



Appeal Decision

Site visit made on 9 March 2022

by M Clowes BA (Hons) MCD PGCERT (Arch con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/G4240/W/21/3282548

559 Manchester Road, Denton M34 2PF

- 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 Ms E Hill against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21/00469/FUL, dated 5 April 2021, was refused by notice dated 5 July 2021.
 - The development proposed is erection of a detached bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Having compared the submitted plans it is clear that the floorplans do not correlate with the elevation drawings. The proposed site and floorplan indicate the front door would be to the right-hand side of the dwelling, whereas the elevation drawing shows the door in a left-hand position. The plans before me were those determined by the Council. Notwithstanding the discrepancies on the plans, I am satisfied that I have sufficient information before me to properly assess the impact of the proposed development. I have determined the appeal accordingly.
3. I have had regard to the National Planning Policy Framework 2021 (the Framework) in my decision. Whilst some paragraph numbers have changed and sections added, the substantive elements of the 2021 Framework as they relate to the main issues of the case have not changed from the previous iteration. I have not therefore sought the views of the main parties.

Main Issues

4. The main issues are the effect of the proposed development on;
 - i) the character and appearance of the area,
 - ii) the living conditions of the future occupiers of the proposed dwelling and the neighbouring occupiers of 557 and 559 Manchester Road with particular regard to privacy; and
 - iii) highway safety.

Reasons

Character and appearance

5. The appeal site relates to a garden that is used in connection with and lies to the rear of 559 Manchester Road, a traditional end of terrace, 2 storey brick built dwelling. It is separated from the dwelling via a shared alleyway leading

to an access onto Manchester Road (A57), a highly trafficked route into Manchester city centre. Beyond the site, there is a further alleyway and a number of bungalows which front onto Low Wood Road. The area is predominantly residential in character.

6. Distinguished by its open appearance amongst rows of other domestic gardens, the site has a backland position, behind the traditional terraces of this section of Manchester Road. The garden is bounded to most sides by close boarded fencing, some of which is in a dilapidated condition. The plot is substantially wider than neighbouring gardens that exist to the west, also enclosed by timber fencing. Some of these gardens contain outbuildings used in connection with the adjacent dwellings. As a result, they are generally small scale with smaller footprints, low eaves heights and flat or shallow roofs. In contrast, the proposed dwelling would be of a considerably larger scale, occupying a good proportion of the site and being wider, taller and longer than any of the nearby structures. Consequently, the openness of the site would be significantly diminished.
7. In views from Manchester Road, the single storey form and hipped roof of the proposed dwelling would have a somewhat squat appearance in a backland setting. This would diverge substantially from the terraced dwellings which are 2 storeys, have a vertical emphasis, gabled roofs, and a strong building frontage onto the main road. The proposed dwelling would also be viewed against the backdrop of, rather than in connection with, the bungalows on Low Wood Road as they sit behind and face away from the appeal site. These bungalows are semi-detached fronting the road with L-shaped front elevations and hipped roofs to the side. In contrast, the proposed bungalow would be detached, with a front facing hipped roof and frontage onto an alleyway. As the proposed dwelling would not reflect the prevailing form and pattern of development surrounding the site, the character of the area would be neither enhanced nor complemented.
8. I find the proposed dwelling would be harmful to the character and appearance of the area. As such it fails to accord with Policies C1, H9 and H10 of the Tameside Unitary Development Plan Written Statement 2004 (UDP) which amongst other things, seek to ensure new development does not detract from its setting and is high quality, complementing or enhancing the character and appearance of an area. The proposal would also fail to comply with paragraph 134 of the Framework, which requires high-quality design that responds to local character and reflects the identity of the surroundings.

Living conditions

9. The proposed dwelling would be sited behind 559 Manchester Road, albeit slightly offset to the east. The Council have directed me to RD5 of the Tameside Residential Design Supplementary Planning Document 2010 (SPD) which requires a separation distance of 21m between new and existing developments.
10. The proposed front elevation containing a window to a habitable room would be 12m from the rear elevation of No 559, as cited by the Council. Given the discrepancies with the plans identified above, it is not clear where the proposed bedroom window would be. Even taking account of the slightly offset position of the proposed dwelling, the proposed front elevation would be substantially below the SPD guideline. It would have an extremely close relationship with the

rear elevation of No 559, which contains a number of principal windows at ground and first floor level.

11. The narrow configuration and low level of usage of the alleyway between the appeal site and No 559, would do little to mitigate the proximity of the new dwelling. As there would be no change in ground level or substantial means of boundary enclosures between the properties, there would be overlooking of the habitable rooms in the rear elevation and outrigger of No 559. Simultaneously the bedroom window of the proposed dwelling, regardless of its position would be overlooked, resulting in a loss of privacy for the occupants of both properties. The SPD is clear that habitable rooms are living rooms, dining rooms, kitchens and bedrooms and I am satisfied that it is applicable in this instance.
12. 557 Manchester Road would also be impacted by the proposed dwelling but to a slightly lesser degree, given that it is further away to the north-east on the other side of the access, approximately 14m as cited by the Council. There are a number of ground and first floor windows to No 557's rear elevation and side of the outrigger, including some serving habitable rooms. Again, the distance is substantially below the SPD guidance and not mitigated by the presence of the accessway or the slightly offset position, which would result in overlooking between the proposed dwelling and No 557.
13. Whilst the proposal would comply with the minimum size requirement for a 1 bedroomed dwelling set out in the Technical Housing Standards; Nationally Described Space Standards (2015), this would not override the harm to the amenity of the future occupiers of the dwelling, arising from its proximity to existing dwellings.
14. I conclude that the proposed dwelling would have an adverse effect upon the living conditions of the occupiers of 559 and 557 Manchester Road, as well as the future occupiers of the proposed dwelling, with particular regard to privacy. Therefore, the development proposed conflicts with Policies H9 and H10 of the UDP (2004) which in conjunction with the SPD, seek to prevent unacceptable impacts on neighbouring properties through the loss of privacy. It would also conflict with paragraph 130 of the Framework, which requires new development to have a high standard of amenity for existing users.

Highway safety

15. A single car parking space would be provided to the side of the proposed dwelling, accessed via the alleyway serving the rear of the Manchester Road terrace. I saw that the alleyway to the rear of No 559 has a restricted width of 3m, as cited by the Council, and that there are boundary walls and fences on either side. The proposed car parking space would be relatively narrow. Access and egress would be awkward and difficult with vehicles having to make several manoeuvres or, having to reverse in or out of the space and around a corner with restricted visibility. This would cause conflict with other vehicles and pedestrians using the alleyway and access onto Manchester Road.
16. I saw that several of the adjacent gardens have garages sited adjacent to the alleyway. However, their presence does not indicate they are used for the parking of a vehicle as they could be used for domestic storage purposes only. I also saw 2 cars parked to the rear of the terrace, including a Smart car of very limited size and another car which was parked partially side on to the access in a wider area of hardstanding. The alleyway to the rear of the terrace including No 557 is much wider than the alley here. As such, the circumstances

there are not comparable to the proposed development and they do not justify a development that would be harmful to highway safety.

17. I conclude that the proposed dwelling would be harmful to highway safety. As such, the proposal conflicts with Policies H9 and H10 of the UDP (2004) which amongst other things, seek to ensure suitable access and car parking arrangements for new residential development. It would also fail to comply with paragraph 111 of the Framework, which seeks to prevent an unacceptable impact on highway safety.

Planning Balance

18. The Council accepts that at present it is not possible to demonstrate a 5 year housing land supply in accordance with paragraph 74 of the Framework. Uncontested by the appellant, the Council's shortfall in supply amounts to 1.8 years. As such, relevant policies for the supply of housing should not be considered up-to-date and paragraph 11(d) ii of the Framework should therefore be applied.
19. For the reasons given above, the proposed development would fail to respect the character and appearance of the area. In addition, it would have an unacceptable effect upon the living conditions of future occupiers of the proposed dwelling and existing occupiers of 557 and 559 Manchester Road, and upon highway safety. In these respects, the proposal is contrary to the Framework with regard to good design, a high standard of amenity, and safe access. The benefits associated with the appeal scheme would be limited to the provision of one additional unit, which would make little meaningful contribution to housing supply. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The proposal would not therefore represent a sustainable form of development and I am led to a dismissal of the appeal.

Other Matters

20. The appellant has expressed a willingness to accept a condition requiring the submission of a detailed energy strategy to demonstrate how the development will achieve a reduction in carbon dioxide emissions. Although commendable, an energy efficient dwelling would not overcome the harm I have identified above in respect of the main issues, and I give this limited weight.
21. I have had regard to other matters raised by third parties comprising but not limited to, the effect of the proposed development on light, views, disruption from construction, noise and drainage. As I am dismissing the appeal, I have not addressed these matters further.

Conclusion

22. 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.

M Clowes

INSPECTOR