



Appeal Decision

Site visit made on 26 March 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2024

Appeal Ref: APP/G4240/W/23/3327188

Land on Stamford Road, Mossley OL5 0LJ Easting: 397096, Northing: 402533

- 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 D Wilcox (Wickens Estates Ltd) against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 22/00262/FUL.
 - The development proposed is the construction of 3no. 3 bed dwellings and 6no. 2 bed dwellings including ancillary works/excavation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is evident from the documents submitted that the proposed scheme was amended during the course of the planning application and no longer reflects the description of development given on the planning application form. I have therefore used the description of development that appears on the decision notice and on the appeal form in the banner header above and have made my assessment of the appeal on that basis.
3. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023 and therefore I have referred to that revised document in my determination of this appeal. I am satisfied that the parts of the Framework most relevant to this appeal have not substantively changed from the previous iteration.

Main Issues

4. The main issues are (i) whether the proposed development would provide acceptable living conditions for its future occupants, with particular reference to outlook, and (ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

5. The appeal site is for the most part limited in its depth. The land to the rear is at a significantly higher ground level, and the majority of the proposed dwellings would be situated very close to the rock face that would be on that boundary. Along parts of the boundary there is also the existing fencing on the adjacent site which is already substantially elevated above the site. Even

though it is intended that the rock face would be angled and not a sheer face, it would nonetheless be a high and imposing feature. The proposed dwellings would front directly onto Stamford Road, set back at varying distances from the back edge of the pavement.

6. The proposed dwellings on plots 1, 2 and 3 would be both very close to the public highway and to the rear boundary. The vision from their rear ground floor windows would be particularly oppressive due to the high rear boundary, resulting in a poor outlook for their future occupants. There would be little relief to this provided from the windows on the front elevation because of their close proximity to the road onto which they would look. Whilst the dwelling on plot 1 would have a window in its side elevation, this would itself face towards what is a tall building on the land adjacent and would as a result also have a limited outlook.
7. The proposed dwellings on plots 4 to 8 would be set back further from the public highway, which would improve the outlook from their front windows, but they would still be very close to the rear boundary of the site and thus suffer also from a poor outlook from their rear ground floor windows. The rear garden areas of all of the proposed dwellings on plots 2-8 would be sandwiched between the two-storey rear elevation of the properties and the rear of the site. The outlook from those spaces would make the rear garden areas uninviting and oppressive places to spend time. This would not be mitigated against by the fact that some of the dwellings would have front garden areas, as these would be close to the busy Stamford Road and not private, thus meaning that they would also be uninviting areas.
8. It has been suggested that the Council has approved other schemes with smaller gardens and similar outlooks, with specific reference made to a development on land between 85-87 Stockport Road in Mossley. It is said that this is not an unusual occurrence due to the topography of the surrounding area. Whilst I have only been provided with limited details of that development and nothing to show in detail the differences in land levels that might exist or the circumstances that were relevant to its consideration, I am not bound by previous decisions of the Council. What may have previously been granted does not therefore justify the harm that would result from the poor outlook that would be provided in this case.
9. For these reasons, the proposed development would fail to provide acceptable living conditions for its future occupants. Consequently, it would fail to accord with Policies H10 and C1 of the Tameside Unitary Development Plan 2004 (UDP) where they seek to promote good design and ensure that new dwellings provide acceptable living conditions for their future occupants. There would also be a conflict with Policy RD11 of the Tameside Residential Design Supplementary Planning Document (SPD) which seeks to provide suitable private amenity space, and with the Framework where it aims to provide a high standard of amenity for future users.

Character and appearance

10. In the area in the immediate vicinity of the appeal site, Stamford Road is straight in its alignment and is characterised predominantly by terraced dwellings and other buildings which are positioned directly on the back edge of the footpath in a linear arrangement. This creates a visual coherence in particular in views taken up Stamford Road as the land rises towards the

junction with the A670. Whilst there is a greater variation further along the road in terms of both dwelling types, including detached properties and apartments, and in their positions relative to the public highway, those properties do not frame the immediate visual context in which the appeal site is viewed.

11. The eight proposed dwellings that would be terraced would be staggered back from one another in three stages, and considerably so. This would mean that not only would they be at odds with the character and appearance of the existing street scene in that they would be set back from the pavement, but that the differences in layout between what exists and what is proposed would be emphasised substantially by the degree of staggering. This would result in a development which would be notably at variance with its surroundings, causing significant harm to the character and appearance of the area in which it would be seen.
12. My attention has been drawn to staggered dwellings that have recently been built on Cross Street near to the appeal site which I was able to view when I visited the area. However, the context of that road is very different to that in which the appeal site is located, being only a very short road with no particular consistency in the positioning and style of buildings. The presence of those dwellings does not therefore lend support to the allowing of a development that I have found would cause harm to the character and appearance of the specific area in which it would be located.
13. I have been made aware that there was, some time ago, a building of substantial scale on the appeal site. However, that building has not had an impact upon the character and appearance of the area in recent times. But, in any event, it does not appear that it was visually comparable to the appeal proposal in any way. The appellant also makes reference to the terrace opposite the site being staggered at one end. They have not highlighted the feature to which they refer, but it appears to be an extension to an end terrace. That however is an isolated example of a limited set back which does not make any notable impact on the character and appearance of the area.
14. In conclusion, the significant harm that I have found would be caused to the character and appearance of the area means that the proposed development would fail to accord with Policies H10 and C1 of the UDP where they seek to safeguard character and appearance. There would also be a conflict with Policy RD2 of the SPD in the same respect, and with the Framework and the National Design Guide where they seek to achieve well-designed and beautiful places.

Other Considerations

15. The proposal would deliver nine new dwellings, which would make a valuable contribution to the Government's objective of significantly boosting the supply of homes which is set out in the Framework. This, as the appellant highlights, is in the context of recent under-delivery of housing in the borough, as set out in the Housing Delivery Test results, most recently those from 2022.
16. It would do so on a smaller site that is close to the services and facilities in Mossley town centre, making use of land which is currently unused, and which makes no particular positive visual contribution to the street scene. There would also be a time limited benefit to the local economy during the construction phase, and thereafter through spending by the future residents of

the dwellings. Due to the scale of the proposed development, these are considerations which offer moderate weight in favour of the proposed development.

Paragraph 11d)

17. The Council has set out that they are unable to demonstrate a 5 year housing land supply. The absence of a 5 year housing land supply means that paragraph 11d) of the Framework is triggered. This states at paragraph 11d)ii) that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The harm to living conditions would mean that the proposed development would fail to provide a high standard of amenity for future occupiers, which is an aim set out in the Framework. The Framework also seeks to achieve well designed and beautiful places, which the proposal would fail to do. These adverse impacts would be significant and long lasting in their impact, and they would significantly and demonstrably outweigh the benefits associated with the provision of nine new dwellings on the site. As such the presumption in favour of sustainable development set out in paragraph 11d) of the Framework does not apply.

Other Matters

19. It would appear that the proposed development has evolved from previous schemes in order to try and overcome concerns raised at planning application stage and at appeal. Housing development, apparently of a smaller quantum has been approved on the site in the past and it is suggested that at least part of the site has previously been identified as being suitable for housing in planning policy documents. There are also no substantive concerns raised by statutory consultees and no notable constraints such as flood risk. However, these are not considerations that would justify an otherwise harmful development.

Planning Balance & Conclusion

20. The development would fail to provide acceptable living conditions for future occupants of the proposed dwellings, and it would cause significant harm to the character and appearance of the area. Consequently, it would fail to accord with Policies H10 and C1 of the UDP and with the development plan taken as a whole. Balanced against this it would provide the benefits I have outlined which collectively offer moderate weight in its favour. Those benefits do not outweigh the harm that would result and the conflict with the development plan.
21. In conclusion therefore, I find that the other considerations in this case do not indicate that a determination should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR