
Appeal Decision

Site visit made on 24 September 2024

by S Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2024

Appeal Ref: APP/G4240/W/24/3342749

Land on Junction of Astley Street and Smith Street, Dukinfield, Tameside SK16 4QN

- 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 Darren Leetch against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 23/00599/FUL
 - The development proposed is erection of 4 No, 1-bed bungalows with off-street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the development on the character and appearance of the area, with particular regard to its effect on the protected open space and trees protected by a Tree Preservation Order and the design of the proposed bungalows.
 - The effect of the proposal on the living conditions of residents on Smith Street, with particular regard to privacy, and, linked to that, whether the proposal would provide suitable living conditions for occupiers of the development in terms of privacy.
 - The effect of the proposal on highway safety.

Reasons

Character and Appearance

3. The area around the appeal site is a densely built residential area characterised by long rows of terraced housing and a high degree of on-street parking. Within the area are pockets of open space in the form of small areas of grassed land and space created by corner plots. Some of those areas contain mature trees which can be seen in long range views. Those spaces, and the trees, add greenery and openness to the otherwise built-up area, and consequently, make a positive contribution to the character and appearance of the area and the quality of the residential environment. The appeal site, bounded by Smith Street, Astley Street and Chapel Street, is one of those spaces and contains a

- group of 8 semi-mature trees, a mix of beech, sycamore and oak, which are protected by a Tree Preservation Order.
4. The proposal seeks the construction of 4, 1-bed detached bungalows on the site, each of which would have vehicular access from Smith Street. The bungalows would be faced in red brickwork with grey tiled roofs.
 5. Planning law¹ requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Policy OL4 of the Tameside Unitary Development Plan 2004 (UDP), states that built development will not be permitted on protected open space except in specific circumstances. Whilst the UDP is dated I am satisfied that Policy OL4 is generally consistent with the requirements of the National Planning Policy Framework (the Framework) regarding the protection of open space.
 6. The proposed development is not ancillary to the open space but would result in the loss it. There is no proposal to replace the space elsewhere. Accordingly, the proposal would not meet any of the criteria set out in Policy OL4.
 7. I understand that the site once accommodated terraced housing. Nevertheless, the site has been open and free from development for a considerable period of time and it makes a significant contribution to the area in terms of providing a degree of openness in the street scene. Letters of representation indicate that the space is valued by local residents.
 8. The trees on the site are substantial specimens and can be seen from the surrounding streets. They make a significant contribution to the residential environment in visual terms. There is nothing before me to indicate that the trees are not in good health and as such it seems to me that they are likely to continue to provide value to the area for some time to come. Their loss, and the loss of the open space that would arise from the development, would therefore cause significant harm to the character and appearance of the area.
 9. I understand that the appellant is committed to planting 300 trees, although there is no planting plan before me or any details of the location for this planting or the type of tree proposed. If the site was developed as proposed, there would be little opportunity for any significant replacement planting on it and there is no mechanism before me to secure the planting of replacement trees elsewhere. Accordingly, I am unconvinced such planting would mitigate the loss of the existing trees to the local area.
 10. Residential development in the area is set out in a regular pattern and comprises long rows of terraced houses with arched architectural detailing, set behind small gardens, or shorter terraced rows set at the back of the pavement. There is a consistency in terms of the 2 storey height of the buildings, external materials and pitched roofs. The proposed bungalows would be set out in a regular pattern, evenly spaced and close to the back of the pavement. The building at Plot 1 would be located at the back of the pavement adjacent to Astley Street, reflecting the position of the terraced row adjacent to it. The external materials would also reflect those of the surrounding buildings.

¹ Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990

11. However, the bungalows would be a single storey in height and detached such that their individual massing would be significantly different to that of the terraced properties around them. The hipped roofs would lack the bulk and robust character of the pitched roofs and gables of the surrounding buildings. Accordingly, in an area where there is a high degree of consistency, it seems to me that the bungalows would fail to integrate with the surrounding development and as such would appear as an anomaly in the street scene. Consequently, they would detract from the character and appearance of the area.
12. For these reasons the proposal would be contrary to Policy OL4 of the UDP as set out above, as well as Policy N4 which seeks to protect trees and woodland. In addition, it would be contrary to Policies 1.3, C1 and H10 of the UDP which in various ways require development to complement or enhance the character and appearance of the surrounding area.

Living conditions

13. Policy H10 of the UDP seeks to avoid new development that has an unacceptable impact on the amenity of neighbouring residents through, amongst other things, loss of privacy. To provide clarity on that matter, Policy RD5 of the Council's Residential Design Supplementary Planning Document, which seeks to minimise overlooking of habitable rooms, requires a minimum distance of 14m between directly facing habitable room windows on street frontages.
14. Nos 2-6 Smith Street are terraced houses, set immediately at the back of the pavement, with habitable rooms at both ground and first floor levels. The bungalows would be set back slightly from the street and would have a bedroom window at the front. The Council has calculated the distance between the windows which would face each other across the street, as 10.8m. As such the proposal would fall short of the minimum standards set out in the UDP. The consequence of that would be that there would be greater opportunity for the existing houses to be overlooked and as such the proposal would have an adverse effect on the occupants' living conditions. In addition, some of the bungalows, particularly that at Plot 3, would be significantly overlooked by the existing dwellings. Accordingly, occupiers of the bungalows would not be provided with a satisfactory level of privacy.
15. On that basis the proposal is contrary to Policy H10 of the UDP which seeks to meet the needs of potential occupiers and to cause no unacceptable loss of privacy to neighbouring residents. In that respect it would also be contrary to the requirements of the Framework which seek to ensure that development provides a high standard of amenity for existing and future users.

Highway Safety

16. The bungalows would each be provided with one car parking space. Those spaces would be accessed off Smith Street via individual private driveways. However, the driveways to plots 1 and 4 would be sited close to the junctions of Smith Street with Astley Street and Chapel Street, considerably less than the minimum 10m distance from the junction which the Highways Authority would normally consider acceptable. Given that there would be nowhere for vehicles to turn within the site, any car using the parking spaces would need to be reversed onto or off the road near those junctions. The danger of this, it seems

to me, would be exacerbated by the acute angle of the Chapel Street junction, where visibility is poor.

17. On that basis the proposal would be detrimental to highway safety and in that regard, it would be contrary to the Framework which seeks to ensure that a safe and suitable access to the site can be achieved for all users.

Other Matters

18. The proposal would add an additional 4 dwellings, suitable for single occupants, to the local housing supply. Although there is no evidence of a specific need for single occupancy dwellings before me, this is nevertheless a benefit of the scheme which carries moderate weight. I note that being single storey, the bungalows may be suitable for those with limited mobility. However, there is no evidence before me that they have been designed specifically for wheelchair users.
19. In addition, there would be some limited economic benefits during the construction period.

Planning Balance

20. The Council cannot currently demonstrate a 5 year housing land supply and consequently the provisions of paragraph 11 of the Framework apply.
21. As set out above there are some benefits accruing from the scheme, primarily the provision of additional housing in the area. However, set against that are the loss of the open space and protected trees; harm to the character and appearance of the area; harm to the living conditions of neighbouring residents and the provision of substandard living conditions for future occupiers in terms of privacy; and the adverse impact of the proposal in terms of highway safety.
22. As such the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

23. For the above reasons, the proposal would conflict with the development plan considered as a whole. There are no other considerations before me, including the Framework, that would indicate that permission should be granted contrary to the development plan. On that basis, taking all other matters into account, the appeal is dismissed.

S Ashworth

INSPECTOR