



Appeal Decision

Site visit made on 23 April 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/C4235/W/23/3333434

141 Gatley Road, Gatley, Cheadle, Stockport SK8 4PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Jones, Avro Homes against the decision of Stockport Metropolitan Borough Council.
 - The application Ref is DC/085606.
 - The development proposed is demolition of existing property and replacement with 9 apartments and associated landscape and access works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally for 14 apartments but was amended during the planning application process to 9 apartments. The banner heading therefore reflects this change.
3. The appellant has submitted a signed unilateral undertaking (the UU) pursuant to section 106 of the Town and Country Planning Act. This relates to planning obligations relating to financial contributions towards enhancing existing open space facilities and funding the provision and maintenance of children's play and formal recreation areas. The Council had the opportunity to comment on the UU and I have taken it into account.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the surrounding area;
 - highway safety, with regard to the adequacy of parking provision;
 - the living conditions of neighbouring occupiers with regard to privacy in relation to the roof gardens; and
 - whether the development would provide adequate living conditions for future occupiers with regard to recreation and amenity open space provision.

Reasons

Character and appearance

5. The appeal site comprises a two-storey detached property with a detached outbuilding, located in a prominent position at the junction of Gatley Road and Delamere Road. Whilst there are a number of apartments and other buildings such as a residential home in proximity, the surrounding area is largely characterised by detached two-storey dwellings. In general, the character of the area surrounding the site is one of mature residential development which has a spacious and verdant aspect. Despite the busy road, hedges and trees provide a sense of greenery.
6. Elements of the proposed building would be comparable in height to the ridge height of the hipped roof of the neighbouring dwellings on Gatley Road and Delamere Road. However, the proposal would have a flat roof and a top floor height of approximately 11.35m. Whilst the tallest elements would be set back from the elevations fronting Gatley Road and Delamere Road, the height of the proposed building in relation to neighbouring dwellings, along with the proposed flat roof and roof gardens, would give an appearance of notably different proportions not representative of the surrounding properties, and would look conspicuous and incongruous in the traditional residential street scene.
7. The proposed building would be located on a prominent corner plot, and would have frontages to Gatley Road and Delamere Road, with a curved L-shaped form which would turn the corner of the junction. Gatley Road is a busy road on a bus route, which has a number of larger buildings including apartment blocks of a similar height to the proposal. However, the appeal site is immediately surrounded by detached two-storey residential dwellings. Delamere Street has a pleasant, traditional, suburban feel, and the general uniformity of the dwellings gives a harmonious impression of cohesiveness which adds positively to the character and appearance of the area. The proposal's height, scale and massing would have an awkward relationship with these properties and would disrupt the visual and spatial harmony of the street scene.
8. The existing dwelling house is set back from the road. In contrast, the proposal would have an awkward relationship with neighbouring properties, as the proposal would project forwards of the generally established building line on Gatley Road, disrupting the pattern of development. Due to the neighbouring properties being of a lower height and set further back, the proposal would appear as conspicuous and overly dominant in comparison and would be visually intrusive when viewed from Gatley Road and Delamere Road.
9. Whilst there are other apartments and larger buildings in the locality, in general these follow the prevailing building line and pattern of development. As such they have a more harmonious relationship with surrounding buildings, providing visual continuity and appearing as less conspicuous in the street scene. In this instance, the scale and design are such that they would not be in keeping with the character of the surrounding area.
10. Policy CS3 of the Stockport Core Strategy DPD (2011) (CS) sets out indicative density standards, and indicates that in the most central locations, which are the most suitable for flats, densities of 70 dwellings per hectare (dph) and

above are commonplace. Moving away from central locations, densities should decrease to 50 dph to around 40 dph, as the proportion of houses increases.

11. The proposed housing density would be approximately 90 dph which would exceed the indicative standards set out in Policy CS3 of the CS, leading to conflict with the development plan. It would also have a density which would be approximately three times that of the surrounding housing. Whilst acknowledging that the site is accessible and that the proposal would contribute to the housing mix of the area, the appreciably denser form of development would erode the sense of spaciousness that contributes to the character and appearance of the area.
12. I acknowledge that the Council's Conservation Officer has not raised an objection to the proposal, and that the design and materials of the proposal have drawn inspiration from the art deco architecture of the nearby Tatton Building within Gatley centre. Moreover, innovative designs can add character and interest to an area. However, the scale, height, massing, density and position of the proposed apartments, along with the proposed flat roof and roof gardens, would make them a dominant feature in the street scene and result in an incongruous form and scale of development, highlighted by the prominent corner position. The proposal would appear at odds in relation to neighbouring dwellings, and would significantly harm the pattern of development in the immediate locality.
13. I conclude that the proposal would therefore be harmful to the character and appearance of the area. As such, it would conflict with Policy CS3, H1, CS8, SIE1, SIE3 of the CS, which together seek to ensure that developments are of an appropriate level of density, respond to the townscape character of the area, reinforce local distinctiveness in terms of layout, scale and appearance, promote a sense of place, have high regard to the built environment within which they are sited, and maintain and enhance locally distinctive character.

Highway Safety

14. The proposed development is for 9 apartments, and would provide 9 parking spaces including 1 disabled bay, 2EV charging points and secure cycle parking for 9 cycles.
15. Policy T-2 of the CS states that developments shall provide car-parking in accordance with maximum parking standards as set out in the existing adopted parking standards. Developers will also need to demonstrate that developments will avoid resulting in inappropriate on-street parking that has a detrimental impact upon the safety of the highway.
16. The maximum parking standard for dwellings (including flats) is 2 spaces, with a maximum of 1.25 spaces per dwelling in Town Centre locations.
17. Concerns have been raised that 9 parking spaces would be insufficient for the development, and would lead to highway safety issues. Concerns from third parties have also been raised that the development would exacerbate parking issues that already exist in the area, impacting on highway safety.
18. The Council have provided statistical data from the Office for National Statistics regarding car ownership rates for Cheadle and Gatley. The information highlights that 45.6% of households have 2 or more cars, as compared to 35.2% of households in England. The Council consider that there is therefore a

likelihood that the occupiers of the flats may have more than 1 car, and that the provision of just one space per apartment would be insufficient.

19. Whilst I acknowledge that neighbouring properties may own more than one car, the surrounding properties are generally larger family homes rather than two-bedroomed apartments. Whilst it cannot be known for certain who would purchase the proposed apartments, the demographics and car ownership levels of the households are likely to differ between the existing family homes and the 2-bedroom apartments, particularly as any potential purchaser would no doubt be aware of the single parking space that would come with the apartments.
20. Whilst the information regarding car ownership rates for Cheadle and Gatley highlights that over 45% of households in the area have 2 or more cars, the information also indicates that 54.4% of households have 1 car or less. Gatley is designated as a large local centre in the CS and the apartments would be located within approximately 450m of the shops and amenities of Gatley centre. The apartments would also be located close to public transport facilities, with the nearest bus stop just 50m away, and Gatley railway station approximately 200m away, providing access to nearby towns and cities.
21. The proposed apartments would therefore be in a sustainable location, where future occupiers of the proposed apartments would have the potential to walk, cycle or use public transport to access local facilities and amenities as well as neighbouring towns and cities. I therefore consider that the provision of 9 parking spaces for the apartments would be an appropriate figure, taking into account that the figures detailed in the adopted parking standards, of 2 spaces per dwelling, and 1.25 spaces in town centre locations are maximum figures.
22. I have carefully considered the concerns of local residents regarding the exacerbation of parking issues that any parking over-spill from the apartments may cause. I can appreciate that should future users of the proposed development, their visitors or delivery drivers choose to park in those areas where there is already high parking stress this could compound competition for on-street and car park spaces and could cause inconvenience and frustration.
23. However, such inconvenience cannot necessarily be equated to material harm to highway safety of a magnitude that would warrant withholding permission. I noted on my site visit that there are double yellow lines outside the appeal site on Gatley Road, and also at the junction of Delamere Road and Gatley Road, which would limit hazardous parking at these sensitive locations. As it would not be possible to park immediately outside of the proposed development due to the double yellow lines, any parking overspill would therefore have to find parking spaces further afield. It is likely that this would be further along Delamere Road.
24. I noted that the majority of properties along Delamere Road have off-street parking within their curtilage in the form of a drive and/or garage, and that there were no parking restrictions further along Delamere Road where on-street parking was available. Whilst Delamere Road is an important route for local schools, I have not been presented with any substantive evidence as to how any moderate increase in parking on the surrounding streets would lead to harm to highway safety or any unacceptable levels of congestion. I have also been given no reason to indicate that any parking overspill would necessarily be parked illegally or dangerously, particularly in light of the evidence of availability of on-street parking in the vicinity. Therefore, there is no

substantive evidence to suggest that the proposal would result in any material harm to highway safety.

25. I therefore conclude that the proposal would not cause unacceptable harm to highway safety. As such, it would comply with Policy T-1 of the CS which seeks to ensure that locations are accessible by walking, cycling and public transport. It would also comply with Policy T-2 of the CS which seeks to ensure that parking is provided in accordance with maximum standards. It would also accord with the National Planning Policy Framework (the Framework), which states that developments should only be refused on highway grounds if there would be an unacceptable impact on highway safety or residual cumulative impacts would be severe.

Living conditions – neighbouring occupiers

26. At roof level the proposed development would have a private amenity space associated with Apartment 4, and a shared amenity space in the form of roof gardens.
27. Some intervisibility between gardens and properties is not unusual in built-up residential areas, and the street pattern and layout of the existing residential dwellings in the area is likely to lead to elements of overlooking of gardens from neighbouring upstairs windows. However, due to the greater height of the proposed roof gardens in comparison to neighbouring properties, direct overlooking could be highly intrusive.
28. The proposal has been designed so that the areas on the roof which could generate significant overlooking issues with the neighbouring properties, adjacent to 139 Gatley Road (No 139), and at the south of the building adjacent to 1 Delamere Road (No 1), would not be accessible as amenity space, and therefore would not lead to issues with overlooking.
29. The private amenity space for Apartment 4 would be screened on three sides to minimise any impact on the neighbouring dwellings. The shared amenity space would have limited unscreened views over No 139. As this amenity space would be set back from the edge of the building the angle of view would be restricted. The additional section of building between the shared amenity space and No 1 would reduce overlooking issues.
30. The side elevation of 143 Gatley Road (No 143) would be located across Delamere Road, approximately 20m away from the edge of the shared amenity space. Whilst the side elevation of No 143 faces the existing street with limited screening, due to the height of the roof gardens, any perception of overlooking would be more keenly felt.
31. However, paragraph 55 of the Framework indicates that decision-takers should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. As such, I consider that, were I to allow the appeal, a planning condition to allow for further screening could be imposed to ensure that neighbouring properties would not be overlooked from the roof gardens.
32. Consequently, I conclude that the proposed roof gardens would not cause harm to the living conditions of neighbouring occupiers with regard to privacy. It would therefore accord with CS Policies H1, CS8, SIE1 and SIE3 which together

seek to safeguard the environment and provide good quality places, and provide good standards of privacy for neighbouring users.

Living conditions – future occupiers

33. The Council indicated that had planning permission been granted, a legal agreement would have been required to secure developer contributions for the provision and maintenance of formal recreation and children's play space and facilities within the Borough to meet the needs of residents of the proposed development.
34. The Council have confirmed that the appellant has engaged with the local planning authority and a UU pursuant to Section 106 Legal Agreement has been prepared to address the need for developer contributions. The Council is satisfied with this approach, which has addressed the reason for refusal in relation to the effect of the development on the living conditions of future occupiers in relation to recreation and amenity open space provision.
35. There is no dispute between the parties that the aforementioned planning obligation is fair and reasonable and is necessary to address the Council's reason for refusal. I find no grounds to disagree with the parties on these matters.
36. The Council has raised no concerns in respect of the UU. Therefore, I conclude that the planning obligation is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind to the development. The UU would be effective in securing the obligations. As such, the development would accord with Saved Policy L1.2 of the Stockport Unitary Development Plan Review (2006) which highlights that 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. It would accord with Policy SIE2 of the CS which states that development will be expected to take a positive role in providing recreation and amenity open space to meet the needs of its occupants. It would also accord with guidance contained within the Supplementary Planning Guidance - Open Space Provision and Commuted Sum Payments (2019) which provides advice on the mechanisms for implementing policies for open space provision in new housing developments.

Other Matters

37. I appreciate that the appellant worked with the Council significantly to address concerns and make the scheme more acceptable, including reducing the number of proposed apartments and removing elements of the development such as the rooftop gym and basement level. However, this does not alter my conclusions on the main issues.

Other considerations

38. Set against the harm identified, the proposal would deliver 9 housing units with each providing a good standard of accommodation. The scheme would be an efficient use of previously developed land in a sustainable location, and would contribute to the housing mix. This would support the Government's aim of significantly boosting the supply of homes and improve the current shortfall in the borough's housing land supply. I attach moderate weight to this benefit.

39. The development would generate economic activity during the construction of the houses and provide homes to residents who would contribute to the local economy. The development would diversify the local housing offer, be near to facilities and public transport links which may encourage future occupants to use sustainable modes of transport, thus benefitting the environment. There would therefore be economic, social and environmental benefits to the scheme. Given the number of units proposed, those benefits would attract moderate weight.
40. Although there would be benefits associated with the payment towards open space and play provision, this would address the expectations of the relevant policy and therefore attracts limited weight.

Planning Balance

41. The appeal proposal would cause harm to the character and appearance of the area by virtue of its incongruous height, density and scale relative to the surrounding area. This harm would be wide ranging and long lasting, and I ascribe this matter substantial weight.
42. The Core Strategy dates from 2011 but the weight to be attached does not hinge on its age. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning development process should achieve. It also requires that developments are sympathetic to local character and are visually attractive in terms of good architecture and layout. Therefore, the conflict between the proposal and CS Policies CS3, H1, CS8, SIE1, SIE3 should be given significant weight in this appeal.
43. The Council have clarified that they cannot demonstrate a five-year supply of deliverable housing sites. With a supply of 3.78 years, the shortfall is judged to be significant in this instance. In these circumstances footnote 8 of the National Planning Policy Framework establishes that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
44. As described above the benefits associated with the nine additional units would be moderate even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. The Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
45. Consequently, the adverse impacts of the proposal's height, density and scale on the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

46. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

L C Hughes

INSPECTOR