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## Appeal Decision

Site visit made on 25 March 2019

**by Susan Ashworth BA (Hons) BPI MRTPI**

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

**Decision date: 8<sup>th</sup> May 2019**

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**Appeal Ref: APP/G4240/W/18/3216276**

**Progress House, Catherine Street West, Denton, Manchester M34 3SY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Tom Kelly against Tameside Metropolitan Borough Council.
  - The application Ref 17/00383/FUL, is dated 12 May 2017.
  - The development proposed is erection of single storey building.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Tom Kelly against Tameside Metropolitan Borough Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues in this case are the effect of the proposed building on the character and appearance of the area and on the conditions within the neighbouring business with particular regard to light and outlook.

### Reasons

4. The site presently forms part of the grounds of a substantial warehouse/office building occupied by TK Components Limited (TKC), a specialist distributor of complete kitchens, which is located within a well-established built-up area of employment and residential uses.
5. The proposal is for a substantial single storey, high-bay light industrial /office building, plus new access and parking space, on an area of planted but currently untended land at the side of the TKC building between an electricity substation and a two-storey commercial property known as Progress House. The unit would have a regular form with a pitched roof and external materials of brickwork and cladding. The building would incorporate two roller shutter doors to the east elevation and a door and window at ground floor level to the north elevation with a series of high-level windows above. The building would be positioned on a similar building line to the structures on either side of it.
6. The site lies within a designated Established Employment Area in the Tameside Unitary Development Plan (UDP) and the Council acknowledges that within such areas the proposed use is acceptable in principle. Policy E6 of the UDP

- sets out a range of detailed matters requiring consideration in any proposed employment scheme. The policy requires, amongst other things, that the design of the development should relate well to local features, complement and enhance the character of the surrounding area and have no unacceptable impact on neighbouring properties. Policy 1.3 of the UDP also requires that all developments must achieve a high-quality design which is sensitive to the character of the local area, particularly the relationship between buildings.
7. The regular form of the building would not be unusual for a light industrial building of this type, and its scale, height and external materials would reflect other industrial properties in the vicinity. The Council's concern relates primarily to the design of the elevation facing Catherine Street West. However, it seems to me that there would be a sufficient level of architectural detail in the proposed north elevation, in the form of windows and a side entrance door with canopy over it, to provide some relief to the elevation and soften its visual effect on the street scene. Consequently, even though the industrial units opposite have limited fenestration to their street facing elevations, I am satisfied that the proposed unit would not have a 'dead' frontage and would not therefore have an adverse or harmful effect on the street scene.
  8. However, the proposed building would be sited only 2m from the north elevation of TKC. That side of the TKC premises is two-storeys in height and incorporates several windows at both ground and first floor level serving office accommodation. Whilst I acknowledge the appellant's point that the occupiers have no 'right' to a view, given its bulk and very close proximity, the proposed building would appear visually overbearing and oppressive from the windows facing it.
  9. I understand that the affected section of the TKC building is an extension approved in 2012<sup>1</sup>, the plans for which were amended in 2014<sup>2</sup>. Whilst I note that there is an amount of glazing to the west elevation of the extension, it seems to me that the proposed unit would have an adverse effect on daylight into the east side of the building, daylight which is already restricted as a result of the orientation of the building. I acknowledge that artificial lighting inside the building may already be required but nevertheless the proposal is likely to exacerbate the existing situation and, coupled with its overbearing presence, have an adverse effect on the quality of the working environment within the building.
  10. The appellant has suggested during the course of the appeal that the building could be clad in a silvered reflective cladding to minimise the loss of natural light to the offices although there is no evidence before me to demonstrate the effectiveness of such cladding in this instance. Moreover, it seems to me that even if reflective cladding were used, the building would still be dominant and overbearing from the affected windows and thereby have a detrimental effect on the working environment inside the offices.
  11. For this reason, the proposal would be contrary to Policies 1.3 and E6 of the UDP as set out above, and to paragraph 127 of the National Planning Policy Framework which requires, amongst other things, that developments function well, add to the overall quality of the area and are sympathetic to the

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<sup>1</sup> Application Ref: 11/01060/FUL

<sup>2</sup> Non-Material Amendment Ref: 14/01139/MATCH)

surrounding built environment, ensuring a high standard of amenity for existing and future users.

### **Other Matters**

12. The appellant considers that the site is currently unattractive, and its development would have a positive impact on the street scene. However, it seems to me that the appearance of the site would be readily improved by maintenance and I am unconvinced by the appellant's argument that the site is likely to be left unmanaged.
13. However, I acknowledge that the proposal would promote economic growth in an area which lies in an accessible location close to the motorway network, other businesses and local residential areas. The proposal would provide employment opportunities, which is a benefit of the scheme. However, as details before me of the proposed use of the building are limited, I cannot be certain that such opportunities would be significant.
14. Consequently, the benefits of the proposal, which are moderate, do not outweigh the significant harm to the neighbouring premises or the conflict with policy that I have identified.

### **Conclusion**

15. Therefore, taking into account all other matters raised, the appeal is dismissed.

*S Ashworth*

INSPECTOR