



Appeal Decision

Site visit made on 16 May 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/C4235/W/23/3314023

Woodstock, 83 Stockport Road, Marple, Stockport SK6 6AA

- 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 R Wallis (Woodstock Pizza) against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/082529, dated 1 September 2021, was refused by notice dated 21 October 2022.
 - The development proposed is described as 'retrospective application to retain platform (Loggia) and wooden building to house pizza oven'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The platform and wooden building that are the subject of this appeal are already constructed, as indicated by inclusion of 'retrospective application' in the description of development above which is taken from the application form. I have dealt with the appeal on that basis.
3. The Council has treated the application as including the change of use of the premises despite there being no reference to this within the description of development. However, the Council have not raised any objections to the use, considering it appropriate in a town centre location. I have no reason to reach a different conclusion in this regard, based on the evidence before me and my observations on site.

Main Issues

4. The main issues are:
 - Whether it has been demonstrated that the development would not unacceptably harm the living conditions of the occupants of neighbouring residential properties; and
 - The effect of the development on the character and appearance of the appeal property and the street scene.

Reasons

Living Conditions

5. The appeal site lies within the retail centre of Marple and is currently in use as a restaurant, bar and takeaway on the ground floor. It is one of a row of two

storey terraced properties which are in various commercial uses with some residential accommodation at first floor, including the appeal site.

6. During my site visit I noted the presence of a large flue extending horizontally along part of the roof of the rear wooden building before it projects vertically on a rear external wall next to the window of the first-floor dwelling. The appellant advises that the fuel burnt in the woodfired pizza oven is responsibly sourced and DEFRA approved. Nonetheless, given the proximity of the flue to the flat window and the lack of compelling evidence to the contrary I cannot be certain that odours arising from the use of the wood-fired pizza oven would be neutralised and thereby not give rise to unacceptable living conditions of the occupiers of the dwelling at first floor. Furthermore, there is nothing before me that demonstrates that noise and disturbance is either absent or suitably mitigated.
7. The appellant sought advice on the flue during the appeal process, which resulted in concern being expressed about the amount and length of the flue pipe, especially the horizontal section where hot ashes will gather and block the flue. In addition, the advice received suggests that the termination point of the flue is too close to the building. Therefore, whilst it does not appear the advisor considered odour, noise and disturbance it is likely that the flue that has been installed will require modification/alteration.
8. The appellant indicates that works to rectify the identified issues with the flue are due to take place in early June 2023. However, the details of such works are not before me, and the uncertainty remains as to whether the identified works would avoid a detrimental impact on the living conditions of nearby residents.
9. Accordingly, as it stands given that I have not been provided with any substantive evidence to conclude otherwise, odour, noise and disturbance from the pizza oven could adversely affect the living conditions of neighbouring occupiers.
10. In conclusion, it has not been demonstrated that the development would not unacceptably harm the living conditions of the occupants of neighbouring residential properties, with particular regard to odour, noise and disturbance. As such, it fails to comply with Policies CS5, SIE-1 and SIE-3 of the Stockport Metropolitan Borough Council Core Strategy Development Plan Document (2011) (CS) which, amongst other things, seek to protect the amenity of existing residents and control pollution. It is also contrary to the guidance set out in paragraph 174 of the National Planning Policy Framework (the Framework).

Character and Appearance

11. The shops and commercial premises along Stockport Road vary in appearance with many, including the appeal property, retaining traditional shop fronts. The appeal property and others within the row are set back from the highway with spacious frontages provided by a forecourt and footway. This creates a sense of openness which, together with the varied shop fronts, contributes positively to the character and appearance of the area.
12. It is common for the forecourts to contain external seating, some enclosed by low boundary features such as planters, fences and walls. Nevertheless,

building frontages along the appeal site side of the road remain largely open and unobscured even where external seating is provided. In contrast the raised platform of the appeal development together with the associated canopy and partially enclosed sides, stretches across the entire ground floor frontage and up to the underside of the fascia sign. Consequently, unlike the other external seating areas along Stockport Road, it largely obscures and dominates the front of the building, appearing disproportionately large. Furthermore, due to its size and siting forward of the building line, the structure obscures views along Stockport Road, including views of the adjoining properties, as well as compromising the degree of spaciousness.

13. Overall, the development is dominant and visually intrusive to the detriment of the character and appearance of the appeal property and to this part of Stockport Road.
14. A photograph provided by the appellant shows an external structure at the front of 48 Stockport Road when it was in use as a Tapas restaurant. I note that the canopy as shown on the photograph, due to the frontage of No 48 being enclosed by a hedge and wall, is not visually prominent. Unlike the appeal development, it does not result in a loss of openness and spaciousness. Moreover, it has been removed and no longer forms part of the street scene and therefore does not reduce the visual impact of the appeal development.
15. I therefore conclude that the development is harmful to the character and appearance of the appeal property and the street scene, contrary to CS Policy SIE-1 which, amongst other things, seek to ensure development has regard to the built environment and does not adversely affect character. In addition, it is contrary to Section 12 of the Framework, relating to achieving well-designed places.

Other Matters

16. In reaching my conclusions, I appreciate that there is considerable support for the business, however, such public support does not justify the harm identified.

Conclusion

17. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
18. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR