



Appeal Decision

Site visit made on 9 May 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2022

Appeal Ref: APP/C4235/W/21/3288748

120 Edgeley Road, Edgeley, Stockport SK3 0TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr P Duffy, Beluga Projects Ltd, against Stockport Metropolitan Borough Council.
 - The application Ref DC/081795 is dated 25 June 2021.
 - The development proposed is erection of 3 dwellings.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. There is disagreement between the main parties as to whether the planning application was determined by the Council. In any event, whether or not the application was determined does not alter the main issues, or overall outcome, of the appeal and the Council's submission sets out their stance.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether or not it has been demonstrated that the proposal would have an acceptable effect upon highway safety;
 - Whether the proposed development would provide a satisfactory standard of accommodation for its existing and future occupiers, with particular regard to the private amenity space; and
 - Whether the proposal makes adequate provision for recreation and amenity open space.

Reasons

Character and appearance

4. The appeal site comprises a two-storey, semi-detached dwelling and associated garage and garden area. The dwelling is in a state of disrepair and the land is overgrown. The appeal site is situated within a predominantly residential area

which is characterised by primarily two-storey, semi-detached and detached dwellings, fronting the highway, with a uniform appearance.

5. Proposed plots 1 and 2 would be set back significantly from the established building line on Edgeley Road. Furthermore, plot 3 would be set forward of the building line and would also be noticeably narrower than nearby dwellings. In addition, the design of the proposed dwellings, including the dormer windows, would be out of keeping with the two-storey dwellings within the surrounding area which do not feature dormer windows. The proposed development would therefore constitute an incongruous addition to the street scene which would fail to respond to the character of the local area. This is because of the proposed dwellings siting, design, proportions, fenestration, roof form and height.
6. For these reasons, the proposed development would be visually harmful to the character and appearance of the surrounding area. Accordingly, it would conflict with Policies H-1 and SIE-1 of the Council's Core Strategy DPD (2011) (DPD). These seek, amongst other matters, to ensure that the design of new residential development is of high quality which respond to the character of the local area.
7. It would also conflict with the Design of Residential Development SPD (2007) (SPD) which seeks to achieve high quality design in residential development and development that respects local character. In addition, it would conflict with the National Planning Policy Framework (the Framework) which promotes good design and states that developments should be sympathetic to local character.

Highway safety

8. A private driveway accessed from Edgeley Road is proposed. I understand that Edgeley Road is a major route with significant volumes of vehicles using the road and the footways are well used due to the nearby Stockport Academy. Highways have highlighted that there needs to be adequate standing and manoeuvring space for a 7.5m home delivery type vehicle within the site. The appellant has not clearly addressed this matter and has not provided evidence to demonstrate that there would be adequate standing and manoeuvring space for a home delivery type vehicle within the site.
9. For these reasons, the appellant has failed to demonstrate that the proposed development would not have an unacceptable impact upon highway safety. Accordingly, it would conflict with Policy T-3 of the DPD which states that developments shall be of a safe and practical design, with safe and well designed access arrangements, internal layouts, parking and servicing facilities. It would also conflict with the Framework which states that it should be ensured that safe and suitable access to the site can be achieved for all users and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Living conditions

10. The proposed development would significantly reduce the size of the existing dwelling's garden. Gardens are proposed for all the dwellings. In addition, plots 1 and 2 would have a roof terrace.

11. The SPD sets out that for small family housing (2/3 bedrooms) 75sqm of private amenity space should be provided. The proposed private amenity space for plots 2, 3 and 4 would be below these standards. Furthermore, the proposed private amenity space for plot 2 is an awkward shape which would result in the amount of usable space being restricted. The proposed private amenity space for plots 2, 3 and 4 would not be of an appropriate size for the proposed dwellings. These spaces would not provide an adequate outdoor area for existing and future occupiers, including sufficient space for relaxation, leisure and clothes drying.
12. For these reasons, the proposed development would not provide a satisfactory standard of accommodation for its existing and future occupiers, with particular regard to the private amenity space. Accordingly, it would conflict with Policies H-1 and SIE-1 of the DPD which seek, amongst other matters, to ensure satisfactory levels of amenity for existing and future residents.
13. It would also conflict with the SPD which sets out minimum private amenity space standards and states that private amenity space should be usable and have regard to the site of the dwelling and character of the area. In addition, it would conflict with the Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Open space provision

14. Saved Policy L1.2 of the Stockport Unitary Development Plan Review (2006) (UDP) states that in considering development proposals the Council will take account of children's play needs and will require, where appropriate, the provision of suitable and accessible space and facilities to meet these needs. Furthermore, Policy SIE-2 of the DPD outlines that development will be expected to take a positive role in providing recreation and amenity open space to meet the needs of its users/occupants. The Open Space Provision and Commuted Payments Supplementary Planning Document (2019) (OSPCP SPD) provides advice on the implementation of these policies. It includes detailed information such as the commuted sum cost in respect of provision and the maintenance cost. The SPD seeks contributions from new residential development related to the population capacity of that development.
15. The Council has provided evidence to demonstrate that there are deficiencies relating to children's play and formal recreation provision within the local area. A Section 106 legal agreement would be required to comply with the local planning policies and the OSPCP SPD. No s106 agreement has been submitted.
16. 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 DPD and OSPCP SPD. These collectively seek, amongst other matters, to ensure small new developments contribute towards the provision of open space.

Other matters

17. I acknowledge the other matters raised by the appellant. These include that the site represents previously developed land which is situated within a highly accessible location with a frequent bus service. In addition, the appellant has

drawn my attention to the presumption in favour of sustainable development, the need to support the Government's objective of boosting the supply of homes as well as the submitted statements, noise assessment and landscaping proposals.

18. The Council acknowledges that there is presently less than a 5 year housing supply in the Borough. I acknowledge the benefits of the proposal, including housing supply and economic benefits. Nonetheless, given the scale of the development, the benefits associated with the appeal scheme carry modest weight. In relation to the other matters raised by the appellant, the absence of harm and compliance with local and national planning policies do not amount to a positive factor in favour of the scheme.
19. Within the officer's report the Council has also raised other concerns which are not included within the reasons for refusal. For example, that the proposed development would have an unacceptable impact on the neighbour amenity of Nos 116 and 122 Edgeley Road as well as undue level of overlooking and would fall short of the national space standards. As I am dismissing the appeal for other reasons, it is not necessary for me to consider these matters, as any findings in this respect would not change the appeal outcome.

Planning Balance and Conclusion

20. Having regard to the conflicts identified above, I conclude that the proposal is contrary to the DPD 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, on the basis of the evidence before me, paragraph 11(d)(ii) is engaged.
21. 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 regarding the need to achieve well-designed places, highway safety, creating places with a high standard of amenity 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.
22. 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.
23. For the reasons given above, the proposed development would be visually harmful to the character and appearance of the surrounding area and the appellant has not demonstrated that the proposed development would not have an unacceptable impact upon highway safety. In addition, the proposed development would not provide a satisfactory standard of accommodation for its existing and future occupiers and the proposal would fail to make provision for recreation and amenity open space. The benefits associated with the appeal scheme carry modest weight. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

24. The proposal would be contrary to Policies H-1, SIE-1, SIE-2 and T-3 of the DPD as well as saved Policy L1.2 of the UDP, and I afford this conflict with the relevant policies of the development plan significant weight.
25. 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 does not succeed.

L M Wilson

INSPECTOR