



Appeal Decision

Site visit made on 17 June 2025

by **N Kempton BAHons, PGDip, MA, IHBC, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/G4240/W/25/3363908

Unit Next To 6 Dean Street, Mossley OL5 0PE

- 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 K. Smith against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 24/00995/FUL.
 - The development proposed is demolition of existing commercial unit and construction of replacement unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the application form. However, it is clear from the submissions of both parties that the proposed replacement unit would comprise two storey offices (Use Class E) with ancillary storage.
3. The Council has referred to Policy H10 of the Tameside Unitary Development Plan, November 2004 (UDP) in all three reasons for refusal on the decision notice. This policy relates to the detailed design of housing developments. The appeal proposal does not constitute a housing development, and the Council has confirmed that it is not of direct relevance. I have approached my decision on this basis.

Main Issues

4. The main issues are the effect of the development on:
 - The character and appearance of the street scene;
 - Highway safety, with particular regard to access; and,
 - The living conditions of neighbouring occupiers at no.6 Dean Street, with particular regard to privacy and external amenity space.

Reasons

Character and appearance

5. The appeal site comprises a modest single-storey commercial building, within a predominantly residential part of Mossley. The existing building fills the entire plot and abuts the gable wall of the adjacent residential dwelling, no. 6 Dean Street to the side. It abuts the garden of no.6 Dean Street to the rear and the shared boundary with no. 8 Dean Street to the west.

6. Located in a close-knit cul-de-sac, the entrance to Dean Street is characterised by modest two-storey dwellings in two short, stone-built, Victorian terraces. The head of the cul-de-sac is characterised by a small, modern mixed housing development, which has a tight urban grain, unified by a limited palette of materials, fenestration and roof form, and arranged in a coherent layout, with properties fronted by small garden areas.
7. The existing garage occupying the appeal site is different in materials and scale to the adjacent properties. Nevertheless, the unassuming scale and form of the structure appears subservient to the terrace and provides a visual break in the roofline, a change in the scale and massing, and relief in built form. It has a broadly neutral effect on the predominantly residential character of the area.
8. The proposal would replace the existing single storey garage with a two-storey office building. The roof form, ridge and eaves height of the proposed office building would align with the existing terrace. The vertical emphasis to the fenestration would reflect that which is characteristic of the Victorian terraces. However, the size, spacing and alignment of the fenestration would not reflect that of the traditional stone-built terrace to which it would adjoin and alongside which it would be viewed. The accommodation in the roof space would be served by rooflights, which would increase the perceived scale of the building. The proposed material palette would incorporate artificial and composite materials, which are not characteristic of the surrounding context. Thereby eroding the local distinctiveness of the immediate context, to the detriment of the character and appearance of the street scene.
9. For these reasons, the proposed development would not assimilate well with the existing built form. It would be an unwelcome departure from the established design of the traditional Victorian terrace and would disrupt the rhythm and harmony of the cohesive group. This would be to the detriment of the character and appearance of the terrace as a whole and the wider street scene.
10. Whilst I accept that a planning condition to secure more appropriate external materials might assist, this would not entirely address my concerns which are of a more fundamental nature.
11. As such, the proposed development would conflict with Policy C1 of the UDP, which requires new development to respect local character and for the design of development proposals to have regard to the relationship between buildings and their setting.
12. The proposed development would also be in conflict with the guidance on achieving well-designed places contained in Section 12 of the Framework, which seeks to ensure development is visually attractive, in keeping with its surroundings and maintains a strong sense of place, whilst not discouraging appropriate innovation. Paragraph 139 of the Framework states that development that is not well designed should be refused.

Highway safety

13. Dean street has a tight urban grain, with a narrow carriageway, flanked by footways and buildings largely set close to the back of the pavements.

14. The proposed integral parking arrangement relies on access directly off Dean Street. However, the point of access would be adjacent to an existing tactile paving area that denotes a designated crossing point intended for pedestrians, including those with visual impairments.
15. The proposed layout would bring vehicles into direct conflict with pedestrians, some of whom may be vulnerable road users, at a location specifically designed to prioritise safe crossing. Additionally, due to the constrained nature of the site, the surrounding built form and the existing on-street parking congestion, the visibility for drivers entering or exiting the site would be severely restricted. This includes the porch on the front elevation of no.6 Dean Street. It is not shown that the proposed access and egress arrangements would provide sufficient sightlines to ensure safe operation without risk to pedestrian or highway safety.
16. The appellant asserts that the proposal would generate few vehicular movements, and vehicles would manoeuvre at low speeds. Be that as it may, that does not amount to sufficient justification for an unsuitable and unsafe access arrangement. Neither is it shown that an alternative footway arrangement is reasonably available or achievable without causing inconvenience to pedestrians. Hence, I am not convinced my concerns can be fully addressed by planning conditions.
17. Reference is also made to the absence of a highway objection in relation to a withdrawn proposal for residential development. Given that the scheme was different in nature and did not proceed to a formal decision, the response of the Highway Authority in that instance carries little weight in my assessment of the scheme before me.
18. As such, the development would fail to provide safe and suitable access to the detriment of highway safety. I therefore find the scheme conflicts with Policy T1 of the UDP which seeks to improve pedestrian safety, especially in residential areas. It would also run counter to paragraph 115 of the National Planning Policy Framework (the Framework), which requires development to provide safe and suitable access for all users.

Living Conditions

19. The proposed two- storey building would include rear-facing windows at both ground and first floor levels, positioned in close proximity to the shared boundary with no.6 Dean Street. The windows would serve ancillary spaces- with the exception of a single ground floor window. The appellant indicates that they would all be obscure glazed. This would prevent intrusive overlooking to the garden area of no.6 Dean Street.
20. Moreover, it is more likely that an office building (Use Class E), would be occupied in office hours during the working week, rather than at evenings and weekends when neighbouring occupiers are more likely to be enjoying their outdoor space. Furthermore, I observed that, as is common in urban environments, the arrangement of dwellings within and around Dean Street already leads to a degree of mutual overlooking to rear garden areas.
21. Subject to requiring the rear facing windows to be fixed and securing the installation of obscure glazing in the rear windows, to be retained in perpetuity, I am satisfied that the proposed development would avoid unacceptable harm to the living conditions of neighbouring occupiers at: no. 6 Dean Street, with particular regard to

privacy and external amenity space. I do not find conflict with any policies of the development plan in this respect and the proposal would comply with paragraph 135(f) of the Framework, which states that development should create a high standard of amenity for existing and future users.

Conclusion

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations, which include the Framework, indicate otherwise.
23. Whilst I have not found harm to the living conditions of neighbouring occupiers at no.6 Dean Street, I have found that the proposed development would result in harm to the character and appearance of the street scene and to highway safety. I conclude therefore, that the proposed development is contrary to the development plan and there are no material considerations to indicate that a decision should be taken other than in accordance with it.
24. The appeal is dismissed.

N Kempton

INSPECTOR