasis and a shallow pitched roof. It has a wide and somewhat squat appearance, at odds with the vertical proportions and features of the host building. Whilst the use of upvc is not a traditional material, the dark colour is recessive. Nevertheless, as a result of its massing and detailing, the dormer fails to reflect the character of the building or the character and rhythm of the group.
7. No 142, is a large modern building attached to the terrace which occupies a corner position. Dormer windows at this property are wider than those at No 140 and of a modern appearance but are nevertheless of a similar height and roof pitch to those at No 140 and as such provide a degree of uniformity.
8. The site lies at a slight bend in the road and is immediately opposite an area of open space where the clock tower is located. The site is prominent in views from the east and from the far side of the open space, as well as from the Station Master's House and station. The Council has identified, and I saw on site, that the building lies within key views in the conservation area. As a result of its harmful impact on the character and appearance of the host dwelling and terraced row, the proposal does not preserve or enhance the character or appearance of the conservation area, a designated heritage asset, and therefore would not meet the statutory provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
9. The development includes a dormer to the rear roof slope, a substantial new extract flue to serve the ground floor commercial kitchen and metal stairs at the rear to provide access to the flats. No objection to these elements has been raised by the Council subject to details of the finish being agreed by condition. Given the inconsistency in the appearance of the rear elevation of the terrace and the limited vantage points of it from the public realm, I have no reason to disagree.
10. As a result of the limited scale of the development and the wider extent of the conservation area, the front dormer results in less than substantial harm to the heritage asset, at the lower end of the scale. The approach in the National Planning Policy Framework (the Framework) is that this harm should be weighed against any public benefits of the proposal.

11. The proposal would create at least one additional residential unit. This is a public benefit of the scheme which attracts moderate weight in the light of the Council's housing land supply position. There would be some social and economic benefit from the provision of an additional unit. In addition, from all I have seen and read, the proposal has brought about some improvement to the external appearance of the property. However, it seems to me that the same benefits would arise from a development which included dormer/s of a different design which did not cause harm to the heritage asset. Accordingly, given the Framework requires that great weight is given to the heritage asset's conservation, the benefits do not outweigh the harm and in this respect would not satisfy the heritage requirements of the Framework.
12. For these reasons the proposal fails to comply with Policy R1 of the Trafford Core Strategy which requires, amongst other things, that all new development must take account of surrounding building styles and historic distinctiveness, and Policies JP-P1 and JP-P2 of the Places For Everyone Joint Development Plan and which require development to conserve and enhance the historic environment and through creative contextual architectural responses contribute to the significance of a heritage asset and sense of place.

Living conditions

13. There is no dispute between the parties that the proposal meets the minimum floorspace standards set out in the Nationally Described Space Standards, albeit the Council has concerns about the headroom in parts of the attic bedroom, bedroom 1. However, the subdivision of what would have been an attractive first floor space to form a living and bedroom for flat 1, has resulted in a contrived, t shaped living, dining and kitchen space. Given the depth of the property, and the fact that this irregularly shaped space is served by only one window, I saw that on a cloudy summer day only a limited amount of daylight reaches the rear/side part of the living room and the kitchen, such that these spaces are gloomy and are likely to require artificial light during the daytime for most of the year.
14. Furthermore, the subdivision of the attic space has resulted in one of the bedrooms to flat 2 having only a rooflight rather than a conventional window. Whilst this room was light, the lack of outlook gave the room an oppressive and uninviting character. Whilst I acknowledge that the living room to flat 2 is well proportioned and provides a good outlook and level of light, I am not persuaded by the appellant's argument that the bedroom would not be needed as a main habitable room, particularly if the flat was occupied by unrelated people. Consequently, whilst I recognise that the flats have been fitted out to a high standard, neither of the two flats would provide adequate living conditions for future occupiers.
15. It is clear from all I have seen and read that it is intended that the residential units would be occupied separately from the ground floor take-away. Given its use, it seems to me likely that it would operate until late into the evening and generate a degree of noise. As such it is necessary, in the interests of the living conditions of the occupiers of the flats, that satisfactory sound proofing is carried out.

16. The appeal is accompanied by a Noise Impact Assessment¹ which assessed background noise levels around the site which were affected by road traffic noise, occasional train movements and service plant noise. The assessment provides outline guidance on the acoustic requirements for the facades, glazing and ventilation only. No internal noise assessment was made and there is no conclusion on the need for any acoustic mitigation between floors. Whilst works carried out at the property may meet building control standards approval, I cannot be certain that noise from the operation of the ground floor use would not have an adverse impact on the occupiers of the proposed residential units.
17. Similarly, whilst a technical specification for the ventilation system has been submitted with the appeal, there is no convincing evidence before me to demonstrate that odour from the ground floor unit would be adequately mitigated such that there would be no harm to the living conditions of the occupiers of the proposed flats or those living or working in the vicinity. I recognise that windows to the rear elevation would serve bathrooms rather than habitable rooms. However, whilst I note that mechanical ventilation is proposed, a condition requiring windows to be fixed shut would be unreasonable. Moreover, such a condition could not be imposed on surrounding properties.
18. Based on the information before me, the proposal would fail to provide the future occupiers of the development with satisfactory living conditions, with particular regard to light and outlook, and would cause issues relating to noise and odour. In addition, the proposal would harm the living conditions of neighbouring residents regarding odour. On that basis the proposal would be contrary to Policy L7 of the Trafford Core Strategy which requires that development does not prejudice the amenity of future occupiers of the development or occupiers of adjacent properties by reason of noise/disturbance and odour, or in any other way, and Policy JP-P1 of the Places for Everyone Joint Development Plan which requires development to be comforting and inviting. In addition, for the same reasons it would be contrary to paragraph 135 of the Framework which requires development to function well over the lifetime of the development and create places which promote health and well-being, with a high standard of amenity for existing and future users.

Other matters

19. Section 66 (1) of the Act requires me, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
20. The appeal site is within the setting of a number of listed buildings including the Station Master's House, Hale Station and the station platform which are all Grade II listed buildings. The significance of those buildings lies primarily in their historic and evidential value in terms of the development of the settlement. The setting to those buildings contains development of a variety of styles and ages including some 20th century development. The Council does not object to the proposal in this regard and I have no reason to disagree. The proposal in my view preserves the setting and special interest of the listed buildings.

¹ Carried out by dBx Acoustics dated 6 June 2024

Planning Balance

21. The Council accepts it cannot currently demonstrate a 5 year housing land supply. Paragraph 11 d) i. of the Framework states that planning permission should be granted unless the application of policies in the Framework that protect areas of particular importance, including designated heritage assets, provide a strong reason for refusing the development. I have found that the proposal causes harm to the conservation area and does not accord with the policies of the Framework regarding the requirement to conserve heritage assets. This is in itself a strong reason to refuse the development.
22. Even if that were not the case, whilst I acknowledge that the proposal would provide an additional unit of accommodation in an accessible location, the proposal does not provide an adequate level of amenity for future or nearby occupiers and does not therefore secure a well-designed place. Accordingly, in addition to having a harmful impact on the conservation area, it does not satisfy the Framework in that regard. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development set out in the Framework does not therefore apply.

Conclusion

23. I have found that, for the above reasons, the proposal is contrary to the development plan when considered as a whole. There are no other considerations that would indicate that the appeal should be allowed contrary to the development plan. Therefore, taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR