



Appeal Decision

Site visit made on 5 December 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/G4240/W/23/3325673

154 St Marys Road, Hyde, Tameside SK14 4HF

- 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 Michael Troy against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 23/00103/FUL, dated 4 February 2023, was refused by notice dated 22 March 2023.
 - The development proposed is new 3-bedroom semi-detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised plans with their appeal. These include providing a set back to the front elevation of the proposal, amended floor plans and altering the parking arrangements.
3. I have considered the revised plans. Applying the principles established by 'Holborn'¹, I consider that they are a fundamental change to the proposal. It is important that the appeal is determined on the basis of the plans as originally submitted and upon which the Council based its decision. To do otherwise would prejudice the interests of third parties and consultees, who have not been consulted on the revised scheme. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.
4. The garage shown on the existing plans had been removed by the time of my site visit.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposed development would provide acceptable living conditions for future occupants with regard to the provision of internal living space; and
 - The effect of the proposed access points on the safety of pedestrians, cyclists and drivers using St Mary's Road and Holland Road.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin).

Reasons

Character and appearance

6. The appeal site is a triangular area of land forming a corner plot between St Mary's Road and Holland Road. No 154 is a semi-detached, two storey house which is built at an angle to the adjoining two roads. The house is within a residential area of short terraces and groups of semi-detached traditional housing, with low wooden fencing or hedges forming the front boundaries.
7. The proposal seeks to build a dwelling attached to the side elevation of No 154, with a hipped roof. Whilst it would be constructed of similar materials to the existing house and the roof would mirror the roof of No 156 St Mary's Road, which adjoins No 154, it would create a row of three houses on this corner plot. This would appear at odds with the prevailing character of the area which is for pairs of semi-detached houses to be located adjacent to a junction between two roads. This is found at Nos 150 and 152 St Mary's Road, opposite the site, as well as in other locations in this area of the estate.
8. Whilst there are rows of 3 or 4 houses in the vicinity of the site, as shown in the examples provided by the appellant, these rows are located parallel to the adjoining road. Therefore, the density and pattern of development is different to that found on corner plots like the appeal site.
9. Although the mass and scale of the proposal would not differ from the host property and other similar houses, it would infill most of the side garden. This would result in the rear and side elevations being closer to Holland Road and Ivy Close, impacting on the spacious layout and pattern of housing that currently exists on this prominent corner plot. This would be intrusive and dominant, in a location which allows more expansive views of the site and its surroundings. Furthermore, I could see that it would create a very open frontage to the appeal site which would not reflect the general character and layout of this residential area with its fencing and hedges.
10. The proposal would therefore harm the character and appearance of the area. It would not accord with Policy RD2 of the Tameside Residential Design Supplementary Planning Document (SPD), 2010, which provides guidance on assessing character. It would also not accord with Policies C1, H9(d) and H10(a) of the Tameside Unitary Development Plan, Adopted Plan (UDP), 2004, whose policies collectively require high quality design that does not harm the character and appearance of an area.

Living conditions

11. The Council acknowledge that the proposed house would largely replicate the layout and size of rooms within the host dwelling. Policy H10 (a) of the UDP requires, however, that new housing should meet the needs of potential occupiers. The 1st floor has three bedrooms but none of these, based on the nationally agreed space standard² has a floor area which could be classified as a double or twin bedroom. Furthermore, the floor area of one of the single bedrooms is too small to be classified as such. Whilst it may be possible to achieve the necessary floor space by reconfiguring the layout, I am not

² Technical housing standards – nationally described space standard, Department for Communities and Local Government, 2015.

satisfied, based on the information before me, that this can be achieved without other amendments to the scheme.

12. The proposal would therefore harm the living conditions for future occupants with regard to the provision of internal space. It would not accord with Policy H10 (a) and 1.5 of the UDP which seek to achieve quality of life which meets the needs of potential occupiers.

Highway matters

13. The appeal site currently has a narrow driveway suitable for the use of one vehicle. Adjacent to this is a dropped kerb on the corner of St Mary's Road with Holland Road. The Council's Highway Officer has stated that this dropped kerb was not designed for accessing the driveway of No 154, but is a pedestrian crossing point, including for the use of people with mobility issues. Whilst I have no substantive evidence to confirm this point, the dropped kerb is located in front of the existing driveway of No 154.
14. The appellant contends that the parking of vehicles within the site, rather than on the highway would be safer. To this end, parking would be created for a further two vehicles, in front of No 154 and the proposed dwelling. Whilst the proposed site plan shows disabled parking for the new house, no details have been provided as to how this would differ to the parking proposed in front of the host dwelling. The parking area would, however, result in vehicles having to enter and reverse out of the site onto a road junction where two roads intersect. This would mean that cars would be reversing into the path of other users of both St Mary's Road and Holland Road, and those using Ivy Close to the rear of the site, including pedestrians. This would be unsafe.
15. The position of two driveways adjacent to each other, and on the corner of two roads would have a detrimental impact on highway safety. Paragraph 111 of the National Planning Policy Framework (the Framework) states that development should be refused if there is such an impact. The proposal would, therefore, not accord with Policy H10 (b) of the UDP, which amongst other things requires suitable arrangements for parking and access to the highway. It would also not accord with the Framework.

Planning Balance

16. The appellants contend that the proposal would improve the use of the land, and it would provide an affordable home where there is a shortage of housing.
17. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites and so paragraph 11d of the Framework is engaged. The proposal would not harm areas or assets of particular importance which would provide a clear reason for refusing the development as set out in paragraph 11d) i of the Framework. Therefore, paragraph 11d) ii of the Framework is relevant in that consideration must be given as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
18. The adverse impacts on the character and appearance of the area, the living conditions of future occupiers and the safety of users of the highway at the junction of the proposal have been set out above. Against this is the benefit of providing one new dwelling. This would, however, only make a small

contribution towards the areas housing supply and so carries only limited weight.

19. The Framework advises that development should be sympathetic to local character and provide a high standard of amenity for future users, as well as not having an unacceptable impact on highway safety. Notwithstanding the Government's objective set out in the Framework to significantly boost the supply of housing, and taking account of the Council's housing land supply, the proposal would cause harm. Therefore, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
21. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR