The Planning Inspectorate

Appeal Decision

Site visit made on 18 November 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2020

Appeal Ref: APP/C4235/W/20/3257127
10 Oakdene Crescent, Marple, Stockport SK6 6NZ

- 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 Stringer against the decision of Stockport Metropolitan Borough Council.
- The application Ref DC/075917, dated 5 February 2020, was refused by notice dated 17 July 2020.
- The development proposed is the erection of two detached dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's fifth reason for refusal concerns the failure to make provision for recreation and amenity open space for the proposed development. Since the original decision and the lodging of the appeal, a Section 106 Agreement to secure the necessary contribution has been completed and signed by the relevant parties. The Council have commented that they no longer wish to defend this reason for refusal. I have no reason to form a different view and accordingly will determine the appeal on the basis of the remaining four reasons for refusal.

Main Issues

3. The main issues are the effect of the proposed development on 1) the character and appearance of the area 2) the living conditions of occupants of surrounding properties with regard to privacy and 3) pedestrian and highway safety.

Reasons

Character and appearance

4. The appeal site is located in a predominantly residential area where there are various property styles and sizes, with the surrounding properties being set in their own spacious grounds with driveway parking and most having front gardens. The site is elevated above the residential properties that are located to the rear on Bradshaw Road and Ley Hey Road. The site previously accommodated one dwelling which has been demolished. The site is currently vacant.

5. The appeal proposal is for the erection of two detached dwellings of two storeys in height with roof level accommodation. Both dwellings would bear an overly assertive vertical emphasis, including pillared front porches. This design approach would appear at odds with the more simple and subdued appearance of the surrounding dwellings. The main roofs of both dwellings would have deep overhanging eaves that would make them appear top-heavy and incongruous features in the street-scene.

6. The siting of the proposed dwellings, spanning almost the whole width of the site, would leave little space between both the existing and proposed properties. Such gaps, where they exist, are positive features of the surrounding area, giving a spacious and well-defined environment. The failure to incorporate such features into the proposed development, when combined with the overall scale of the development, would result in the proposal as a whole, appearing cramped and overcrowded.

7. The proposed development would therefore have an unacceptable impact on the character and appearance of the area. It would be contrary to Policies H-1 and SIE-1 of the Stockport Core Strategy DPD (2011) which require, amongst other things, that new residential development should be high quality responding to local identity in terms of layout, scale and appearance.

8. The proposal would also be contrary to guidance contained in The Design of Residential Development Supplementary Planning Document (SPD) (2007) which outlines, amongst other things, that for the redevelopment of sites of existing dwellings, development should consider the space between the proposed house and its neighbours to each side, the spacing must reflect the established character of the street, and the scale and mass must be respected.

9. The proposal would also conflict with Chapter 12 of the National Planning Policy Framework (the Framework) (2019) that outlines, amongst other things, that planning decisions should ensure that developments add to the overall quality of the area; are visually attractive as a result of good architecture; are sympathetic to local character, including the surrounding built environment; and that 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.

Living conditions

10. In its consideration of the effect of the proposed development on the living conditions of occupants of surrounding properties with regard to privacy, the Council have focused on the separation distances that are outlined in the Design of Residential Development (SPD).

11. In relation to the separation from 11 Oakdene Crescent, the Council comment that at its nearest point, the proposed first floor bedroom of plot 1 would be 18.4m from the habitable room windows of 11 Oakdene Crescent. A plan submitted by the appellant, although not measured window to window, contradicts this distance, stating that 23.6m separation is achieved for plot 1 (and 22.4m for plot 2).

12. Either way, and despite a potential minor conflict with the separation figure given in the SPD, I find that due to the separation that would be maintained between the proposed development and the existing property at 11 Oakdene

Crescent, there would not be an unacceptable impact on the occupants of this property with regard to privacy.

13. In relation to the properties at the rear of the site, these sit lower than the appeal site. Although it is not in dispute that there is sufficient separation from the physical dwellings themselves, the Council consider that owing to the distance from plot 1 to the rear boundary, there would be an unacceptable impact on the privacy in terms of the rear gardens of the properties to the rear. The separation distance for such an instance as outlined in the SPD is 9.0m, whereas the Council comment that the distance as proposed would be 8.2m.

14. I consider that given that views would be at an oblique angle and considering the siting of the previous dwelling on site when compared to the proposed siting of Plot 1, and despite the difference in ground levels, the proposed development, due to its scale and siting, would not lead to an unacceptable impact on the living conditions of properties to the rear in relation to privacy.

15. Therefore, despite a minor conflict with the spacing standards as outlined in the SPD, I conclude that the proposed development would not have an unacceptable impact on the living conditions of occupants of surrounding properties with regard to privacy. It would comply with Policies H-1 and SIE-1 of the Stockport Core Strategy DPD (2011) which require, amongst other things, that good standards of amenity and privacy should be maintained for the occupants of existing housing.

16. The proposal would also comply with Chapter 12 of the Framework that outlines, amongst other things, that development should achieve a high standard of amenity for existing and future users.

Pedestrian and highway safety

17. Oakdene Crescent is a single track, unmade road that provides vehicular and pedestrian access to approximately 10 dwellings, excluding the appeal proposal. There is no pedestrian footway, with pedestrians required to access the dwellings by walking on the roadway. Access to the Crescent can be gained from two locations, namely Station Road and Oakdene Road.

18. The proposed development includes the creation of a parking area in front of the dwellings comprising four spaces. Due to the siting of retaining walls, it is difficult to see how vehicles would be able to adequately access the spaces, particularly as the retaining wall relating to plot 2 projects forwards to the extent that it is directly behind one of the parking bays. Such convoluted manoeuvres would either make the spaces unusable or at best highly undesirable to use. As a result, this would lead to parking by residents and their visitors on the highway. Due to the width of the carriageway and the absence of any dedicated pedestrian footpaths, such parking would lead to the obstruction of the highway forcing pedestrians further into the roadway and be detrimental to pedestrian safety.

19. Although the appellant contends that the development would lead only to a marginal increase in traffic numbers, it is not in dispute that the creation of two dwellings where there was previously one, would lead to a greater number of comings and goings. This would be in relation to both residents, their visitors and deliveries, on foot and by vehicle.

20. I observed that both accesses to the Crescent have poor visibility which the Council refer to as sub-standard. There is no obvious restriction on the direction of vehicle travel, and although a passing place is proposed, this would do little to address conflict of movement where, owing to the curvature of the road, oncoming vehicles are not always visible. Vehicles travelling on the road may need to reverse if they encounter another vehicle travelling in the opposite direction. This could result in conflict between vehicles and other users of the highway, including pedestrians and cyclists and due to the limited streetlighting, this would be particularly hazardous during darkness.

21. In terms of pedestrian safety, the lack of a designated footpath results in pedestrians having to access the site by walking on the road. Due to the high boundary treatments and high hedges in places, combined with the curvature of the road, the visibility for pedestrians of vehicles in the road, and vice versa, is severely limited. This would create conditions that would be unsafe for pedestrians accessing the proposed development. Although the proposal includes a length of footpath along the frontage of the appeal site, it does not connect with other footpaths, leaving pedestrians exposed in the roadway for the vast majority of the route to the site.

22. Taking into account the previous dwelling, an additional dwelling may only generate a small amount of additional traffic and pedestrian movement. However, the pedestrian and vehicle movements that the proposal would generate, which could include delivery vehicles and visitors who are not familiar with the local area, would unquestionably increase the use of this road and would therefore increase the likelihood of conflict occurring within the lane. This harm would be exacerbated by the poor visibility at the accesses to the Crescent.

23. I acknowledge that this is for the most part an existing situation, I am nevertheless required to determine the appeal proposal before me, which results in additional pedestrian and vehicular traffic. In this instance, the existing situation is not an appropriate justification to allow further harm to be caused. On the evidence before me, I am not persuaded that the proposal would have safe pedestrian or vehicular access.

24. I therefore conclude that the proposal would have an unacceptable impact on pedestrian and highway safety. It would be contrary to Policies SIE-1, CS9, T-1, T-2 and T-3 of the Stockport Core Strategy DPD (2011) which require, amongst other things, highway safety and access arrangements for all highway users, including pedestrians.

Other Matters

25. The Council cannot demonstrate a five-year supply of deliverable housing sites and as such significant weight should be given to the provision of housing as a result of the development.

26. However, the adverse impacts of the proposal in terms of the harm to the character and appearance of the area, and pedestrian and highway safety would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, which include a requirement for good design and that development minimises the scope for conflict between pedestrians, cyclists and vehicles.

27. The proposal does not therefore benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.

28. The proposal would result in benefit in relation to the provision of two dwellings, with associated social and economic benefits. However, these benefits carry only moderate weight in favour of the proposal and do not outweigh the unacceptable harm I have identified.

Conclusion

29. Although I have not found unacceptable harm would be caused to the living conditions of occupants of surrounding properties with regard to privacy, this would not overcome the unacceptable harm I have found would be caused to the character and appearance of the area, and pedestrian and highway safety.

30. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR