



Appeal Decision

Site visit made on 9 April 2018

by W Johnson BA (Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2018

Appeal Ref: APP/G4240/W/18/3194110

23 Cypress Road, Droylsden, Manchester M43 7PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr D McDonald (Birch Estates Ltd) against Tameside Metropolitan Borough Council.
 - The application Ref 17/00897/FUL, is dated 19 October 2017.
 - The development proposed is the erection of a detached dwelling house - Resubmission of 17/00603/FUL.
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Decision

1. The appeal is dismissed and planning permission refused for the erection of one detached dwelling house at 23 Cypress Road, Droylsden, Manchester, M43 7PE.

Procedural Matters

2. I am aware that initially the appellant made reference to a previously determined application 17/00603/FUL in their appeal submission in error. Whilst I understand the slight inconvenience that this caused the local planning authority, I do not consider that any party has been prejudiced.

Main Issue

3. The main issues are the effect of the proposal on:
 - the character and appearance of the appeal site and the surrounding area;
 - living conditions for future occupiers; and
 - whether it would be a sustainable form of development having regard to the National Planning Policy Framework.

Reasons

Character and appearance

4. The appeal site comprises the side garden of 23 Cypress Road, which is at the end of a terrace in a row of four properties. The site itself forms a corner plot at the junction with Somerset Road. The surrounding area predominantly consists of residential properties, where the dwellings are in the form of terraced housing in rows of 4 dwellings. The appeal site is located within an

established residential area with good access to the range of services and facilities that the town has to offer. I therefore concur with the Council that the appeal site is located in an accessible location and therefore, in principle is suitable for residential development. In this respect I acknowledge the reference to APP/U4230/A/11/2157433, but as little information has been provided and the full details of the scheme are unknown for development in a different area to the appeal scheme, I only attribute little weight to it.

5. The proposal is for one detached dwelling with access off Cypress Road. The house would be two-storey in height, of brick construction with a hipped tiled roof. I consider the facing materials and overall design to echo features in the neighbouring dwellings, including details, such as, the two-storey bay window on the front elevation, which is a prominent feature in the properties in the wider street scene. This forms a strong and positive characteristic in the street scene, meaning I consider that the appeal site is located within an area of similar properties that have maintained a sense of rhythm and balance. The proposal through its detached form and prominent location within an area predominantly consisting of terraced properties would result in an incongruous addition that would have an awkward relationship with these neighbouring dwellings. The resulting significant adverse effect would be readily visible in the street scene to the detriment of character and appearance of the surrounding area.
6. My attention has been drawn to other detached dwellings in the area, where photographs have been provided in support. Whilst noting the presence of other detached dwellings in the wider area, relatively little detail has been provided regarding the particular planning backgrounds to those schemes. Without such information a full and detailed comparison between those developments and the case before me cannot be drawn except insofar as I was able to observe and assess the sites at my visit. Therefore, little weight can be attributed to them in the determination of the appeal.
7. For all of these reasons, I therefore conclude that the proposal would unacceptably harm the character and appearance of the appeal site and the surrounding area. This would be contrary to Policies 1.3, H9 and H10 of The Tameside Unitary Development Plan that seeks high quality design that complements or enhances and is sensitive to the character and appearance of the area enjoyed by other residents.
8. It also fails to accord with RD2 and RD22 of the Residential Design Supplementary Planning Document that amongst other things seeks to ensure that proportions, street patterns, architectural style / design and scale and mass of dwellings align with their surroundings. As a result, the proposal would also be contrary to paragraph 60 of the National Planning Policy Framework, which amongst other things seeks to promote or reinforce local distinctiveness.

Living conditions

9. Concerns have been raised in relation to the size of the dwelling, which is understood to consist of approximately 70m² of gross internal floor space, which is accepted by the Council. This amount of internal space has been increased since the previous application. However, the Council maintain that this is an unacceptable amount of internal space. Reference has been made by both parties to 'Technical housing standards – nationally described space standard, March 2015'. In particular reference has been made to the figures

contained within Table one, on page 5 of the document. I have examined the details before me in the statement from the appellant and on the application plans it confirms that the proposal is for a 3 person, 2 bedroom property. Under these circumstances and in the absence of any substantive information to the contrary, I have no reason to doubt that the proposed house is for 3 people with 2 bedrooms. Therefore, in referring to 'Table One – Minimum gross internal floor areas and storage (m²)', a 2 bedroom dwelling for 3 people over two-storeys requires 70m² of internal floor area with no built in storage. The appeal scheme meets this minimum requirement.

10. I consider the proposed house would provide an adequate level of accommodation for future occupiers. Therefore the proposal accords with the detailed design principles set out in Policy H10 of the Tameside Unitary Development Plan that amongst other things seeks for housing developments to meet the needs of potential occupiers.

Sustainable form of development

11. The definition of Previously Developed Land (PDL) in the Glossary to the Framework states, as far as is relevant for the purposes of this appeal, "land which is or was occupied by a permanent structure, including the curtilage of the developed land ... and any associated fixed surface infrastructure. This excludes: land in built-up areas such as private residential gardens". As the appeal site forms the side garden of 23 Cypress Road, it does not benefit from the PDL definition.
12. The Council is unable to demonstrate a five year supply of deliverable housing sites. As such, relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the Framework. In these circumstances, paragraph 14 should therefore be applied. The proposal would perform well in that it would be in an urban area where access to facilities is likely to be greatest. However, good design is also a key aspect of sustainable development.
13. In terms of its component dimensions there would be a small social benefit in providing an extra housing unit. Economic advantages would also arise from the construction and occupation of a new house. However, the harm to the character and appearance of the appeal site and the surrounding area identified would be significant, and as a result the environmental role of sustainable development would not be achieved. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Other Matters

14. I have had regard to various other matters raised by a neighbouring occupier in relation to restricting construction works, living conditions of neighbouring occupiers and drainage, but these do not alter my conclusions on the main issue.
15. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Wayne Johnson

INSPECTOR