



Appeal Decision

Site visit made on 17 July 2018

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 20th August 2018

Appeal Ref: APP/G4240/W/18/3201052

1 Bowland Road, Denton, 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 17/00678/FUL, dated 4 August 2017, was refused by notice dated 7 December 2017.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the appeal was lodged. The main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the responses and the Framework in reaching my decision.
3. The site has previously been subject to a dismissed appeal for a 2 bedroom bungalow (Ref APP/G4240/W/15/3129456). The full details of that case, including the submitted plans, are not before me. However, as that case was in outline and proposed a bungalow, it does not appear to be directly comparable to the current proposal. I have therefore come to my own view on the appeal rather than relying on the approach taken by my colleague in different circumstances.

Main Issues

4. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of the occupiers of No 40 Radnor Avenue with regard to overlooking and loss of privacy.

Reasons

Character and appearance

5. The appeal site is located within a residential area that consists mostly of semi-houses. Bowland Road and most of the surrounding streets are characterised by consistent building lines and a relatively uniform pattern of development.

6. The proposed dwelling would be positioned around 1.5 metres in advance of the established building line. It would also have a significant width compared to neighbouring properties and would be in a prominent position just before the junction. In this regard, it would jut out prominently into the street which would contrast sharply with the existing pattern of development along Bowland Road. In my view, it would appear incongruous and would fail to respect the character of the surrounding area.
7. A number of properties along Bowland Road have been extended to the side and rear. However, these extensions are mostly subservient in scale and follow the established building line. They do not lend support to the appeal proposal in my view.
8. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policies H10 and C1 of the Tameside Unitary Development Plan (UDP) (2004) and guidance contained in the Residential Design Supplementary Planning Document (SPD) (2010). These policies and guidance seek to ensure, amongst other things, that new development is consistent with the pattern of development in the area.

Living conditions

9. Policy RD5 of the Council's Residential Design SPD states that a minimum separation distance of 21 metres should be maintained between residential habitable room windows. In this regard, the proposed rear bedroom window would be 19.8 metres from first floor habitable room windows in No 40 Radnor Avenue, according to the submitted plans. This would result in direct overlooking between these properties, and the development would therefore be contrary to guidance contained in the SPD.
10. My attention has been drawn to the relationship between the rears of Nos 6-10 Sherwood Road and No 40 Radnor Avenue, which also appears to be below the standard required by the SPD. However, that is a longstanding arrangement and in any case, those properties are set at a more oblique angle to No 40, which limits direct overlooking. Accordingly, this existing arrangement does not provide a justification for the development.
11. The appellant further states that the nearest window to No 40 in the proposed dwelling would serve a bathroom, which could be obscurely glazed. However, the 19.8 metre measurement that is given appears to relate to the proposed bedroom, and not to the bathroom window. In the circumstances of this case, I am not persuaded that there is a clear justification for departing from the SPD.
12. For the above reasons, I conclude that the development would significantly harm the living conditions of the occupiers of No 40 Radnor Avenue with regard to overlooking and loss of privacy. It would therefore be contrary to Policy H10 of the Tameside UDP (2004) and guidance contained in the Residential Design SPD (2010). This policy and guidance seek to ensure, amongst other things, that new development does not have an unacceptable impact on the amenity of neighbouring properties.

Overall Balance and Conclusion

13. As set out above, I conclude that the development would significantly harm both the character and appearance of the area, and the living conditions of the occupiers of No 40 Radnor Avenue with regard to overlooking and loss of privacy. It would be contrary to Policies H10 and C1 of the Tameside UDP (2004) and guidance contained in the Residential Design SPD (2010) in this regard.
14. The appellant states that the Council is currently unable to demonstrate a 5 year supply, although the Council has not commented on this matter. In this regard, the development would provide a small contribution to the supply of family housing on a small site in a relatively accessible location. Moreover, there would be some modest economic benefits including the creation of employment during the construction phase, and through the purchasing of materials and furnishings.
15. However, even if I were to find that the Council was unable to demonstrate a 5 year supply, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in this case. Accordingly, the application of Paragraph 11 of the Framework would not indicate that permission should be granted. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.
16. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR