



Appeal Decision

Site visit made on 13 August 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/C4235/W/19/3230121

517 Hempshaw Lane, Offerton, Stockport SK2 5TP

- 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 Jean Reid against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/072880, dated 21 March 2019, was refused by notice dated 7 May 2019.
 - The development proposed is construction of new accessible dormer bungalow on vacant land.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this appeal are (i) the effect of the proposal on the character and appearance of the area and; (ii) whether the proposed development would provide acceptable living conditions for future occupiers of the appeal dwelling and No 94a Offerton Lane in respect of private amenity space, light, outlook, noise and odour.

Reasons

Character and Appearance

3. The appeal site forms the outdoor space to 517 Hempshaw Lane which is an end of terrace commercial unit occupied by a laundrette at ground floor and a barber shop at first floor. The site is roughly triangular in shape and is accessed off Hempshaw Lane. To the north, south and east there are other residential properties in close proximity.
4. The immediate area is characterised by predominantly two-storey terraced and semi-detached red brick and slate houses with good sized gardens and mainly open frontages overlooking the street. The appeal site is a small site, set back from the main road and sandwiched between existing properties. It has a very narrow frontage of approximately 3 metres and is heavily constrained due to the proximity of other buildings and garden areas.
5. The proposed dwelling would be set back from the building line of the adjacent terrace but roughly in line with the adjacent bungalow to the east. I note that the appellant has chosen red brick and a roof tile that would complement the

adjacent properties. Nevertheless, whilst I appreciate that the appellant has attempted to design the dwelling to respond to the spatial constraints of the site, the very close proximity of the proposed dwelling to the side boundaries and neighbouring properties would result in a building that would appear extremely cramped when viewed in the context of the site and the wider street scene. This would be significantly at odds with the prevailing sense of space which exists between most buildings in the locality and hence the development would appear as an incongruous feature in the street-scene causing significant harm to the character and appearance of the area. In this regard, I conclude that the proposal would not accord with the policies H1, SIE-1 and SIE-2 of the Stockport Core Strategy DPD (SCS) and Chapter 12 of the National Planning Policy Framework (the Framework), which amongst other things seeks to achieve good design and quality places.

Living Conditions

6. Whilst I acknowledge that the house is positioned such that it meets the minimum separation distances and standards set out in the Design of Residential Development Supplementary Planning Document 2007 (SPD) and its window positions would be such that there would be no significant loss of privacy for the occupiers of any of the neighbouring properties, the proposed house would be positioned due south of the garden of No 94a Offerton Lane and owing to its scale and position it would have an unacceptably enclosing and overbearing impact on this neighbouring outside amenity space and in addition would overshadow this small space particularly when the sun is lower in the sky during the winter months. Consequently, the proposal would also lead to a material loss of light to the outside amenity space at No 94a.
7. During my site visit, I noted the presence of a large extraction unit attached to the rear of No 517 Hempshaw Lane. At this time, the unit omitted an odour, presumably from the machines operating within the laundrette. Furthermore, there was a regular hum that I could hear whilst on the appeal site. In the absence of any noise/odour assessment, I cannot be certain that odour and noise from the extraction unit would not give rise to unacceptable living conditions for future occupiers of the proposed dwelling. In these respects, I find that there is potential for harm to be caused to future residents of the appeal property. To this extent, I cannot conclude that the proposal would accord with the amenity requirements of Policy SIE-1 of the SCS.
8. As set out above the proposal meets the minimum requirements in terms of private outdoor amenity space that are set out within the SPD and from my inspection of the site I agree that whilst the space is small, it would be large enough to provide for a household's requirements, namely sitting out, drying clothes and child's play etc. Nonetheless, owing to the close position and overall scale of No 517 Hempshaw Lane, the proposed outside amenity space for the appeal property would feel enclosed and for large parts of the day it would be in shade. I do not consider that the outside amenity space for the appeal property would be acceptable in living conditions terms.
9. For the collective reasons outlined above, I conclude that the development would not accord with SCS Policy SIE-1 which, amongst other things, requires the provision, maintenance and enhancement of satisfactory levels of amenity for future and existing residents.

Planning Balance and Conclusion

10. The Council states that it is unable to demonstrate a five-year supply of deliverable housing sites. In accordance with footnote 7 of paragraph 11d of the Framework, the lack of a five-year supply of deliverable housing sites renders the policies which are most important for determining the proposal to be out-of-date. This would indicate that planning permission ought to be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In this case, the proposal does not relate to an asset or area of particular importance and therefore policies which afford protection to such assets and areas do not apply. It is therefore necessary for me to balance the benefits of the proposal against any adverse impacts and in light of the 'tilted balance' set out in paragraph 11d) ii of the Framework.
11. In the context of the development plan, I have found that the proposed development would be harmful to the character and appearance of the area and would not provide acceptable living standards to existing and proposed occupants. These policies are generally consistent with the design and amenity aims of the Framework.
12. Turning to the benefits of the proposed development, it would provide one additional dwelling with some economic and social benefits derived from its construction and occupation. I also recognise that the site is located within an existing residential area with good access to local services and facilities. These benefits are tempered by the limited amount of development that is proposed, albeit that the proposal would boost the supply of housing in the area. The aforementioned benefits are positive matters to weigh in the overall planning balance.
13. On balance, I conclude that the identified adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Julie Hunter

INSPECTOR