



Appeal Decision

Site Visit made on 13 April 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Appeal Ref: APP/G4240/W/21/3267049

Land adjacent to 325 Birch Lane, Dukinfield, SK16 5AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Godfrey against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/00749/OUT dated 5 August 2020, was refused by notice dated 5 November 2020.
 - The development proposed is proposed a two-storey detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Application for costs

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

Preliminary Matters

3. The application from which this appeal resulted was made in outline including details of means of access, landscaping and layout, all other matters are reserved for future consideration.
4. I have amended the description of development from that detailed on the application and appeal forms, removing reference to the address of the site and the location of the access in the interests of clarity.
5. I have amended the site address based on the details on the planning decision notice to more accurately describe the location of the site.

Main Issue

6. The matter of dispute between parties relates to the landscaping proposed. There is nothing within the evidence before me to suggest that I should take a different view. The main issue, therefore, is the effect of the proposal on the character and appearance of the area, with particular regard to landscaping.

Reasons

7. The development would be accessed from Bylands Fold and therefore it is from here where the development would be mostly seen. The frontages to the

properties in Bylands Fold are characterised by hard and soft landscaping. Low lying shrubs, small trees and areas of lawn help to soften and create a pleasing character to the residential area.

8. The appeal property would also be fronted by hard and soft landscaping although the frontage layout would differ from existing houses; the property's frontage would be dominated by hardstanding which would form a car parking and turning area. Although the size of this area has been reduced from an earlier proposal, it would continue to dominate the front of the site; parked cars would still dominate views from Bylands Fold. The low-lying shrubbery proposed is welcome but given its limited height, it would do little to mitigate the visual harm that the hardstanding and parked vehicles would have on the character and appearance of the area. Similarly, whilst the trees proposed are a welcome addition to the site, they would do little to soften the visual impact of hardstanding.
9. It is also the case that the shrubbery proposed would have little effect on the character of Bylands Fold given its set back from the highway. Bearing in mind the prevalence of hardstanding currently, to the front of No 8 and No 9 Bylands Fold, the access proposed, together with the shrubbery described, would create a large area of hardstanding that would appear visually awkward in the cul-de-sac.
10. The examples of "lollipop head cul-de-sacs and side driveways" before me do, in some cases, illustrate similar access arrangements. However, there is nothing in these examples to persuade me that an area dominated by hardstanding would be visually acceptable.
11. The site as it currently stands is somewhat unattractive although the untidiness of the site itself is obscured from Bylands Fold by a fence which is set back from the highway. The visual harm of the appeal site is therefore limited. That said, developing the site would tidy up an area which could only have a positive effect on the character and appearance of the area overall. This is a material consideration that weighs in favour of the appeal and I give it significant weight.
12. The National Planning Policy Framework (the Framework) at paragraph 130 and saved policies H9, H10 and C1 of the Tameside Unitary Development Plan (2004) seek development that, amongst other things, improves the quality and character of the area. The Framework clearly sets out that if development does not achieve this, it should be refused. For the reasons given, the dominance of hardstanding and car parking to the front of the site would be harmful to the character and appearance of the area. The benefit of redeveloping the site would not outweigh this harm. And so, I find that the development would be contrary to the development plan policies identified and the Framework.

Other Matters

13. The appellant draws my attention to a fallback position, one of the occupiers of No 8 and No 9 Bylands Fold constructing garages and off-street parking which would involve widening the existing driveway to provide vehicular access to the rear of their properties. Given the limited space to the side of these properties I am not convinced that this would be possible. Furthermore, I see both properties have garages which leads me to question the need for these works.

With little evidence before me to demonstrate that the occupiers of these two properties would undertake these works should the appeal be dismissed, I afford limited weight to this material consideration. As such, it does not outweigh the harm that I have identified.

14. It is not disputed between parties that the Council cannot demonstrate a 5-year housing land supply. Paragraph 11 of the Framework states at (d) that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites), 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. Parties have not argued that there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing). Being a development for one house, the appeal scheme would make a limited contribution towards the provision of housing. The development would also realise social and economic benefits, including employment during construction. This is a material consideration that weighs in favour of the appeal.

Planning Balance and Conclusion

15. The benefits identified above, to the site and the wider area would be insufficient to outweigh the harm to the character and appearance of the area and the conflict with the development plan. The appeal is therefore dismissed.

R Walmsley

INSPECTOR

