



Appeal Decision

Site visit made on 2 August 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/C4235/W/21/3273185

10 Queensgate, Bramhall, Stockport SK7 1JT

- 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 Rod Worne against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/077210, dated 25 June 2020, was refused by notice dated 20 October 2020.
 - The development proposed is erection of a detached dwelling to be sited in the rear garden of 10 Queensgate with vehicular access from Oakfield Close.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, a revised version of the National Planning Policy Framework (the 'Framework') has been published. The main parties were given the opportunity to comment on any relevant implications for the appeal and have not therefore been prejudiced. The main parties did not have any comments on this matter.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - The effect of the proposed development on the living conditions of the occupiers of 8 Queensgate, having regard to outlook; and
 - Whether the proposal makes adequate provision for recreation and amenity open space.

Reasons

Character and appearance

4. The appeal site forms part of the rear garden of 10 Queensgate which is located in a residential area. No 10 is located on a corner plot, at the junction with Oakfield Close. Queensgate is characterised by generally large detached properties situated within generous sized plots.

5. Oakfield Close is characterised by a more recent housing development. It is of a higher density and properties have smaller plots than those on Queensgate. Properties within Oakfield Close are set back from the highway behind a mix of open frontages and vegetation.
6. The area close to the junction of Queensgate and Oakfield Close has a sense of spaciousness. This is due to the large rear gardens of 10 and 14 Queensgate, which provide a break in built development, and the open space area opposite the appeal site. There is a degree of symmetry as the rear gardens of Nos 10 and 14 are broadly in line. The appeal site positively contributes to the character of the surrounding area because it provides a visual break between the character of Queensgate and that of Oakfield Close.
7. I acknowledge that the development would not impact the Green Belt or harm other sensitive locations such as heritage buildings or conservation areas. The appellant highlights that the building height is lower than 1 Oakfield Close in order to reflect the smaller plot width and would be subservient in scale. In addition, they consider the site density will be suitable when compared to other site densities along Oakfield Close.
8. The gap between properties and distance to the pavement varies within Oakfield Close. The side elevation of No 10 is considerably closer to the footpath than the front elevation of No 1. 1, 2 and 3 Oakfield Close have a staggered building line with No 3 siting forwards of No 1. The main bulk of No 2 is stepped back from the pavement, similar to No 1, with a double garage siting closer to the pavement and orientated 90 degrees to Oakfield Close. The development would result in an arc building line and the proposed dwelling would be sited broadly midway between the building lines of No 10 and No 1.
9. The proposed dwelling would have more of a visual relationship with Nos 1, 2 and 3 rather than other properties within the locality as the front elevation would face Oakfield Close. Furthermore, the siting of Nos 10 and 14, close to the footpath, does not undermine the spaciousness of this part of Oakfield Close due to their large rear gardens.
10. The architectural design of the new dwelling would not cause harm to the character of the surrounding area given the mix of designs within the locality. Nonetheless, the proposed dwelling would cause harm to the spaciousness of Oakfield Close due to its siting, scale and massing. The width of the plot would be noticeably narrower than Nos 1, 2 and 3. The siting of the dwelling, in front of No 1, would exacerbate its prominence and would not follow the staggered building line of this section of Oakfield Close.
11. Having regard to the context of the surrounding area, the dwelling would appear cramped and constrained within the plot. The proposal would erode an important gap and the spaciousness of this part of Oakfield Close which is a distinctive element of the character of the area. Thus, the scheme would cause harm to the character and appearance of the area because it would appear at odds with the established pattern of development.
12. The appellant has made reference to 3 Mayfield Road. On my site visit I observed that Mayfield Road has a different character to Oakfield Close. No 3 is situated within a larger plot and the dwelling has a greater set back from the road than the proposal before me. No 3 also respects the building line of the surrounding properties. Mayfield Road does not have a spacious approach like

Oakfield Close due to the siting of 2 Mayfield Road. Furthermore, 4 Queensgate is a bungalow compared to the two-storey dwelling of No 10. Therefore, this development cannot be directly compared to the scheme before me.

13. The appellant also refers to Ridgemont Road and other approved developments in the local area. Ridgemont Road has a different character to Oakfield Close and the appeal site cannot be directly compared to dwellings within that road. Little information has been submitted with regards to these applications and I am unable to directly compare them to the proposal before me. Nonetheless, based on the evidence submitted, there appears to be variances between the appeal site and those approved developments such as the context of the surrounding area and the proposed dwelling's scale. In any event, I have determined the appeal proposal on its own merits.
14. For the reasons given above, 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 CS4, H1, CS8 and SIE-1 of the Stockport Metropolitan Borough Council Local Development Framework: Core Strategy DPD (2011) (CS). These Policies collectively seek, amongst other matters, to promote high quality design which responds to the character of the local area.
15. It would also conflict with chapter 12 of the Framework which promotes good design and requires development to be visually attractive and sympathetic to local character.

Living conditions

16. The Council's main concern in this respect relates to the occupiers of 8 Queensgate outlook. The subdivision of the plot would result in the rear elevation windows of the proposed dwelling facing towards the side boundary of No 8. The Council acknowledge that the distance between the windows on the proposed rear elevation and the boundary comply with the requirements of The Design of Residential Development: Supplementary Planning Document (SPD).
17. On my site visit I observed that there is a high hedge between No 8 and the appeal site. The rear windows of No 8 face towards the rear boundary rather than the appeal site. At the time of my site visit, the closest first-floor window served a dressing area within the master bedroom, with the main bedroom window being to the front of the property facing Queensgate. The other first-floor rear windows served an en-suite, bathroom and bedrooms.
18. Although the proposed dwelling would be visible from some of the rear facing windows of No 8, the hedge would ensure that the proposed dwelling would not be visually dominant. Even though the long term and permanent retention of the hedge is not assured, I am satisfied that the proposal would not have a harmful overbearing impact upon No 8's outlook and would not appear visually obtrusive. This is because of the orientation of No 8's rear windows, distance to the proposed dwelling and use of the rear windows. I am satisfied that the proposed development would not adversely effect living conditions to a degree that would warrant planning permission being refused.
19. For these reasons, I find that the proposed development would not have an unacceptable effect upon the living conditions of the occupiers of No 8, having

regard to outlook. Accordingly, it would comply with Policies CS4, H1, CS8 and SIE-1 of the CS which collectively seek, amongst other matters, to maintain good standards of amenity for the occupants of existing residents.

20. It would also comply with chapter 12 of the Framework, in this regard, which promotes good design and requires new development to provide a high standard of amenity for existing users.

Open space provision

21. Saved Policy L1.2 of the Stockport Unitary Development Plan Review (2006) (UDP) and Policy SIE-2 of the CS seek to ensure that applications for small new residential developments contribute towards the provision of open space for formal and casual recreation and children's play as there is a shortfall for such facilities within the Borough.
22. In order to comply with these Policies a commuted sum payment calculated in accordance with the Council's Open Space Provision and Commuted Payments Supplementary Planning Document (2019) (SPD) is required which should be secured by way of a S106 agreement.
23. The appellant states within their appeal submission that they would be willing to sign up to a S106 agreement and would be agreeable to pay reasonable legal expenses. I understand there have been issues with the mortgage company and therefore the appellant has not provided a S106 agreement.
24. As I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the main parties. Nonetheless, as it stands, given the lack of a S106 agreement, the proposal would fail to make provision for recreation and amenity open space in accordance with saved Policy L1.2 of the UDP, Policy SIE-2 of the CS and the SPD. These collectively seek, amongst other matters, to ensure small new developments contribute towards the provision of open space.

Other matters

25. It is not disputed that the Council is unable to demonstrate a five year supply of deliverable housing sites. The appellant has referred to compliance with local and national planning policy in respect of housing. They also outline public benefits of the proposal including that it would provide a new family house, efficient use of land in an accessible location, sustainable development, parking, employment during construction and an energy efficient building.
26. I have had regard to the benefits of the proposal. The addition of one dwelling would have little impact on the housing supply; however, I acknowledge that cumulatively small developments can make a contribution. The benefits associated with the appeal scheme carry modest weight given the small scale of the development.
27. I understand that recently a certificate of lawfulness was granted for an outbuilding¹. The appellant states that if the appeal is dismissed, they would look to improve the property by building the outbuilding in order to increase its value. The outbuilding would be positioned further forward than the appeal proposal. Nevertheless, due to the orientation of the outbuilding and its height

¹ DC/079315

it would not appear visually obtrusive within the surrounding area compared to the proposed development. I therefore attach very limited weight to the fallback position.

28. I acknowledge that suitable landscaping could be agreed as part of a condition, as suggested by the appellant. However, such a condition would not outweigh the harm identified above.
29. I note that the name and address on page 2 of the Council's Statement is incorrect. I also acknowledge the other matters raised by the appellant including that they wish to downsize, and the new dwelling would be for them and their family. Such benefits and matters do not have any bearing on the proposal and in any event, I have determined the appeal on its planning merits.

Planning Balance and Conclusion

30. Having regard to the conflicts identified above, I conclude that the proposal is contrary to the CS and UDP, as a whole. Given the absence of a 5 year supply of housing land, the relevant policies of the development plan, should not be considered up to date, having regard to paragraph 11(d) of the Framework and paragraph 11(d)(ii) is engaged.
31. 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 to establish and provide open space, sport and recreational provision to meet local need. There is nothing within the Framework to suggest that those 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.
32. 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 significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
33. For the reasons given above, although the proposed development would not have an unacceptable effect upon the living conditions of the occupiers of No 8, it would fail to respect the character and appearance of the area. In addition, the proposal would fail to make provision for recreation and amenity open space. In those respects, the proposal is contrary to the Framework with regard to good design and open space and recreational provision. The benefits associated with the appeal scheme would be extremely modest. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
34. The proposal would be contrary to Policies CS4, H1, CS8, SIE-1 and SIE-2 of the CS and saved Policy L1.2 of the UDP, and I afford this conflict with the relevant policies of the development plan significant weight.

35. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

L M Wilson

INSPECTOR