



Appeal Decision

Site visit made on 22 March 2023

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/C4235/W/22/3298749

13 Regent Close, Bramhall, Stockport, SK7 1JA

- 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 Saleem against the decision of Stockport Metropolitan Borough Council.
- The application Ref DC/082350, dated 20 August 2021, was refused by notice dated 8 February 2022.
- The development proposed is described as: 'demolition of existing bungalow and construction of four detached dwellings with alterations to access'.

Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing bungalow and construction of four detached dwellings with alterations to access at 13 Regent Close, Bramhall, Stockport, SK7 1JA in accordance with the terms of the application, Ref DC/082350, dated 20 August 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues of this appeal are the effect of the proposed development on:
 - the character and appearance of the appeal site and surrounding area, including the setting of the Syddal Park Conservation Area (SPCA); and,
 - the provision for recreation and amenity open space.

Reasons

Character and appearance

3. Majority of the appeal site is located behind no's 11 and 15 Regent Close, where access would be between these properties, similar to the existing situation. Currently, a modest detached bungalow occupies the site, accompanied by a very generous rear garden. The area surrounding the site is residential in character, and comprises mainly detached houses, although other dwelling types are present.
4. The scheme proposes to erect 4no. dwellings in the form of detached houses, following the demolition of the existing bungalow. The scheme would consist of 2no. storey houses, all with hipped roofs. The external materials would comprise of brick walls with window headers/cills and tiled roofs. There would be 3no. house types (1, 2 and 3), as House Type 2 would be located on plots 2 and 3. Plots 1 and 2 would face in a westerly direction towards Fieldside Close and Plots 3 and 4 would face in a southerly direction towards the site access

- and Regent Close beyond. The existing access to No 13 would be utilised as a shared access for the development, with some alterations included.
5. Adjacent to the eastern boundary of the site is the SPCA, with the rear gardens of properties on Patch Lane and Woodford Road located beyond. This would result in the proposed development being in proximity of the SPCA. The Council has produced a Conservation Area Character Appraisal (CACA) for Syddal Park, which was originally adopted in 2006 and then updated in 2011. Also located within the CACA is the SPCA Management Plan dated 2012. As this document has undergone a period of public consultation, I consider it to be a material consideration, which attracts full weight in the determination of this appeal.
 6. The significance of the SPCA derives from the low-density development characterised by late 19th/early 20th century detached/semi-detached villas in formal gridiron layouts with wide streets and mature landscaping, and a quiet residential character. Currently, the site comprises a single residential unit with a very generous rear garden. Given its proximity to the SPCA, the site forms part of the setting to the SPCA. Both parties have provided very detailed submissions with regards to heritage, and the appellant has referenced various judgments in support of his case, which are material considerations in the determination of this appeal.
 7. I accept the proposed development would result in a visual change through the introduction of built development, but there is a lack of any contribution to the heritage significance or character and appearance of the SPCA through any historic function. There is also a limited ability to view the site from any meaningful vantage points in the public realm. Although, I accept that the site can be viewed from the rear gardens of properties within the SPCA. Whilst matters, such as the principle of development, architectural approach and boundary treatments are not disputed by the Council, its concerns relate to the layout, scale and massing of the proposed development, in particular the quantum of development/number of dwellings and loss of spaciousness, including separation between buildings.
 8. The size of the site as a single plot is not commonplace in the surrounding area. Plot no's 1 and 2 are smaller than plot no's 3 and 4 of the proposed development, primarily due to the length of the respective rear gardens. However, similar sized plots/dwellings to the appeal scheme are evident both inside and outside of the SPCA. Whilst the introduction of built form through the proposed development would bring a visual change to the site, I do not find the amount of development proposed would be harmful to the spacious character of the SPCA. The setting of the SPCA should be taken as a whole, not in isolation, and by this measure it would be preserved. Accordingly, I have not found that there would be less than substantial harm and consequently a finding on overriding public benefits is not required in this instance.
 9. For the reasons given above, the proposed development would not harm the character and appearance of the appeal site, surrounding area or the setting/significance of the SPCA. The scheme therefore complies with the design, heritage, character and appearance aims of 'saved' Policy HC1.3 of the Stockport UDP Review 2006 (UDP), Policies CS4, H1, CS8, SIE1, SIE3 of the Stockport Core Strategy Development Plan Document 2011 (CS) and the Design of Residential Development Supplementary Planning Document 2007 (SPD).

10. These policies and SPD collectively seek to preserve the setting or views into, or out of the conservation area, making effective use of land within accessible urban areas, high quality residential development that responds to townscape and landscape character of the area, conserving and managing heritage conservation, creating high quality inclusive places and to preserve or enhance the special architectural, artistic, historic or archaeological significance of heritage assets, amongst other things. The proposed development would also comply with the requirements of the National Planning Policy Framework, particularly chapter no's 12 and 16.

Recreation and amenity open space

11. The Council confirms in its statement that a payment of £23,936.00 is required to overcome the second reason for refusal, in accordance with the Council's Supplementary Planning Guidance "Recreational Open Space Provision and Commuted Sum Payments" (SPG). A section 106 Agreement (the s.106) signed by both parties and dated 1 December 2022 has been provided. This includes all of the planning obligations sought by the Council, namely the Open Space Commuted Sum of £23,996.00 and a monitoring fee of £1000.00, both of which are index linked.
12. In view of the above, I consider the obligations set out in the s.106 are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. Therefore, they meet the tests within CIL Regulation 122 and those set out in paragraph 57 of the National Planning Policy Framework (the Framework). As such, I have taken them into account in reaching my decision.
13. For the reasons given above, the proposed development makes the necessary provision for recreation and amenity open space in accordance with 'saved' UDP Policy L1.2, CS Policy SIE-2 and the SPG.

Other Matters

14. Whilst noting some support for the scheme, a number of local residents have expressed a wide range of concerns including, but not limited to the following: affordability; design; residential amenity; highway safety; ecology; lack of local infrastructure, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of local residents, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conditions

15. The Council has suggested conditions which it considers would be appropriate in its submission. I have reviewed these in accordance with the tests set out in the Planning Practice Guidance and have amended the wording where necessary in the interests of clarity and simplicity.
16. A condition relating to the time limit for implementation is required. A condition surrounding the approved plans is required for certainty.
17. Pre-commencement conditions are required for external materials, bat survey, energy statement, drainage and construction method statement are all

reasonable and necessary in respect of character and appearance, ecology and protected species, sustainability and energy efficiency, the environment and amenity.

18. Pre-occupation conditions are required for landscaping, boundary treatments/enclosures, the shared access, electric charging points, cycle storage and obscure glazing are all reasonable and necessary in respect of character and appearance, highway safety and alternative methods of transport.
19. Other conditions are necessary for trees, foul and surface water, removal of permitted development rights for gates on vehicular accesses and the provision of driveways are all reasonable and necessary in respect of ecology/visual amenity, the environment and highway safety. Conditions have been suggested by the Council in respect of the bird nesting season and the removal of permitted development rights A, B and E of Schedule 2 of the General Permitted Development Order.
20. I have not included a condition relating to the bird nesting season as this is covered by other legislation, in the form of the Wildlife and Countryside Act 1981. Additionally, I have not removed permitted development rights from the proposed development as the PPG advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. A blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness, even with the site being located adjacent to the SPCA.

Conclusion

21. I acknowledge the agreement between the parties that the Council is not able to demonstrate it has a 5-year housing land supply. However, in this instance I have found that the proposed development accords with the development plan when taken as a whole. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
22. For the reasons set out above, I conclude that the appeal should be allowed.

W Johnson

INSPECTOR

Schedule of Conditions

Time limit

- 1) The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Approved drawings

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL098 Rev A; PL099. PL100 Rev A; PL101 Rev H; PL102 Rev F; PL103 Rev F; PL104 Rev G; PL105 Rev E and PL106 Rev B.

Pre-Commencement

- 3) Prior to the commencement of development (excluding demolition) a schedule of all the external materials to be used in construction shall first be submitted to and approved in writing by the local planning authority, with samples made available for inspection on site. The development shall then be implemented in accordance with the approved schedule/materials.
- 4) Prior to the commencement of development and demolition of the existing dwelling, a repeat bat presence/absence survey of the dwelling shall be undertaken, with the findings submitted to and approved in writing by the local planning authority. Demolition shall then be implemented in accordance with the recommendations set out in the repeat survey.
- 5) The development shall not be carried out other than in accordance with an Energy Statement which has first been submitted to and approved in writing by the Local Planning Authority.
- 6) Prior to the commencement of development (excluding demolition) and notwithstanding the approved drawings, a detailed surface water drainage scheme shall be submitted to and approved by the local planning authority. The scheme shall:
 - (i) incorporate SuDS and be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions;
 - (ii) include an assessment and calculation for 1in 1yr, 30yr and 100yr + 40% climate change figure critical storm events showing flood exceedance routes.
 - (iii) be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards; and
 - (iv) shall include details of ongoing maintenance and management. The development shall be completed and maintained in full accordance with the approved details.
- 7) Prior to the commencement of development and demolition of the existing dwelling, a method statement detailing how the development will be constructed (including any demolition and site clearance) shall be submitted to and approved in writing by the local planning authority. The method statement shall include details on phasing, access arrangements, turning / manoeuvring facilities, deliveries, vehicle routing, traffic management, signage, hoardings, scaffolding, where materials will be loaded, unloaded and stored, parking arrangements and mud

prevention measures. Development of the site shall be implemented in accordance with the approved details.

Pre-occupation

- 8) Prior to first use and occupation of the development, a scheme of soft landscaping which shall include locally native planting and tree planting has been submitted to and approved in writing by the local planning authority. The scheme shall confirm the trees to be retained together with the size, species and spacing of proposed planting and the areas to be grassed. The approved landscaping scheme shall be carried out within 6 months of the date of first occupation or substantial completion of the development whichever is the sooner. Any trees, plants or grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size, species and quality.
- 9) Prior to first use and occupation of the development, details of all boundary walls, fences, hedges and other means of enclosure shall be submitted to and approved in writing by the local planning authority. Where the use of close-board fencing is unavoidable, gaps (130mm x 130mm) should be provided (minimum one per elevation) at the base of the fencing to allow species such as hedgehog to pass through. The approved details shall then be fully implemented, prior to occupation.
- 10) Prior to first use and occupation of the development (excluding demolition) detailed drawings of the shared access road shall first be submitted to and approved in writing by the local planning authority, which shall include the following details:
- (i) A general arrangement / layout, based on a topographical survey and to a scale not less than 1:500, showing carriageway and visibility splays;
 - (ii) A general site layout, showing the proposed buildings and boundaries, together with existing and proposed levels;
 - (iii) Longitudinal sections along the centre line and channel lines of the proposed road, showing the existing ground level and proposed road / path level;
 - (iv) Typical cross-sections, showing a specification for the carriageway;
 - (v) Full details of the surface water drainage proposals (including details of the main drainage system and any sustainable urban drainage or attenuation systems).
- 11) Prior to first use and occupation of the development, the access shall be fully constructed in accordance with the approved drawings and available for use. Any visibility splays formed shall thereafter be kept clear of any structure, object, plant or tree exceeding the height specified on the approved drawings.
- 12) Prior to first use and occupation of the development, charging points for the charging of electric vehicles shall be provided for each of the approved dwellings, details of which shall first be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details. The charging points shall thereafter be retained (unless they are replaced with an upgraded charging point in which case that should be retained).
- 13) Prior to first use and occupation of the development, a long-stay cycle parking facility (which shall be in the form of a covered and secure cycle store that will

accommodate a minimum of one cycle for each dwelling) shall be first submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details and shall then be retained and maintained for the life of the development.

14) Prior to first use and occupation of the development, the proposed first floor bathroom and ensuite windows shall be fitted with obscure glass of or equivalent to Pilkington Level 4 or 5. The obscure glazing shall subsequently be retained and maintained for the life of the development.

Other

15) No development including demolition shall take place until all existing trees on the site except those shown to be removed in the Mulberry Arboricultural Impact Assessment dated 26 July 2021 Ref: TRE/RC/Rev A, have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction - Recommendations". The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

16) No existing tree within the site shall be cut down, topped, lopped, uprooted, willfully damaged or willfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise in the Mulberry Arboricultural Impact Assessment dated 26 July 2021 Ref: TRE/RC/Rev A. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.

17) Foul and surface water shall not be drained other than on separate systems.

18) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gate or other means of obstruction shall be erected across the vehicular access/s that will serve the approved development at any time.

19) No work shall take place in respect to the construction of the approved private driveways until a detailed drawing of the driveways has been submitted to and approved in writing by the local planning authority. Details shall include how the driveways will be surfaced (which shall be tarmac, block paving or other non-loose material) and drained (which must be to a soakaway / SuDS system). No dwelling shall be occupied until the driveway serving that dwelling has been provided in accordance with the approved drawing and is available for use. The driveway shall thereafter be kept clear and remain available for parking of vehicles for that dwelling.

****End of Schedule****