Planning Inspectorate

Appeal Decision

Hearing held on 17 December 2024

Site visit made on 18 December 2024

by A J Mageean BA (Hons), BPl, PhD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/Q4245/W/24/3336460
Woodlands, Barrow Lane, Hale Barns, Altrincham, WA15 0DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mrs Hilary Black against the decision of Trafford Metropolitan Borough Council.
- The application Ref 110400/FUL/23 dated 27 February 2023 was refused by notice dated 7 July 2023.
- The development proposed is demolition of existing dwelling and erection of 1 no. dwellinghouse with associated landscaping.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of 1 no. dwellinghouse with associated landscaping at Woodlands, Barrow Lane, Altrincham, WA15 0DN in accordance with the terms of the application, Ref 110400/FUL/23, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The Council's reasons for refusing the application referred to the failure to provide a suitable surface water drainage scheme. The Statement of Common Ground (SoCG) between the parties has confirmed the Council's agreement that, should the appeal succeed, this matter could be addressed by a suitably worded planning condition. I have determined the appeal on this basis.

3. Subsequent to the Council's decision, the 'Places for Everyone' (PFE) joint development plan was produced by the Greater Manchester Combined Authority. Policy R1 of the Trafford Local Plan (the Local Plan) relating to the Historic Environment and Policy L7 of the Local Plan relating to design have been partially replaced by PFE Policies JP-P2 and JP-P1 respectively.

4. During the hearing there was discussion about an itinerary for a self-guided site visit, to take place following the close of the hearing. The plan provided by the appellant included reference to six properties along a suggested route. Three of these properties are outside the Conservation Area and were therefore disregarded.

5. On 12 December 2024 a revised version of the National Planning Policy Framework (the Framework) was published. References to paragraph numbers in this decision are to those in the revised Framework.

Main Issues

6. The main issues are whether the proposed development would preserve or enhance the character or appearance of the South Hale Conservation Area (SHCA), and the effects of the loss of Woodlands, Barrow Lane, a non-designated heritage asset (NDHA).

Reasons

Heritage significance

South Hale Conservation Area

7. The South Hale Conservation Area (SHCA) covers an affluent residential suburb to the south of the commercial centre of Hale. The development of this former agricultural settlement of dispersed farmsteads accelerated rapidly from the late 19th Century into the 1930's, with farmland was overlaid by a prosperous early Victorian suburban community. It was developed at different densities, ranging from traditional Victorian streets to larger, more spacious plots with fine individual houses. This reflected the social diversity of the original occupiers.

8. The Conservation Area Appraisal (CAA) describes the variety of plot sizes present, ranging from modest rectangular plots uniformly lining streets to large irregularly shaped plots removed from the street line. As a consequence, the size of dwellings also varies from Victorian terraces to others of considerable size. The CAA also describes how the architectural styles vary, with many buildings inspired by the Arts and Crafts movement but also including elements of the vernacular movement and some aspects of Queen Anne style. Some houses were designed by well-known architects such as Edgar Wood and Henry Goldsmith, many of which are listed. The CAA sets out that recent developments display a combination of architectural styles that reflect Gothic, Tudor, Arts and Crafts, Modern and Classical architecture. They occupy spacious plots and are of a grand scale.

9. As the character of the CA is varied, three Character Zones (CZ) have been identified in the CAA. CZ A is made up of fairly dense properties, including late 19th to early 20th century public buildings. CZ B is less dense and predominantly Edwardian in date. In CZ C, which hosts the appeal building, most of the houses are again spacious Edwardian properties. However, there are also interwar and modern dwellings and houses which are set back from the road, mostly in large plots.

10. The CAA further sets out that the scale and massing of the buildings varies throughout CZ C, noting that they include single storey, two-storey detached and semi-detached properties and that some are of a very grand scale.

11. In terms of architectural styles, there are many examples of Arts and Crafts design dating from the late 19th century to the early 20th century. They vary in architectural details and materials. Specific features referred to include use of timber detailing, multiple pitched roofs with presenting gables, some with timber cladding or tiles to the gable ends. Modern designs inspired by classical architecture are also found throughout the CZ.

12. Plot forms vary throughout this CZ, with a variety of shapes and building orientations, though are mostly generously sized. Some properties are set off centre to the rear of the plot and others are set to the front in a central position. The

CAA suggests that this combination of building locations creates a spacious, rural character, even though the grain of development is quite dense, and plots have been divided to allow for modern infill development.

13. On this final point, as many properties are set well within generous plots, with mature boundary and road-side trees and shrubs creating a strong structural landscape framework, the area has a sense of verdant spaciousness. It is fair to say that, in some places, the trees and planting have a more prominent effect on the street scene than the properties, many of which are set back from the roadside.

14. Nonetheless, rather than appearing rural or even semi-rural in character it is low density suburban in nature, with associated road infrastructure and day to day movement and activity. Further, the extent of mature vegetation itself means that views around this area are very much contained to those gained along thoroughfares, with awareness of the wider landscape beyond limited to views over the golf course from Rappax Road to the south.

15. The CAA presents a reasonable summation of the significance and special interest of the CA overall. It sets out that this is connected with its historic value, with reference to the 19th and early 20th Century development and growth in Hale. The significance of the CA is also derived from the aesthetic value associated with the range of fine individual residences and the variety of architectural styles which present a high level of architectural integrity and detailing. Specifically, the CAA notes that '*features such as prominent gables, the use of brick coupled with render and bay windows, are repeated across buildings dating from a variety of dates, adding both visual stimulation and harmony*.'

16. Whilst the main period of development of the CA is the late 19th and early 20th Century, the sequential and continuing development and redevelopment of plots into the late 20th and early 21st Century is demonstrated in the CAA[1]. Therefore, the character of the CA has also been influenced by infill development and the incremental redevelopment of plots, which has continued to contribute to the variety across the CA, reflecting modern trends and changing tastes. In this regard a recent appeal decision [2] refers to the variety of building ages and styles reflecting the origins and development of the CA, and also the range of building dates and architectural styles, including 20th and 21st infill and redevelopment.

17. I have noted that many properties are set within spacious gardens with a variety of mature trees and shrubs, and tree lined streets. In this regard the CAA refers to the special interest of the CA being enhanced by the cumulative effect created by its spaciousness, the mature landscaping and the compatibility of natural and man-made features. The CAA also describes the CA as having a semi-rural character, noting the undulating topography which slopes down towards the River Bollin, affording views out of the CA. Whilst this area developed from former agricultural land, with elements of historic roadside vegetation still present, as noted above, a suburban characterisation is more appropriate.

Woodlands, Barrow Lane

18. The appeal property, known as 'Woodlands', was constructed following the sub-division of land associated with Graythwaite, a substantial Edwardian period

[1] South Hale Conservation Area: Conservation Area Appraisal March 2017, Map 11 Building Dates
[2] APP/Q4245/D/21/3268642

property, set within grounds that were accessed via The Lodge on Barrow Lane. Both Graythwaite and The Lodge were constructed in the early part of the 20th Century and were designed by F B Dunkerley, referred to in the Council Officer Report as an eminent Arts and Crafts architect. Both are referred to in the CAA as examples of Arts and Crafts properties.[3]

19. The map evidence[4] indicates that the construction of Woodlands, along with two other properties accessed via a short cul-de-sac off Barrow Lane, occurred sometime between 1954 and 1961, with the 1961 sales brochure stating that it was built in 1955. Woodlands, along with a large number of other buildings, has been identified as a 'positive contributor' to the CA in the CAA. These have been defined with reference to the Historic England guidance[5] which, noting that most of the buildings in a conservation area will help to shape its character, sets out a series of criteria which seek to identify the extent to which the contribution of a particular building is positive.

20. In relation to the appeal building, the CAA sets out that '*This building reflects a substantial number of other elements in the conservation area in age, style, materials and form. It also illustrates the historic development of the settlement in which it stands. It reflects the traditional functional character and former uses in the area*.' These same criteria have been used to identify most of the other positive contributor buildings in the CAA. Noting that Woodlands is set back from its entry gate and is partially visible from the public realm, it is unlikely that the nature of the property itself was fully considered as part of this assessment. Rather, the CAA presents a 'broad brush' assessment of the components of the CA's special interest. Nonetheless, the CAA has been adopted as part of the evidence base for the Trafford Local Plan - Core Strategy (the Local Plan). Woodlands therefore has status as a non-designated heritage asset (NDHA).

21. The adjacent property to the west known as Green Meadows appears to have originally been constructed at around the same time as Woodlands. Planning permission for a replacement dwelling was granted in 2008 and subsequently constructed 10-15 years ago. It now comprises a large dwelling in an Italianate style. This is also identified in the CAA as a NDHA, with reference to the same criteria as Woodlands. Other contemporary buildings, such as Shelbourne House on Bollinway, are also identified as positive contributors.

22. In terms of architectural style, whilst the parties agree that Woodlands has features and elements of the Arts and Crafts movement, they disagree on the extent to which it reflects the design principles of that approach.

23. To clarify, the Arts and Crafts movement was a mid to late 19th Century reaction to the rapid rise of industrial methods and factory production, which was perceived as having led to a reduction in quality and also excessive ornamentation. It sought the reintegration of traditional craftsmanship and high aesthetics, aiming to create functional and beautiful spaces whilst integrating nature into design. Whilst it did not have a specifically defined style, the focus was on simplicity of form, the use of natural and locally available materials such as wood, stone and brick, with decorative features derived from traditional arts and crafts, such as stained glass. It

[3] Whilst the CAA refers to 'Greythwaite' it is assumed that this refers to the building accessed off Barrow Lane otherwise referred to as 'Graythwaite'.
[4] Heritage Statement prepared by Katherine Sather Associates, February 2023
[5] Now set out in *Conservation Area Appraisal, Designation and Management* Historic England Advice Note 1 (Second Edition) 2019.

also sought to create buildings that reflected the local vernacular and were in harmony with their natural surroundings.

24. The Council sets out that Woodlands embodies typical features of this movement, including simple and informal details, such as its staggered and irregular roofline, crittal windows and rough render finish, and the fact that it is set within spacious grounds with a semi-rural character.

25. Set against this, the evidence presented by the appellant sets out that whilst Woodlands contains some elements characteristic of the Arts and Crafts movement, such as half-gables and hipped porches, it does not have the refinement that would be embodied in a typical Arts and Crafts building. In this regard the appellant's case is well made. Specifically, observations are made about the overall lack of design cohesion displayed in the pattern of window openings and roof forms spanning the long but narrow range of this building. In this latter regard, whilst an irregular roofline is typical in Arts and Crafts buildings, in this case the roof elements appear as a haphazard mix of gabled and hipped elements, not integrating well with each other. This contrasts with the roof form of Graythwaite which, whilst being a large building displaying some variation across its roof, overall comprises a well-balanced series of gables.

26. Similarly, the garage wing at Woodlands is a broad and prominent element of the building, containing a wide opening relative to its width. As it can reasonably assumed that this is original, it suggests that consideration was not given to its appearance as part of the overall design composition of this elevation, in which it sits as a disproportionately large element, given its ancillary function. Reference is also made to the rear elevation, and the fact that this is relatively plain architecturally.

27. Further, there is little to suggest that particular consideration was given to how Woodlands relates to its wider site, noting that the building and associated terrace sit on the higher and flatter ground, set close to the western boundary. Whilst the front garden is arranged around the large cedar tree set within a circular driveway as an impressive focal point, the rear garden area is largely laid to lawn with some terracing, noting also that the low-lying southernmost rectangular area has been sectioned off from the main lawn. In this sense it does not appear that particular attention has been paid to the building's integration with its large rear garden area. The Council refers to the house having evolved from the semi-rural character of the site. However, whilst the treatment of this large plot overall is understated, its lawns, terracing and mature borders are indicative of a domestic garden.

28. On this point the Appellant's evidence sets out that *'the wide open spaces of the garden are very different from the series of discreet spaces or 'outdoor rooms', of Arts and Crafts garden design*'.[6] Of relevance are the gardens associated with Graythwaite, with the aerial photography suggesting a more considered design approach, with the informal compartmentalisation of the space around the building.

29. Summing up on this point, it appears that whilst the design of Woodlands has been inspired by the Arts and Crafts style, it does not exemplify it. It also appears that the siting of Woodlands has been based on convenience and expediency.

[6] Heritage Statement, Kathryn Sather & Associates, February 2023.

30. There was also some discussion about the extent to which Woodlands has taken inspiration from the nearby buildings of Graythwaite and the Lodge. Specifically, the Council suggests that Woodlands is notable in terms of it mimicking the understated architectural style and materiality of these buildings, and that by presenting a sympathetic, passive impression of the older properties, the three buildings together have group significance.

31. Graythwaite and the Lodge are of contrasting scale and appearance. The Lodge is a modestly scaled and detailed building, fully rendered with a prominent gabled and low-slung roof. In contrast Graythwaite is a grand-scale building with a far more elaborate appearance, taking inspiration from the Tudor revival style, with what appears to be extensive areas of timber framing.

32. In very basic terms Woodlands appears to reflect aspects of both buildings: the rendered finish of the Lodge and long ranging plan-form and varied roofline of Graythwaite. In this sense Woodlands perhaps presents a middle ground between these two. However, the very basic nature of these similarities, and the lack of intervisibility between these structures by virtue of the extent of structural landscaping between the three, undermine the suggestion that there is an intentional designed relationship between the three structures. The difficulty of identifying any design synergy is perhaps exacerbated by the contrasting characters of the two dwellings most closely associated with Woodlands: the formal contemporary Italianate style of Green Meadows and the long low range of the bungalow at Thornbank. My view is therefore that any heritage significance in terms of group value is limited.

33. Finally, the Council sets out that the appeal building provides evidential value by representing the evolution and development of the area, noting that there are fewer buildings of this age in the area. In this respect the sub-division and development of the plot associated with Graythwaite reflects the typical incremental process of development and change associated within this and many other similar suburban areas. The fact that this process has continued, particularly in CZ C is clearly reflected in the range of building ages present, with contemporary buildings and redevelopment sites apparent across this area. A building dating from the late 1950's is part of this process but is not notable or unique in this regard.

34. The Council concludes that the Woodlands building and its plot, as a NDHA, make a strong positive contribution, in terms of its aesthetic, historic and evidential values. However, I have noted that in aesthetic terms, whilst there are Arts and Crafts inspired references, the building and treatment of the wider plot do not demonstrate the refinement that would be expected in a well-conceived design response. Further, any suggestion of design references to the F B Dunkerley buildings are not clearly apparent. Also, in terms of evidential value, noting the ongoing process of development and change in this part of the CA, the appeal building has no more than ordinary significance in this regard.

35. Overall, my view is therefore that as a plot and building representative of the area, the NDHA has a modest level of heritage significance. Additionally, whilst the site as a whole does make a positive contribution to the character and appearance of the CA, this is limited in extent.

The effect of the proposed development

36. Whilst the loss of the NDHA was highlighted as a key concern for the Council during pre-application advice[7], the Council nonetheless engaged in those discussions. At that stage they noted that the previously proposed Victorian Italianate style was ostentatious and suggested that an Arts and Crafts style would be more appropriate.

37. In this regard the Design and Access Statement (DAS) sets out that the revised proposals represented by the appeal scheme would seek to reflect the pattern of large period villas present in the Hale and Bowdon area. Specifically, the proposal sought to represent an evolution of late 19th Century architecture, incorporating elements connected with the Arts and Crafts style. This includes plain tiled roofs with prominent gables and cat slide roof slopes, modest dormer windows, wrap around eaves, partial rendering, bay windows and decorative elements such as stone detailing. This is not dissimilar to other contemporary properties in the CA, with the CAA noting that many 20th and 21st Century properties have been '*inspired by the Arts and Crafts movement*'.

38. There is agreement between the parties that the proposal would, in isolation, be high quality. In this regard the scheme adopts familiar architectural elements, presented in a balanced and coherent composition. However, the parties disagree about the scale and impact of the proposal on the plot and wider CA.

39. The appeal proposal would replace the existing building with a large two and a half storey villa, placed more centrally within the plot and with a deeper footprint. It would also include a substantial basement area to accommodate parking and leisure facilities.

40. There would be an increase in the scale of built form on the site, noting also the extent of basement excavation. In this regard the appellant does not dispute the Council's suggestion that there would be an increase in the building footprint from around 235m^2 to around 420m^2. This would not in itself appear out of place or unusual, noting the similarly commanding scale of most properties in the vicinity and the large size of the plot. In this regard the CAA notes that in CZ C, '*some of the Victorian, Edwardian and 20th – 21st century properties are of a very grand scale'*.

41. The building would appear more formal, and even grandiose, than that replaced. It was also suggested in the hearing that the design of the replacement building is not expressly contextual. However, I have noted the greatly varying character of CZ C, in which both large scale traditional buildings and those of modern designs inspired by classical architecture are present. Therefore, this contemporary interpretation of an Arts and Crafts style, which would adopt familiar contextual cues, would not appear out of place.

42. The Council sets out specific concerns about the roof form, noting that the relatively deep plan form would include a central flat area. It is suggested that this would appear over complex, emphasising the building mass and its formality in comparison with the existing dwelling. However, in terms of the visible elements of the building, the overall massing of the roofscape in terms of the series of gables would appear reasonably balanced. It would also appear consistent with the roof

[7] Pre-application meeting notes appended to the appellants Planning Statement.

forms of other similarly scaled properties within this CZ, both traditional and more contemporary.

43. The centralised position of the dwelling would mean that there would be a greater sense of built form occupying the plot, however in basic terms the ratio of built form to garden area would not appear out of place. Further, in terms of the pattern of built form in this part of the CA, there is no particular consistency of plot layouts, other than dwellings corresponding to their varying plot sizes. In this regard the South Hale: Conservation Area Management Plan (the CAMP) recognises that the '*size of the houses corresponds with the size of their plot: grander buildings occupy the larger plots and more modest houses occupy the smaller plots*'.

44. The Council comments that in this position the property would be divorced from the sense of arrival. However, noting the commanding scale of the mature cedar tree at the point of arrival, which would be retained, the slight repositioning of the property would not significantly alter any appreciation of the presence of the dwelling when entering the plot.

45. The presently plain and largely open character of the gardens would become more formalised. To the front of the dwelling, in addition to the cedar tree, the mature boundary planting would be maintained and reinforced with further mature specimen tree planting. A spur from the retained circular driveway would lead to the side access to basement parking. To the rear, boundary planting would be similarly reinforced. The formalised treatment of this area would comprise a sequence of terraces, with that closest to the dwelling reflecting the position of the excavated parking/leisure level. Beyond this a series of spaces of varying character would be created at different levels, including semi-formal spaces and an outside dining area.

46. The Council expresses concern about the degree of formalisation of the garden, including the extent of engineering works and man-made elements involved. However, I have noted that at present, whilst the garden is informal in character, the building does not appear well-related to the large rear garden, whose gradient falls significantly to the southeast. The proposals seek to work with this changing gradient to create both attractive and purposeful garden spaces, relating directly to both the design and the functioning of the house, including the southernmost area which is currently separated from the main lawn. In this regard the more formal spaces would sit closest to the property, with the larger informal lawned area occupying the lower-lying south-eastern portion of the site.

47. Whilst the flow of spaces would not mirror the large degree of symmetry of the rear elevation of the proposed dwelling, it would nonetheless work with the natural gradient and in this sense would be a reasonable response to the site parameters. The DAS also sets out that the proposed hard landscaping treatment would tie in with the materials used in the property. Should this proposal be otherwise acceptable, such detailed matters could be managed by condition.

48. Summing up, in the context of the varied pattern of development across the CA and in this CZ in particular, the design of the proposed dwelling has sought to reflect the familiar building forms and styles present throughout the area, drawing cues from the Arts and Crafts movement. The scale of the proposed building and the treatment of the wider plot would represent a significant formalisation and increase in the utility of the plot. However, the scale of the building would not appear out of

place, and the overall enhancement of the character and purpose of the garden spaces created would relate more directly to and support its functioning. At the same time the maintenance and reinforcement of mature vegetation would support the crucial role of structural landscaping in maintaining the verdant character of the area. I therefore conclude that the proposed dwelling would make a positive contribution to the CA.

Assessment of heritage impacts

Implications of caselaw

49. The basis of the approach to assessing heritage impacts was the subject of legal representations from the appellant. This focused particularly on recent caselaw and the circumstances in which a net internal balancing of heritage harms against benefits can be carried out prior to an overarching planning balance. Using this approach the heritage harm of a proposal is balanced against any heritage benefits to determine whether there is any 'net' harm which then would trigger the need for the balancing of wider public benefits, as required by the Framework paragraphs 214 and 215. The alternative approach is a two-stage process whereby an assessment of the nature and extent of heritage harm is undertaken prior to a separate balancing exercise in which any public benefits, including beneficial effects on the significance of the heritage asset, would be taken into account.

50. The circumstances of the case cited relating to the loss of a NDHA in a CA[8] are very similar to this appeal. In that case, referred to as 'Bohm', the NDHA was also considered to make a positive contribution to the CA. The Inspector concluded overall that the existing building made a limited positive contribution to the CA, and the net effect of the new building would at worst be neutral and that the CA would not be harmed. The Court found that the duty under Section 72[9] and the requirement of the Framework paragraph 216 relating to NDHA were both met. Specifically, there is no requirement for a two-stage process by which the effects of the demolition part of an application must be considered separately from that of the proposed new development.

51. As a consequence of such considerations, the parties agree that the approach to the overall assessment is a matter of planning judgment and can be relatively free form.

Consideration of heritage impacts and conclusions

52. The Council's position is that the proposal would result in major, adverse and irreversible harm to the significance of the NDHA and would lead to major 'less than substantial harm' to the significance of the CA. This conclusion takes into account the view that, the design of the replacement building is not considered to be appropriate for the site in terms of the relationship between the dwelling, its setting, and its wider CA context. The Council sets out that this is their position whether design and appearance is assessed as part of a net internal heritage balance, or as a separate balancing of public benefits against less than substantial heritage harm.

53. The appellant's case is that the loss of Woodlands as a NDHA would result in limited heritage harm, and very limited harm to the CA. When this is set alongside

[8] Bohm v SSCLG [2017] EWHC 3217 (Admin)
[9] Planning (Listed Buildings and Conservation Areas) Act 1990

the benefits associated with the quality of the development proposed, overall there would be at least preservation if not enhancement of the character or appearance of the CA.

54. My view is that, noting particularly the relatively contained nature of the heritage considerations in this case, it makes sense for conclusions to be reached on the basis of a net internal heritage balance.

55. As a starting point the proposed development would result in the loss of the NDHA. The Framework paragraph 202 notes that such assets are an irreplaceable resource, to be conserved in a manner appropriate to their significance. I have concluded that, on the basis of its significance, this building contributes to the character and appearance of the CA to a limited extent, and that as a NDHA it is a positive contributor of modest value. It follows that the total loss of the NDHA would lead to the loss of this modest level of significance as a positive contributor. There would also be harm to the CA, though given its limited contribution, the extent of less than substantial harm would be low level.

56. Set against this, I have found that the proposed development would draw from the character and distinctive elements of the local and wider CA context. I have also found that it would represent a considered design response to the constraints and opportunities posed by the site itself. Noting the considerable importance and weight that should be given to any harm to heritage assets, my view is that the overall balance in heritage terms would mean that the effect of the proposed development would be neutral. Whilst it would result in the loss of a NDHA, overall it would result in the preservation of the character or appearance of the CA. In this regard the requirements of the statutory Section 72 duty would be met.

57. In reaching this view I have considered the implications of the Framework paragraph 208, which sets out that local planning authorities should take into account the significance of a heritage asset when considering the impact of a proposal in order '*to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal*.' The Council's position is that the proposal would fail to minimise harm in this regard.

58. An appreciation of the implications of paragraph 208 requirements is gained from the associated Planning Practice Guidance (PPG) with reference to the question of: '*How can proposals avoid or minimise harm to the significance of a heritage asset*?'[10] It sets out the importance of identifying constraints and opportunities associated with a heritage asset at an early stage. Such appraisals '*can identify alternative development options, for example more sensitive designs or different orientations, that will both conserve the heritage assets and deliver public benefits in a more sustainable and appropriate way*.'

59. In this case the evidence before me indicates that the appellant undertook such early investigative work and that the scheme evolved, with alternatives considered, as a result of pre-application consultation. However, it is not entirely clear that the Council's preference for the retention and modification of the existing dwelling falls outside the remit of the provisions, noting that the PPG refers to alternative '*development options*'. Nonetheless, given that my conclusion in terms of the weighted harm is that the proposal would preserve the CA overall, it is not necessary to address this point further.

[10] Paragraph: 008 Reference ID: 18a-008-20190723

60. Turning to conclusions against the relevant policy provisions, Local Plan Policy R1, requires that developers demonstrate how proposed development will preserve or enhance the Conservation Area in the light of the relevant Supplementary Planning Documents. In this regard the CAMP provisions aim to retain the character of the built environment within each character area and the wider Conservation Area. Policy 42 of the CAMP sets out that the Council will seek to resist the demolition or significant alteration of buildings identified as positive contributors. CAMP Policy 39 also sets out that new development should take inspiration from the established architectural styles within the Conservation Area. Whilst there would be some conflict with CAMP Policy 42, on the basis of the heritage balance I have found that the proposed development would preserve the character of the CA. The proposed development would therefore comply with Local Plan Policy R1.

61. The proposals would also comply with the PFE Policy JP-P2 which sets out that development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national policy. More generally, the proposed development would comply with the provisions of Local Plan Policy L7 and the PFE Policy JP-P1 which, taken together, require a high standard of design that respects the character and identity of the locality.

Conditions

62. A list of suggested conditions were provided by the parties. I have amended these in the interests of precision and enforceability. Condition 1 sets out the time limit for the implementation of the development and is necessary for clarity and compliance. Condition 2 is required to provide clarity on the approved plans. Condition 3 is required to ensure that drainage and flood risk matters are appropriately managed, and condition 8 is required to secure a satisfactory system of drainage and to prevent pollution of the water environment.

63. Conditions 4, 5 and 11 are necessary to protect the local environment and amenity, and to prevent habitat disturbance and thereby conserve and enhance biodiversity and ecology, including protected species. Condition 6 is required to protect trees on site, also in the interests of the local environment. Similarly condition 7 relating to hard and soft landscaping is required to ensure a satisfactory scheme is secured, in the interests of protecting the local environment. The means of access to the site required by condition 9 is necessary prior to the use of the approved development in the interests of the local environmental and highway safety.

64. Condition 12 relating to the requirement for a replacement building contract to be obtained prior to demolition is necessary to protect the character and appearance of the CA. Condition 13 requiring a survey and photographic record of Woodlands is necessary to record any historic features.

65. The Council has suggested condition 10 which would remove permitted development rights relating to alterations to the dwelling. On this point the Framework paragraph 55 sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The PPG also advises that conditions restricting the future exercise of permitted development rights may not pass the tests of reasonableness or necessity.[11] My view is that in this sensitive CA environment, in which the replacement building has sought a high-quality design, carefully related to its

[11] Paragraph 21a-017-20190723

context, it is appropriate that additional controls over future alterations should be applied. I have therefore retained the suggested condition in full.

Conclusion

66. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A J Mageean

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Tucker KC	
Caroline Payne	Emery Planning
Dr Chris Miele	Montague Evans
Colin Barnes	Barnes Walker
Ewen Miller	Calderpeel Architects

FOR THE LOCAL PLANNING AUTHORITY:

Noah Billing	Trafford Borough Council
Helen Milner	Trafford Borough Council
Elizabeth Lewis	Trafford Borough Council

DOCUMENTS

1. Appeal decision APP/Q4245/D/21/3268642.
2. Images of Shelbourne House, Bollinway, Hale.
3. Suggested itinerary for self-guided site visit.

1. The development must be begun not later than three years beginning with the date of this permission.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the amended plans, numbers:

- 21059 (SU) 001- location plan
- 21059 (PL) 020 C – proposed site plan
- 21078 (PL) 500 – façade analysis
- 21059 (PL) 102 A – proposed parking and leisure/ground floor plans
- 21059 (PL) 103 – proposed first floor/roof space
- 21059 (PL) 104 – proposed pergola plan and elevations
- 21059 (PL) 202 A – proposed front and side (R) elevations
- 21059 (PL) 203 A – proposed rear and side (L) elevations
- M3407-PA-02-V10 - Proposed Landscape Layout
- Proposed Materials 21059(PL) 400
- 21059(FE) 300 and 21059(FE) 301 - Site Sections

3. No development shall take place, including any works of demolition, until a surface water drainage scheme based on the drainage hierarchy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

4. No development shall take place, including any works of demolition, until an updated bat survey has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall proceed in accordance with any recommendations of the approved survey.

5. No development shall take place, including any works of demolition, groundworks, or vegetation clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:

i. Risk assessment of potential damaging construction activities;
ii. Identification of “biodiversity protection zones”;
iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
iv. The location and timing of sensitive works to avoid harm to biodiversity features;
v. The times during construction when specialist ecologists need to be present on site to oversee works;
vi. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
vii. The parking of vehicles of site operatives and visitors;
viii. Loading and unloading and storage of plant and materials;
ix. The erection and maintenance of protective fences, exclusion barriers and warning signs.

x. Wheel washing facilities, including measures for keeping the highway clean;
xi. Measures to control the emission of noise, vibration, dust and dirt during construction;
xii. A scheme for recycling/disposing of waste resulting from demolition and construction works;
xiii. Hours of delivery, demolition and construction activity;
xiv. Information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors; and
xv. Contact details of site manager to be advertised at the site in case of issues arising.

6. The removal, pruning and protection of existing trees and hedges shall only be carried out in accordance with Tree Protection Plans; CW/1043 2-P–DP and CW/10432-P-TP-1.

7. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, boundary treatment including gates, terraces or other earthworks, walls, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works.
b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

8. The site shall be drained via separate systems for the disposal of foul and surface water.

9. The development hereby permitted shall not be brought into use until the means of access and the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans hereby approved.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof):
i. no external alterations shall be carried out to the dwelling
ii. no extensions shall be carried out to the dwelling
iii. no garages or carports shall be erected within the curtilage of the dwelling
iv. no vehicle standing space shall be provided within the curtilage of the dwelling
v. no gates, wall fences or other structures shall be erected within the curtilage of the dwelling(s)

vi. no means of access or areas of hard surfacing shall be constructed in the curtilage of the dwelling

vii. no windows or dormer windows shall be added to the dwelling shall be added to the dwelling other than those expressly authorised by this permission unless planning permission for such development has first been granted by the Local Planning Authority.

11. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to removal of trees or shrubs and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

12. The demolition hereby permitted shall not be undertaken before a contract (or equivalent firm commitment) for carrying out works of redevelopment of the site has been made and written confirmation that such a contract has been made has been submitted in writing to the Local Planning Authority.

13. No development or works of site preparation, including demolition, shall take place until a detailed survey and photographic record of Woodlands, in accordance with Level 2 of Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice (2016) of the site's historic features, has been submitted to and agreed in writing by the Local Planning Authority, unless those works are required to give access to those features. A copy of the report shall also be deposited with the Greater Manchester Historic Environment Record and Trafford Local Studies Library.