The Planning Inspectorate

Appeal Decision

Site visit made on 10 March 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Appeal Ref: APP/C4235/W/19/3242440
20 Hill Top Avenue, Cheadle Hulme, Cheadle SK8 7HY

- 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 & Mrs J Manekshaw against the decision of Stockport Metropolitan Borough Council.
- The application Ref DC/073419, dated 14 May 2019, was refused by notice dated 9 July 2019.
- The development proposed is the erection of a single infill dwelling with associated infrastructure.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:

   - the character or appearance of the Hulme Hall Road, Swann Lane, Hill Top Avenue Conservation Area (CA); and,
   - the living conditions of existing neighbouring and future residents with particular regard to privacy.

Reasons

Character or appearance

3. The site is part of a large rear garden associated with 20 Hill Top Avenue, a detached corner property siding on to Upton Avenue. The site lies within the Hulme Hall Road, Swann Lane, Hill Top Avenue Conservation Area (CA), a rural suburb the significance of which arises from the range of harmonious housing styles from different periods. Houses along Hill Top Avenue include good examples of detached and semi-detached Edwardian villas with notable fine architectural detailing and features. Here the buildings are set back behind large front gardens with mature landscaping resulting in a spacious and verdant character to its streetscene. The properties on this section of the road benefit from consistent deep plots.

4. The majority of properties on Upton Avenue lie outside the CA. The sizeable rear garden of No20 ensures a generous space between development on the different frontages and its greened side and rear boundaries reflect the higher degree of landscaping and hedged frontages characteristic within the CA. The large plots and landscaped surroundings are noted characteristics of the area within the Council's Conservation Area Character Appraisal (2011) (CACA).

Together, therefore, the landscaping and large spacing make a significant positive contribution to the character of the CA.

5. The siting of the proposed house would roughly align with development on Upton Avenue and retain most of the roadside hedge. However, the proposed subdivision of the large rear garden area of No20 would contrast with the characteristic plot size in this part of the CA. Furthermore, by virtue of the relatively shallow plot, the proposal would be at odds with the local grain of development on both Upton Avenue and Hill Top Avenue. The incursion into the existing green space with development of a scale that would contrast with the scale of other buildings within the large rear gardens and the high site proportion of hardstanding would cause a loss to the character of this part of the CA.

6. In support of the appeal, the appellant has drawn my attention to the development of other rear garden areas of properties fronting Hill Top Avenue lying on the opposite side of Upton Avenue, and I saw these during my site visit. However, the Council have clarified that these took place prior to the designation of the CA and therefore the circumstances of those decisions do not reflect those of this appeal.

7. I am also directed to a decision made by the Council in respect of a residential property to the rear of 39 Hill Top Avenue; however, in the absence of full details of that case within the evidence, I am unable to ascertain the exact circumstances of that decision. Furthermore, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm in this case.

8. The main parties agree that the site has previously been documented within a Strategic Housing Land Availability Assessment (SHLAA) dating from 2010. However, such exercises do not formally allocate or grant permission for housing and the Council's evidence demonstrates that this was clearly advised within the SHLAA document. Under the terms of s38(6) of the Planning and Compulsory Purchase Act 2004 development proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. The parties also agree that the site no longer appears within an updated SHLAA and is therefore a matter to which I attach negligible weight.

9. I also acknowledge that informal discussion may have taken place between the main parties in respect of the potential development of the appeal site. However, in the absence of a formal record detailing them, I have no firm basis to confirm what discussions took place.

10. Under the duty imposed under s 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons set out above, I conclude that the development would cause harm to the character and appearance of this part of the CA such as to undermine its historic significance.

11. Whilst this harm would be no greater than less than substantial within the context of Paragraph 196 of the National Planning Policy Framework (the Framework), less than substantial harm does not equate to a less than substantial planning objection.

12. In this case, the appeal proposal would deliver a single private dwelling and would add to the housing land supply for the Borough. However, as a single unit this would be of very limited public benefit both in terms of housing delivery or any associated economic contributions.

13. Taking the above factors into account, I conclude that the limited public benefit arising from the proposed development would fail to outweigh the harm I have identified to the character and appearance of the CA.

14. For the reasons above, the development would fail to preserve the character or appearance of the CA and would result in a negative effect on the historic significance of the designated heritage asset. The proposal therefore conflicts with Policy HC1.3 of the Stockport Unitary Development Plan Review (2006) (UDP) and Policies CS8, SIE-1 and SIE-3 of the Stockport Metropolitan Borough Council Local Development Framework Core Strategy (2011) (CS) which, amongst other matters, seek to preserve or enhance local character and distinctiveness and protect heritage assets. It would also be at odds with the heritage aims of the Framework.

Living conditions

15. Due to the proposed positioning and size of the dwelling within the site, distances between the building and the boundaries are limited. Consequently, windows openings are shown to be arranged to avoid overlooking of neighbouring properties having regard to the screening effects of existing and proposed boundary hedges. At first floor some views over the hedges would be available, particularly to 26 Upton Avenue and the rear garden of 22 Hill Top Avenue.

16. The Council's supplementary planning document, The Design of Residential Development (2007), provides guidelines on interface distances for new residential development. For habitable rooms to boundaries the standard is 6 m and therefore met by the first-floor windows. Whilst the master bedroom window would afford some overlooking of the rear end of the garden of No 22, this would be limited and over an area away from that part of the garden situated close to the dwelling that would be most sensitive to overlooking.

17. However, the first-floor window serving bedroom 3, as annotated on the appeal plans, would directly face windows in the upper side of 26 Upton Avenue. The distance between the windows would be below the guideline standard such that the inter-visibility between the rooms would give rise to a loss of privacy to occupiers of No 26 and provide a limited standard of living conditions for future occupiers of the proposed dwelling.

18. For those reasons, I conclude that the development would cause harm to the living conditions of existing nearby residents and provide a low standard of living conditions of future occupiers of the proposed development. It therefore conflicts with Policies H1, SEI-1 and SEI-3 of the CS and the Framework as they seek to deliver and protect suitable standards of residential amenity.

Other matters

19. The parties agree that the Council is unable to demonstrate a five-year supply of housing land. However, consequent to my finding in relation to the effect of the development on the designated heritage asset, I conclude that it constitutes a clear reason for refusal in accordance with the most important

development plan policies and the Framework as they apply to the protected area. The presumption in Paragraph 11 of the Framework does not, therefore, outweigh the identified harm.

20. I note the frustrations expressed by the appellant in relation to the timeliness and fairness of the Council's decision making leading up to this appeal. However, this is not a matter for this appeal, which I have determined on its own merits.

21. I have also noted the objections from local residents and third parties to the proposal. However, in the light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

22. For the above reasons, I conclude that the appeal should be dismissed.

R Hitchock

INSPECTOR