



Appeal Decision

Site visit made on 23 December 2024

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/G4240/D/24/3349059

294 Birch Lane, Dukinfield, Tameside SK16 5AZ

- 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 Mr B Taylor against the decision of Tameside Metropolitan Borough Council.
 - The application reference is 24/00327/FUL.
 - The development proposed is demolition of an existing garage and erection of a two storey side extension and a single storey extension to part of the rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The semi-detached dwellings on this side of Birch Lane have a uniform appearance and are uniformly spaced. The built form, including the hipped roofs and the distinctive forward projecting twin gables, together with the uniform gaps between houses, provides the road with an attractive and distinctive character. The lack of deviation from the original design and layout, particularly at first floor level, has ensured that the character of these houses remains almost entirely intact. The opposite side of the road has properties of a different design but some similar characteristics.
4. The proposal would extend the property at almost full height, to the side boundary. The plans have been modified to provide a set back from the secondary frontage, which would further increase the set back from the main gables. The marginal reduction in roof height and the revisions to provide a small step back from the recessed part of the frontage, would marginally reduce the impact of the extension but not to a material degree. Although including appropriate materials and detailing, the proposal would close the space between these dwellings. It would detract from the original form and spacing of these properties and this would be harmful to the character and appearance of this road. Given the layout and generally uniform characteristics of these properties, the proposed layout would represent poor design in this particular context.
5. Given the above, the proposal would be contrary to the design aspirations of policies C1 and the second part of H10(a) of the Tameside Unitary Development Plan 2004 (UDP). There would also be conflict with policy JP-P1(1C) of the Places

- for Everyone Joint Development Plan 2022 to 2039 (2024) as this requires that developments respect and acknowledge the character and identity of the locality.
6. Building to the boundary in the manner shown would also result in direct conflict with the guidance with regard to side extensions set out in policy RED5 of the Tameside Residential Design: Supplementary Planning Document 2010 (SPD). The appellant makes reference to other elements of the SPD. Whilst the details of materials and form meet some elements of SPD policies RED1, RED4 and RED5, there is also significant conflict with other elements. This requires a balanced judgement and with regard to the SPD overall, I find greater conflict than support. Furthermore, the National Planning Policy Framework 2024 is clear that development that is not well designed should be refused.
 7. The appellant refers to a recent appeal decision whereby the inspector stated that SPD's clearly carry weight as material considerations in decision making but they contain recommendations as opposed to planning policy and should not be applied prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site. The inspector was considering different guidance in a different local authority; and the concern was whether an extension would be subordinate to a terraced property. The cases are clearly not comparable. However, this may indeed be a case whereby the precise requirements of the SPD, if met, would not be sufficient to satisfy the UDP design policies.
 8. It is suggested that there are examples in Tameside where the specific advice within the SPD has not been enforced. Details of 40 Millbrook Avenue have been provided. That property is on a corner plot and clearly has few similarities with the appeal proposal. The appellant also suggests that the potential for other residents to carry out such works should not be considered and the application should be considered only on its own merits. I have found that it would harm the character and appearance of the area and conflict with the development plan and the SPD. However, it is also important that decisions are consistent when all other matters remain the same. The existing consistency of development within this road is unusual for properties of this age. If repeated, similar works would erode the distinctive quality of Birch Lane to its detriment. Whilst the proposal must be considered on its own merits, this is a matter that adds to my main concern in this particular case.
 9. I have had regard to the submissions of the appellant and I am mindful that neighbouring residents were consulted and no responses received. However, I conclude that there are no matters that outweigh my main concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR