



Appeal Decision

Site visit made on 27 July 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2020

Appeal Ref: APP/C4235/W/20/3252987

2 Grendale Avenue, Offerton, Stockport SK1 4BL

- 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 James Few against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/074570, dated 5 September 2019, was refused by notice dated 27 November 2019.
 - The development proposed is a new-build, two storey, three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal upon:
 - i. The character and appearance of the area;
 - ii. The living conditions of future occupiers, having regard to outlook and private outdoor space; and
 - iii. The living conditions of the occupants of No. 2 Grendale Avenue, having regard to daylight, outlook and private outdoor space.

Reasons for the Recommendation

Character and appearance

4. No. 2 relates to a two-storey end of terrace. The appeal site forms a prominent corner plot adjacent to Grendale Avenue and Ellwood Road. The proposed dwelling would be located within the current curtilage of No. 2, to the west of the existing dwelling and matching materials would be used to reflect the neighbouring terraces.
5. Both Grendale Avenue and Ellwood Road are characterised by linear rows of two-storey terraces which have a small projection to the ground floor. In contrast the proposed dwelling would be detached and have a two-storey

- projection. The dwelling would also clearly not follow the linear form of the terraces.
6. Although the dwelling would be set back approximately 11 metres from the highway and 6m from the front elevation of No. 2, it would be visible along Ellwood Road. The eye is naturally drawn to the appeal site as it sits at the end of Ellwood Road. The existing gap between No. 2 and No. 90 Ellwood Road (No. 90) makes a positive contribution to the street scene as it provides a sense of openness and a welcome break in built development. Mature trees that are visible through the gap in buildings also add a sense of greenery.
 7. The appellant asserts that the proposed dwelling, when viewed independently and cumulatively with the permitted dwelling at No. 90 would be smaller in massing and less imposing than the terraces. Additionally, they emphasise that it would have a lower density than the adjacent row of terraces. Whilst the terraces when viewed collectively do have a greater massing than the proposed dwelling, they are not seen as one building and are clearly seen as individual properties due to the use of boundary treatment and openings.
 8. Within the wider area there are a greater range of dwelling types. However, the proposed dwelling would be seen within the context of the terraces where there is little variance in character and appearance. As a result of its scale, form, siting and appearance, the proposal would be a dominant addition to the street scene and would erode an important gap. Therefore, whilst the appellant contends that the design evolution followed CABE good practice, I find that the proposed development would appear at odds with the established built form.
 9. The appellant has referred to the recently granted detached dwelling at No. 90¹. The proposed dwelling at No. 90 would be more discrete than the appeal scheme because it would not be visible from Ellwood Road due to the set back behind No. 90. Although the approved dwelling would be visible from Grendale Avenue, it is a cul-de-sac at the end of Ellwood Avenue and therefore is a less major highway. In addition, the permitted dwelling relates to a larger site. Thus, the two schemes cannot be directly compared.
 10. In addition, it is relevant to consider the cumulative impact of two new dwellings in the confined space between the two terraced rows. The two new properties would sit closely adjacent to one another with the side elevation of the current proposal at a splayed angle to the dwelling adjacent to No. 90. The proximity of the two new dwellings would result in a cramped appearance that would significantly erode the pleasant open aspect between the two terraced blocks and the splayed arrangement would be at odds with the character of the area where the terraces are at right angles to one another. Consequently, the fact that a dwelling has been approved to the side of No. 90 does not dictate that permission should be granted for a dwelling in the neighbouring garden.
 11. For these reasons, I find that the proposed development would be visually harmful to the character and appearance of the area. Consequently, the scheme would conflict with Policies H1 and SIE1 of the Local Development Framework: Core Strategy DPD (2011) (CS) and the Local Development Framework: The Design of Residential Development Supplementary Planning Document (2007) (SPD). These Policies seek, amongst other matters, to promote high quality development which responds to the character of the local

¹ Planning application reference: DC/071317

area. It would also be at odds with guidance in the National Planning Policy Framework (the 'Framework') relating to achieving high quality design.

Living conditions - future occupiers

12. The Council are concerned that a number of the proposed windows would not provide an adequate outlook. They have confirmed in their statement of case that the living area and bedroom 3 windows are acceptable.
13. Bedroom 1 appears to be the main bedroom and would be served by two windows to the front elevation. The appellant asserts that these windows would be located approximately 5 metres and 7m from the blank elevation of No. 2. The Council has calculated the distances to be slightly less than these figures. Due to the proposed dwellings orientation, the main outlook of these windows would be the blank side elevation of No. 2.
14. The SPD sets out that under such circumstances a distance of 12m is required. Although the combined distance would be around 12 metres the guidance relates to individual windows. In this regard, the proposal would conflict with the SPD. The blank elevation of No. 2 would dominate the outlook from these windows because of the siting of the two dwellings. Accordingly, the windows serving bedroom 1 would not provide a meaningful outlook.
15. Bedroom 2 would be served by one window which would be approximately 4m from the boundary. In such circumstances, the SPD requires a distance of 6m. Thus, the scheme would not comply with the SPD in this regard. However, the window would be at first floor and there are no buildings directly behind bedroom 2's window and therefore the outlook would, on balance, be acceptable.
16. The Council are also concerned that the kitchen window would not provide an adequate outlook. The proposed drawings show that the ground floor would be open plan containing the kitchen, dining area and living area. It is likely that any future occupants would spend a reasonable amount of time within this room. The open plan kitchen-dining-living space would also be served by a window and bi-fold doors to the rear. As stated above, the Council has confirmed that the living area window would be acceptable. I therefore consider that the outlook from the kitchen window would not be a reason to withhold planning permission.
17. The appellant highlights that the proposed scheme would provide approximately 65 sqm of garden space to the front, rear and side. The Council has calculated the area to be around 60 sqm. In either case, the proposal would conflict the SPD which sets out that 75 sqm of private amenity space is required for a 2/3 bedroom house. The amount of useable garden space would be less than that stated by the appellant because of its shape. Based on the evidence submitted, I am not convinced that the disjointed garden would satisfactorily provide adequate outdoor amenity space for future occupiers.
18. I note that the rear windows and main garden area are south facing and the Council's requirements in terms of private amenity space is greater than nearby authorities, however these considerations do not outweigh the harm identified.
19. Accordingly, the proposed development would not provide satisfactory living conditions for future occupants, having regard to outlook and private outdoor

space. The proposal would be contrary to Policies H1, SIE-1 and SIE-3 of the CS and the SPD. These policies and the Framework seek, amongst other matters, to promote good design which provides a good standard of amenity for future occupiers.

Living Conditions – existing occupiers

20. As previously stated, the new dwelling would be stepped back from the front elevation of No. 2. Hence, the majority of the new dwelling would be towards the rear of No. 2 and would impact the rear of No. 2. The rear elevation, of No. 2, is south facing. The ground floor contains one window, adjacent to the common boundary with No. 4, and there are two windows at first floor level. Based on the evidence presented, although the proposal would reduce the light to these windows, particularly in the afternoon and early evening, they would receive a good degree of light for the majority of the day.
21. The proposal would also not have a significant impact upon the outlook of the rear windows. The windows are orientated away from the proposed dwelling and face towards the rear boundary rather than the proposed property.
22. The scheme would significantly reduce the private amenity space of No. 2. The dwelling currently has a garden area of 190 sqm which would be reduced to approximately 55 sqm. The SPD states that a garden area of 50 sqm would be acceptable for a 2/3 bedroomed terrace. The current private outdoor space is large for the character of the area and the proposed garden size would be similar to the neighbouring terraces. Thus, the scheme would be acceptable in this regard and comply with the SPD.
23. For the reasons given above, the proposed development would not have an unacceptable effect on the living conditions of the occupants of No. 2 Grendale Avenue, having regard to daylight, outlook and private outdoor space. The proposal would comply with Policies H1, SIE-1 and SIE-3 of the CS and the SPD. These policies and the Framework seek, amongst other matters, to promote good design and good standards of amenity for existing occupiers.

Other Considerations

24. The appellant has submitted with the appeal an appendix which highlights small developments approved in the local area, having regard to character and appearance, living conditions and parking considerations. They assert that the Council has not been consistent in its approach to new dwellings and in other approvals has applied the SPD flexibly.
25. Although the SPD was produced in 2007, it still provides relevant guidance. I do not have the full details of the other cases, such as the Officer's Report, and so cannot determine whether the circumstances are comparable to the scheme before me. The Council has emphasised that they use flexible approaches to amenity standards and would give weight to circumstances where new dwellings are acceptable in all other aspects and where for example affordable housing is proposed. I also note that the SPD states that the Council encourages imaginative design solutions and relaxations of standards will be judged on a case-by-case basis². The context of the appeal site and proposed design cannot be directly compared to the examples provided. In any event,

² Paragraph 7.64

each application and appeal must be treated on its individual merits and these examples do not outweigh the harm identified above.

26. I note that the Council has made reference to a Section 106 agreement in relation to formal recreation and children's play space and facilities. Given my findings above, I have not considered this matter further as it would not be determinative to my decision.
27. It is not disputed that the Council is unable to demonstrate a 5 year supply of deliverable housing land. Given the emphasis in the Framework on meeting housing needs, the delivery of an additional dwelling represents a favourable consideration. I attach modest weight to that benefit, having regard to the importance of meeting housing needs and the limited scale of the development.

Planning Balance, Conclusion and Recommendation

28. Having regard to the conflicts identified above, I conclude that the proposal is contrary to the CS, as a whole. Given the absence of a 5 year supply of housing land, the relevant policies of the development plan, as set out within the main issues above, should not be considered up to date, having regard to paragraph 11(d) of the Framework and the tilted balance at paragraph 11(d)(ii) is engaged. Nonetheless, weight may still be afforded to policies depending on their consistency with the Framework. The most relevant policies are wholly consistent with the aims of the Framework with regard to the need to achieve high quality design and a good standard of amenity. There is nothing within the Framework to suggest that those basic requirements of all development should be lessened on account of the lack of a five-year supply. In that context, I attach significant weight to the conflict with the development plan.
29. In the absence of a five year supply of housing land, paragraph 11(d)(ii) of the Framework is engaged, and I must determine whether any adverse impacts of granting permission would demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
30. For the reasons given above, the proposed development would fail to respect the character and appearance of the area. In addition, it would not provide satisfactory living conditions for future occupants, having regard to outlook and private outdoor space. In those respects, the proposal is contrary to the aims of the Framework with regard to good design and the need to secure good standards of amenity for existing and future occupiers of buildings. The benefit to local housing supply would be modest and the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
31. The proposal would be contrary to Policies H1, SIE-1 and SIE-3 of the CS, along with the SPD, and I afford this conflict with the relevant policies of the development plan very significant weight.
32. Consequently, having regard to the development plan and all relevant material considerations, I recommend that planning permission should not be granted and that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

33. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR