

TRAFFORD COUNCIL

Report to: Planning Development Control Committee
Date: 11 June 2015
Report for: Information
Report of: Head of Planning Services

Report Title

Planning appeal decisions Update: April 2014 – March 2015

Summary

This report is to inform Planning Development Control Committee about the appeal decisions received over the last year.

Recommendation

That Planning and Development Control Committee note the contents of this report.

Contact person for access to background papers and further information:

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1. Introduction

1.1 This report provides a summary of appeal decisions received in relation to planning applications, advertisement applications and enforcement notices over the period 01 April 2014 to 31 March 2015. It will be supplemented by further updates at regular intervals.

2. Commentary

2.1 In the period from 01 April 2014 to 31 March 2015 a total of 38 appeal decisions were received. Of these, 29% were allowed (11 applications in total, two of which were part allowed).

2.2 Of all the appeals decided, 63% related to Householder development, which is proportionate to the number of Householder applications received as a percentage of total applications.

2.3 In Trafford, 29% of Householder appeals were allowed and 22% of Full applications were allowed. Nationally, the Government has set a target that 40% of Householder appeals are allowed and 30% of written representation appeals against other applications are allowed. Trafford's performance against this target details that the authority has a good appeal record.

2.4 Trafford's appeal record is summarised in the table below:

	No. of Appeals Decided	No. of Appeals Allowed	% of Appeals Allowed
Householder	24	7	29%
Full	9	2	22%
Advertisements	3	1	33%
Enforcement Notices	1	Notice upheld	100% upheld
Other	1	1	100%
Total	38	11	29%

2.5 Details of the Planning Appeal Decisions received are provided at Appendix A.

2.6 Disappointingly, of the 9 appeals decided which related to either retrospective development or partially retrospective development, 6 were allowed (67% allowed). Two of these decisions relating to the Esso PFS site on Dunham Road in Altrincham sit within the Old Market Place Conservation Area which makes the decisions all that more disappointing.

2.7 Encouragingly, several of the appeal decisions do however support the Council's spaciousness standards in relation to Householder development as set out in SPD 4, such as the decisions in relation to 39a Barkers Lane; 20 Fairway Drive; 6 Debenham Road; 34 Braemar Drive and 411 Moorside Road.

2.8 In the Braemar Drive case, the Inspector recognised the Council's stance in attempting to protect spaciousness resulting from gaps between houses. He noted that the gaps gave the street a modest feel of spaciousness. Whilst he detailed that some of the gaps had already been reduced he concluded that this had not been reduced to have a significant effect on the street's character. The 2-storey side extension proposed by the appellant would have been 0.25m from of the boundary with No 36. The Inspector noted that if he were to allow the appeal it would make it more difficult for the Council to resist a similar development at No 36 or at other properties in the street. This could eventually result in the street having a more closed-in and less pleasant character.

2.9 Successful appeal decisions relating to both new buildings and larger replacement buildings in the Green Belt (at Wood Lane / Thorley Lane, Timperley and Glebe Cottage, Bowdon respectively) re-assuredly confirmed the stance the Council takes on such inappropriate development in the Green Belt. The Glebe Cottage decision and that at 145 Davyhulme Road in Urmston also supported the Council's stance in attaching weight in decision making to identifying and seeking to protect non-designated heritage assets.

- 2.10 Also of interest is the Land at Garden Lane / Springfield Road Altrincham decision. In recommending the application for approval, Officers had attached significant weight to a previous resolution to grant planning permission (subject to an unsigned s106) for an office block on the site. Planning permission was refused because of the impact of the development on the living conditions of residents and the effect of on-site parking on both highway safety and residential amenity. In dismissing the appeal on the grounds of highway and pedestrian safety and residential amenity, the Inspector accepted that the previous committee resolution to grant planning permission for office development approved by the Council would have a harmful effect on the living conditions of existing occupiers, albeit it a different effect to the proposed housing scheme. However, she was not persuaded that this fall-back position was likely to materialise. Accordingly she ascribed only limited weight to it and did not consider it to be justification for allowing a development which would cause material harm to the living conditions of existing occupiers and which would compromise pedestrian safety within the site.
- 2.11 An application for an award of costs can be made by appellants under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5). The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process. Two such applications were received in the last year.
- 2.12 In the first, at 47 The Avenue, Sale, the appellant had sought a full award of costs on the basis that he considered the Council had acted unreasonably for a number of reasons: delays had occurred during the consideration of the application, including the Council asking for a location plan; the Committee overturning the Officers' recommendation to approve; and the similarity of the proposed siting of the outbuilding to that in a previous approval for an outbuilding on the site. The Inspector concluded that the Council had not acted unreasonably and dismissed the application for costs, although the appeal against the refusal of planning permission was allowed.
- 2.13 In the second case, at Glebe Cottage, the appellant sought a partial award of costs as he considered that the Council had not submitted any evidence to support its claim that Glebe Cottage was a non-designated heritage asset. Despite the issues described, including the lack of a published local list or criteria relating to the identification of non-designated heritage assets, the Inspector concluded that the Council had identified the building as a non-designated heritage asset in the general spirit of the NPPF and the NPG. The Inspector did not find the Council's approach to have been unreasonable in this regard. Additionally, however, the appellant did not consider that the Council had produced evidence to support its view that a vehicular access to Bailey Walk would be unacceptable (reason for refusal 3). Whilst the Inspector agreed with the Council that use of this access point would have been unacceptable, the Inspector took the view that alternative satisfactory vehicular access to the site could have been provided from Priory Street without the need for the proposed access to Bailey Walk. The restriction of vehicular access as such could have been secured by the imposition of a planning condition. Therefore, although the imposition of such a condition would not have enabled the proposed development to go ahead given its unacceptability on other grounds, the Inspector considered that the Council had refused planning permission on a planning ground capable of being dealt with by a condition. A partial award of costs was allowed.

3. Recommendation

3.1 That Planning and Development Control Committee note the contents of this report.

Appendix A - Planning Appeal Decisions Received.

Part A - Planning Appeal Decisions Allowed and Part Allowed.

Application Number	Address	Proposal	Decision / Date
81425/HHA/2013 Written representations (APP/Q4245/D/14/2213 344)	12 Langham Road, Bowdon WA14 2HU	Relocation of existing vehicular access, including removal of front boundary wall to create new opening, rebuilding wall to provide visibility splays and erection of stone piers and timber gates set back into the site.	Allowed 08/04/14
81386/HHA/2013 Householder Appeal (APP/Q4245/D/14/2215 717)	47 The Avenue, Sale M33 4PJ	Formation of centralised vehicular access and new front boundary treatment; erection of an outbuilding within rear garden; application of render to main dwellinghouse; and retrospective application for amended side/rear extension.	Allowed 08/05/14 - Application for Costs Refused
82015/HHA/2013 Householder Appeal (APP/Q4245/D/14/2216 195)	51 Skaife Road, Sale M33 2HA	First floor side extension	Allowed 13/05/14
82731/HHA/2014 Householder Appeal (APP/Q4245/D/14/2222 830)	44 Weldon Road, Altrincham WA14 4EH	Replacement of existing timber frame windows in front elevation with UPVC sash style windows	Allowed subject to conditions 29/09/2014
82580/HHA/2014 Householder Appeal (APP/Q4245/D/14/2223 131)	29 Overton Crescent, Sale M33 4HG	Erection of first floor side and rear extension	Allowed subject to conditions 01/10/14
81996/AA/2013 Written Representations (APP/Q4245/H/14/2215)	Esso PFS, Dunham Road, Altrincham WA14	Retrospective consent sought for the display of 3no. internally illuminated fascia signs	Allowed subject to five standard

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927)	4NX		conditions 16/10/14
81961/FULL/2013 Written Representations (APP/Q4245/A/14/2216 230)	Esso PFS, Dunham Road, Altrincham WA14 4NX	Proposed alterations to and extension of existing shop front and relocation of ATM in connection with existing petrol filling station (retrospective)	Allowed 16/10/14
83016/HHA/2014 Written Representations (APP/Q4245/A/14/2222 732)	30 Kilvert Drive, Sale M33 6PN	Erection of a part two storey, part first floor side extension, and part single storey front extension (Condition 5 - The garage hereby permitted shall be fitted and thereafter retained at all times with a roller shutter door or a door that does not project past the front building line of the garage when in use)	Allowed 03/11/14
81228/FULL/2013 Written Representations (APP/Q4245/A/14/2223 290)	Land at Manchester Road, Broadheath, Altrincham	Erection of a two storey children's day nursery (Use Class D1), car park with access from Viaduct Road and associated development including demolition of section of former railway viaduct fronting Viaduct Road and reduction in gardens of 6 and 8 Beaconsfield Road to form additional parking	Allowed 12/11/14
83241/HHA/2014 Householder Appeal (APP/Q4245/D/14/2226 753)	145 Davyhulme Road, Urmston M41 8BX	Erection of a detached single storey double garage with extended front boundary wall	Part allowed (front boundary wall) Part dismissed (detached garage) 18/11/14
82424/VAR/2014	Altrincham	Variation of Condition no. 4 of previously approved planning	Allowed

Application Number	Address	Proposal	Decision / Date
Written Representations (APP/Q4245/A/14/2227 887)	Physiotherapy Clinic, 75 New Street, Altrincham WA14 2QP	application H/70861 to alter opening times from 09:00hrs-19:00hrs Monday to Friday and 09:00hrs-13:00hrs on Saturdays to 08:00hrs-20:00hrs Monday to Fridays only	30/12/14
83290/HHA/2014 Householder Appeal (APP/Q4245/D/14/2228 664)	2 Wellington Place, Altrincham WA14 2QH	Retrospective application for replacement UPVC sliding sash windows to first floor rear elevation, replacement render to part rear elevation and new render to part rear elevation and side elevation of outrigger	Part Dismissed/Part Allowed 19/01/2015

Part B - Planning Appeal Decisions Dismissed.

Application Number	Address	Proposal	Decision / Date
80179/AA/2013 Written Representations (APP/Q4245/H/13/2205 756)	Land at Wharfside Way/Sir Matt Busby Way, Old Trafford M16 0RJ	Advertisement Consent for display of 2no. internally illuminated fascia signs to north west and south east elevations of proposed building.	Dismissed 14/04/14
81995/HHA/2013 Householder Appeal (APP/Q4245/D/14/2215 206)	39a Barkers Lane, Sale M33 6RL	Erection of two storey side and rear extension, single storey rear extension and canopy to front elevation. Re-submission of application 81003/HHA/2013	Dismissed 17/04/14
80608/FULL/2013 Written Representations (APP/Q4245/A/13/2210 880)	Rappax Road, Hale WA15 0NR	Retention and conversion of outbuilding into a two bedroomed annexe with associated landscaping works.	Dismissed 02/05/14
80758/FULL/2013 Written Representations (APP/Q4245/A/13/2207 939)	Limehurst, St. Margarets Road, Bowdon WA14 2BG	Erection of a partially subterranean dwelling including a brick and stone folly entrance above ground level and landscaping and parking provision.	Dismissed 13/05/14
81822/HHA/2013 Householder Appeal (APP/Q4245/D/14/2215 956)	237 Ashley Road, Hale WA15 9NE	Erection of a single storey part side/part rear extension with associated steps, and a part two storey rear extension; widening of rear dormer window and the addition of associated railings, following demolition of existing conservatory to create additional living accommodation.	Dismissed 13/05/14
82152/HHA/2014 Householder Appeal (APP/Q4245/D/14/2216 476)	21 Crossfield Road, Hale WA15 8DU	(Remodelling of existing detached bungalow incorporating the creation of a two storey dwellinghouse with accommodation within the roofspace, with associated extensions to front, side and rear elevations. Erection of	Dismissed 23/05/14

Application Number	Address	Proposal	Decision / Date
Amendment to planning approval 80159/HHA/2013.		vehicular and pedestrian access gates fronting onto Carlton Road and Crossfield Road. (Re-submission of 79622/HHA/2012) to include a first floor rear extension to create additional living accommodation	
82104/HHA/2014 Householder Appeal (APP/Q4245/D/14/2215 076)	Nursery Cottage, Dunham Road, Altrincham WA14 4QG	Erection of detached garage.	Dismissed 16/06/14
82129/HHA/2014 Householder Appeal (APP/Q4245/D/14/2218 477)	8 Tansybrook Way, Timperley WA14 5ZB	Creation of external balcony following removal of existing Juliet balcony at first floor level on southern elevation of property	Dismissed 20/06/14
81575/AA/2013 Written representations (APP/Q4245/H/14/2213 624)	Land at Trafford Boulevard, Junction of Barton Road and M60, Manchester M41 7JE	Display of three internally illuminated digital advertisement panels on 25.5 metre high steel tower structure.	Dismissed 11/07/2014
82232/HHA/2014 Householder Appeal (APP/Q4245/D/14/2219 416)	Highfield House, Cavendish Road, Bowdon WA14 2NX	Retention of boundary fence with amendments to alignment of fence to allow for additional section of yew hedge.	Dismissed 14/07/2014
ENF 1393 Enforcement - Written representations (APP/Q4245/C/14/2216 157)	Weathercote, 39 Whitehall Road, Sale M33 3NL	Alleged breach of planning control - the erection of a fence, gates and gate posts in excess of 1m in height along the boundary of the property adjacent to a highway used by vehicular traffic	Dismissed, P/P refused Enforcement Notice upheld 11/08/2014
82750/HHA/2014	20 Fairway Drive,	Erection of a first floor side and rear extension	Dismissed

Application Number	Address	Proposal	Decision / Date
Householder Appeal (APP/Q4245/D/14/2223 878)	Sale M33 4PW		29/09/14
83093/HHA/2014 Householder Appeal (APP/Q4245/D/14/2225 698)	13 Meadow Close, Stretford M32 8JF	Erection of part first floor, part two-storey side extension and alterations to roof of single storey rear extension following the demolition of existing garage.	Dismissed 04/11/14
81794/FULL/2013 Written Representations (APP/Q4245/A/14/2223 206)	Vacant Land on Garden Lane to rear of 7-11 Springfield Road, Altrincham WA14	Erection of 4 semi-detached dwellings (2 pairs of 2 storey dwellings) with associated car parking	Dismissed 06/11/14
82430/FULL/2014 Written Representations (APP/Q4245/A/14/2221 746)	Land at Wood Lane/Thorley Lane, Timperley WA15 7AL	Erection of detached bungalow with associated parking	Dismissed 17/11/14
83101/HHA/2014 Householder Appeal (APP/Q4245/D/14/2226 283)	25 Woodbourne Road, Sale M33 3SY	Erection of a single storey side and rear extension to form additional living accommodation	Dismissed 18/11/14
82898/HHA/2014 Householder Appeal (APP/Q4245/D/14/2226 774)	6 Debenham Road, Stretford M32 9DQ	Erection of a part single storey, part two storey side extension and two storey rear extension	Dismissed 08/12/14
83294/HHA/2014 Householder Appeal	62 Ashton Lane, Sale M33 6WQ	Erection of single storey rear extension	Dismissed 29/12/14

Application Number	Address	Proposal	Decision / Date
(APP/Q4245/D/14/2227 812)			
82320/FULL/2014 Written Representations (APP/Q4245/A/14/2226 286)	90 School Road, Sale M33 7XB	Replacement of existing pitched roofs to rear of main building and outrigger with hipped roofs, raised eaves heights and erection of external staircase to first floor (in conjunction with permitted change of use of space above shop to a self-contained flat	Dismissed 30/12/14
83404/HHA/2014 Householder Appeal (APP/Q4245/D/14/2228 874)	29 Auburn Road, Manchester M16 9WS	Erection of single storey side and rear extension to form additional living accommodation and granny annexe	Dismissed 13/01/2015
83694/HHA/2014 Householder Appeal (APP/Q4245/D/14/2229 562)	19 Brook Avenue, Timperley WA15 6SJ	Formation of car-port to side of dwelling	Dismissed 28/01/2015
83581/FULL/2014 Written Representations (APP/Q4245/A/14/2228 809)	Glebe Cottage, Priory Street, Bowdon WA14 3BH	Demolition of existing dwelling and erection of replacement detached two storey dwelling	Dismissed 09/02/2015 (Partial costs allowed)
82548/HHA/2014 Householder Appeal (APP/Q4245/D/14/2222 361)	34 Braemar Drive, Sale M33 4NJ	Erection of a two storey side and single storey rear extensions	Dismissed 17/02/2015
83828/HHA/2014 Householder Appeal (APP/Q4245/D/14/2229	84 Sylvan Avenue, Timperley WA15 6AB	Erection of a part single, part two storey side and rear extension	Dismissed 18/02/2015

Application Number	Address	Proposal	Decision / Date
825)			
82689/FULL/2014 Written Representations (APP/Q4245/A/14/2226 129)	120-124 Flixton Road, Urmston M41 5BG	Erection of second floor extension to form 3 no 2-bed self-contained apartments. Erection of new staircase enclosure to rear, provision of parking spaces and widening of existing vehicular access from Glenhaven Avenue	Dismissed 23/03/15
83825/HHA/2014 Householder Appeal (APP/Q4245/D/15/3002 274)	411 Moorside Road, Urmston M41 8UR	Erection of a single storey front extension, first floor side extension, and a part first floor part two storey rear extension	Dismissed 24/03/15