

Appeal Decision

Site visit made on 9 August 2022

by Ann Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2022

Appeal Ref: APP/C4235/W/22/3296447

90 Ellwood Road, Offerton, Stockport SK1 4BE

- 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 Leonard Pettifer against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/080074, dated 5 March 2021, was refused by notice dated 18 November 2021.
 - The development proposed is two proposed dwellings on garden to the side of existing property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this more accurately describes the development and I note the appellant has no objection to this change.
3. Additional plans have been provided by the appellant at the appeal stage. The plans provide measurements and clarify the differences between the appeal proposal and the scheme previously approved by the Council. The plans do not alter the proposal and the Council and third parties have had the opportunity to comment upon them. I am satisfied that no prejudice would occur to any party as a result of my consideration of their content and have determined the appeal on that basis.

Main Issues

4. The main issues are:
 - The effect of the proposal on the living conditions for the occupants of 90 Ellwood Road (No.90), with particular regard to outlook, daylight, sunlight and private amenity space;
 - Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to private amenity space;
 - The effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions for occupiers of No.90

5. The front elevation of the proposed dwellings would align with the main two-storey rear elevation of 90 Ellwood Road (No.90). Although there would be a drive-width gap in between, due to its height and considerable set-back, the proposed dwelling adjacent to No.90 would create a dominant feature in close proximity to No.90. This would result in an imposing and uninviting outlook from the garden and rear rooms which would be exacerbated by the significantly reduced garden area, adding to the sense of enclosure.
6. While not mentioned in the SPD¹, the proposal would interfere with the 45 degree rule set out in the BRE² standards. Due to the orientation of the sun, the height and depth of the proposed dwellings would lead to significant overshadowing of the first floor rear window and the patio area of No.90 for a large part of the day and year. This would result in a gloomy room for occupants until late in the day.
7. Paragraph 125 of the Framework advises a 'flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'. However, no assessment has been provided to lead me to a different view to that set out above. Accordingly, I find the proposal does not provide acceptable living standards for occupants of No.90 with regard to outlook, daylight and sunlight.
8. The SPD advocates that 75sqm of usable, private amenity space should be provided for small family housing as a minimum, preferably to the rear. In the case of terraced dwellings, a minimum of 50sqm is considered acceptable. Being an end of terrace property, the external amenity space to the rear of No. 90 would exceed that required by the SPD. No other standards have been put to me and the garden space would also be arranged in a single rectangular area, making it easily useable for typical domestic purposes.
9. Notwithstanding this, the proposed development would provide unacceptable living conditions for the occupants of No. 90, with particular regard to outlook, daylight and sunlight. This would be contrary to Policies H-1 and SIE-1 of the Stockport Core Strategy 2011 DPD (DPD), the SPD and the Framework, which all seek, amongst other matters, good standards of living conditions for existing and future occupants.

Living conditions for occupiers of proposed dwellings

10. Neither of the proposed semi-detached dwellings meet the private amenity sizes set out in the SPD. However, the proposed dwelling closest to No.90 includes a rear garden area only slightly less than the recommended standard, is largely in one block to the rear, free from shading and of a usable shape. I therefore find the private amenity space for this dwelling to be acceptable.
11. The proposed dwelling furthest from No.90 includes a private rear garden area significantly below the SPD guideline. Whilst space to the front of the site could be used for storage purposes, in terms of usable amenity space, this area would lack privacy. The plot also incorporates a narrow strip of side garden and an extremely short rear garden. The awkward shape, depth and proximity to

¹ Design of Residential Development SPD 2007

² Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE209 2022)

adjacent vegetation of this area would not provide sufficient usable garden area for a dwelling of this size. As such, the proposal would not provide acceptable living conditions for future occupiers of this dwelling.

12. I have been made aware of other properties and recent developments in the area with small gardens. However, I have not been provided with the specific circumstances of these cases, some of which appear to be different forms of development. Indeed, the circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
13. Taking the above matters into account, the proposed development would fail to provide acceptable living conditions for future occupiers with regard to private amenity space. This would be contrary to Policies H-1 and SIE-1 of the Stockport Core Strategy 2011 DPD (DPD), the SPD and the Framework, which all seek, amongst other matters, good standards of living conditions for existing and future occupants.

Character and Appearance

14. The site sits within a residential area that is characterised by a layout with a regularity of dwelling-types and building lines. No.90, like other corner plots, has a significantly larger garden than other dwellings in the surrounding area. This gives a spaciousness to this corner location and contributes positively to the area, giving a pleasing consistency to the streetscene from the front. The rear streetscene is more varied with differing types of development and buildings.
15. Due to the significant set back of the proposed dwellings into the site from Ellwood Road and the narrow frontage gap between No. 90 and No.2, the proposed development would not be overly visible from Ellwood Road. Although the dwellings would not replicate the rear building line along Ellwood Road, the setting at the rear, when viewed from Turncroft Lane, is very different to that at the front of the site. The proposed dwellings would be separated from Turncroft Lane by an area of open space containing numerous trees, community buildings, car park and substation. In this context, due to the proposals similar design and materials as nearby dwellings, it would not appear unduly prominent or conspicuous and would not harm the character or appearance of the area.
16. The proposal would therefore comply with Policy H-1 and SIE-1 of the DPD, the SPD and the Framework, which together, seek to ensure development responds to the townscape and landscape character of the local area.

Other Matters

17. I have had regard to matters raised by a neighbouring resident, including in regard to parking and rights of way. However, given my conclusions on the first main issue and that the appeal is dismissed, there is no need for me to address these in further detail.

Planning Balance and Conclusion

18. The most relevant policies are wholly consistent with the aims of the Framework regarding the need to achieve well designed places with a high standard of amenity for existing and future users. I attach significant weight to the conflict with the development plan.
19. The site lies within an accessible urban location; however, for the reasons set out above, whilst I find no harm to the character or appearance of the area, I find unacceptable harm to the living conditions of the occupiers of No.90, with regard to outlook and light. In addition, the proposed development would not provide a satisfactory standard of private amenity space for future occupiers of one of the dwellings. The proposed development would be contrary to Policies H-1 and SIE-1 of the DPD and the development plan as a whole. I afford this conflict with the relevant policies of the development plan significant weight.
20. The Council does not dispute that it is unable to demonstrate a 5 year supply of deliverable housing sites in the Borough and paragraph 11(d)(ii) is engaged. The site represents previously developed land in an accessible location. I recognise 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.
21. I also acknowledge that planning permission for one dwelling on the site was granted by the Council in 2019. However, the proposed dwellings project further into the garden area of No.90. Although the proposed dwellings are sited further away from No.90, this additional rear projection results in unacceptable living conditions for existing occupants of No.90 and proposed occupants for the reasons set out above. That scheme is therefore materially different to, and would not result in the same harm, as the appeal proposal.
22. The benefits of the scheme carry modest weight given the scale of the scheme. Even with the significant extent of shortfall to meet the Housing Delivery Test, I find the adverse effects of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
23. 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.

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INSPECTOR