
Appeal Decision

Site visit made on 10 July 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 24 July 2017

Appeal Ref: APP/C4235/W/17/3174138

6 Bowen Close, Bramhall, Stockport SK7 1NJ

- 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 Stewart Bertenshaw on behalf of Langcross against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/063073, dated 26 August 2016, was refused by notice dated 28 March 2017.
 - The development proposed is demolition of existing structurally unsound detached house and replacement with a pair of semi-detached houses.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing structurally unsound detached house and replacement with a pair of semi-detached houses at 6 Bowen Close, Bramhall, Stockport SK7 1NJ in accordance with the terms of the application, Ref DC/063073, dated 26 August 2016, subject to the conditions in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Stewart Bertenshaw on behalf of Langcross against Stockport Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal site consists of an existing detached two-storey dwelling with a side gable design and a flat roofed single storey side garage, that is located on the eastern side of Bowen Close at the turning head of a cul-de-sac and positioned slightly forward of the neighbouring No 4 at the side. The remainder of Bowen Close consists of 3 two-storey semi-detached pairs of dwellings with hipped roofs (Nos. 2 and 4 on the eastern side, Nos. 3 and 5, 7 and 9 on the western side) and a detached two-storey dwelling with a pitched roof design with side gables (No 1 on the western side). At the time of my visit, the appeal property had been part demolished, including removal of its roof. A large detached rear outbuilding close to the boundary with the rear gardens of Nos. 96, 98 and 100 Meadway also appears to have been previously removed. The site was formerly enclosed by conifer hedges and trees but now has largely open areas of garden and hardstanding adjoining Bowen Close.

5. The appeal proposal would replace the detached house with a pair of semi-detached properties with a hipped roof design. It is common ground between the main parties that the principle of residential development in a predominantly residential area accords with Policy CS4 of the Stockport Local Development Framework Core Strategy DPD (CS), adopted March 2011. However, when considering the development plan as a whole, Policies H-1 and SIE-1 of the CS, when taken together, seek that the design and build standards of new development should be high quality to achieve quality places. Amongst other things, they also require that proposals respond to the townscape character of the local area and reinforce or create local distinctiveness in terms of layout, scale and appearance. The interpretation of the policies is assisted by guidance in the Design of Residential Development Supplementary Planning Document (SPD), adopted December 2007, including a section which relates specifically to the redevelopment of sites of existing dwellings.
6. The proposed dwellings would be set further forward within the site by more than 4m than the existing dwelling which would result in an increase in the staggered front building line relative to Nos. 2 and 4 on the eastern side. The proposal would result in a pattern of development and asymmetrical garden sizes comparable to Meadway immediately to the north where similar staggered building lines are a common feature.
7. The SPD recommends consideration that the frontage building lines be respected. However, in the particular circumstances of this case, although the western side of Bowen Close has a consistency of front building lines, the alignment of those properties is different to those on the eastern side where plot frontages are more spacious and irregular relative to the turning head of the cul-de-sac. The size and unique shape of the appeal site, which widens at the front, together with its relationship to surrounding properties provides an opportunity for an increased set forward as proposed relative to Nos. 2 and 4 without appearing unduly prominent or obtrusive within the street scene. The space remaining at the front of the property and the arrangement of the cul-de-sac would prevent any detrimental impact upon the perception of space between built form at the turning head of Bowen Close.
8. The frontage widths of the individual properties would be narrower than the other semi-detached properties in Bowen Close. However, when taken together, the staggered arrangement of front building lines relative to Nos. 2 and 4, the greater separation distance to the side boundary with No 4 than the existing dwelling and the side separation of Plot 6B to the splaying boundary at the front would ensure a perception of space and avoid a cramming effect. The clear demarcation of building lines relative to Nos. 2 and 4, the inclusion of a complementary hipped roof design and the gentle downward slope of land levels toward the site and continuing to the north, would also assist the assimilation with surrounding dwellings, despite some differences in scale, proportions, materials, fenestration and detailing of Plots 6A and 6B relative to Nos. 2 and 4. The visual effect of the development, including the proposed area of hardstanding for parking, could be further softened by the provision of landscaping which can be secured by condition.
9. Having regard to all of the above, I conclude that the development would not harm the character and appearance of the area. The proposal would not, therefore, conflict with Policies H-1 and SIE-1 of the CS. Those policies are consistent with the design principles of the Framework.

Other Matters

10. The nearest habitable windows of No 4 at ground and first floor level to the front elevation are set in from the boundary beyond an existing side extension. The resultant separation distance to the development would be sufficient to ensure no overbearing, overshadowing or loss of outlook to habitable rooms. The windows in the first floor side elevation of Plot 6A could be obscure glazed to prevent loss of privacy and avoid direct overlooking of the property and its gardens. Although the development would be closer to Nos. 3, 5, 7 and 9 Bowen Close than the existing dwelling, the separation distance would remain considerable and sufficient to ensure no loss of outlook or privacy. Consequently, there would be no harm upon the living conditions of occupiers of neighbouring properties within Bowen Close, subject to the aforementioned conditions.
11. Plot 6B would be positioned closer than the existing side garage to Nos. 92, 94, 96, 98 and 100 Meadway and with an increased scale, bulk and massing arising from its two storey form and rear dormers within the roof. However, even when taking account of the reduced land levels of the closest neighbouring properties and their rear gardens (Nos. 94 and 96), the separation distance together with the reduced slab level of the development would be sufficient to prevent an unacceptable loss of outlook through an overbearing or overshadowing effect. Furthermore, the non-habitable windows in the first floor side elevation of Plot 6B could be obscure glazed by condition to prevent overlooking of those properties and their rear gardens, whilst views from ground floor windows would be appropriately screened by boundary fencing as indicated on the submitted plans. The increased separation distances and more oblique relationship to Nos. 92, 98 and 100 Meadway would also prevent any harm to those properties in terms of matters of outlook and privacy. Consequently, there would be no harm upon the living conditions of occupiers of neighbouring properties within Meadway, subject to the aforementioned conditions.
12. The development would include adequate off street parking based on the provision of 2 spaces for each dwelling. The tandem parking arrangement and extended dropped kerb proposed at the turning head would be suitable for a lightly trafficked cul-de-sac, subject to the conditions recommended by the Council's Highways Engineer in terms of pedestrian visibility splays and driveway drainage and surfacing. Secure cycle parking facilities within the site could also be accommodated to comply with Policies CS9, T1 and T3 of the CS. Subject to those conditions, the proposal would not have a harmful effect on highway or pedestrian safety.
13. Additional concerns were raised by third parties in terms of the previous removal of trees within the site. However, there is no substantive evidence before me that such works were undertaken after the planning application was submitted or that the trees removed were subject to any protected status. In such circumstances, any tree removal which may have taken place within the site is not an influential factor on the outcome of this appeal. A bat survey undertaken in May 2016 found no evidence of bat activity and negligible roosting suitability for bats, but some suitability for nesting birds in the property roof space. However, as the roof of the property has been subsequently removed, a condition to restrict the time period of demolition to outside of bird nesting seasons would not be necessary.

14. There is no substantiated evidence before me that the construction of the development would not be feasible due to existing ground conditions and land stability or that it would result in significant structural issues for surrounding properties. In any case, such matters are appropriately dealt with separately through the requirement for compliance with Building Regulations. The issue of impact on property values has also been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land and property.

Conditions

15. The Council provided a suggested list of conditions which where necessary I have amended to accord with paragraph 206 of the Framework and Planning Practice Guidance. The standard conditions regarding the time limit and plans compliance are imposed to provide certainty in terms of the planning permission granted. In the interest of the character and appearance of the development, a condition requiring the submission and approval of samples of materials is necessary, together with a landscaping scheme.
16. As previously mentioned, a condition to secure obscure glazing in the windows in the side elevations at first floor level is necessarily imposed to preserve the living conditions of occupiers of neighbouring properties to either side. Notwithstanding the submitted plans, a further condition is imposed to ensure that appropriate boundary treatments would be completed prior to first occupation to ensure views from ground floor windows towards neighbouring properties are adequately screened. Conditions relating to pedestrian visibility splays, driveway drainage and surfacing and cycle parking as previously referred to are also imposed in the interest of highway and pedestrian safety.
17. The Framework advises that conditions should restrict national permitted development rights only where there is clear justification to do so. Based on the particular circumstances of this case, it is appropriate to remove permitted development rights for the dwellings relating to Class A to Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015. This is necessary in the interest of the character and appearance of the property, to preserve the living conditions of future occupiers of the dwellings due to the variation in front building lines, to prevent over development of the plots and to ensure adequate private outdoor amenity space for each individual dwelling.

Conclusion

18. For the reasons given above and taking all other matters into consideration, I conclude that the appeal should be allowed and planning permission granted as set out in the formal decision and subject to the conditions in the attached schedule.

Gareth Wildgoose

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 18613 -PL01 A; 18613-PL03; 18613-PL04 D; 18613-PL06 D; 18613-PL08 F; 18613-PL09 B; Rachel Hacking Ecology Daytime Bat Survey May 2016 and Energy Efficiency Checklist.
- 3) Before any above ground development hereby permitted takes place, excluding demolitions and site clearance, samples of the materials to be used in the construction of the external surfaces of the dwellings shall have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Before any above ground development hereby permitted takes place, excluding demolitions and site clearance, details of all proposed hard and soft landscape works, including details of paved areas and other hard surfaces and the proposed times of planting, shall have been submitted to and approved in writing by the local planning authority. All landscaping works shall be carried out in accordance with the approved details in the first planting season either following the first occupation of a dwelling or the substantial completion of development, whichever is sooner. Any trees or plants which within a period of 5 years from substantial 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 to those originally planted.
- 5) Notwithstanding condition 2, before any above ground development hereby permitted takes place, excluding demolitions and site clearance, a plan indicating the position, design, materials and type of boundary treatment to be erected shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall be completed before a dwelling is first occupied.
- 6) Notwithstanding condition 2, before any above ground development hereby permitted takes place, excluding demolitions and site clearance, details of the drainage and surfacing of the approved driveway area shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the driveway has been constructed in accordance with the approved drawings and details. The driveway shall then be retained and remain available for use for parking at all times thereafter.
- 7) Notwithstanding condition 2, before any above ground development hereby permitted takes place, excluding demolitions and site clearance, details of a covered and secure cycle parking facility to be provided for each dwelling shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the cycle parking facility has been provided in accordance with the approved details. The cycle parking facility shall be retained and shall remain available for use at all times thereafter.
- 8) Notwithstanding condition 2, the new vehicular accesses shall not be brought into use until 1m x 1m pedestrian visibility splays have been provided on both sides of the access measured from the back of the footway. The pedestrian visibility splays shall be retained thereafter and maintained throughout the life

of the development clear of any object greater than 0.6m in height relative to footway level.

- 9) Prior to the first occupation of each of the dwellings hereby permitted, the first floor windows in the side elevations shall have been fitted with obscure glazing. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscure glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscure glazing of each window shall be retained thereafter.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement, addition, building, structure or alteration permitted by Classes A to F of Part 1 of Schedule 2 of that Order shall be undertaken to the dwellings hereby permitted or within their curtilage without the grant of planning permission.

END OF SCHEDULE