



Appeal Decision

Site visit made on 3 January 2018

by B Bowker Mplan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2018

Appeal Ref: APP/G4240/W/17/3184696

Land at the west of the junction of Calland Avenue and Leech Street, Godley, Hyde

- 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 Frank Williams against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 16/00788/FUL, dated 13 August 2016, was refused by notice dated 12 May 2017.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises a vegetated embankment located to the north east of terraced residential properties along Calland Avenue and Leech Street. The vegetated and sloped appearance of the site gives it a strong visual association with the wider verdant character at Godley Brook valley rather than with built form to the south.
4. During my site visit I saw that the proposed dwelling would be set to the front of and below properties at Calland Avenue and Leech Street. Unlike the proposal, nearby garden structures and domestic paraphernalia are modest in scale, subsidiary in appearance. The proposal would not exceed the height of existing structures along Calland Avenue. However, when viewed from public vantage points along Godley Brook, the proposed dwelling would be particularly intrusive in appearance. Despite the retention of existing trees and plantation along the proposed walls, the proposal, including its elevated rooftop parking platform, would remain prominent. Consequently the harmful effect of the proposal on the verdant character at Godley Brook Valley would be particularly noticeable. In this light, I cannot agree that the proposal would be an exceptionally well designed innovative dwelling that would fit into the landscape.
5. In reaching this view, I have taken into account and viewed other residential schemes identified by the appellant. Based on the appellant's measurements,

these schemes are closer to the Brook than the proposed dwelling. However the dwellings approved at 249 Mottram Road and at Taylor Street have a stronger visual association with surrounding properties than with Godley Brook Valley. As such, both schemes have preserved the verdant character at Godley Brook Valley. In addition, I understand that the permission at Brook Street has been disposed of, based on the absence of a legal agreement. Moreover the cited schemes are located away from the appeal site and as such would not be viewed alongside the proposal.

6. Consequently, despite the passage of time, I agree with the Inspector determining the 1998 appeal¹ in that the houses on Leech Street and Calland Avenue form a definite edge to the built up area and that the site is beyond the built up area.
7. I note that the appeal site is not allocated as protected green open space or located within a conservation area. However, based on the harm identified above, the proposal would detract from the enjoyment of users of Godley Brook Valley, which I understand is a recreational facility defined by Unitary Development Plan (UDP) saved policy OL6.
8. Paragraph 59 of the National Planning Policy Framework states that design policies and decisions should avoid unnecessary prescription, not attempt to impose architectural styles or tastes, and should not stifle innovation. Nonetheless, paragraphs 56, 60 and 64 highlight; the importance of good design; that it is proper to seek to promote local distinctiveness; and that permission should be refused for poorly designed development that fails to take the opportunities available for improving the character and quality of an area. Based on my reasoning above, the proposal would be deficient in this respect.
9. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to saved UDP policies H10 and OL7. Combined and insofar as they relate to this matter, these policies require housing development to have a high quality external appearance that minimises visual impact on the surrounding area and on the landscape character of water areas.

Other Matters

10. A number of benefits are associated with the proposal which include its development of a site that has been subject to fly-tipping and anti-social behaviour. In addition, future occupants would have access to public transport, shops, services and open spaces. The proposal would also contribute an energy efficient detached family home towards housing supply. Furthermore, the proposal has received some local support and no harm has been identified to neighbouring living conditions. However these factors and modest benefits combined would not outweigh or prevent the harm identified in relation to the main issue.
11. Nor does the inclusion of the site within the Council's emerging Strategic Housing Land Availability Assessment remove the harm identified above or imply that permission should be granted for the proposal.
12. Outline planning permission was granted for the development of one house at the appeal site in 1988. However no evidence is before me to demonstrate

¹ T/APP/G4240/A/98/291197/P2

that this is an extant permission. In this light, I note that subsequent planning applications at the site were refused and dismissed at appeal. Consequently the 1988 outline permission is a consideration that attracts limited weight only.

13. The appellant also states that positive pre-application advice was provided by the Council. However, it is common practice that pre-application advice is provided without prejudice and cannot pre-determine the outcome of a subsequent application.
14. The appellant also states that the Council cannot demonstrate a five year supply of housing land. However, based on the evidence before me, I am unable to reach a firm conclusion on this matter. In any event, even if I were to conclude that there is a shortfall in five-year housing land supply and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission identified above would significantly and demonstrably outweigh the benefits associated with the proposal.

Conclusion

15. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker
INSPECTOR