



Appeal Decision

Site visit made on 16 August 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/G4240/W/21/3276203

58 - 60 Stamford Street, Stalybridge SK15 1LQ

- 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 Asnan against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/01088/FUL, dated 22 October 2020, was refused by notice dated 29 March 2021.
 - The development proposed is creation of ground-floor, self-contained flat and additional first-floor accommodation to existing flat with secondary means of escape.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, a revised version of the National Planning Policy Framework (the 'Framework') has been published. The main parties were given the opportunity to comment on any relevant implications for the appeal and have not therefore been prejudiced. The main parties did not have any comments on this matter.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether or not the proposal would provide acceptable living conditions for future occupants, having regard to the provision of internal living space and private outdoor space; and
 - The effect of the proposed development on the living conditions of the occupiers of Newton Court, having regard to privacy.

Reasons

Character and appearance

4. The appeal site comprises a mixed use building with a convenience store and takeaway at ground floor and residential accommodation above. The surrounding area is characterised by residential properties and a mix of

commercial businesses. I acknowledge that the appeal site is not located within a conservation area nor within the curtilage of any listed buildings.

5. The proposed development would introduce a large, flat-roof first floor extension. I note that matching materials are proposed. The extension would not be visible from Stamford Street. Nonetheless, it would be visible from particularly Gledhall Street, the walkway between Gledhall Street and Newton Street and partially visible from Newton Street.
6. Although the building already incorporates a flat-roof, the proposed extension would be more conspicuous due to its height. Given the scale and roof form of the proposed extension, the scheme would result in a poorly designed, discordant and intrusive extension. The proposed staircase would also be an unsympathetic addition. The scheme would therefore not read as a subordinate addition and would not complement the appearance of the host building or the surrounding area.
7. For the reasons given above, the proposed development would be visually harmful to the character and appearance of the surrounding area. Accordingly, it would conflict with Policies H10 and C1 of the Tameside Unitary Development Plan (2004) (UDP). These policies seek, amongst other matters, high quality design and to ensure new development complements or enhances the character and appearance of the surrounding area.
8. The scheme would also not comply with Policy RD2 of the Tameside Residential Design: Supplementary Planning Document (2010) (SPD) and the Framework. The SPD seeks to ensure that proposals take into account the character of the existing buildings. The Framework promotes good design and requires development to be visually attractive and sympathetic to local character.

Living conditions- future occupiers

9. The proposed development includes the creation of a one-bedroom flat. Policy RD18 of the SPD sets out that a one-bedroom residential development should measure 51sqm. The nationally described space standards¹ (NDSS) sets out that for a 1 bed/ 1 person flat an internal floor area of 37sqm is required and for a 1 bed/ 2 person flat 50sqm.
10. Although the appellant asserts that the flat would be for one person, I am not satisfied based on the evidence submitted that this is the case. The intention of the NDSS is that the size of the bedroom determines how occupancy is defined in terms of whether it is for one or two occupiers. The proposal is for an open plan flat with partitions, therefore there is not a clearly defined bedroom.
11. As a consequence of the size of the proposed flat, it would result in a poor standard of accommodation as the flat would feel cramped and would not provide adequate space for occupiers' day-to-day needs.
12. Based on the evidence submitted, it appears that the Council's concern regarding amenity space relates to the new flat, rather than the existing flat. The existing flat's arrangement with regards to amenity space would not alter, thus it would be unreasonable to withhold planning permission for this reason.

¹ Technical housing standards – nationally described space standard (DCLG, 2015)

13. Occupiers of the proposed flat would not have direct access to the yard area. In any event, even if there was direct access this would be a poorly designed and unpleasant communal area. This is due to its relationship with the existing uses of the building, and it would not provide residents with an area for relaxation, leisure and clothes drying.
14. The proposal would therefore not provide a functional private outdoor space for future occupiers of the proposed flat. I recognise that there are properties with no outdoor amenity space within the surrounding area and there are public open spaces nearby. However, these considerations do not outweigh the harm identified and it is likely that other properties with no outdoor amenity space were assessed against different planning policy when they were originally granted permission.
15. The combination of the size of the internal floor area and lack of outdoor space would result in poor quality accommodation. For these reasons, the proposed development would not provide acceptable living conditions for future occupants, having regard to the provision of internal living space and private outdoor space. The proposal would conflict with Policy H10 of the UDP which seeks, amongst other matters, to ensure proposals are designed to meet the needs of potential occupiers.
16. The scheme would also conflict with Policies RD11, RD12 and RD18 of the SPD and the NDSS which seek to ensure new dwellings have sufficient indoor and outdoor space.

Living conditions- existing occupiers

17. Newton Court is located to the north of the appeal site. The appellant highlights that the nearest windows, on the side elevation, serve bathrooms and kitchens.
18. Based on the evidence presented, the proposed windows would not directly look into any of Newton Court's windows and there would be a reasonable distance between the windows. Given the distance between the windows of the proposed first-floor extension and Newton Court, and the angle between the windows, the proposal would not cause an unacceptable loss of privacy or direct overlooking, particularly in an urban area such as this.
19. For these reasons, the proposed development would not have an unacceptable effect upon the living conditions of the occupiers of Newton Court, having regard to privacy. Accordingly, in this regard, it would not conflict with Policy H10 of the UDP which seeks, amongst other matters, to ensure proposals do not have an unacceptable impact on the amenity of neighbouring properties.
20. The scheme would also comply with Policy RD5 of the SPD which seeks, amongst other matters, to minimise overlooking.

Other matters

21. The main parties agree that the Council is unable to demonstrate a five year supply of deliverable housing sites. The proposal would make a contribution towards the provision of housing and increase the size of the existing dwelling. The proposal would also result in social and economic benefits. Nevertheless, these benefits carry very limited weight given the small scale of the development.

22. The appellant states that they would omit the ground floor flat if it was unacceptable. However, proposals cannot be amended through the appeal process. In any event, this would not overcome the harm in relation to the character and appearance of the surrounding area.

Planning Balance and Conclusion

23. Having regard to the conflicts identified above, I conclude that the proposal is contrary to the UDP, as a whole. Given the absence of a 5 year supply of housing land, the relevant policies of the development plan, should not be considered up to date, having regard to paragraph 11(d) of the Framework and paragraph 11(d)(ii) is engaged.
24. Nonetheless, weight may still be afforded to policies depending on their consistency with the Framework. The most relevant policies are wholly consistent with the aims of the Framework with regard to the need to achieve high quality design and a high standard of amenity. There is nothing within the Framework to suggest that those requirements of all development should be lessened on account of the lack of a five-year supply. In that context, I attach significant weight to the conflict with the development plan.
25. In the absence of a five year supply of housing land, paragraph 11(d)(ii) of the Framework is engaged, and I must determine whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. For the reasons given above, although the proposed development would not have an unacceptable effect upon the living condition of the occupiers of Newton Court, it would fail to respect the character and appearance of the area. In addition, it would not provide acceptable living conditions for future occupants. In those respects, the proposal is contrary to the Framework with regard to good design and a high standard of amenity. The benefits associated with the appeal scheme would be very limited. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
27. The proposal would be contrary to Policies H10 and C1 of the UDP, and I afford this conflict with the relevant policies of the development plan significant weight.
28. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

L M Wilson

INSPECTOR