
Appeal Decision

Site visit made on 6 September 2016

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th September 2016

Appeal Ref: APP/C4235/W/16/3150666

6 Clifton Road, Heaton Moor, Stockport SK4 4DD

- 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 and Mrs Richard and Mim Butler against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC057898, dated 26 February 2015, was refused by notice dated 23 November 2015.
 - The development proposed is the erection of one detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one detached dwelling at 6 Clifton Road, Heaton Moor, Stockport SK4 4DD in accordance with the terms of the application, Ref DC057898, dated 26 February 2015, subject to the conditions contained within the Schedule attached to this decision.

Procedural Matter

2. Following the Council's determination of the application, the Court of Appeal issued judgment¹ on the Secretary of State's appeal against a previous High Court judgment of 31 July 2015² upholding a joint application by West Berkshire District Council and Reading Borough Council. The Court of Appeal has now upheld the Secretary of State's appeal and the Written Ministerial Statement dated 28 November 2014 should once again be considered as national planning policy defining the specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development. Following the judgment, this is now reiterated in the new and updated paragraphs 013-017, 019-023 and 031 of the Planning Practice Guidance (PPG) section on planning obligations.
3. Consequently, tariff style contributions should no longer be sought for development of less than 10 residential units with a floorspace of less than 1000 square metres. Accordingly, the Council have withdrawn their third reason for refusal. Based on the evidence submitted I concur with this view and find that the development would not have any significant harm on the provision of recreation and amenity open space.

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441.

² West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government CO/76/2015 [2015] EWHC 2222 (Admin)

Main Issue

4. The main issue in this appeal is whether the development preserves or enhances the character or appearance of the Heaton Moor Conservation Area.

Reasons

5. The appeal site is located within a predominantly residential area on the edge of the Heaton Moor Conservation Area (CA). The site forms part of the substantial rear garden of a large, two-storey detached dwelling. The ground level of the site is raised above the adjacent highway, Alan Road. A high brick wall with metal railings on top runs the length of the eastern boundary of the site. Although the existing dwelling fronts onto Clifton Road the proposed dwelling would be accessed off Alan Road.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected in saved Policy HC1.3 of the Stockport Unitary Plan Review (UDP) 2006 and Policy SIE-3 of the Stockport Metropolitan Borough Council Core Strategy DPD (DPD). Paragraph 131 of the National Planning Policy Framework (the Framework) sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness. It further advises at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. Paragraph 132 of the National Planning Policy Framework (the Framework), which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The Heaton Moor Conservation Area Character Appraisal (HMCACA) states that the CA has been formed by layers of historical evolution and development. The late 19th and 20th century development is essentially that of an affluent railway suburb, impressive in scale of both public and private buildings. Although the HMCACA identifies that significant views in the CA are those which focus on development along Heaton Moor Road, significant views are also along tree-lined roads which create vistas through the area. Furthermore, it identifies private gardens to the rear of houses as contributing greatly to the green quality of the area.
9. The HMCACA does not make any specific reference to the appeal site or Alan Road. Nevertheless, the wide road and footways, the set back position of the buildings and a significant amount of greenery make a positive contribution towards the leafy suburban character of the CA.
10. In terms of architecture, the existing buildings vary greatly in their size and design. The west side of Alan Road, which falls outside the CA, comprises two-storey, semi-detached and detached 20th century dwellings. Directly opposite the site is a bungalow. Although they vary considerably in their size and design there is uniformity in their regularity and building lines. On the east side, which is within the boundary of the CA, there is even greater diversity. Many of the

properties visible have frontages with other nearby roads, including Cliff Grove and Cranbourne Road. Properties that do have frontages with Alan Road include a modern bungalow and there are two-storey 20th century detached properties on the corner of Alan Road and Acrefield Avenue.

11. The proposal would result in the sub-division of the rear garden of No 6 Clifton Road. The HMCACA recognises that in the past large villas and their generous grounds have been developed for flats and developments of this type obliterate the original plot subdivisions and destroy the established grain. However, this impact is with regard to the development of flats not single dwellings.
12. The Council express concern that the proposal would have a negative effect on the established urban grain of the area, reducing the spaciousness and openness that is provided by a regular sequence of large rear gardens. Whilst large rear gardens are characteristic of other roads within the CA, it is not a prominent feature along Alan Road. I acknowledge that the large garden makes a positive contribution to the openness of the area and the overall significance of the CA, particularly as it is a corner plot location and therefore its full depth is appreciated from the road. However, whilst the proposal would result in the reduction in the size of the plot, it would nevertheless remain a large plot. The distance between the proposed and existing dwellings would be significant and would be reflective of other properties along this side of the road. Whilst the dwelling would inevitably reduce the sense of spaciousness around the existing dwelling, the extensive garden can accommodate the proposed dwelling without diminishing the openness and spaciousness of Alan Road and the wider CA.
13. The proposed dwelling would be of a contemporary design. By the appellant's own admission, it would not attempt to replicate the architectural features of other properties within the vicinity. It would be two-storey in height and although it would have a larger mass than many of the properties on the road, this would be broken-up through the use of different materials and its sectional design. The dwelling would be set back within the site and its overall height would be significantly lower than the existing dwelling. Overall, the high quality design of the dwelling would be in keeping with the diverse architectural vernacular of the streetscene.
14. The Council has expressed concern that a grant of planning permission would set a precedent for other similar plot sub-division developments. However, no directly comparable sites to which this might apply have been put forward. Furthermore, whilst I am mindful that each application and appeal must be determined on its own individual merits, I envisage that a grant of any planning permission in this instance would not prevent the Council from successfully being able to resist development which could be shown to be likely to cause demonstrable harm.
15. I find therefore that the proposal would preserve the character and appearance of the Heaton Moor Conservation Area. As such, it would comply with saved Policy HC1.3 of the UDP and Policy SIE-3 of the DPD. Furthermore, it would accord with the Framework's objective of conserving designated heritage assets.

Other Matters

16. I understand the apprehension of neighbouring residents regarding the effect of the development on the occupants of neighbouring residential properties in respect of outlook and privacy. Whilst the dwelling would be close to the boundary with neighbouring properties I consider that there would be adequate separation distances between the properties to ensure that there would not be any significant harm to the outlook. Furthermore, whilst there would be a first floor window on the rear elevation that would serve a bedroom, it would be at an oblique angle to No 3 Cliff Grove and therefore would not result in any significantly harmful overlooking.

Conditions

17. I have had regard to the various conditions that have been suggested by the Council. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
18. In the interests of the character and appearance of the area conditions regarding materials, landscaping, boundary treatments and trees are necessary. A condition requiring cycle storage is important in the interests of promoting sustainable forms of transport. In the interests of highway safety I have imposed conditions regarding the construction of the access and surface drainage.
19. It is essential that the requirements of conditions 3, 4, 6, 8, 9 and 11 are agreed prior to the development commencing to ensure an acceptable form of development in respect of preserving the character and appearance of the area.

Conclusion

20. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 3_001 Revision A; Drawing No. 3_002; Drawing No. 3_003 Revision B; and, Drawing No. 3_004.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of

- landscaping. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed and the materials to be used on the hard surfaced areas.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 6) No development shall commence until details of all screen and boundary walls, fences or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the first occupation of the hereby approved dwelling.
 - 7) No existing tree within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise on the approved plan. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.
 - 8) No development shall commence until details of all proposed tree planting, including the intended dates of planting, have been submitted to and approved in writing by the local planning authority. All tree planting shall be carried out in accordance with the approved details.
 - 9) No development shall commence until details of covered and secure cycle storage facilities have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the first occupation of the hereby approved dwelling.
 - 10) Prior to the first occupation of the hereby approved dwelling the access shall be constructed in accordance with the approved drawings and shall be made available for use. No structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow within the visibility splays and the access shall be retained and remain available for use at all times thereafter.
 - 11) No development shall commence until details of the drainage and surfacing of the approved driveway has been submitted to and approved in writing by the local planning authority. The driveway shall be constructed in accordance with the approved drawings prior to the first occupation of the hereby approved dwelling. The driveway shall then be retained and remain available for use for parking at all times thereafter.