
Appeal Decision

Site visit made on 4 April 2023

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/G4240/W/22/3312499

Godley Hall Inn, Godley Hill, Hyde, Tameside SK14 3BL

- 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 Bardsley against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/00364/FUL, dated 6 April 2022, was refused by notice dated 6 June 2022.
 - The development proposed is erection of a new build dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new build dwelling at Godley Hall Inn, Godley Hill, Hyde, Tameside SK14 3BL in accordance with the terms of the application Ref 22/00364/FUL, dated 6 April 2022, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving Godley Hall (former Godley Hall Inn/Public House) or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area having regard to the setting of Godley Hall; and
 - The effect of the proposed development on the living conditions of future occupiers having regard to the provision of outdoor amenity space.

Reasons

Character and Appearance

4. The appeal site is situated to the side and rear of Godley Hall, a former public house and Grade II listed building that has recently been converted back into a dwelling. Godley Hall is an example of an early 18th Century yeomanry farmhouse of stone construction albeit with some more recent alterations. On the other side of the site is a row of two storey terraced dwellings with a more contemporary red-brick external material finish.

5. Opposite Godley Hall and the red-bricked terrace there is another row of two storey terraced dwellings with a more traditional stone external material finish. These dwellings also have traditional stone slate roof tiles like those on the roof of Godley Hall. The appeal site comprises a portion of what was the car park for the former public house and an adjacent area of open space. The terraces and Godley Hall are located quite close to each other, giving the area a compact feel and dense urban character.
6. On the other side at the open end of the cul-de-sac lies a large food processing and manufacturing plant, part of which is clearly visible from the end of the street closest to the appeal site. At the other end of the street, when turning the corner, a large four storey office block within the grounds of the food processing plant is fully visible both to pedestrians and road users.
7. The proposal would install a two storey, L-shaped dwelling within the gap between Godley Hall and the red-bricked terrace. It would have a traditional stone and slate external material finish that would resemble Godley Hall and the traditional row of terraced dwellings opposite and would infill the gap between these buildings.
8. According to the evidence, the historic pattern of development on the appeal site and the land around Godley Hall, including the two terraces was dense and compact, with buildings standing where the appeal site and former car park are now located.
9. Given the materials to be used, the proposal's design and external material finish would reflect those of Godley Hall and the traditional terraced dwellings opposite and would not be 'modern' in its style. Indeed, the fenestration detailing would be similar to that on these more traditional styled properties.
10. In terms of its scale, the proposal would not be much higher than Godley Hall and would be lower in height than the adjacent red-brick terrace which, according to the evidence, would reflect the height of the building that previously stood in the same location before it was demolished to make way for the car park. It would also project to the rear to a similar degree to the buildings that once stood there and would leave a similar L-shaped gap between the Hall and itself, similar to what was there historically.
11. According to the submitted plans, the proposal would measure around 11 metres in width and be located approximately 5.8 metres away from Godley Hall. While I note the point that the proposal's width would broadly equate to the width of two of the adjacent terraced properties, it would not be wider overall than Godley Hall. The width of the proposal would also appear to be less than that of the two-storey building that once stood on the appeal site as shown on drawing no. RG284 / PL104 rev P2. In addition, based on the submitted plans, the proposal's 'L' shape would also not be significantly larger than the overall cruciform shape and layout of Godley Hall. Consequently, while it would not be completely subservient in scale and massing to Godley Hall, it would not be so large as to visually dominate it or its setting.
12. Consequently, to my mind, the proposal would in essence restore the previous historic pattern of development and therefore it would visually compliment and contribute to the significance of Godley Hall and positively contribute to the character and appearance of the area overall.
13. I note that the proposal would place built development on part of the site of the former car park and infill the gap between Godley Hall and the adjacent terrace. However, given that the proposal would be set back from the front building line of the terrace I consider that it would not lead to an increased sense of enclosure

particularly given the already compact and dense urban character at this end of the street. Furthermore, the removal of the hardstanding and concrete currently in situ and its replacement with a well-designed built form would represent a visual improvement in my view.

14. It is therefore my overall planning judgement that the proposal would preserve the setting of Godley Hall. Accordingly, based on the evidence before me, I find that the proposed development would not unacceptably harm the character and appearance of the area. I therefore conclude that the proposed development would accord with policies C1, C5, C6, H9 and H10 of the adopted Tameside Unitary Development Plan (UDP), Policies RD2 and RD22 of the Tameside Residential Design Supplementary Planning Document (SPD), and paragraphs 130 and 134 of the *National Planning Policy Framework* (the Framework).

Outdoor Amenity Space

15. The SPD stipulates that all houses should have private amenity space of a size and function suitable for its intended occupants with houses of 3 or more bedrooms being expected to have an outdoor space that reflects this. The SPD does not provide any detailed guidance as to what an adequate minimum size of outdoor private amenity space would be acceptable. The proposal would have four bedrooms and a private garden and amenity space to the rear would be provided.
16. According to the submitted plans the proposed rear garden would encompass the full width of the rear elevation extending either side of it to a small degree. It would then extend backwards in a rectangular fashion to the existing mature tree line before tapering off at an angle in a rectangular shape with a steep drop in gradient which progresses as it moves in that direction.
17. Based on the evidence, the flat rectangular portion of the proposed rear garden would be of a similar size to the rear gardens/amenity spaces used by the occupiers of neighbouring properties. Furthermore, based on the submitted plans, I see no reason why this rectangular garden/amenity space to the rear of the proposal could not functionally be used as such. Consequently, and given that the SPD does not specify a minimum standard size, I find that the proposal would provide an adequate amount of usable private outdoor amenity space.
18. As a result, I find that the proposal would not materially harm the living conditions of future occupiers having regard to the provision of outdoor amenity space. It would therefore accord with policy H10 of the UDP, Policies RD11, RD12 and RD18 of the SPD, and paragraph 130 of the Framework.

Other Matters

Area of Common Land and Public Right of Way

19. A concern was raised that there was an area of registered common land within the appeal site. Indeed, this issue was highlighted in the Council's officer report. However, I have no substantive evidence before me, such as a copy of the commons register, to support this so I cannot be certain that this area is common land.
20. It has also been highlighted that an application was submitted to add a footpath to the definitive map and statement to gain public access to the alleged area of common land. However, according to the evidence this application has been withdrawn so I also cannot be certain that there is a public right of way to the alleged area of common land.

21. In any event whether the appellant seeks additional consent to access any common land is not a matter for me to determine as part of this s78 appeal. As a result, and for the above reasons I afford this matter little weight.

Housing Land Supply

22. The Council does not dispute the appellant's contention that it is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 74 of the Framework. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply as set out in Paragraph 11 of the Framework.
23. The proposal would, for the reasons described above, not cause material harm to the character and appearance of the area or to the setting of Godley Hall. Moreover, as accepted by the main parties, the appeal site is located within an area suitable for housing. Furthermore, within this context the proposal would provide the benefit of a new home and there are no identified adverse impacts that would outweigh this benefit when assessed against the policies in the Development Plan and Framework as a whole.
24. As a result, when considered in the round, these factors weigh in favour of the proposal and the presumption in favour of sustainable development is therefore applicable in this case.

Highway Safety

25. Concerns have been raised by interested parties in relation to the proposal having an adverse impact on highway safety in terms of on-street carparking, vehicular movement up and down the lane and that access for emergency services vehicles would be restricted. However, I have no substantive evidence before me to support this. Indeed, the local highway authority does not raise an objection to the proposal subject to the imposition of appropriately worded conditions and based on the evidence before me I see no reason to disagree. Consequently, and being mindful of Paragraph 111 of the Framework, I see no reason why the proposal should be refused. I therefore afford this matter little weight.

Objections by interested parties

26. Interested parties have raised concerns relating to several matters including: drainage, bin storage, vandalism, anti-social behaviour, health and wellbeing, loss of light and the loss of a children's play space. However, I have no substantive evidence before me to suggest that the proposal would cause unacceptable harm in relation to these matters and as a result afford them little weight.
27. It has also been highlighted that there are and have been disputes about land ownership in the locality, including the appeal site. However, *Planning Practice Guidance* (the Guidance) states that planning permission runs with the land and it is rarely appropriate to provide otherwise¹. In any event, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. As a result, I afford this matter little weight.
28. None of the other matters raised alter or outweigh my conclusions on the main issues above.

¹ Paragraph: 015 Reference ID: 21a-015-20140306

Conditions

29. A set of suggested conditions was submitted by the Council which the appellant agrees with, and I have used these as the basis for those I have imposed on the appeal scheme. I have imposed conditions as set out in the attached schedule in light of the use of planning conditions set out in the Framework and the Guidance. Consequently, in the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions suggested by the Council.
30. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. I have also imposed a necessary condition specifying that the proposal be constructed of materials in accordance with samples submitted to and approved by the local planning authority in the interests of the character and appearance of the area.
31. In the interest of minimising flood risk, I have imposed a necessary condition requiring the submission and approval of a sustainable surface water drainage strategy. I have also imposed reasonable and necessary conditions requiring the submission of a construction environment management plan and limiting the hours of construction activities in the interest of the living conditions of neighbouring occupiers.
32. In the interest of the character and appearance of the area and ensuring sufficient cycle storage I have also imposed necessary conditions requiring the submission and approval of the secured cycle storage provision, an arboricultural impact assessment, an arboricultural method statement and details of both hard and soft landscaping works including boundary treatments.
33. In the interest of minimising risks from potentially contaminated land I have also imposed conditions requiring that an investigation and risk assessment be carried out should any contamination be discovered during the proposal's construction; and that if contamination is found or suspected at any time during development, all works would stop until a remediation strategy detailing how this contamination will be appropriately addressed has been submitted to, and approved in writing by the local planning authority.
34. In the interest of the character and appearance of the area and of the preservation of the setting of a heritage asset I have imposed a necessary condition prohibiting any alteration to the roof including the insertion of dormer windows or the enlargement or extension of the dwelling hereby approved or the construction of buildings within its curtilage without first having to apply for planning permission.

Planning Balance and Conclusion

35. The accord of the proposal with the Development Plan and the Framework when read as a whole is not outweighed by any other consideration and the Framework indicates in Paragraph 11 that such development should be approved without delay. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed, and planning permission is granted, subject to conditions.

C Coyne

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No. RG284/PL100 Rev P1; Site Plans and Site Sections Drawing No. RG284/PL102 Rev P3; External Views (1 of 2) Drawing No. RG284/PL103 Rev P3; External Views (2 of 2) Drawing No. RG284/PL104 Rev P2; Proposed Plans and Elevations Drawing No. RG284/PL101 Rev P3.
- 3) No development above foundation level shall commence until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) Prior to the commencement of development, a sustainable surface water drainage strategy shall be submitted to and approved in writing by the local planning authority. The drainage scheme must include:
 - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - iii. A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

- 5) No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by the local planning authority.

This shall include details of:

- i. Arrangements for temporary construction access;
- ii. Contractor and construction worker car parking;
- iii. Turning facilities during the remediation and construction phases;
- iv. Details of on-site storage facilities;

The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

- 6) No development shall commence until such time as an Arboricultural Impact Assessment and Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority.
- 7) No part of the dwelling hereby approved shall be occupied until details of both hard and soft landscape works including boundary treatments have been submitted to and approved in writing by the local planning authority. The details shall include the size, species and spacing of planting, the areas to be grassed and the materials to be used on the hard surfaced areas. The landscaping scheme shall be implemented in accordance with the approved

details prior to the occupation of the development and shall be retained as such thereafter.

- 8) A scheme for Biodiversity Enhancement and Mitigation Measures including the planting of native trees or hedgerows and the provision of bird and bat boxes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the dwelling and shall be retained thereafter.
- 9) No part of the dwelling hereby approved shall be occupied until details of the secured cycle storage provision to serve the development have been submitted to and approved in writing by the local planning authority. The details shall include scaled plans showing the location of storage and details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.
- 10) No works other than the excavation of the foundations and / or piling works for the development shall be undertaken at the site until the CLS2A Contaminated Land Screening Form has been submitted to and approved in writing by the local planning authority. Where necessary, a programme of investigation (including soil analysis and/or ground gas monitoring) shall be undertaken at the site in order to enable an assessment of the risks posed by contamination to be carried out. The proposed scheme of investigation shall be agreed with the local planning authority prior to being undertaken.

Where necessary, a remediation strategy detailing the works and measures required to address any unacceptable risks posed by contamination shall be submitted to, and approved in writing by, the local planning authority. The strategy shall include full details of the information that will be obtained in order to demonstrate the scheme has been appropriately implemented. The approved remediation scheme(s) shall be fully implemented and a verification / completion report demonstrating this and that the site is suitable for its proposed use shall be submitted to, and approved by, the local planning authority.

If, during development, contamination not previously identified is encountered, then the local planning authority shall be informed and no further development (unless otherwise agreed in writing with the local planning authority), shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the local planning authority. The remediation strategy shall be fully implemented and verified as approved.

- 11) During construction / conversion of the property, no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
- 12) Permitted Development Rights Removed Notwithstanding the provisions of the Schedule 2, Part 1 of the of the Town and Country Planning (General Permitted Development) Order 2015) as amended, no development involving enlargements such as side/rear extensions, alterations to roofs, dormer windows or the construction of buildings surrounding the house (the 'curtilage') as permitted by Classes A to F and H of Part 1 of Schedule 2 of the Order shall be carried out.

End of Schedule