
Appeal Decision

Site visit made on 8 January 2026

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2026

Appeal Ref: APP/Q4245/W/25/3373009

Cloud 9, Bow Green Road, Bowdon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Dr Z Alvi against the decision of Trafford Borough Council.
 - The application Ref is 115296/OUT/25.
 - The development proposed is the erection of an Apartment-Home with six units and demolition of the existing house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an Apartment-Home with six units and demolition of the existing house at Cloud 9, Bow Green Road, Bowdon in accordance with the terms of the application, Ref 115296/OUT/25, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs has been made by Dr Z Alvi against Trafford Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the proposed changes.
4. I have determined an appeal¹ for a similar development at the same appeal site. For clarity, the decisions are not linked and are subject to separate decisions.
5. The planning application subject to this appeal was for outline planning permission, with landscaping being the only matter reserved for subsequent approval. Therefore, details of access, appearance, layout, and scale are for determination, it is taken that any landscaping details referred to within appeal submissions are indicative and for illustrative purposes only.
6. The description of development in the banner above is duplicated from the Application Form. However, I have removed the phrases “A ‘*Stand Alone*’ application for the ...” and “*Consent is sought for access, appearance, scale and layout with all other matters reserved.*” as they do not refer to acts of development.

¹ Appeal Ref. APP/Q4245/W/25/3367833

7. With regard to Biodiversity Net Gain (BNG), the Council indicated that it did not consider it appropriate for such significant additional information to be submitted as part of the appeal. It also requested additional time to provide a response, in the event that I accepted the BNG evidence. The submission of information in relation to BNG is acceptable as it seeks to address a reason for refusal and does not seek to amend the proposal.
8. Prior to determining the appeal, I have communicated this decision to the Council and informed the Council that it would not be granted additional time to respond. As interested parties and statutory consultees had not been consulted on the BNG evidence, I allowed time for them to be consulted. Accordingly, no party would be prejudiced by me considering the BNG evidence as all parties to the appeal have had an opportunity to review the evidence.

Main Issues

9. The main issues are:
 - the effect of the proposal on the living conditions of occupiers of 5 and 7 Bow Green Road (Nos 5 and 7) and future occupiers of the development under construction to the south, with particular regard to privacy;
 - whether the proposal would provide acceptable living conditions for future occupiers of the proposed development, with particular regard to outlook;
 - whether the biodiversity gain condition would apply to the proposed development; and,
 - whether the information necessary to determine whether the biodiversity gain condition could be successfully discharged has been provided.

Reasons

Living conditions

10. The Council expressed a concern that the proposed dwellings would have a harmful effect on the privacy of future occupiers of Plot 5. The appellant has indicated that planning permission for Plot 5 has expired. This is not disputed by the Council and there is no evidence before me that would lead me to a different conclusion. Accordingly, when assessing the effect of the development on the living conditions of future occupiers of the proposed development to the south, I will only assess the effect on future occupiers of Plot 4.
11. The proposed apartment block would be sited close to the boundary with Plot 4 to the south and the boundaries to Nos 5 and 7 to the north. It would include windows in the side elevations on the first and second floors. These windows would provide views over the boundary treatments and across most of the external amenity areas of Plot 4, and Nos 5 and 7 from a very short distance. I note that there are tall trees and hedges along the northern boundary, which limits views of Nos 5 and 7. However, the retention of the vegetation in its current state cannot be guaranteed in perpetuity. Therefore, without mitigation the windows in the side elevation on the first and second floors would have a harmful effect on the living conditions of occupiers of Plot 4, and Nos 5 and 7.
12. The existing property includes windows at the first floor level which serve a bedroom and two bathrooms. These windows are clearly glazed and overlook the external amenity space of Nos 5 and 7. Nonetheless, the existing property is set

further back from the boundary than the proposed apartment block. Moreover, the proposed apartment block would have more windows facing toward this boundary. As such, the proposed development would cause more harm. Consequently, the existing property does not set a precedence for clear windows in the side elevation of the proposed apartment block.

13. Notwithstanding the above, if the windows in the side elevation on the first and second floors were obscurely glazed and incapable of being opened within 1.7m of the finished floor level, they would offer very limited views of neighbouring external amenity spaces. With this mitigation, the proposal would not have a materially harmful effect on the living conditions of occupiers of Plot 4, and Nos 5 and 7, with regard to privacy.
14. However, if these windows were partially obscure glazed and their opening was restricted, the outlook experienced by future occupiers of the proposed dwellings would be limited from these windows. The proposed floor plans indicate that some of the windows in the side elevation would serve bathrooms and gymnasiums. As these would be non-habitable rooms a limited outlook from these windows would not be harmful. There would also be rooflights over two of the bedrooms, but these would be secondary windows so a limited outlook from these windows would be acceptable.
15. Some of the windows in the side elevations would serve large open plan rooms identified as Great Rooms. Although the Great Rooms would be of a significant depth, they include a generous amount of glazing in the rear elevation. The windows in the rear elevation would not be obscurely glazed and by themselves would offer an acceptable outlook for those rooms. The windows which would be obscurely glazed in the Great Rooms would be secondary windows and therefore a limited outlook from those windows would be acceptable. Moreover, all 6 of the proposed dwellings would have a dual aspect, of windows with entirely clear glazing. Therefore, even with obscure glazing in some windows, the outlook experienced by future occupiers would be acceptable.
16. The Council has raised concerns that the proposed gymnasiums would be used as bedrooms. Whilst there is merit in the Council's assessment, the proposed floor plans specify that these rooms would be gymnasiums. A condition could be attached to a planning permission requiring the development to be constructed in accordance with specified plans, including the proposed floor plans. Although I appreciate it would be difficult for the Council to enforce these rooms being used as gymnasiums, it would not be impossible. Therefore, I cannot conclude the aforementioned condition would be unenforceable. Furthermore, I can only assess the proposal that is before me, all non-habitable rooms could be converted to a habitable rooms without the need for planning permission in the future. I will therefore proceed on the basis that the gymnasiums would be non-habitable rooms, as specified.
17. The Council has indicated that applications may be submitted to allow the windows within the gymnasiums to be clearly glazed if the rooms are converted to habitable spaces. Any future planning applications would be subject to an assessment against the development plan and material considerations. Such material considerations could include the proposed floor plans showing these rooms as gymnasiums and the living conditions of neighbouring occupiers. Therefore,

allowing this appeal would not set a precedence which would require the Council to accept clear glazing of the windows in the gymnasiums in the future.

18. Given the separation between the proposed apartment block and the boundary with Marlborough House, the proposed dwellings would not have a harmful effect on occupiers of Marlborough House, with regard to privacy.
19. Whilst the proposed apartment block is of a significant scale and massing, it would be similar to the previously approved pair of semi-detached houses. As that planning permission² is extant it represents a realistic fallback position. The appeal proposal would not have a materially worse effect on the living conditions of neighbouring occupants, with regard to outlook and overshadowing.
20. A modest increase in the number of dwellings in a suburban area would not have a materially harmful effect on the amount of noise experienced by neighbouring occupants. Furthermore, any external lighting and lighting of communal areas would be limited given the scale of the development. Therefore, it would not have a materially harmful effect on neighbouring occupiers' living conditions.
21. Overall, the proposal would not have a harmful effect on the living conditions of occupiers of Nos 5 and 7 and future occupiers of the development under construction to the south. Also, even with the proposed glazing, the proposal would provide acceptable living conditions for future occupiers of the proposed development, with particular regard to outlook. The proposal would comply with saved Policy L7 of Development Plan Document, DPD1: Trafford Core Strategy, January 2012. This policy indicates that development must not prejudice the amenity of future occupiers of the development and occupants of adjacent properties. The proposal would also be in accordance with APL3 of Trafford Design Code³ and paragraph 135 of the Framework. This guidance indicates that the layout of apartments should ensure that privacy for occupiers of existing development is safeguarded, and planning decisions should ensure that developments create places with a high standard of amenity.

Biodiversity net gain

22. Schedule 7A of the Town and Country Planning Act 1990 (TCPA) specifies that all planning permissions will be subject to a condition requiring a biodiversity gain plan to be submitted to and approved by the local planning authority. The Biodiversity Gain Requirements (Exemptions) Regulations 2024 outlines the developments which the biodiversity gain condition would not apply to. This includes where a development consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5ha and consists exclusively of dwellings which are self-build or custom housebuilding.
23. I do not dispute that more than one dwelling within a development site could be self-build. There is also no substantive evidence to dispute that an association of family members has collaboratively designed the proposed dwellings. However, there is no mechanism before me which would require these individuals to live in the proposed dwellings. As such, the proposed dwellings could be sold on the open market. In this scenario, the proposed dwellings would not meet the definition of self-build and custom housebuilding as set out within the Self-Build and Custom

² Planning Permission Ref. 103057/OUT/20

³ Trafford Local Plan: Supplementary Planning Document 7 (SPD 7) – Trafford Design Code, September 2024

Housebuilding Act 2015. Without an appropriate mechanism, the specified exemption would not apply, and any potential planning permission would be subject to the biodiversity gain condition.

24. Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO) outlines the requirements for planning applications. It indicates that planning applications should be supported by a statement specifying whether the applicant believes the development should be subject to the biodiversity gain condition or not. The appellant fulfilled this requirement by claiming the self-build exemption. The Council was correct to validate the planning application as the requirements of the DMPO had been met. Nonetheless, the Council's validation of the planning application does not indicate that it accepted the exemption applied, rather it was an indication that sufficient information had been submitted to determine the planning application.
25. The DMPO specifies the information which should be provided in cases where the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition. Although the appellant maintains that the self-build exemption applies, they have submitted information that accords with the requirements of the DMPO. There are no objections to the detail of the Biodiversity Net Gain Plan⁴.
26. Planning Practice Guidance⁵ is clear that it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met. It goes on to explain that decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. There is no evidence before me that the biodiversity gain condition is not capable of being successfully discharged.
27. Overall, I conclude that the biodiversity gain condition would apply to the proposed development and the information necessary to determine whether the biodiversity gain condition could be successfully discharged has been provided. The proposal would comply with Policy JP-G8 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, and Wigan, 2022 to 2039, March 2024. This policy indicates that a biodiversity net gain will be sought through local planning activities. The proposal would also comply with Schedule 7A of the TCPA. Finally, it would be in accordance with paragraph 187 of the Framework where it indicates that planning decisions should contribute to the natural environment by providing net gains for biodiversity.

Other Matters

28. The area is characterised by large properties set within spacious grounds enclosed by tall boundary treatments and large gates. Most of the properties are detached but there are some examples of higher density development such as apartments and semi-detached houses within the area.
29. The proposed scale, massing and design of the apartment block would be in keeping with nearby properties. Moreover, the proposed entrance gates would assimilate with others in the area. The redevelopment of the wider site would result

⁴ Biodiversity Net Gain Plan, Cloud 9, Bow Green Road, Report Ref. CBG-EVE-RP-01, Evelyn Ecology, September 2025

⁵ Planning Practice Guidance, Biodiversity Net Gain, Paragraph: 019, Reference ID: 74-019-20240214

in the proposed development having a higher footprint to plot ratio to other developments in the area and a reduction of garden space when compared to the original house. However, there is an extant planning permission for development of the appeal site which represents a realistic fallback position. The effect of the proposed development would be no worse than the previously approved development. Consequently, the proposal would not have a harmful effect on the character and appearance of the area. For clarity, my assessment is of the appeal proposal only and not a redetermination of the wider development. The proposed development would not be within a prominent corner plot.

30. There is no substantive evidence that the increase in vehicle movements and demand for parking would have a harmful effect on highway safety. There would also be space within the site for an acceptable amount of parking, and the proposed development would not affect the visibility around nearby road junctions. There is also no substantive evidence that the increased occupation of the site would have a harmful effect on local services, such as drainage, refuse, utilities, and/or community services.
31. Based on the evidence provided and the extent of interested party responses, I am satisfied that appropriate consultation was undertaken prior to the planning application being determined.

Conditions

32. The Council has indicated the conditions that it considers would be appropriate if I were to allow the appeal. I have considered the suggested conditions in light of the guidance within the Framework and Planning Practice Guidance.
33. Conditions specifying a time limit for the submission of an application for approval of the reserved matter and to commence development are needed in the interest of certainty. A condition specifying the approved plans is necessary to ensure the proposal would conserve the character and appearance of the area.
34. Likewise, a condition requiring the materials of external finishes to be submitted to and approved by the Council is necessary to ensure that the proposal conserves the character and appearance of the area. This condition would not need to be enforced prior to commencement of the development as demolition and subterranean works could occur without causing harm to the character and appearance of the area.
35. Conditions requiring a construction method statement and details of obscure glazing to be submitted to and approved in writing by the Council are necessary to ensure that the proposal does not have a harmful effect on the living conditions of neighbouring occupiers. A condition restricting the opening of windows is necessary for the same reason.
36. A condition requiring a drainage scheme to be submitted to and approved by the Council is necessary to ensure that the proposal does not increase flood risk elsewhere. If the local planning authority requires details of ongoing maintenance, the condition includes a clause which would require the drainage scheme to be maintained in perpetuity in accordance with the approved details.
37. A condition requiring the dwelling to be built to comply with the “accessible and adaptable” standard in Part M4(2) of the Building Regulations is necessary to

ensure that the development is accessible and useable by all sections of the community.

38. Conditions requiring details of cycle and refuse storage to be submitted to and approved by the Council are necessary to promote sustainable transport modes and to ensure that satisfactory provision is made for refuse and recycling, respectively. A condition requiring biodiversity enhancement measures to be submitted to and approved by the Council is necessary to ensure that the development provides a biodiversity gain.
39. Both the conditions regarding the construction method statement and drainage scheme are required to be discharged prior to the commencement of the development. This is to ensure that the construction works do not harm the living conditions of neighbouring occupiers and because the drainage scheme is likely to include subterranean features.
40. A condition requiring details of landscaping to be submitted to and approved by the Council is not necessary as these details would be subject to an application for the approval of the reserved matter. If necessary, a condition requiring the replacement of trees or shrubs which have been removed or damaged could be attached to any subsequent approval of the reserved matter.

Conclusion

41. The proposal complies with the development plan. Therefore, the appeal should be allowed, and planning permission should be granted.

J Hobbs

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall take place not later than two years from the date of approval of the reserved matter to be approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be carried out in accordance with drawing nos ALVI#2-ZA, dated 25/10/24; ALVI#3-ZA, dated 23/12/24; ALVI#4-ZA dated 23/12/24; ALVI#5-ZA, dated 25/10/24; ALVI#6-ZA, dated 25/10/24; ALVI#37-ZA, dated 23/12/24; ALVI#8-ZA, dated 25/10/24; ALVI#9-ZA, dated 25/10/24; ALVI#24R-ZA, dated 13/01/25; and ALVI#62-ZA, dated 08/11/24.
- 4) No development shall take place until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained in accordance with the approved details and retained thereafter.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) No development above ground level shall take place until full specifications of external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) No dwelling shall be occupied until a scheme for secure cycle storage has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved cycle storage is constructed in accordance with the approved details, and it shall be retained thereafter.
- 8) No dwelling shall be occupied until a scheme for bin storage has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved bin storage is constructed in accordance with the approved details, and it shall be retained thereafter.
- 9) No dwelling shall be occupied until a scheme of Biodiversity Enhancement Measures has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or in accordance with a phasing plan that has first been submitted to and approved in writing by the local planning authority. The approved scheme shall be retained thereafter.
- 10) The dwellings hereby permitted shall be built to comply with the “accessible and adaptable” standard in Part M4(2) of the Building Regulations.
- 11) The building hereby permitted shall not be occupied until the windows at the first and second floor level within the north and south elevation have been fitted, to a height of no less than 1.7m above finished floor level, with obscured glazing and non-opening windows. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning

authority before the window is installed and once installed the obscured glazing shall be retained thereafter.