



Appeal Decision

Site visit made on 10 December 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2020

Appeal Ref: APP/G4240/W/19/3237044

Land off Bailey Street, Droylsden

- 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 Naser Moradi against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/00541/FUL, dated 20 March 2019, was refused by notice dated 14 August 2019.
 - The development proposed is a 2 bedroom detached dwelling at land off Bailey Street, Droylsden, Manchester.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - (a) The living conditions of neighbouring occupiers with regard to outlook and natural light;
 - (b) The living conditions of future occupiers of the development with regard to outdoor amenity space provision, and;
 - (c) The character and appearance of the area.

Reasons

Living conditions – adjoining occupiers

3. The appeal site consists of an open piece of land on the northern side of Bailey Street. It sits between the rear of properties fronting Edge Lane and a dwelling at No 7 Bailey Street that is currently under construction. The properties fronting Edge Lane have commercial uses at ground floor level, although Council Tax records indicate that Nos 295-299 contain dwellings above.
4. The Tameside Residential Design Supplementary Planning Document (SPD) (2010) states that a minimum separation distance of 14 metres should be maintained between habitable room windows and a 2 storey blank wall. In this regard, windows in the rear elevation of properties fronting Edge Lane would be around 10 metres from the proposed dwelling, which is significantly below the distance stipulated in the SPD. This would result in unacceptably poor levels of outlook from those rooms. Moreover, these windows are flanked by outriggers on either side, and in combination with these, the proposed dwelling

would create a harmful sense of enclosure to existing occupiers. Whilst there are nearby examples of narrow separation distances, those are longstanding arrangements that likely date to when the properties were first built. They do not provide a justification for significantly reducing existing levels of outlook in new development.

5. In addition, the proposed dwelling would also be around 5 metres from a window in the outrigger to No 295 Edge Lane. The development would therefore have a very significant effect on light to, and outlook from, this window. It is clear glazed and does not appear to serve a bathroom, although it is unclear whether it serves a habitable room. However, as I am dismissing the appeal on other grounds, the effect of the proposal on this window is not determinative in this case.
6. For the above reasons, I conclude that the development would significantly harm the living conditions of neighbouring occupiers with regard to outlook. It would therefore be contrary to the relevant sections of saved Policy H10 of the Tameside Unitary Development Plan (UDP) (2004), and guidance contained in the Tameside Residential Design SPD (2010). This policy and guidance seek to ensure, amongst other things, that new development does not result in unacceptable impacts on neighbouring amenity.

Living conditions – future occupiers

7. The proposed dwelling would occupy land that is identified as a garden area to the adjacent property under permission Ref 18/00687/FUL. The development would significantly reduce the size of the garden to that property, and the proposed dwelling would also be served by a very small garden area. Both of these spaces would be shallow and irregular in shape, which would limit their usability. The appeal dwelling in particular would be served by a narrow outdoor area wrapping around its side and rear elevations, that would be flanked by 2 storey buildings. This would provide a very poor standard of outdoor space in my view. Whilst many of the surrounding terraces are also served by small outdoor areas that is a historic arrangement relating to dwellings that occupy significantly smaller plots.
8. My attention has been drawn to a recently constructed residential development on the corner of Baily Street and Edge Lane. However, I note that those dwelling are served by larger outdoor spaces that are more regular in shape. That development is therefore not directly comparable to the current appeal proposal and it does not lend support to it.
9. Separately, the Council state that the garden space to the proposed dwelling would be overlooked by existing properties fronting Edge Lane. However, the approved use of this land under permission Ref 18/00687/FUL is for garden area to No 7. I therefore attach little weight to this consideration.
10. For the above reasons, I conclude that the development would provide inadequate living conditions for future occupiers with regard to outdoor amenity space provision. It would therefore be contrary to the relevant sections of saved Policy H10 of the Tameside UDP (2004) and guidance contained in the Tameside Residential Design SPD (2010). This policy and guidance seek to ensure, amongst other things, that new development provides private amenity space of a size and function suitable for its intended occupants.

Character and appearance

11. The development would leave only a narrow gap between the side elevation of the proposed dwelling and the rear of properties fronting Edge Lane. However, the surrounding area is characterised by a dense urban grain with terraced properties fronting directly onto the street. In this context, the development would not appear unduly cramped or out of keeping with its surroundings in design terms. Accordingly, it would not harm the character and appearance of the area and would accord with the relevant sections of saved Policies H10 and C1 of the Tameside UDP (2004). These policies seek to ensure, amongst other things, that new development is of good quality design that respects the townscape and urban form of its surroundings.

Other Matters

12. It is asserted that the garden space consented under permission Ref 18/00687/FUL relates poorly to that dwelling. However, any impracticalities associated with that permission, which has been implemented, do not justify a development with the shortcomings I have identified above.
13. The development would exceed the internal space standards set out in the Tameside Residential Design SPD. However, that is an ordinary requirement for new development in the Borough and it does not represent a positive benefit.

Conclusion

14. I conclude that the development would significantly harm the living conditions of both neighbouring occupiers and future occupiers of the development. Whilst it would provide a new dwelling on a brownfield site, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR