

**REPORT OF The Strategic Director for Place**

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**TO The Planning & Transportation Regulatory Panel  
ON 29 July 2021**

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**TITLE: Planning Appeals**

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**RECOMMENDATIONS: That the report be noted.**

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**EXECUTIVE SUMMARY: To set out details of appeals determined.**

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**BACKGROUND DOCUMENTS:**

(Available for public inspection) Details of the applications are available on the Council's Public Access Website

<http://publicaccess.salford.gov.uk/publicaccess/default.aspx>

If you would like to access this information in an alternative format, please contact the planning office on 0161-779 6195 or e-mail [planning.contact@salford.gov.uk](mailto:planning.contact@salford.gov.uk)

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**KEY DECISION: NO**

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**DETAILS: Please refer to the attached schedule.**

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**KEY COUNCIL POLICIES: Performance Management**

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**EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS: N/A**

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**ASSESSMENT OF RISK: N/A**

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**LEGAL IMPLICATIONS Supplied by: N/A**

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**FINANCIAL IMPLICATIONS Supplied by: N/A**

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**PROCUREMENT IMPLICATIONS Supplied by: N/A**

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**HR IMPLICATIONS Supplied by: N/A**

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**CLIMATE CHANGE IMPLICATIONS Supplied by: N/A**

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**OTHER DIRECTORATES CONSULTED: N/A**

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**CONTACT OFFICER: Liz Taylor TEL NO: 0161 779 4803**

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**WARDS TO WHICH REPORT RELATES: As specified in the attached schedule.**

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**PLANNING AND TRANSPORTATION REGULATORY PANEL**  
**REPORT ON PLANNING AND ENFORCEMENT APPEALS DECIDED**

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APPLICATION No: **20/76207/FUL**

APPELLANT: **Mr John Royle**

APPEAL SITE: **22 Ash Drive Wardley Swinton M27 9RS**

PROPOSAL: **Retrospective planning application for the change of use to enclosed garden area**

WARD: **Swinton North**

OFFICER  
RECOMMENDATION: **Refuse**

APPEAL DECISION: **Appeal Allowed**

DECIDED ON: **6 July 2021**

**Location and Details of the proposal**

The application related to the alley way to the rear of 22 Ash Dive, Swinton.

The application reference 20/76207/FUL, dated 19 October 2020, was refused by notice dated 21 December 2020.

**Planning Authority Decision**

Refuse consent for the following reason(s)

“The dwellings along this section of Ash Drive and Alder Drive when originally constructed had two primary modes of entrance. These were from Ash Drive and Alder Drive and also from the unadopted passageway to the rear. The rear passageway and the access it provides was and still is a key characteristic and design of these dwellings. The passageway has been enclosed by way of a closed boarded timber fencing with associated concrete base panels and posts which has now effectively closed off a section of this passageway to the detriment of the character of the local area and original layout contrary to policy DES1 of the adopted City of Salford UDP and the National Planning Policy Framework”.

The Inspector considered the main issue in the determination of the appeal was the effect of the appeal development on the character and appearance of the area.

The Inspector stated that the appeal proposal comprises of an extension of the rear garden area by enclosing part of the rear passageway. It is a modest enlargement that he was able to see at the time of his site visit and is bounded on a number of sides by timber fencing with associated concrete posts and panels.

He considered that whilst the rear may occasionally be used by some residents, most of the passageway to the rear of this section of Ash Drive is overgrown with vegetation. He advised that from his site observations the main access to properties in the area is from the front. It is the clear street facing frontages of properties which he considered to contribute strongly to the character of the area, rather than the limited width passageways that are accessed from discrete locations, in this case, from Heys Avenue and also a connecting passageway leading from Ash and Alder Drives.

He considered that the closed boarded timber fencing is not prominent and is seen in the context of similar height and type boundary treatments to the rear and in some cases, to the sides of properties. Consequently, he did not consider that the development, which has closed a section of the passageway, is detrimental to the character of this area.

He therefore concluded that the appeal development has not unacceptably harmed the character and appearance of the area. It is not contrary to Policy DES1 of the City of Salford Unitary Development Plan, which seeks, amongst other matters, development that responds to its physical context and the positive character of the local area in which it is situated. It also does not conflict with the National Planning Policy Framework which seeks, at paragraph 124, high quality buildings and places.

In his decision he had regard to the concerns raised by interested parties in relation to the appeal development. This included matters relating to a right of way, land ownership and access to properties. These are however matters dealt with by other legislation and are civil matters which were not within the remit of the appeal.

The LPA made reference to other similar developments in the area and that the appeal development may set a precedent. The Inspector dealt with the appeal on its own specific merits and any future development would also be considered on its own particular circumstances.



## Appeal Decision

Site Visit made on 8 June 2021 by F Rafiq BSc (Hons), MCD,

MRTPI

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> July 2021**

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Appeal Ref: APP/U4230/W/21/3266832 22 Ash Drive, Wardley, Swinton,  
M27 9RS

- 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 John Royle against the decision of Salford City Council.
  - The application Ref 20/76207/FUL, dated 19 October 2020, was refused by notice dated 21 December 2020.
  - The development proposed is the change of use of land to residential garden.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to residential garden at 22 Ash Drive, Wardley, Swinton, M27 9RS in accordance with the terms of the application, Ref 20/76207/FUL, dated 20 October 2020, and the plans submitted with it.

### Preliminary Matters

2. The development had already been undertaken at the time of my visit. For clarity, I have considered this appeal based on the submitted plans which reflected the development on the site. I have utilised part of the description of the development from the Appeal Form rather than the Application Form as it better focuses on the development involved.
3. I am also considering an appeal<sup>1</sup> on an adjoining site for a similar development. I have considered each proposal on its own merits and that appeal is the subject of a separate decision.

## Main Issue

4. The main issue is the effect of the appeal development on the character and appearance of the area.

## Reasons

5. The appeal site comprises of a semi-detached dwellinghouse and an area of land to its rear that was part of a passageway. The properties around the appeal site are mainly semi-detached or form part of short terrace rows. These buildings face the road and are set back on broadly regular building lines. They share similar characteristics with their hipped roofs and their utilisation of a similar palette of materials. These factors combine to give the area a pleasant residential character.

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<sup>1</sup> Appeal Ref: APP /U4230/W/2 0/3266113

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/U4230/W/21/3266832

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6. The appeal proposal comprises of an extension of the rear garden area by enclosing part of the rear passageway. It is a modest enlargement that I was able to see at the time of my site visit and is bounded on a number of sides by timber fencing with associated concrete posts and panels.
7. The Council state that the rear passageway is a key characteristic and design of these dwellings. Whilst the rear may occasionally be used by some residents, most of the passageway to the rear of this section of Ash Drive is overgrown with vegetation. It was evident from my site observations that the main access to properties in the area is from the front. It is the clear street facing frontages of properties which I consider contribute strongly to the character of the area, rather than the limited width passageways that are accessed from discrete locations, in this case, from Heys Avenue and also a connecting passageway leading from Ash and Alder Drives. The closed boarded timber fencing is not prominent and is seen in the context of similar height and type boundary treatments to the rear and in some cases, to the sides of properties. Consequently, I do not consider that this appeal proposal, which has closed a section of the passageway, is detrimental to the character of this area.
8. I therefore conclude that the appeal development has not unacceptably harmed the character and appearance of the area. It is not contrary to Policy DES1 of the City of Salford Unitary Development Plan, which seeks, amongst other matters, development that responds to its physical context and the positive character of the local area in which it is situated. It also does not conflict with the National Planning Policy Framework which seeks, at paragraph 124, high quality buildings and places.

## Other Matters

9. I have had regard to the concerns raised by interested parties in relation to the appeal development. This includes matters relating to a right of way, land ownership and access to properties. These are however matters dealt with by other legislation and are civil matters which are not within the remit of this appeal.
10. Reference has been made to other similar developments in the area and that the appeal development may set a precedent. I have dealt with this appeal on its own specific merits and any future development would also be considered on its own particular circumstances.

## Conditions

11. The Council have not suggested any conditions and as the development has been undertaken, I do not consider that any conditions are necessary in this instance.

## Conclusion

12. For the reasons given I conclude that the appeal should succeed.

*F Rafiq*

INSPECTOR

APPLICATION No: **20/76248/FUL**

APPELLANT: **Mrs Jennifer Blake**

APPEAL SITE: **24 Ash Drive Wardley Swinton M27 9RS**

PROPOSAL: **Retrospective planning application for the change of use to enclosed garden area**

WARD: **Swinton North**

OFFICER  
RECOMMENDATION: **Refuse**

APPEAL DECISION: **Appeal Allowed**

DECIDED ON: **12 July 2021**

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### **Location and Details of the proposal**

The application related to the alley way to the rear of 24 Ash Drive, Swinton.

The application reference 20/76248/FUL, dated 23 October 2020, was refused by notice dated 21 December 2020.

### **Planning Authority Decision**

Refuse consent for the following reason(s)

“The dwellings along this section of Ash Drive and Alder Drive when originally constructed had two primary modes of entrance. These were from Ash Drive and Alder Drive and also from the unadopted passageway to the rear. The rear passageway and the access it provides was and still is a key characteristic and design of these dwellings. The passageway has been enclosed by way of a closed boarded timber fencing with associated concrete base panels and posts which has now effectively closed off a section of this passageway to the detriment of the character of the local area and original layout contrary to policy DES1 of the adopted City of Salford UDP and the National Planning Policy Framework”.

The Inspector considered the main issue in the determination of the appeal was the effect of the appeal development on the character and appearance of the area.

The Inspector stated that the appeal proposal comprises of an extension of the rear garden area by enclosing part of the rear passageway. It is a modest enlargement that he was able to see at the time of his site visit and is bounded on a number of sides by timber fencing with associated concrete posts and panels.

He considered that whilst the rear may occasionally be used by some residents, most of the passageway to the rear of this section of Ash Drive is overgrown with vegetation. He advised that from his site observations the main access to properties in the area is from the front. It is the clear street facing frontages of properties which he considered to contribute strongly to the character of the area, rather than the limited width passageways that are accessed from discrete locations, in this case, from Heys Avenue and also a connecting passageway leading from Ash and Alder Drives.

He considered that the closed boarded timber fencing is not prominent and is seen in the context of similar height and type boundary treatments to the rear and in some cases, to the sides of properties. Consequently, he did not consider that the development, which has closed a section of the passageway, is detrimental to the character of this area.

He therefore concluded that the appeal development has not unacceptably harmed the character and appearance of the area. It is not contrary to Policy DES1 of the City of Salford Unitary Development Plan, which seeks, amongst other matters, development that responds to its physical context and the positive character of the local area in which it is situated. It also does not conflict with the National Planning Policy Framework which seeks, at paragraph 124, high quality buildings and places.

In his decision he had regard to the concerns raised by interested parties in relation to the appeal development. This included matters relating to a right of way, land ownership and access to properties. These are however matters dealt with by other legislation and are civil matters which were not within the remit of the appeal.

The LPA made reference to other similar developments in the area and that the appeal development may set a precedent. The Inspector dealt with the appeal on its own specific merits and any future development would also be considered on its own particular circumstances.

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## Appeal Decision

Site Visit made on 8 June 2021 by F Rafiq BSc (Hons), MCD,

MRTPI

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> July 2021**

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Appeal Ref: APP/U4230/W/20/3266113 24 Ash Drive, Wardley, Swinton,  
M27 9RS

- 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 Mrs Jennifer Blake against the decision of Salford City Council.
  - The application Ref 20/76248/FUL, dated 23 October 2020, was refused by notice dated 21 December 2020.
  - The development proposed is for the change of use to enclosed garden area.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use to enclosed garden area at 24 Ash Drive, Worsley, M27 9RS in accordance with the terms of the application, Ref 20/76248/FUL, dated 23 October 2020, and the plans submitted with it.

### Preliminary Matters

2. The address of the site on the Application Form references 'Worsley', although both the Decision Notice and Appeal Form state 'Wardley, Swinton' which I have utilised as the appeal site's address.
3. The development had already been undertaken at the time of my visit. For clarity, I have considered this appeal based on the submitted plans which reflect the development on site. I have utilised part of the description of the development from the Decision Notice rather than the Application Form as it better focuses on the development involved.

4. I am also considering an appeal<sup>1</sup> on an adjoining site for a similar development. I have considered each proposal on its own merits and that appeal is the subject of a separate decision.

## Main Issue

5. The main issue is the effect of the appeal development on the character and appearance of the area.

## Reasons

6. The appeal site comprises of a semi-detached dwellinghouse and an area of land to its rear that was part of a passageway. The properties around the appeal site are mainly semi-detached or form part of short terrace rows. These buildings face the road and are set back on broadly regular building lines. They share similar characteristics with their hipped roofs and their utilisation of a

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<sup>1</sup> Appeal Ref: APP/U4230/W/ 21/3266832

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Appeal Decision APP/U4230/W/20/3266113

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similar palette of materials. These factors combine to give the area a pleasant residential character.

7. The appeal proposal comprises of an extension of the rear garden area of No 24 Ash Drive by enclosing part of the rear passageway. It is a modest, broadly rectangular enlargement that I was able to see at the time of my site visit. The extended garden area contains outbuildings and is bounded on a number of sides by timber fencing with associated concrete posts and panels.
8. The Council state that the rear passageway is a key characteristic and design of these dwellings. Whilst the rear may occasionally be used by some residents, from my site observations, I was able to see that the main access to properties in the area is from the front, with most of the rear passageway near the appeal site overgrown with vegetation. It is therefore evident, that the clear street facing frontages of properties contribute strongly to the character of the area, rather than the limited width passageways that are accessed from discrete locations to the side or rear of properties.
9. The appeal development can be seen along the passageway from Heys Avenue. From here, the closed boarded timber fencing which encloses the extended garden area is seen in the context of similar height and type boundary treatments to the rear of properties that bound the passageway. I do not therefore find the development undertaken, closing a section of the passageway, has been detrimental to the character of this area.
10. Given the above, I conclude that the appeal development has not unacceptably harmed the character and appearance of the area. It is not contrary to Policy DES1 of the City of Salford Unitary Development Plan, which seeks, amongst other matters, development that responds to its physical context and the positive character of the local area in which it is situated. It also does not conflict with the

National Planning Policy Framework which seeks, at paragraph 124, high quality buildings and places.

## Other Matters

11. I have had regard to the concerns raised by interested parties in relation to the appeal development. This includes matters relating to a right of way, land ownership and access to properties. These are however matters dealt with by other legislation and are civil matters which are not within the remit of this appeal. I also note that there may be alternative ways of addressing overgrown vegetation, but I have found the development to be acceptable in relation to the main issue.
12. Reference has been made to other similar developments in the area and that the appeal development may set a precedent. I have dealt with this appeal on its own specific merits and any future development would also be considered on its own particular circumstances.

## Conditions

13. The Council have not suggested any conditions and as the development has been undertaken, I do not consider that any conditions are necessary in this instance.

## Conclusion

14. For the reasons given I conclude that the appeal should succeed.

*F Rafiq*

INSPECTOR

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