



Appeal Decision

Site visit made on 14 September 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/G4240/W/22/3294392

19 Stockport Road, Ashton-under-Lyne, OL7 0LA

- 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 M Game (Major Group Developments Ltd) against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21/00520/FUL, dated 14 April 2021, was refused by notice dated 24 December 2021.
 - The development proposed is the change of use of dwelling (Use Class C3) to 8 person House in Multiple Occupation (Sui Generis use) and construction of rear dormer.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the decision notice and appeal form which refers to an 8 person HMO, rather than a 9 person HMO. This accords with the amount of bedrooms provided in the submitted plans and referred to in the submissions. Furthermore, this description includes reference to the rear dormer such that overall it provides a more accurate description of the proposal.
3. The appellant submitted a light assessment, citing the BRE Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 2011. This report has recently been revised and parties have been given the opportunity to provide comments on these revisions.

Main Issues

4. The main issues are: whether the proposal would preserve or enhance the character or appearance of the Ashton Town Centre Conservation Area; the effect of the proposal on the living conditions of future occupiers, with regards to light, ventilation and provision of outdoor amenity space; and the effect of the proposal on the living conditions of occupiers of neighbouring dwellings, with regards to privacy and traffic.

Reasons

Ashton Town Centre Conservation Area

5. The appeal site comprises a terraced house located in the Ashton Town Centre Conservation Area (CA). Although the appellant states that this may not be the case if the CA boundaries were to be reviewed, there is nothing before me to suggest that this is likely to occur. This section of the CA is mixed in character, defined by a range of uses and the surrounding highway network.

The site sits in a terrace of Victorian houses, the traditional character of which remains evident due to the limited front alterations and uninterrupted roofscapes. As a result of the varied nature of the immediate surrounds, the site makes an overall neutral contribution to the significance of the CA.

6. A rear dormer has been installed at the site, constructed from materials to match the existing building. Although not visible from Stockport Road, rear views are experienced from June Street. Despite the varied rear elevation of the terrace, and the range of surrounding residential development, the dormer appears as a standalone feature of this type among the group of properties to which it primarily relates and against which it is experienced.
7. In this immediate context the dormer therefore reads as an incongruous addition. Although set back from the eaves and set in from both sides, it remains a sizeable feature, readily visible from June Street and reading as an imposing addition out of keeping with the traditional nature of the dwelling. Within the unbroken roofscape of the terrace, it reads as bulky and discordant.
8. For these reasons, the dormer is a visually intrusive addition. It causes visual harm to the site and the immediate surrounding character and appearance. As such, even acknowledging the neutral contribution the site makes to the CA, the dormer neither preserves nor enhances the character or appearance of the CA. Its effect is localised in an area where a variety of property styles exist, such that it would cause 'less than substantial' harm. Nevertheless, the National Planning Policy Framework (the Framework) makes it clear that great weight should be given to the conservation of heritage assets.
9. Paragraph 202 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. No such public benefits have been put forward by the appellant which would outweigh the harm identified.
10. For the reasons given the proposal would fail to preserve or enhance the character or appearance of the CA. As such, it would fail to accord with Policies 1.3, C1, C2 and C4 of the Tameside Unitary Development Plan 2004 (the UDP), which seek to ensure good design that respects the nature of the surrounding fabric and preserves and enhances conservation areas.

Living Conditions – Future Occupiers

11. It is proposed that an open plan living room and kitchen would be provided in the basement of the property. There would be glazed patio doors to the rear and a high level window to the front, both of which would be served by a lightwell. Although the appellant has submitted an assessment concluding that adequate daylight would be achieved, this has been prepared under outdated BRE guidance such that limited weight can be attached to this.
12. While there is dispute between the main parties as to whether the kitchen would be a habitable room, it remains that the open plan basement would be the only shared communal space in the property. As such, it is likely to be well used and relied upon by future occupiers in their day to day lives.
13. The subterranean nature of the space and the limited area of glazing relative to the overall size of the room would restrict the level of natural light that could be achieved, even acknowledging the proposed lightwells. It would also

result in limited ventilation, with the patio doors unlikely to be used for such purposes during periods of bad weather. This would contribute to a dark, gloomy and stuffy living environment in the only shared space of the house, increasing the reliance on artificial lighting and mechanical ventilation, and negatively impacting on future residents' enjoyment of the room.

14. Private amenity space would be restricted to the small rear yard, areas of which would be used for the proposed cycle and refuse storage. RD11 of the Tameside Residential Design Supplementary Planning Document 2010 (the SPD) advises that all houses should have private amenity space of a size and function suitable for its intended occupants, with RD12 further advising that the size and shape should be appropriate to create functional spaces.
15. Although there is no minimum space requirement for private amenity space in local policy, the size of the area proposed for this use would limit its useful function for an 8 person HMO. The constrained dimensions would be unlikely to comfortably support the range of uses expected of this space for 8 people, to include sitting out and drying washing.
16. I acknowledge that the rear yard is the original outdoor space of the property and is of a common size and shape in such dwellings. Nevertheless, given the proposed installation of a bike and bin store, the resulting amount of external amenity space would be substandard and unsuitable to accommodate the additional level of occupation resulting from the proposal.
17. For the reasons given the proposal would cause harm to the living conditions of future occupiers with regards to light, ventilation and provision of outdoor amenity space. As such, it would fail to accord with the provisions of RD11 and RD12 of the SPD and with Policy H10(a) of the UDP, which seeks to ensure that the layout and design of housing development meets the needs of potential occupiers.

Living Conditions – Neighbouring Occupiers

18. As part of the proposal the first floor rooms at the rear of the property would change from a bathroom and WC to a bedroom and ensuite. Situated in the outrigger, the windows of these rooms provide views towards the rear of the dwellings on June Street, which sit at an angle to the appeal property.
19. The distance between these rear habitable room windows at the site and the nearest habitable room windows on June Street would not accord with the minimum privacy distance between habitable rooms as suggested in the SPD. However, this represents guidance rather than policy, and the resultant relationship between these habitable room windows would not be unusual in a built-up and tight knit residential area such as this.
20. I acknowledge that there would be a likely increased usage of the first floor rear rooms at the site following conversion to a habitable ensuite bedroom. Nevertheless, there remains an acceptable level of intervening distance which, together with the angle of the properties, would ensure any views towards the June Street dwellings from these windows would be neither direct nor clear.
21. While the dormer creates a further habitable bedroom window looking towards June Street, it is set significantly further back than the rear outrigger windows. Combined with the height and angle of the dormer windows relative to those opposite, this setback would ensure no direct views into habitable rooms of the

June Street dwellings. Overall, the proposal would not create a level of actual or perceived overlooking such that the occupiers of the June Street properties would not have their enjoyment of habitable rooms unduly impacted by the proposal.

22. While the site is located on the edge of the town centre I noted that it has good access to a range of services situated further along Stockport Road. Despite the Council's assertions that the nearest bus stop is some distance away I observed there to be one within walking distance of the site providing links to the centre. I do not therefore consider that future occupiers would be reliant on a private car for day to day requirements. Accordingly, even acknowledging the increase in occupation of the property, any increase in vehicular movements in the area as a result is likely to be limited.
23. No off-street parking is proposed and on street parking is not available to the front of the site. I further noted that June Street to the rear of the property was, at that time of my visit, heavily parked. Nevertheless, I observed there to be ample unrestricted parking within the surrounding residential streets near to, and within easy walking distance of, the appeal site to accommodate the further parking likely to result from the proposal due to both future occupiers and visitors.
24. The likely modest increase in vehicular movements and good availability of on-street parking, combined with the limited speeds in the immediate vicinity of the site, would ensure that the proposal would not generate a level of traffic that would be to the detriment of neighbouring occupiers. It would not unduly impact traffic flow in the area or create a significant increase in risk of conflicts or parking stress that could in turn impact on the amenity of surrounding residents.
25. For the reasons given the proposal would not cause harm to the living conditions of neighbouring occupiers with regards to privacy or traffic. As such, it would comply with Policy H10(d) of the UDP, which seeks to ensure that housing development causes no unacceptable impact on the amenity of neighbouring properties, including privacy and traffic.

Planning Balance and Conclusion

26. I have concluded that the proposal would not have significant adverse effects on the living conditions of surrounding residents with regards to privacy or traffic. However, this does not outweigh the other significant harm identified with regards to the failure of the proposal to preserve or enhance the character or appearance of the CA and the effect of the proposal on the living condition of future occupiers, with regards to light, ventilation and provision of outdoor amenity space.
27. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR