



Appeal Decision

Site visit made on 30 August 2022

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/G4240/W/22/3298608

1 Bowland Road M34 2GD

- 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 Richard Keary against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21.01271, dated 2 December 2021, was refused by notice dated 27 January 2022.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan, A915/X001, was submitted by the appellant. As the Council has had the opportunity to comment on the plan, and due to the changes being internal and relating to a window facing the appellant's property, no injustice would arise if I were to consider the amended plan. As such, I have determined the appeal on the basis of the amended plan.

Main Issues

3. The main issues are the effect on:
 - the character and appearance of the area; and
 - living conditions for future occupiers, with regard to internal space, and the living conditions for the current and future occupiers of 1 Bowland Road with regard to overlooking.

Reasons

Character and Appearance

4. The appeal site comprises an area of hard standing with grass to the rear. It fronts Bowland Road, at the corner with Sherwood Road. The immediate area is generally characterised by semi-detached bungalows and houses arranged in a largely consistent building line, set back from the road behind front gardens and paved driveways. The properties generally have hipped roofs and several have extensions and alterations which mainly respect the original building form.
5. The proposal is for a detached dwelling at this infill site which would be a contrast to the existing mix of property types in the area. I note that the plot is

- not large enough for two semi-detached properties, and the width of the frontage of the proposed property may well be similar to the single semi-detached property at 1 Bowland Road and 6 Sherwood Road. However, the proposal would not reflect the overall scale and massing of the surrounding semi-detached properties as a whole, resulting in a noticeable difference in the built form. Even though the frontage would be similar to adjacent properties, the overall scale of the building would differ.
6. Policy RD22 of the Tameside Residential Design Supplementary Planning Document (SPD) (2010) advises that building lines are an important consideration for infill sites. The plans show the proposal to be located closer to the road and would not follow the existing building line at 1 Bowland Road and the other properties on this side of the street.
 7. As such, the proposal would result in the uniform building line in this section of Bowland Road being broken, which would not respect the character and appearance of the area. I note the proposed property has been located forward of the building line to provide a greater garden at the rear and in attempt to avoid any loss of light for the occupants of 1 Bowland Road. However, a property in this location would have a negative effect on the character and appearance of the area. While a revised siting may address this, I must determine the appeal on the basis of the plans before me.
 8. Additional landscaping would, to a degree, screen the proposal. However, the roof and forward siting relative to adjoining properties would still be visible. Moreover, the proposal would introduce a gable roof in a generally hipped roofscape, drawing the eye and detracting from the existing roofscape.
 9. For the reasons above, the proposals would cause harm to the character and appearance of the area. This would be in conflict with policies H9, H10 and C1 of the Tameside Unitary Development Plan Written Statement (2004). Amongst other things, these policies seek housing proposals that respect and complement the character and appearance of the area and do not cause serious detriment to the character of the area to be enjoyed by other residents.
 10. The proposal is also contrary to the provisions of the National Planning Policy Framework (2021) (the Framework) in relation to design, including Paragraph 130 which seeks development that adds to the overall quality of an area and maintains a strong sense of place using the arrangements of streets, spaces and building types.

Living Conditions

11. The Council's calculation that the proposal would have a total floor area of 68.8 square metres is undisputed. A revised plan has been submitted showing a two-bedroom property to overcome the Council's concerns regarding individual room sizes. I note that the Residential Design SPD (2010) at Policy RD18 contains advice on space standards. However, the Council have based their assessment on the nationally described space standards which are not adopted as part of the development plan. There is no clear policy-based explanation for departing from the Council's adopted standards, so I have no reason not to apply those in the SPD.
12. To ensure form and function, and good design is achieved, Policy RD18 of the SPD recommends a minimum space standard of 66 square metres for a 2-

bedroom property. Accordingly, the proposal as shown on the revised plan would meet this standard, ensuring adequate space is provided in line with the provisions of the adopted SPD.

13. The Council have concerns regarding a first-floor side window which would face 1 Bowland Road, resulting in overlooking. The removal of the window, as shown on the amended plan provided with the appeal, would address any issue of overlooking.
14. Consequently, the revised plan would not cause harm to the living conditions of future occupiers, with regard to internal space, and the living conditions for the current and future occupiers of 1 Bowland Road with regard to overlooking, in accordance with Policy H10 of the Tameside Unitary Development Plan Written Statement (2004). This policy seeks the layout of proposed housing developments to be of a design that meets the needs of the occupiers, and to not have an unacceptable impact on the amenity of neighbouring properties through the loss of privacy.
15. The proposal is also in line with the provisions of the Framework (2021) in relation to achieving well designed places, including Paragraph 130, which seeks development that creates a high standard of amenity for existing and future users.

Other Matters

16. The Council confirm that it cannot demonstrate a five-year housing land supply and paragraph 11(d)(ii) of the Framework (2021) falls to be considered. The proposal is in an accessible location and, therefore, the provision of housing would be a clear benefit. However, the harm caused to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the limited increase in supply in housing that would result. Therefore, the proposal would not benefit from the presumption in favour of sustainable development outlined in the Framework at paragraph 11.

Conclusion

17. While there would be no harm to living conditions, my above findings in respect of character and appearance bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed

F Harrison

INSPECTOR