



## Appeal Decision

Site visit made on 15 August 2023

**by R Major BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 September 2023**

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### **Appeal Ref: APP/G4240/W/23/3318703**

### **50 Droylsden Road, Audenshaw, Tameside M34 5SW**

- 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 Yogesh Patel against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 22/00935/FUL, dated 12 September 2022, was refused by notice dated 24 February 2023.
  - The development proposed is for a detached house.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a detached house at 50 Droylsden Road, Tameside M34 5SW in accordance with the terms of the application, Ref 22/00935/FUL, dated 12 September 2022, subject to the conditions set out in the attached schedule.

### **Procedural matter**

2. The planning application form states that the appeal site is within "Audenshaw, Lancashire", whereas the address on the Council's Decision Notice reads as "Audenshaw, Tameside". I have used the address from the Decision Notice in the above banner head and within my formal decision, as I consider this to be more accurate.
3. The planning application form does not specify a number for the site address on Droylsden Road, but it is clear from the location plan, design and access statement, decision notice and appeal form that the appeal relates to No 50 Droylsden Road. I have therefore determined the appeal on that basis, and included '50' in the site address within both the above banner head and formal decision.

### **Main Issues**

4. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and
  - whether the proposed development would provide appropriate living conditions for future occupiers, with regard to private outdoor amenity space.

## Reasons

### *Character and appearance*

5. The appeal site relates to a garden area located to the rear of the properties at 50, 52 and 54 Droylsden Road. At the time of my site visit it was evident that the area is mown and included domestic paraphernalia, indicating residential use.
6. Droylsden Road (A662) is a wide main road with a Metrolink line running centrally along this section of the highway. This stretch of Droylsden Road is flanked on both side by predominantly red brick terrace housing, although within the wider vicinity there are semi-detached bungalows and detached dwellings. To the south the appeal site shares a boundary with Aldwinians Rugby Union Football Club.
7. The immediate surrounding properties are residential, however within walking distance of the appeal site there are a number of facilities including a petrol filling station, a pharmacist, a medical practice, a convenience store and food outlets.
8. The proposed two-storey dwelling would stand to the rear of the terrace houses, and would be accessed via an existing gap between the end terrace properties at 48 and 50 Droylsden Road. It is through this gap where the proposed dwelling would be viewed from Droylsden Road, but these views would be limited and fleeting. Notwithstanding this, the proposed dwelling is simply designed, drawing on traditional features of the area which include its red brick construction, a slate pitched roof design with chimney stacks, and large windows with surrounding stone heads and cills.
9. The proposed detached property would be a similar height to existing neighbouring houses, and a footprint significantly larger than the adjacent terrace dwellings. However, outline approval has been granted on the adjoining site to the rear of 48 Droylsden Road for a detached dwelling, with access and layout applied for, albeit with a smaller footprint than the appeal proposal. Nevertheless, and as mentioned above, views of the proposed dwelling from Droylsden Road would be restricted by the existing terrace dwellings situated between the appeal site and this highway, limiting its visual prominence.
10. The dwelling would also be visible from the land associated with the adjoining rugby club, as well as the rears of the terrace properties on this stretch of Droylsden Road. However, there are a number of surrounding properties, including recently built detached dwellings, that are visible from the rugby club and the rear of these terrace properties. I am aware that the Council have granted outline planning permission for a detached dwelling adjacent to the appeal site, and that the proposed dwelling would be higher than this neighbouring approval. However, for the reasons detailed above I do not consider that the siting, scale or footprint of the proposed dwelling to be harmful to the character and appearance of this area.
11. In view of the above, the siting, design, scale and layout of the proposed dwelling would not result in a harmful effect on the character and appearance of the area, and contributes to the mix of house types in the locality. Accordingly, I find no conflict with policies 1.3, H9(d), H10(a) and C1 of the

Tameside Unitary Development Plan which require development to be of a high quality which is sensitive to, complements or enhances, the character and appearance of the surrounding area. I also find no conflict with those principle of the National Planning Policy Framework (the Framework) that seek good design which is sympathetic to the local area.

*Living conditions of future occupiers*

12. Future occupiers would be provided with outdoor amenity space, primarily to the north and either side of the proposed dwelling. The amount of outdoor space would be commensurate to a 3-bedroom house. The proposed garden area would be somewhat overlooked from the first-floor windows in the rear elevations of the terrace houses fronting onto Droylsden Road. However, there is a sufficient separation distance between these windows and the proposed garden area to ensure that future occupiers would be provided with acceptable levels of privacy and enjoyment from this outdoor amenity space.
13. Furthermore, the appeal site is currently used as a garden area, as are the neighbouring garden areas situated either side, and the levels of overlooking into the proposed garden would be no greater than that experienced by existing residents when using these areas.
14. Accordingly, future occupiers of the proposed dwelling would be provided with an acceptable level, and sufficient quality, of outdoor amenity space. This would be in compliance with policies 1.5 and H10(a) of the Tameside Unitary Development Plan, and Policy RD11 of the Residential Design Supplementary Planning Document, which seek to ensure new development meets the needs of potential occupiers and provide quality of life. The proposal would also comply with paragraph 130(f) of the Framework which seeks to ensure developments provide a high standard of amenity for future occupiers.

**Conditions**

15. The Council has provided a list of suggested planning conditions, which I have assessed in respect of the requirements of the Framework, and advice provided in the Planning Practice Guidance.
16. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2), as well as a condition which requires the submission of details of the external materials to be used in the development, in order to safeguard the character and appearance of the area (3). A condition requiring all external windows and doors to be installed with reveals at a depth of at least 90mm has also been added to safeguard the character and appearance of the area (4). This is considered to be both reasonable and necessary as this is a defining feature of existing dwellings within the immediate surroundings. A pre-commencement condition has been attached which requires the submission of a sustainable surface water drainage strategy, and this is necessary in order to reduce the risk of surface water flooding at the site (5).
17. A condition requiring the submission of details of the windows to be fitted with mechanical / passive acoustic ventilation, and an acoustic fence to be erected along the boundary shared with the neighbouring rugby club, has been added to ensure that the living conditions of future occupiers are not adversely impacted by this neighbouring use (6). Furthermore, a separate condition has

been added requiring the submission of details for all other boundary treatments, in order to safeguard the character and appearance of the area (7). The Council suggested that these aforementioned two conditions should be pre-commencement conditions. However, in order to minimise the amount of pre-commencement conditions I have altered these to require the details to be submitted, and agreed, prior to any above ground construction works taking place on site.

18. A condition requiring the proposal to provide the car parking spaces and vehicle manoeuvring areas, as shown on the approved plans (8), as well as a condition requiring details of the proposed cycle storage facility to be submitted (9), have been included. These conditions are required to minimise the need for off-site parking, and to support the use of sustainable modes of transport.
19. The Council have requested a condition removing permitted development rights under Class A, Class AA, Class B, Class C and Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO), or any order revoking and re-enacting that Order, with or without modification. Having carefully considered this condition, it is in the main judged to be both reasonable and necessary, in the interest of protecting the living conditions of neighbouring occupiers, and to safeguard the character and appearance of the area (10). However, I have removed the reference to Class AA from this condition, as it does not apply to a dwelling built after 28<sup>th</sup> October 2018. Furthermore, I have also not included Class C within this condition as removing this permitted development right is neither reasonable nor necessary to make the development acceptable.
20. Although not suggested at appeal stage by the Council, correspondence from the Council's Environmental Strategy Officer requested a condition limiting construction hours of operation, and the Local Highway Authority recommended a condition relating to visibility where the site access adjoins the footway of Droylsden Road. I consider the condition limiting the hours of construction to be reasonable and necessary to protect the living conditions of neighbouring residents (11). I also consider a condition requiring the provision of a visibility splay, as shown on the submitted plan, to be reasonable and necessary, in the interest of highway safety (12). I have therefore included both these conditions in my decision.
21. Furthermore, the Council also suggested a condition removing permitted development rights to install any additional windows or dormers within the dwelling, other than those shown on the approved plans. The right to insert new windows and dormers under permitted development is controlled by Class A and Class B, respectively, of the GPDO. As mentioned above a condition has already been attached to remove these permitted development rights, and therefore it is unnecessary to repeat and include this suggested condition.

## **Conclusion**

22. For the reasons set out above, the proposal accords with development plan when taken as a whole and I therefore conclude that the appeal should be allowed.

*R Major*

INSPECTOR

## Schedule of Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location Plan;
  - Site plan 'As Proposed';
  - Layout plan as proposed – Drawing no. 6 'G' 'S';
  - Proposed floor plans and elevations - Drawing no. 6 'G' 'S' 2;
3. Notwithstanding any description of materials in the application, no above ground construction works shall take place on the development hereby approved until samples, or a full specification, of materials to be used externally on the building hereby approved, and in the finishes to all hard-surfaced external areas, have been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall then be carried out in accordance with the approved details.
4. All windows and external doors in the development hereby approved shall be constructed and installed with reveals, or recesses, to a depth of at least 90mm, and shall be retained as such thereafter.
5. No development hereby approved shall commence on site until a sustainable surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include:
  - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - ii. A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations); and
  - iii. A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby approved shall thereafter be carried out in complete accordance with the details and timetable contained within the duly approved sustainable surface water scheme.

6. No above ground construction works shall take place on the development hereby approved until the following details have been submitted to and approved in writing by the Local Planning Authority:

- scaled plans showing the exact location and elevations of the acoustic fencing to be installed along the southern boundary of the site and the manufacturers specification of the fencing; and,
- scaled plans showing the location of windows to be treated with mechanical / passive acoustic ventilation and the manufacturers specifications of the noise mitigation measures to be installed.

The noise mitigation measures shall be implemented in accordance with the approved details prior to the first occupation of the dwelling, and shall be retained as such thereafter.

7. No above ground construction works shall take place on the development hereby approved until full details of the treatments to the site's boundaries have been submitted to, and approved in writing by, the Local Planning Authority. The boundary treatments shall be installed in accordance with the approved details prior to the first occupation of the dwelling, and shall be retained as such thereafter.
8. The car parking facilities and vehicle manoeuvring area, as shown on the approved plan (drawing no. 6 'G' 'S'), shall be provided prior to the first occupation of the development hereby approved and shall be retained as such, and kept available for the intended purpose, thereafter.
9. No part of the development hereby approved shall be occupied until details of the secured cycle storage provision, as indicated on the approved plan (drawing no. 6 'G' 'S'), have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of cycle storage and details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to first occupation of the dwelling and shall be retained as such, and for the intended purpose, thereafter.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order, with or without modification, the dwelling hereby approved shall not be enlarged or altered under Class A, Class B and Class E of Part 1 of Schedule 2 of that Order without the express permission of the Local Planning Authority.
11. Construction works (including vehicle and plant movements, deliveries, loading and unloading) shall take place only between the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
12. No fence, wall, structure or vegetation exceeding 600mm in height shall be erected, or allowed to grow, within the visibility splay as indicated on the approved plan (drawing no. 6 'G' 'S').

**\*\*\*END OF CONDITIONS\*\*\***