



Appeal Decision

Site Visit made on 21 September 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2021

Appeal Ref: APP/C4235/W/21/3276059

22 Cromwell Road, Bramhall, Stockport SK7 1DA

- 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 Mark West - JML Developments against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/78876, dated 23 November 2020, was refused by notice dated 26 March 2021.
 - The development proposed is demolition of existing bungalow and construction of two new-build, semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have assessed the proposal on the basis of the revised drawings that were before the Council when it made its decision and are listed on the decision notice.
3. As part of the appeal submission, a proposed street scene drawing has been provided showing a view from the north towards No 24 Cromwell Road with the appeal proposal in situ (Drawing No 2020.24.P5). From the evidence before me, this drawing was not before the Council at the time of its decision. Given this drawing does not alter the scale, design or layout of the proposal, I consider no party would be prejudiced by me taking this drawing into consideration as part of my assessment.

Main Issue

4. The main issues are:
 - (i) The effect of the proposal on the character and appearance of the area;
 - (ii) The effect of the proposal on the living conditions of occupiers of Nos 12 and 24 Cromwell Road with particular regard to outlook from rear gardens; and
 - (iii) Whether the proposal would make adequate provision for any necessary infrastructure contributions arising from the development with particular regard to public open space (POS).

Reasons

Character and appearance

5. Cromwell Road is a residential street with a mix of dwelling types. However, there are distinct groupings of dwellings of similar scale. The appeal dwelling at No 22 and all those to the north of this property on Cromwell Road are bungalows. The neighbouring two-storey dwelling at No 12 Cromwell Road is the first of a group of semi-detached dwellings on this side of Cromwell Road of similar scale, form and alignment. They incorporate catslide roofs to the rear. In the case of No 12, this results in a brick side gable which reduces in scale and mass towards the rear. The design and scale of this neighbouring facade combined with its simple detailing add a traditional quality to the street scene. Its reduced mass towards the rear and relative alignment with the bungalow at No 22 also assists the transition to the lower rise suburban character along the northern section of Cromwell Road.
6. For those approaching the site from the south or directly facing the site, the design of the dwellings would sit comfortably within the street scene. However, the side gable closest to the boundary with No 24 Cromwell Road would introduce built form of greater bulk and mass when compared with the more modest side profile of No 12. The side gable would also incorporate more elaborate detailing than that seen to the side of No 12 with first floor windows and tiled cladding above eaves level. Consequently, in views towards the site from the northern section of Cromwell Road, the development would have a prominent and imposing presence within the street. This would be harmful to the well-balanced transition in scale, mass and design of dwellings along Cromwell Road.
7. My attention has been drawn to two-storey dwellings on the opposite side of Cromwell Road. However, those dwellings also gradually decrease in scale with the chalet style dwelling at No 19 reducing in height and mass towards the boundary with the bungalow at No 21.
8. I conclude the development would result in significant harm to the character and appearance of the area. In that regard, it would conflict with the design and character requirements of policies H1 (Design of Residential Development), CS8 (Safeguarding and Improving the Environment) and SIE-1 (Quality Places) of the Stockport Metropolitan Borough Council Core Strategy (2011) (CS) and the National Planning Policy Framework (the Framework).

Living conditions of occupiers of Nos 12 and 24 Cromwell Road

9. The development would undoubtedly bring built form of a greater scale into views towards the appeal site from the rear of No 12. Even so, the lawn and main areas for sitting out at No 12 are set further back into its respective plot. The development would also be set away from the shared boundary and there is an intervening flat roofed outbuilding at No 12. These factors would ensure that there would be suitable segregation to ensure that the development would not be not overbearing for occupiers of this neighbouring dwelling, including when experienced from its rear garden.
10. No 24 is currently flanked by bungalows to either side. As part of my site visit, I was able to appreciate the position of this neighbouring dwelling and its rear garden relative to the position of the proposed building. Again, the

development would be more visually prominent than the existing bungalow when viewed from this neighbouring garden. However, the front and rear elevations of the proposed dwellings would be broadly aligned with the footprint of the bungalow at No 24. The development would also be set in from the high hedge boundary with No 24 and would be single storey where it projects past the side extension on this neighbouring dwelling. Consequently, the development would not lead to any unacceptable enclosing impact on the rear garden of No 24 and acceptable levels of outlook would be retained.

11. Taking the above factors into account, I conclude that the development would not result in material harm to outlook for occupiers of Nos 12 and 24 Cromwell Road when experienced from the rear gardens of these neighbouring properties. In that regard the development would comply with the requirements which seek to protect the amenity of existing occupiers in policies H1 and SIE-1 of the CS and Paragraph 130 of the Framework.

Open space contributions

12. The Stockport Metropolitan Borough Council Open Space Provision and Commuted Payments Supplementary Planning Document (2019) (SPD) sets out amongst other things an expectation that all new developments should contribute to the open space needs generated by that development. The evidence base provided by the Council as part of its appeal submission indicates that there are shortfalls of open space across the Borough including that the provision both formal recreation and children's play open space does not exceed minimum standards.
13. The Council has confirmed that as there are no existing children's play areas within the threshold distance indicated in the SPD a contribution is not required in that respect. However, a contribution of £5406.00 would be required towards formal recreation based on the formula set out at Paragraph 1.3 of the Technical Annex in the SPD. The appellant has confirmed that they would be willing to pay the necessary contribution and I am satisfied that the contribution would meet the tests for planning obligations at Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Regulations 2010.
14. The appellant's revised Unilateral Undertaking (UU) dated 13 September 2021 seeks to address concerns raised by the Council in respect of a previous version of the UU. However, the Council has identified several concerns with the revised UU including but not limited to its enforceability both in respect of the land that would be bound and who would be liable and whether it would fully capture indexation between the date of the deed and the date the contribution is fully paid. A payment of £500 to the Council is referred to in the UU but it is not clear whether or not this would be towards the Council's legal costs or the fee requested by the Council to meet its reasonable monitoring costs. In addition, I am concerned that the document does not specify that the contribution is for open space.
15. Taking the above factors into account, as it stands it has not been demonstrated to my detailed satisfaction that the UU would secure the necessary infrastructure contributions arising from the development towards public open space (POS) with sufficient certainty or precision. In that regard the development would conflict with the requirements to achieve minimum standards for the Borough for active recreation and for small developments to

contribute towards the provision of formal recreation in Saved Policy L1.1 (Land for Active Recreation) of the Stockport Unitary Development Plan Review (2006) (UDP) and Policy SIE-2 (Provision of Recreation and Amenity Open Space in New Developments) of the CS and the Council's SPD.

16. The Council's decision notice refers to Saved Policy L1.2 (Children's Play) of the UDP. However, as the Council has confirmed a contribution would not be necessary in that particular regard, I have not identified any specific conflict with this policy. Even so, this does not overcome the conflict with the other identified policies of the development plan.

Other Matters

17. The appellant suggests that they have submitted a separate revised scheme to the Council which includes reductions in the depth and eaves heights on the dwellings when compared with the appeal proposal. Even if the Council's officers are satisfied that particular scheme overcomes the first two main issues, I have not been provided with a copy of that scheme and there is nothing before me to suggest that planning permission is in place. On that basis, I have assessed the appeal proposal on its own merits.

Planning Balance and Conclusion

15. The Council acknowledges that it cannot currently demonstrate a five-year housing land supply. Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
16. The development would make a modest contribution towards the Council's housing requirements through the provision of two dwellings in a sustainable location and has the potential to have some modest economic benefits through the development itself and the expenditure of future occupants in the areas services and facilities.
17. However, I have identified that the proposal would result in significant harm to the character and appearance of the area. Furthermore, I have found that the UU would not secure the necessary infrastructure contributions arising from the development towards public open space (POS) with sufficient certainty or precision. These are matters which significantly and demonstrably outweigh the modest benefits of the proposal when assessed against the policies of the Framework as a whole.
18. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR