
Appeal Decision

Site visit made on 23 February 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/P4225/W/20/3263089

Site of 342, Heywood Old Road, Middleton M24 4QG

- 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 Gary Hyde Associates against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 20/00073/FUL, dated 24 January 2020, was refused by notice dated 15 May 2020.
 - The development proposed is erection of an apartment block containing 14 no. apartments along with associated external works, car parking and landscaping following the demolition of the existing building on site (resubmission of 17/01465/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The date used in the banner heading above is that specified by the appellant on the planning application form.
3. As part of their appeal submission, the appellant has provided a recent bat survey and a planning obligation. The Council has confirmed that these overcome the fourth reason for refusal relating to ecology and the fifth reason for refusal relating to the provision of public open space and formal sports provision. From the evidence before me, there are no reasons to dispute the Council's stance. Therefore, I have confined my assessment of this appeal to the remaining matters in dispute.

Main Issues

4. Therefore, the main issues are the effect of:
 - the appeal proposal on the character and appearance of the area which includes Protected Open Land, with particular regard to scale, height and mass;
 - the appeal proposal on highway safety, with particular regard to car parking requirements relative to accessibility levels;
 - the demolition of the existing building on the area's heritage; and
 - the effect of the appeal proposal on the living conditions of future occupiers of unit Nos 13 and 14, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is located within the built-up framework of the settlement. It comprises a fire-damaged former public house building, associated car park and outdoor space which directly front Heywood Old Road. The existing building sits within a large plot which, coupled with the adjoining public open space, maintains a sense of space between surrounding buildings as the settlement interfaces with the surrounding open countryside.
6. Dwellings that fall within the vicinity of the appeal site tend to be varied in design, appearance, age and materials. However, there is consistency in their predominant 2 storey scale. There are several commercial buildings within close proximity of the appeal site which to some degree provide a larger scale built mixed use context.
7. This simple linear settlement has a much wider open countryside context. This currently includes designated Green Belt to the front of the appeal site, comprising land beyond Heywood Old Road. A designated area of Protected Open Land (POL) washes over the appeal site. The development plan affords this a similar status to designated Green Belt. This POL provides a transition to the Green Belt by restricting intensification of the existing built form which contributes to the area's wider openness.
8. The appeal proposal would meet the definition of major development provided by the National Planning Policy Framework (the Framework) by virtue of the number of residential units proposed and would not be limited development.
9. The inclusion of living accommodation over 3 floors would give rise to a scale of development that would exceed the 2 storey character and appearance of the surrounding existing dwellings. The appeal proposal would be taller than the main section of the existing building which is most prominent as it fronts onto Heywood Old Road. It would also occupy a larger built footprint within the appeal site. Consequently, the resulting increased mass of the appeal proposal would reduce the openness of the POL which positively contributes to the character and appearance of the area.
10. The proposed treatment of the gable ends would be visible on approach in either direction along Heywood Old Road and would emphasise the overall large scale and mass of the proposed building, as would the proposed rear elevation when viewed from the side road serving the nearby leisure complex.
11. For these reasons, the visual impact of the appeal proposal would be discordant with the prevailing character and appearance of the area. The surrounding mature trees would lessen the visual impact that would arise for only part of the year when they were in leaf. The scale of the surrounding built commercial context would not sufficiently mitigate this impact.
12. Consequently, the appeal proposal would have a harmful effect on the character and appearance of the area which includes designated POL, with particular regard to scale, height and mass.
13. The extent of the POL within which the appeal site is located was designated by saved Policy D/10 of the Rochdale Unitary Development Plan (2006) (the UDP). The Council has continued to rely upon this policy. However, its criteria do not

align with the more recently adopted Policy G5 of the Rochdale Core Strategy (2016) (the Core Strategy). As such the latter would take primacy. Consequently, Policy D/10 could only attract very limited weight in this instance.

14. Policy G5 of the Core Strategy only allows for limited development that would be acceptable were it in the Green Belt, or small scale development. In this regard, the appeal proposal would conflict with this policy by virtue of the major development proposed. This policy also sets out the other circumstances where POL will be released for development in the form of an exhaustive list. However, the submitted evidence does not demonstrate that the appeal proposal would meet all of these criteria.
15. Although it is advanced that this particular policy approach is not contained within the emerging development plan for the area, that new plan is not sufficiently advanced to be afforded any weight.
16. Policy P2 of the Core Strategy states that the Borough's character will be protected and enhanced. Policy P3 of that plan states that all new developments are required to adhere to high standards of design, including respecting the context where it is positive, and having regard to scale, density, massing, height and proportions. Furthermore, Policy DM1 of the Core Strategy sets out general development requirements, including the need for all development proposals to be of a high quality design and take opportunities to enhance the quality of the area.
17. Given the identified harm, the appeal proposal would conflict with all of these policies. These conflicts weigh significantly against the appeal proposal.

Highway safety

18. The access to the appeal proposal would be derived directly off Heywood Old Road, in a similar position to that serving the existing building. This would lead to areas of on-site car parking and secure cycle storage.
19. Notwithstanding the likely differences in traffic movements between the existing and proposed uses and the opportunities to conduct some journeys by alternative modes, the appeal proposal could still give rise to a significant number of residents and visitors journeys being made by car. This is because of the limited nature of the local bus service and the more peripheral location of the appeal site relative to services, facilities and job opportunities. Furthermore, the size of the proposed units, regardless of their flatted nature, would be capable of accommodating 2 car households.
20. Consequently, the resulting level of car parking that would be provided relative to the proposed scale of development could give rise to an overspill of residents and visitors vehicles onto the adjacent highway network.
21. It is advanced that this shortfall could be managed effectively through a planning obligation to secure a Traffic Regulation Order. This could safeguard against parking on parts of the highway where visibility of oncoming highway users would be impinged given the existing alignment of the highway. However, from the evidence before me there is insufficient certainty that its implementation could actually be secured.

22. Notwithstanding the low number of accidents in the area that have been evidenced, it has not been adequately demonstrated that the proposed traffic restrictions would not exacerbate on-street car parking levels further along the highway. Moreover, the evidence does not sufficiently demonstrate that the potential impacts on highway safety that could arise from increased on-street car parking in the vicinity or further afield would not be detrimental to highway safety.
23. The uncertainty regarding timescales for delivery of highway and bus stop improvements in the pipeline and also the relevance of the proposal to improve the nearby restricted byway Mid RUPP95 indicates that these measures would not sufficiently mitigate the effect that the appeal proposal would have on car parking demands arising from the appeal proposal.
24. Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
25. For the reasons given, the appeal proposal would result in circumstances with the potential to be prejudicial to highway safety, with particular regard to car parking requirements relative to accessibility levels.
26. Policy T2 of the Core Strategy states that in all circumstances the safety, accessibility and amenity of those who live in the area will have priority. Parking provision in compliance with the Council's Car Parking Standards is required. Policy DM1 of the Core Strategy expects that all developments will mitigate against any impacts due to traffic generation, where it is necessary and also provide adequate parking, manoeuvring and servicing arrangements taking into account of the proposed use and location.
27. Given the identified harm, the appeal proposal would conflict with these policies. These conflicts weigh significantly against the appeal proposal.

Heritage

28. The appeal proposal would necessitate the total loss of a building which the Council has recently included within their list of non-designated heritage assets.
29. Paragraph 197 of the Framework states that in weighing applications that directly or indirectly affect a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
30. The total loss of the existing building would constitute the greatest level of harm. Main parties' arguments regarding the significance of the fire-damaged building that would be replaced are conflicting. Necessarily, my own observations would accord with the appellant's evidence. Consequently, that significance is low. On balance, therefore, the demolition of the existing building would not cause unjustified harm to the area's heritage.
31. Policy P2 of the Core Strategy states that the Borough's heritage will be protected by conserving, enhancing and promoting key heritage assets, including non-statutory assets of local interest. I have concluded that the demolition of the existing building would be justified in this instance. Consequently, this policy conflict would have a neutral weighting.

Living conditions

32. Given the height at which they would be set, the sole reliance on roof lights in the bedrooms of proposed units Nos 13 and 14 would compromise the outlook and therefore living conditions of prospective occupants of those units. However, this would be compensated for by the reasonable levels of outlook that would be provided by the proposed orientation of windows to the living areas of those units. Overall, the harm that would be caused would not be unacceptable.
33. For these reasons, the appeal proposal would not cause unacceptable harm to the living conditions of occupiers of unit Nos 13 and 14, with particular regard to outlook.
34. Consequently, the appeal proposal would not conflict with Policy DM1 of the Core Strategy and the Guidelines and Standards for Residential Development (2016) supplementary planning document which seek to manage living conditions standards. In the absence of unacceptable harm, the appeal proposal would not conflict with this policy. This would have a neutral weighting.

Other Matters

35. The Council has confirmed a housing land supply in excess of 5 years and that the most recent Housing Delivery Test has been met. The appeal proposal would contribute to housing provision. However, in the absence of a shortfall this contribution would attract limited weight in favour of the appeal proposal.
36. There is scope to improve the appearance of the area through redevelopment of the site and at the same time meet the aims of the Framework in respect to the efficient and effective use of land. However, the harm to the character and appearance of the area that would arise from the particular appeal proposal would reduce the level of benefit that would result. This would attract limited weight in favour of the appeal proposal.

Conclusion

37. The appeal proposal imposes significant harm on the character and appearance of the area and highway safety. Consequently, there would be conflicts with the development plan which weigh significantly against the appeal proposal. None of the other matters that weigh in favour of the appeal proposal would out-weight the conflict with the development plan when taken as a whole.
38. For the reasons given, the appeal should be dismissed.

C Dillon

INSPECTOR