
Appeal Decision

Site visit made on 7 January 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2020

Appeal Ref: APP/G4240/D/19/3241129
12 Kenilworth Grove, Audenshaw M34 5RZ

- 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 Zain Gani against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/00527/FUL, dated 27 June 2019, was refused by notice dated 22 August 2019.
 - The development proposed is described as 'demolition of existing detached garage and construction of two storey side/rear extension with extension to roof above, single storey extension to front and single storey extension to rear (resubmission further to 18/00856/FUL)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans were submitted with the appeal which remove a projecting gable roof form feature and increase the internal width of the proposed garage¹ in comparison with the plans which the Council considered when determining the application. Furthermore, the amended plans have not been subject to consultation with interested parties. Nevertheless, the amendments are relatively minor in nature and would not prejudice the interests of interested parties. Therefore, I have determined the appeal on the basis of the amended plans.

Main Issues

3. The main issues are the effects of the proposed development on:
 - The character and appearance of the area; and,
 - Highway safety having regard to on-street parking.

¹ Amended plans entitled 'Existing Floor Plans Existing & Proposed Elevations' Rev E and 'Proposed Floor Plans' Rev E

Reasons

Character and appearance

4. The appeal site is a semi-detached house in a street of properties with a similar character. It adjoins 10 Kenilworth Grove and lies adjacent to 14 Kenilworth Grove and, like other properties on the street, has a hipped roof with a prominent front facing gable element, along with bay windows. The building line on each side of the street is regimented and there are gaps between each pair of semi-detached houses. Various alterations and extensions are apparent to properties in the vicinity, including side extensions, but the street retains its identity and uniform character.
5. The proposed side extension at first floor would be aligned with the front elevation of the appeal dwelling and slightly set back from the projecting bay window. The extended ground floor would include a small projection which would extend beyond the front elevation of the appeal dwelling, generally in line with the bay window. The projection to the side would ensure a gap of 1.23m between the extension and the side boundary of No 14.
6. The appellant has drawn my attention to an existing two-storey extension at 1 Kenilworth Grove and I had the opportunity to view it from the street on my site visit². Like the extension at No 1, the proposal does not include a setback from the front of the main dwelling and, save for variations in the fenestration design and disposition, there are clear parallels between the appeal proposal and No 1 in terms of their overall design and form. However, the dwelling at No 1 occupies an angular plot at the end of a short stretch of semi's and lies some distance from the adjacent property. Therefore, it does not correspond with the prevailing character of the built form close to the appeal site, which comprises well balanced pairs of semi-detached dwellings.
7. The Tameside Residential Design Supplementary Planning Document, March 2010 (SPD) provides guidance for household extensions. Policy RED 1 of the SPD requires extensions to acknowledge the character of the house, whilst Policy RED 5 sets out more detailed guidance for side extensions, including that they should be designed with a minimum setback of 0.5m from the main façade. In this regard, the development would not accord with the SPD.
8. Due to the lack of set-back from the existing dwelling and the continuous roof form that would arise from the extension, it would not appear subordinate to the existing dwelling and it would be unsympathetic to its original size and scale. Although a gap to the side boundary would be provided in excess of that stated by the SPD, if the neighbouring property was extended in a similar manner to the proposal, it would result in a prominent and homogenous built form which would lack sufficient visual relief, thus the pairs of semi's would lose their semblance of individuality. Consequently, I find that the extension would appear overly dominant and would disrupt the regular rhythm of development on the street.

² Tameside Metropolitan Borough Council planning reference – 14/00518/FUL

9. I appreciate that the gap between the appeal dwelling and No 14 is greater than some of the other gaps between semi's on the street. Furthermore, the relatively inconspicuous alteration to the proposed roof pitch in comparison with the existing roof pitch is not objectionable in itself. However, these considerations do not adequately compensate for the visual harm which would arise due to the scale of the proposed extension which would not appear ancillary to the main dwelling, to the detriment of the street-scene.
10. In conclusion therefore, the development would harm the character and appearance of the area. It would conflict with Policy H10 of the Tameside Unitary Development Plan 2004 (UDP) and Policies RED 1 and RED 5 of the SPD which require, amongst other matters, that developments complement or enhance the character and appearance of the surrounding area by ensuring that extensions acknowledge the existing house and reduce the terracing effect.

Highway safety

11. Kenilworth Grove is a cul-de-sac which has a narrow carriageway. The thrust of the Council's contention is that the proposal to increase the number of bedrooms in the appeal dwelling from three to four would result in an unacceptable level of harm to pedestrian and highway safety.
12. Both main parties agree that whilst the proposed integral garage would be larger than the existing detached garage, it would be narrower than the 3m internal garage width requirement set out in Policy RED 12 of the SPD. Furthermore, the garage would be set forwards of the existing, thus reducing the amount of parking space available between the highway and front of the garage. However, I could see on my site visit that the existing space available is so diminutive that it makes the parking of a vehicle wholly within the curtilage of the property impractical. Consequently, the proposal would have no effect on the displacement of cars onto the road, as the garage and existing space within the curtilage of the property do not appear to provide a useable space to park cars. However, if car ownership within the appeal property was to increase, there would be a strong likelihood that those vehicles would have to park on the street.
13. I observed on my site visit that Kenilworth Grove was lightly trafficked. On-street parking was sporadic, and it was commonplace to see cars parked on the footway. Other vehicles were parked on the driveway of properties partially overhanging the footway. I accept that the parking arrangement in the area is less than ideal, but the footway appeared wide enough for cars to park on it whilst allowing pedestrians to safely pass.
14. Whilst I undertook my site visit during mid-morning and outside the morning and afternoon 'peak', I did not find that the street suffered unduly from parking stress. The Council have not included any evidence with their submissions relating to the levels of parking on the surrounding streets, nor how the proposal itself would result in unacceptable highway safety impacts. Moreover, there is no guidance contained in the SPD or UDP setting out parking standards in relation to this form of development, nor is there any evidence before me to suggest how the proposal to provide one additional bedroom would result in unacceptable levels of parking stress over and above the existing situation. On this basis, I am not persuaded that the proposal would be detrimental to highway safety.

15. Despite the Council refusing a previous application which proposed a total of five bedrooms in the appeal property³, that was a different application the details of which are not for me to determine as part of this appeal. Furthermore, contrary to the Council's concerns, there is nothing on the submitted plans to suggest that the development would provide more bedrooms than is being applied for, and I am unable to give significant weight to a future scenario based mainly on conjecture.
16. Therefore, for the foregoing reasons I find that the development would not unacceptably affect highway safety having regard to parking provision. The proposal would comply with the requirements of Policy H10 by ensuring suitable arrangements for parking and access would not unacceptably impact the surrounding highway network. There would be no loss of parking in accordance with Policy RED 12 of the SPD and any increase in parking on-street would not lead to unacceptable highway safety impacts, in accordance with paragraph 109 of the National Planning Policy Framework.

Other Matters

17. I have taken into account representations received relating to the potential for the proposal to impact on the living conditions of nearby occupants by reason of overshadowing, loss of light and overlooking. I note that these concerns were not included as a reason for refusal by the Council and as stated in the Council's officer report, the extension would exceed the spacing standards set out in the SPD. I am also satisfied that the development would be sufficient distance from the nearest properties so as not to unduly affect the living conditions of occupants.
18. I have considered several other examples of extensions in the surrounding area which the appellant has referred me to. However, I do not have the full details of those cases and I am not satisfied that they are directly comparable to the scheme before me given the relationship between the appeal dwelling and the surrounding properties, and the visual harm I have identified.
19. Whilst the extended dwelling would allow additional space, creating a larger family home, in connection with one extended dwelling, these benefits are limited in scope and do not outweigh the harm I have identified.

Conclusion

20. Whilst I find that the effect on the number of vehicles parked on the street would not be substantially altered to the detriment of highway safety, I find that the development would have an unacceptable impact on the character and appearance of the area. Therefore, the appeal is dismissed.

Matthew Woodward

INSPECTOR

³ Tameside Metropolitan Borough Council planning reference – 18/00856/FUL