
Appeal Decision

Site visit made on 29 July 2016

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 12 October 2016

Appeal Ref: APP/C4235/W/16/3150831
368 Chester Road, Woodford, Stockport SK7 1QG

- 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 Bernard Waywell against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC059877, dated 30 September 2015, was refused by notice dated 26 November 2015.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached dwelling at 368 Chester Road, Woodford, Stockport SK7 1QG in accordance with the terms of the application ref DC059877 dated 30 September 2015, subject to the conditions set out in the schedule to this decision letter.

Procedural Matters

2. The Council's decision notice set out three reasons for refusal. The second of these indicated that the applicant had failed to make provision for recreation and amenity open space for the proposed development. However, the Council has confirmed that it is no longer seeking tariff style payments in relation to open space provision, and is therefore no longer pursuing its second reason for refusal, following the reinstatement of the Written Ministerial Statement of 28 November 2014. Consequently, this matter does not need to be considered in the context of this decision.
3. The third reason for refusal indicated that the appellant had failed to provide an energy statement. However, the Council and appellant are both satisfied that this matter could be resolved by a suitable condition. The main issue is therefore as set out below.
4. The appeal site is located in the Greater Manchester Green Belt. This matter was considered under a previous appeal¹ relating to the site. The inspector found that the site could properly be treated as an infill plot within a village context, and so considered that it would not be inappropriate development within the Green Belt. She further found that there would be no harm to the openness of the Green Belt. The Council have not made this issue a reason for

¹ APP/C4235/A/14/2222865

refusal in the current appeal, and there is no evidence before me that would lead me to take a different stance on the matter.

Main Issue

5. The main issue is whether the development would occupy an accessible location.

Reasons

Planning policy context

6. The appeal site is located within a predominantly residential area. The development would result in the subdivision of the plot at 368 Chester Road, and the construction of the new dwelling within its own garden, adjacent to the existing house.
7. The Council's strategy for housing distribution is set out in Policy CS4 of the Stockport Core Strategy Development Plan Document (CS, March 2011). A sequence of spatial priorities is identified, with the overall objective of prioritising previously developed land within urban areas. Generally, new housing will be assessed in terms of accessibility to jobs, community facilities, shops and services.
8. The Council uses a system of accessibility scoring to assess proposals for housing on sites outside the first and second spatial priorities. In the event that the Council is unable to demonstrate a five year housing land supply, as is currently the case, CS Policy H-2 provides for the lowering of the accessibility score to allow the deliverable supply to be topped up by the use of suitable sites. The minimum accessibility score is currently set at 34. The appeal site scores 31, and is therefore regarded as an unsustainable location. As such the appeal proposal would conflict with Policies CS4 and H-2.
9. However, as a five year housing land supply cannot be demonstrated, paragraph 49 of the National Planning Policy Framework (NPPF) requires that relevant policies for the supply of housing should not be considered up-to-date. In this case, CS Policies CS4 and H-2, which seek to control the supply of housing land, are out-of-date. I note the Council's contention that Policy H-2 makes provision for the lack of a five year housing land supply. Nonetheless, it predates the NPPF, which, at paragraph 14, provides that, where relevant development plan policies are out-of-date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

Accessibility

10. The appeal site lies within an established residential area, and so is not isolated in the sense of being remote from other development. The Council is concerned, however, that it would represent an inaccessible location. I note that the previous inspector arrived at the same conclusion and accordingly dismissed the appeal.
11. On my visit, I walked from Poynton station to the appeal site and back, which took approximately 20 minutes each way. In my judgement, this is towards the upper limit for an acceptable walking distance. However, I also noted that the route was fairly level, and benefitted from street lighting. For the most

part, the pavements were wide enough to ensure that they would be readily used. The same journey could be done more quickly by bicycle, and I observed a number of cyclists travelling along Chester Road whilst I was in the area. There is another railway station at Bramhall, at a similar distance from the appeal site, and both provide regular services to larger settlements.

12. There would also be the opportunity of walking or cycling to access local services, the nearest of which are located at Woodford village. At a distance of approximately 800m, the village is within a relatively easy walking distance, and has a small Budgens supermarket, and a number of other businesses and services. I accept that the new occupants would be unlikely to do their weekly shop on foot from this facility. However, I do not consider it likely that occupants of other dwellings closer to the village, and therefore achieving a higher accessibility score, would do so either. Conversely, the close proximity of such a shop can often encourage trips by bicycle or on foot for smaller amounts of shopping, given the good conditions of the route, as noted above.
13. My attention has been drawn to the availability of a door-to-door local link bus service which can be pre-booked. I am not convinced that it represents a longer term option for commuting to work due to the difficulty, for example, in accounting for unforeseen delays in travelling to and from work, and the need to pre-book on a regular basis. However, this service would be a valuable one in many instances, providing an alternative to the car. I note that regular timetabled bus services are also available on Chester Road
14. Of particular significance are the changed circumstances in relation to the Woodford Aerodrome housing development. At the time of the previous appeal decision, planning permission had been granted for the new housing scheme at the Aerodrome site, but it had not been implemented. The inspector was therefore able to give only limited weight to that circumstance. However, the construction of the first phase of around 145 houses is now under way. The Council contends that, whilst this phase of the Aerodrome scheme has commenced, it has not yet been fully implemented, and so the potential sustainability and accessibility improvements have yet to be proven.
15. Nonetheless, as funding becomes available, the present phase is expected to bring forward some modest improvements to footpaths, some mitigation for traffic impact, and the provision of cycle parking at the railway station. Furthermore, bus service improvements are required on or before the first occupation of the 100th dwelling. The Council disputes that these measures would have any significant effect on the accessibility score for the appeal site. However, as the site is within comfortable cycling distance of the station, it follows, for example, that the provision of cycle parking could be of direct and immediate benefit to the occupants of the new dwelling.
16. In my view, the commencement of the Aerodrome scheme represents a material change in respect of the wider context of the appeal proposal, whether or not the works have reached completion. There is no evidence before me to suggest that these improvements will not be carried out in due course.
17. I conclude therefore, that the development would occupy an accessible location in accordance with Policies CS9 and T-1 which require that development is in locations which are accessible by walking, cycling and public transport.

Other matters

18. I have had regard to the concerns raised by neighbours, including the effect of the proposal on the character and appearance of the area. The dwellings on this side of Chester Road sit within their own plots, set behind garden plots to the front, with deeper private garden areas to the rear. The proposed dwelling would respect the established building line, and would occupy a plot comparable to some of the narrower plots in the vicinity. It would have its own vehicle access, and would generally keep in with the scale and appearance of the surrounding dwellings. I acknowledge concerns regard the loss of the trees and mature planting which characterise the existing garden space. However, I am satisfied that this matter can be dealt with by a suitable landscaping condition. I therefore conclude that the development would not adversely affect the character or appearance of the area.
19. In terms of the residential amenity, concern has been voiced in respect of overbearing and loss of privacy. The new dwelling would be at a sufficient distance from the neighbouring property to the north-east, that there would be no impact on its amenity. Although the rear elevation of the new dwelling would step back slightly beyond that of No 368, its height and bulk would not be sufficient to cause harmful overbearing to that property, and would also have a relatively small effect on the garden. The proposed 1800mm high fence would preserve privacy between the two properties. I therefore find that the impact on residential amenity would be acceptable.

Planning Balance

20. The scheme would occupy an accessible location, add a dwelling to the housing supply, and would also bring economic benefits through the construction phase of the new dwelling, and social benefits through the support of local services and the contribution to the social life of the area. Whilst modest in scale, these benefits are to be given significant weight. I have found no adverse impacts that would significantly and demonstrably outweigh these benefits, and the development would represent a sustainable form of development, as sought by the NPPF. This is a consideration that outweighs conflict with Policies CS4 and H-2.
21. My attention has been drawn to an appeal decision at 145 Windlehurst Road², where the Inspector found that the location of the proposed development would not be accessible. However, the full circumstances of that case are not before me, and so I cannot be certain as to whether it represents a direct parallel with the case before me.

Conditions

22. The Council has suggested a number of planning conditions which I have considered against the relevant advice in the PPG. As a result, I have amended some of them for clarity and brevity.
23. For certainty, it is necessary that the development is carried out in accordance with the approved plans. Conditions relating to materials and landscaping are appropriate in the interests of character and appearance. A condition relating to means of enclosure is necessary in the interests of the privacy of neighbours. Conditions relating to the driveway and visibility splays are

² APP/C4235/W/15/3139810

necessary to ensure highway and pedestrian safety. Conditions requiring an Energy Statement and details of cycle storage are necessary to ensure a sustainable form of development in accordance with National and Development Plan policy.

24. I have not imposed any condition which is dependent on the occupation of the 450th unit of the Aerodrome Site on the grounds that this circumstance is beyond the appellant's control. In any case, I have no reason to doubt that the accessibility improvements proposed as part of that development will be brought forward within a reasonable timescale.
25. It is essential that the requirements of Conditions 3, 4, 5, 7 and 9 are agreed prior to the development commencing to ensure that the development is acceptable in respect of the matters they address.

Conclusion

26. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

Elaine Gray

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: 101.01.01, 101.01.02, 101.01.03, 101.01.04, 101.01.05, 101.01.06, and 101.01.07.
- 3) No development shall be commenced until a schedule of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted has been submitted to and approved in writing by the local planning authority. Samples of the materials shall be made available on site for inspection. Development shall be carried out in accordance with the approved materials.
- 4) No development shall be commenced 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. No building shall be occupied until the enclosures have been erected in accordance with the approved details.
- 5) No development shall be commenced until a scheme of hard and soft landscape works has been submitted to and approved in writing by the local planning authority. The scheme shall include details of: the size, species and spacing of planting; areas to be grassed, and; materials to be used on hard surfaces. The landscaping works shall be carried out in accordance with the approved details before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the

development, whichever is sooner. Any trees, plants or grassed areas detailed in the approved landscaping scheme which are removed, die, or become severely damaged or diseased within five years of the completion of development shall be replaced with a tree, plant or grassed area of comparable size and species in the next planting season, unless otherwise agreed with the local planning authority.

- 6) The dwelling hereby permitted shall not be occupied until the site access has been constructed with visibility splays measuring 1m by 1m on either side of the access. No structure, plant or tree exceeding 600mm in height above adjacent footway level shall subsequently be erected or allowed to grow within the pedestrian visibility splay areas.
- 7) No development shall be commenced until details of the drainage and surfacing of the approved driveway have been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the driveway has been constructed in accordance with the approved details. The driveway shall then be retained and remain available for use at all times thereafter.
- 8) The dwelling hereby permitted shall not be occupied until a long-stay covered and secure cycle parking facility has been provided in accordance with details that have been submitted to and approved in writing by the local planning authority. The facility shall be retained and remain available for use thereafter.
- 9) No development shall be commenced until an Energy Statement to address the requirements of Policy SD-3 of the Core Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.