



Appeal Decision

Site visit made on 9 July 2019

by **J M Tweddle BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Appeal Ref: APP/G4240/W/3227157

40 Ardenfield, Denton M34 7LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Melanie Manwaring against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 18/00059/OUT, dated 20 January 2018, was refused by notice dated 14 November 2018.
 - The development proposed is described as the building of two houses on land to the rear of 40, Ardenfield M34 7LN. Access to the site to be obtained directly from the hammerhead end of Ardenfield (between house numbers 40 and 38) by the removal of a section of hedge and the demolition of a single garage, both owned by the applicant.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The full description of development as stated on the application form is set out above. The Council's decision notice has described the development as 'erection of two dwellinghouses'. This is a more accurate and succinct description of what is proposed, and I have therefore considered the appeal on this basis.
3. The planning application was submitted in outline with all matters reserved except for access. A proposed block plan and 3D visualisations (Drawing No 1812 01) accompany the proposal and I have had regard to them as indicative, other than the proposed access arrangements, and only in so far as establishing whether it would be possible, in principle, to develop the site for housing.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019 and this post-dates the Council's refusal notice. I have had regard to the revised Framework in my decision and I am satisfied that this has not prejudiced either party.

Main Issues

5. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of existing and future occupiers with particular regard to the amount of amenity space and privacy.

Reasons

Character and Appearance

6. The appeal site forms part of the rear garden area of a semi-detached house. The property occupies a corner plot and is typical of other housing in this residential estate, the street scene of which is generally characterised by evenly spaced pairs of semis aligned in an orderly manner fronting the highway and benefitting from good sized front and rear gardens. Indeed, the deep and verdant garden of the appeal site and its neighbours, along with a mature band of woodland which borders these gardens, provide a sylvan backdrop to the properties along this part of the street and contribute significantly to the pleasant, verdant and spacious suburban character of the area.
7. The indicative plans show a pair of semi-detached bungalows taking up a substantial part of the rear garden area of the host property, thereby introducing a form of backland development that would be at odds with the orderly manner of development described above. The result would be a pair of houses that would not integrate well with their surrounding context.
8. Whilst the bungalows would likely be of limited scale, their positioning to the rear of the host dwelling and absence of any positive street frontage would result in a cramped and discordant form of development that fails to reflect the spatial characteristics and prevailing pattern of development of the surrounding area. Furthermore, the loss of a significant area of garden would erode the spacious and verdant character I have mentioned above.
9. The appellant suggests that the proposed dwellings would be approximately in line with No 38A Ardenfield, which is set back from the street, and so would respect established building lines. However, 38A is read as a continuation of the existing street scene along the western side of Ardenfield, comprising No's 38, 36, 34, and so on. 38A is to the side of, and generally in line with, these existing properties unlike the appeal proposal that would extend built form to the rear of, and thereby away from, the established street scene.
10. It is also suggested that there would be limited views of the appeal proposal, thereby reducing any potential visual harm. Although, during my site visit, I could see clear and extensive views through the site, and to the woodland beyond, from a number of points along the adjacent public highway. Indeed, the removal of the existing garage, to enable access to the site, would increase the site's prominence within the street scene and further emphasise its poor relationship with the existing housing.
11. Consequently, I find the proposal would harm the character and appearance of the area. This is contrary to saved Policies H9 and H10 of the Tameside Unitary Development Plan 2004 (the TUDP) and Section 12 of the Framework which together require residential development to be of a high quality design that complements or enhances the character and appearance of the surrounding area.

Living Conditions

12. At present No 40 is served by a garden of ample size which reflects the character of the area and is commensurate with the size of the property. Saved Policy H9 of the TUDP seeks to retain residential garden areas and ensure that privacy is maintained between existing and proposed dwellings and their

gardens. This approach is broadly consistent with the requirements of the Framework which seek to ensure the provision of appropriate levels of amenity for existing and future users and to resist the inappropriate development of residential gardens where such development would cause harm to the local area.

13. The appellant states that the remaining garden area of No 40 would be of a significant size to serve the dwelling and that adequate private amenity space has been provided to reflect the limited size and scale of the proposed dwellings. In fact, the proposal would see the loss of the garage to the side of No 40, to gain access to the site, and what appears to be over 50% of the existing rear private garden area. This is a substantial loss of amenity space that would fall significantly short of the generous garden sizes found in this part of the housing estate and what would reasonably be expected by the occupants of the existing property.
14. Similarly, I find the private amenity space proposed for the two new dwellings to be particularly small with the usable area likely to be even smaller due to the significant gradient of the site along its south eastern boundary. Consequently, I am of the view that the size of the amenity space for both the existing and proposed dwellings would be inadequate and far less than what could reasonably be expected by future occupants.
15. It is suggested that the remaining garden area would be comparable to that of the rear garden area at No 54, at the end of this row of houses. However, I have not been provided with the dimensions of this garden area and therefore am unable to draw any firm conclusions in this regard.
16. Turning now to the matter of privacy, the Council are concerned that the minimum 20 metre window to window distance for habitable rooms has not been achieved in accordance with the guidance set out in their Residential Design Supplementary Planning Document (the SPD). Whilst this is a valid concern, I am mindful that matters of layout, scale and appearance are all reserved for consideration at a later stage and therefore, as the appellant suggests, the detailed design of the properties and the positioning of windows could be dealt with at the reserved matters stage to ensure acceptable levels of privacy are maintained between the properties. I also find, in relation to matters of privacy, no conflict between the existing and proposed garden arrangements.
17. To conclude on this main issue, whilst there would be no unacceptable loss of privacy, I have found that the provision of amenity space for the proposed dwellings would be inadequate. In combination with the significant loss of private garden space from the existing house, this would be harmful to the living conditions of the occupiers of No 40 and the future occupiers of the proposed dwellings. This would be contrary to saved Policies H9 and H10 of the TUDP and the provisions of the Framework which, amongst other things, seek to resist the inappropriate development of garden areas and ensure high standards of amenity for all existing and future occupiers.

Planning Balance

18. Both parties agree that the Council is unable to demonstrate a five year supply of deliverable housing sites. In accordance with footnote 7 of paragraph 11d of the Framework, the lack of a five year supply of deliverable housing sites

renders the policies which are most important for determining the proposal to be out-of-date. This would indicate that planning permission ought to be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In this case, from the evidence before me, the proposal does not relate to an asset or area of particular importance and therefore policies which afford protection to such assets and areas do not apply. It is therefore necessary for me to balance the benefits of the proposal against any adverse impacts and in light of the 'tilted balance' set out in paragraph 11d)ii of the Framework.

19. In the context of the development plan, I have found that the proposed development would be harmful to the character and appearance of the area and would not provide acceptable living standards to current and future occupants. In these regards, the proposal is contrary to saved Policies H9 and H10 of the TUDP. I have found these policies to be generally consistent with the relevant aims and requirements of the Framework and whilst they can act to restrict development, I attach substantial weight to them and the harm that arises in this case from the conflict I have found with them.
20. Turning to the benefits, the proposal would provide two additional dwellings with some economic and social benefits derived from its construction and occupation. These benefits are tempered by the limited amount of development that is proposed, but nevertheless carry modest weight in favour of the development, mindful of the housing land supply shortfall.
21. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, in the context of paragraph 11 of the Framework, the proposal would not represent sustainable development and I consider that the balance of considerations is against the appeal proposal.

Other Matters

22. My attention has been drawn to an approval for a development of 16 houses on Wordsworth Road where it is suggested that the approved housing does not respond to the prevailing character of the area with the approved properties comprising of relatively small garden areas. I do not have the full details of this scheme before me, however, its scale and locational context appears to differ from that of the appeal and is therefore unlikely to be comparable to the appeal proposal. I have in any case considered the appeal on its own merits and found that it would cause harm.

Conclusion

23. For the reasons I have set out, and having considered all other matters raised, I dismiss the appeal.

Jeff Tweddle

INSPECTOR