
Appeal Decision

Site visit made on 4 July 2019

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2019

Appeal Ref: APP/C4235/W/19/3226890

8 Hadley Close, Cheadle Hulme, Cheadle SK8 6SH

- 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 Miss J Gordon against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/070877, dated 4 September 2018, was refused by notice dated 8 November 2018.
 - The development proposed is proposed 2 storey 3 bedroom house in brick and render with front, rear and side gardens including 2 private parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for proposed 2 storey 3 bedroom house in brick and render with front, rear and side gardens including 2 private parking spaces at 8 Hadley Close, Cheadle Hulme, Cheadle SK8 6SH in accordance with the terms of the application, Ref DC/070877, dated 4 September 2018, subject to the conditions listed at Schedule 1.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the area; and 2) the living conditions of neighbours, with particular regard to privacy.

Reasons

Character and Appearance

3. The appeal site is at the end of a small cul-de-sac and comprises the side and part front garden of No 8 Hadley Close (No 8), a detached house. Hadley Close accommodates 10 houses that are all 2-storey in height, of relatively simple design with pitched roofs. Although generally uniform, the design varies in terms of the front porch and canopy extensions and the composition of materials. The development proposed is a detached 2-storey house located between No 8 and its boundary with the back garden of houses that front Highfield Road.
4. Nos 5-7 Hadley Close have a similar front building line, with No 8 set further forward by reason of a more recent single storey front extension. The 2-storey part of the proposed house would align with the front extension of No 8, with a single storey porch projecting around 1.8m further. Nos 9 and 10 Hadley Close are situated broadly at a right angle to No 8. Due the siting of the proposed

house forward of the existing building line, it would be visible within the street scene. However, given the arrangement of existing housing on Hadley Close, the proposed development would read as a natural end point to the cul-de-sac. The parties disagree whether the land to the side of No 8 was originally intended to be developed, but I consider the open space makes a limited contribution to the appearance of the area and the proposed house would not appear as an incongruous addition within it.

5. The proposed house would have a simple design and a traditional pitched roof which reflects others in Hadley Close. It is proposed to lower existing ground levels so that the ridge of the roof would be only around 0.4m higher than its neighbour at No 9. Within the street scene, the height of the proposed house over No 9 would be apparent but I saw on my site visit that ridge heights vary in Hadley Close and the wider area of Long Croft Lane. This articulation in roofline adds interest to the generally uniform character of the area.
6. The proposed house would have a similar footprint to its neighbours and whilst I accept the rear building line of No 8 is staggered, the rear building line and garden depth is not inconsistent with Nos 5-8 Hadley Close. The proposed house would sit comfortably on its plot.
7. The side elevation of the proposed house would be around 21m from the rear of the closest house on Highfield Road. It would clearly be closer than existing development and would have a depth of around 9.6m along the common boundary. Whilst the outlook from the back, particularly of 53 and 55 Highfield Road, would change the separation distance means the proposed house would not be overbearing or visually obtrusive.
8. The existing side and part front garden of No 8 is enclosed by a close boarded timber fence. This would be removed and the driveway for the proposed house would be visible at the head of the cul-de-sac. Although I accept the appearance will inevitably change, driveways are part of the general residential character of the area and the proposal would not be harmful to that character.
9. For the reasons above, the scale and massing of the proposed house would not represent overdevelopment or result in harm to the character and appearance of the area. It would therefore accord with Policies H1, CS8 and SIE1 of the Stockport Core Strategy DPD, 2011 (SCS) in-so-far as they require high quality design that responds to local character.

Living Conditions

10. The Council's Design of Residential Development Supplementary Planning Document, 2007 (SPD) provides guidance on minimum space standards normally applied to minimise overlooking between houses and therein loss of privacy. For a 2-storey house, the standard distance between habitable room windows and a blank elevation, or an elevation with non-habitable rooms, is 12m. Between habitable room windows and site boundaries, the standard is 6m. The front elevation of the 2-storey part of the proposed house would be around 11.6m from the detached garage of No 9 Hadley Close (No 9) which is located opposite on the common boundary. No 9 itself is set forward and there is no overlap with its gable elevation and the front elevation of the proposed house. Given this, I am satisfied the proposed house would not appear overbearing from No 9 and that there would be no harm to living conditions by reason of loss of privacy, or outlook.

11. The side gable elevation of the proposed house is around 3m from the side boundary with houses on Highfield Road. There is therefore a clear conflict with the SPD guidance. However, the proposed side elevation in question would incorporate only two openings. The first would be double patio doors at ground floor to the kitchen. These would provide access to a small enclosed patio area to the side, with the principal aspect for the kitchen being from the window to the front of the house. Although closer to the boundary than the SPD guidance, views from the double doors would be transient principally occurring when occupants cross the kitchen or step out to the patio area. These views would also be largely screened by the existing close boarded fence on the common boundary, despite the slightly elevated ground level. They would be further minimised through the use of obscure glazing, as suggested by the appellant, and this could be controlled by a planning condition.
12. The second opening is to a first floor ensuite bathroom. It is generally accepted that bathrooms are not defined as habitable rooms and can sensibly be fitted with obscure glazing that can be controlled by condition. Whilst I accept that there will be times when the window would be opened to allow ventilation, occupants are unlikely to be positioned at the window for any length of time. I am not therefore persuaded this would cause a loss of privacy to occupiers of Highfield Road.
13. For these reasons, the proposed development would not cause harm to the living conditions of neighbours by reason of overlooking and therein loss of privacy. Whilst there would be a conflict with the guidance in the SPD, there would be no conflict with SCS Policies H1 and SEI1 because good standards of privacy are maintained for the occupants of existing housing.

Other Matters

14. A number of representations were received from third parties objecting to the proposed development. Some representations were on the same grounds as the main issues which I have considered above.
15. Third parties have raised concerns regarding the presence of Great Crested Newts (GCN) given the location of a pond within the grounds of the school to the north-east of the appeal site. Since the application was determined and appeal submitted, I have been referred to photographs of newts found within the garden of 57 Highfield Road. However, the quality of the photographs is unfortunately very poor, the newts appear dead and I have no substantive evidence before me that they are GCN. The Council's Nature Development Officer (NDO) was consulted during the course of the planning application and, on the basis of the historical nature of development in the area, found the likelihood of an isolated GCN population being viable in this location to be unlikely. GCN's are a European Protected Species and it is an offence to deliberately capture, injure, kill or damage or destroy a breeding or resting place of such species. The appellant is aware of this status.
16. The NDO recommends that if GCN's are found to be present, appropriate measures can be taken during site clearance/construction. I am therefore satisfied that consistent with paragraph 175 of the National Planning Policy Framework (the Framework), significant harm to biodiversity resulting from the development can be avoided or adequately mitigated in this case.

17. Other representations concerned the impact of the development on the Oak tree in the garden of 51 Highfield Road, flooding in adjoining gardens and the constrained parking arrangement. The Arboricultural Impact Assessment (AIA) identifies the root protection area (RPA) of the Oak, which is now subject of a Tree Preservation Order. Although the proposed driveway encroaches within the RPA, the AIA recommends precautionary measures during construction, including a no-dig design specification for a small area, to ensure no harm is caused to the tree. A condition requiring development in accordance with the AIA could control this.
18. Whilst I have sympathy with the occupiers of Highfield Road with regard flooding in their gardens, I have no substantive evidence before me that the proposed development would increase the risk of flooding. The details of the surface water drainage of the site, which would include consideration of a sustainable drainage system, can be controlled by condition.
19. I note that the driveway of the proposed house would be close to the driveway of No 9 Hadley Close. I am, however, satisfied that there is sufficient space for two cars to access, park and manoeuvre from the driveway without obstructing No 9. Whether or not the proposed driveway crosses land outside the ownership of the appellant is not a matter for me to consider in this appeal.
20. The above matters do not lead me to alter my decision.

Conditions

21. The Council have suggested 14 conditions are attached to the grant of permission should the appeal be allowed, which I have considered in light of guidance in the Framework and Planning Practice Guidance (PPG). I have made amendments to their wording in some instances where I have imposed them, in the interests of clarity and consistency with Government guidance.
22. In addition to the standard commencement condition, a condition specifying approved plans and documents would be necessary for reasons of certainty.
23. A condition requiring the approvals of materials to be used in the development hereby permitted (before it was built above its damp proof course) would be manifestly necessary to protect the character and appearance of the area.
24. The Council suggests conditions requiring approval of a landscaping scheme and its subsequent implementation and maintenance. The Council's reason for these conditions is to ensure the satisfactory appearance of the site. Given the development is for a single house and the areas shown as landscaping would be used as private garden areas, I am not persuaded that an approval of a landscaping scheme would be necessary for the reason given by the Council. I have not therefore imposed the conditions suggested.
25. The Arboricultural Impact Assessment (AIA) submitted with the application shows that there are no existing trees on the site. It is not, therefore, necessary to impose the condition suggested by the Council that requires no existing trees be removed, lopped or damaged without approval. A condition requiring the development to be carried out in accordance with the approved AIA would however be necessary to protect the character and appearance of the area, the local environment and the protected Oak tree. As the AIA provides details and the mechanism for the protection of the existing trees just

outside the site, it is not necessary to impose a further condition requiring the erection of protective fencing.

26. A condition requiring the approval of boundary treatments would be necessary to protect the living conditions of future and nearby occupiers and as well as the character and appearance of the area.
27. Conditions requiring obscured glazing in the ground floor kitchen doors and first floor ensuite window in the north elevation and the removal of certain permitted development rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would be necessary to protect the living conditions of nearby residents.
28. A pre-commencement condition concerning a surface water drainage scheme and a condition requiring separate foul and surface water drainage would be necessary to protect the living conditions of future and nearby occupiers and to protect the natural environment. With regard to Section 100ZA(5) of the Town and Country Planning Act 1990 (as amended), the appellant has given their written agreement to this pre-commencement condition.
29. A condition concerning the surfacing, drainage and subsequent retention of the driveway for parking would be manifestly necessary to protect the living conditions of future and nearby occupiers.
30. The approved drawings show that there is sufficient space in the front and back garden to accommodate cycle storage, if required. I do not therefore consider it necessary for a condition to be imposed requiring further approval of a long-stay covered and secure cycle parking facility.

Conclusion

31. For the reasons given above, and taking all matters raised into account, I conclude the appeal should be allowed.

R. Jones

INSPECTOR

Schedule 1 - Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall not be carried out other than in accordance with the following plans and documents: KN642-PL-201 Rev C, KN642-PL-202 Rev C, KN642-PL-203 Rev D, KN642-PL-204, KN642-PL-205, KN642-PL-206, KN642-PL-207, KN642-PL-208, KN642-PL-209 Rev A, KN642-PL-210, Design & Access Statement KN642/E-01-Rev B/JWA/da 04th September 2018, Tree Solutions Arboricultural Impact Assessment 18/AIA/STOCKPORT/28 June 2018 and Energy Statement KN642/E/DJJ [Rev A] 4th September 2018.
- 3) Before development above damp proof course commences, the development shall not be carried out other than in accordance with a schedule of all the materials of external construction which has first been submitted to and approved in writing by the local planning authority. The development shall not be occupied until it has been completed in accordance with the approved schedule and materials.
- 4) The development hereby approved shall not be carried out other than in accordance with the recommendation set out at para 8.2 of the Tree Solutions Arboricultural Impact Assessment 18/AIA/STOCKPORT/28 June 2018.
- 5) The dwelling shall not be occupied until the site has been enclosed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
- 6) The dwelling shall not be occupied until the proposed ground floor kitchen doors and first floor ensuite window in the north elevation facing Highfield Road have been fitted with obscure glass of or equivalent to "Pilkington" Level 4 or 5. The obscure glazing shall subsequently be retained.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A to F of Part 1 of Schedule 2 of the Order shall be carried out.
- 8) Foul and Surface Water shall be drained on separate systems.
- 9) No development shall be carried out until details of surface water drainage works have been submitted to and approved in writing by the local planning authority. Before submitting these details, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the details to be submitted shall -provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for the implementation of the works; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall not be carried out other than in accordance with the approved details.

- 10) No work shall commence on the driveway 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 shall not be occupied until the driveway has been constructed in accordance with the approved drawings. The driveway shall then be retained and remain available for use for parking at all times thereafter.