
Appeal Decision

Site visit made on 27 February 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2020

Appeal Ref: APP/G4240/W/19/3242925

Land Adjacent 325 Birch Lane, Dukinfield SK16 5AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Godfrey against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/00521/OUT, dated 12 June 2019, was refused by notice dated 12 September 2019.
 - The development proposed is a two-storey detached dwellinghouse.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application from which this appeal resulted was made in outline including details of means of access and layout, all other matters are reserved for future consideration.
3. I have amended the description of development from that detailed on the application and appeal forms, removing reference to the address of the site and the location of the access in the interests of clarity.

Main Issues

4. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and, (ii) the living conditions of the occupiers of neighbouring properties with particular regards to noise and disturbance as a result of the use of the access.

Reasons

Character and appearance

5. Paragraph 130 of the National Planning Policy Framework (the Framework) states "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area". Furthermore, saved policies H9, H10 and C1 of the Tameside Unitary Development Plan (2004) seek to ensure new development complements the character and appearance of the existing area, amongst other matters.
6. The appeal site is located in an unusual situation, enclosed on two sides by modern housing developments with an undeveloped plot of land used for open

storage to the front and to the side is 325 Birch Lane, with an existing access to Birch Lane. Birch Lane is part of the wider modern housing estate that characterises the wider area and consists of detached dwellings with open front gardens and off street carparking creating an open environment with notable green elements.

7. The appeal site is proposed to be developed with a single two storey dwelling. In addition to carparking and garage for the proposed dwelling, additional car parking and garages for 8 and 9 Bylands Fold is also proposed. The submitted plans show that a new access would be created from Bylands Fold between nos.8 and 9. Bylands Fold is part of a modern housing estate of similar properties set within plots that include open front gardens. It is the Council's case that this elongated driveway and turning area would detract from the character and appearance of Bylands Fold.
8. The submitted plans show that proposed driveway and parking area are indeed large and thus would dominate the proposed development in both character and appearance in the absence of any space within the scheme for landscaping beyond the garden of the proposed dwelling. As such, the appeal scheme is not in keeping with the prevailing character and appearance of Byland Fold.
9. The appellant has provided a number of examples of what they describe as "lollipop head cul-de-sacs and side driveways" in the local area, a number of which while not back land developments do bare some similarities with the access arrangement of the proposed development. Nonetheless this does not persuade me as to the acceptability of the appeal scheme in this instance.
10. The Council acknowledge that the site is unattractive at present and the surrounding area would benefit from the redevelopment of the appeal site, based on my observations on site I agree. This is a material consideration that weighs in favour of the appeal scheme I therefore give it significant weight.
11. This is a balanced decision, but despite the limited visibility of the appeal site, in particular from Bylands Fold, and the benefits that redeveloping the site would bring to the character and appearance of the area, I find that overall the proposed development being dominated by hard surfaced car parking would nonetheless harm the character and appearance of the area and thus is contrary to saved policies C1, H10 and H9 and, the guidance contained within the Tameside residential Design Supplementary Planning Document (2010) and within the Framework.

Living Conditions

12. I noted at the site visit that the appeal scheme would result in the proposed access road, and consequently vehicles crossing, to the front of the adjacent properties nos. 8 and 9 Bylands Fold, in particularly close proximity to the front windows of No.8.
13. To the rear, the submitted plans show that the proposal would result in car parking in close proximity to the boundaries of nos. 8 and 9. I note however that the car parking closest to the boundaries of each property is identified on the plans as being for the use of that property.
14. The noise and disturbance from the comings and goings of the occupiers of the adjacent properties nos. 8 and 9 Bylands Fold will already be occurring and

would continue as a result of the appeal proposal. The change as a result of the appeal scheme would be that cars would be parked to the rear of Bylands Fold, combined with the additional comings and goings resulting from the proposed dwelling.

15. On the basis of the evidence before me, I find that the effect of the relocation of some of the existing vehicle movements to the rear of Bylands Fold and those movements associated with a single additional dwelling are not so significant so as to have an unacceptable impact on the living conditions of the occupiers of the adjacent properties.
16. Therefore, I find that the proposed development would not result in an unacceptable impact on the living conditions of the occupiers of neighbouring properties with particular regards to noise and disturbance as a result of the use of the access. As such the proposed development is not contrary to saved policies H9, H10 and C1 of the Tameside Unitary Development Plan (2004) that amongst other matters seek to protect the living conditions of the occupiers of neighbouring properties.

Other matters

17. The appellant submits that a fallback position exists, whereby the homeowners at 8 and 9 Bylands Fold intend to carry out works to affect the creation of the access. I have no substantive evidence from the owners of 8 and 9 Bylands Fold that they would be willing to undertake such works should this appeal be dismissed or that the works could be carried out under permitted development rights. Therefore, I afford this material consideration limited weight and I find that it does not outweigh the harm that I have identified previously.
18. Furthermore, it is not disputed between the parties that the Council cannot demonstrate a 5-year housing land supply. Paragraph 11 of the Framework states at (d) where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the LPA cannot demonstrate a five-year supply of deliverable housing sites), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
19. It has not been argued that there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing. Nonetheless, that the appeal scheme would contribute, albeit to a very limited extent, towards the provision of housing in the context where the Council cannot demonstrate a five-year supply of deliverable housing sites is a material consideration that weighs in favour of the appeal scheme.

Planning Balance and Conclusion

20. The appellant has drawn my attention to the benefits of the redevelopment of the site and the contribution that the appeal scheme would make to housing supply in the area.
21. I have also concluded that the living conditions of neighbouring occupiers would be safeguarded. However, for the reasons as set out, any benefits of the proposed development would be insufficient to outweigh the harm to the

character and appearance of the area and conflict with the Development Plan which I have identified.

Mark Brooker

INSPECTOR