



## Appeal Decision

Site visit made on 2 December 2019 by Hannah Ellison BSc (Hons) MSc

### Decision by P Willows BA MRTPI

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

Decision date: 28 January 2020

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### Appeal Ref: APP/G4240/W/19/3237962

#### 2 Harbour Farm Road, Hyde, SK14 4LP

- 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 S Eckstein against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 19/00322/FUL, dated 12 April 2019, was refused by notice dated 4 June 2019.
  - The development proposed is the erection of new family dwelling house.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on
  - (i) The living conditions of occupiers at No 4 Harbour Farm Road, with particular regard to outlook and privacy;
  - (ii) The living conditions of future occupiers of the proposed dwelling, with particular regard to garden provision; and
  - (iii) Highway safety

### Reasons

3. The appeal site is a parcel of land to the rear of No 2 Harbour Farm Road. It fronts St Mary's Road and is within close proximity to the junction with Harbour Farm Road. Permission is sought for the erection of a two-storey detached dwelling, with off-street parking area to the front.

#### *Outlook and Privacy*

4. The rear elevation of the proposed dwelling would be sited close to the rear garden of No 4 Harbour Farm Road. There would be windows at first-floor level serving a bathroom and a bedroom. Due to their elevated position and distance from the shared boundary, the proposed development would provide opportunities to overlook the garden of No 4 Harbour Farm Road, thus resulting in an invasive loss of privacy for occupiers.
5. The appellant contends that the first-floor windows on the rear would be finished in obscure glazing. However, the submitted plans indicate only the

bathroom window would be obscurely glazed with the bedroom retaining clear glass. Moreover, irrespective of the glazing, the proposed dwelling would have an overbearing sense of enclosure to the rear garden of No 4, due to its positioning close to the shared boundary and its overall scale and massing.

6. Consequently, the proposed development would harm the living conditions of occupiers at No 4 and would therefore conflict with policies H9 and H10 of the Tameside Unitary Development Plan, 2004 (the UDP) which collectively seek, amongst other things, to ensure that developments have no unacceptable impact on the amenity of neighbouring properties and that privacy can be maintained between existing and proposed dwellings.

#### *Garden Provision*

7. The proposed dwelling would have three bedrooms and two bathrooms. Whilst the Tameside Residential Design Supplementary Planning Document, 2010 (the SPD) does not include any specific space requirement for gardens, policy RD11 of the SPD notes that houses of 3 or more bedrooms will be considered family homes and should have an outdoor space that reflects this.
8. Whilst one bedroom of the proposal would be within the loft, there is no persuasive evidence before me to show that it could not be used as a double bedroom. As such, the proposed development could comfortably accommodate a family of at least four people. The private garden to the rear is of a limited depth and width and would not provide a reasonably-sized area for use by a family.
9. The appellant suggests there is a public recreation area within close proximity to the appeal site. I have not been provided with any further details and cannot therefore determine the ease of access to that area and the quality of the space. Moreover, a public park is not a private space for future occupiers and any benefits it may offer would not outweigh the lack of useable external space on-site.
10. As such, this proposal would not provide satisfactory living conditions for future occupiers and therefore conflicts with policy H10 of the UDP which seeks to ensure developments are designed to meet the needs of the potential occupiers, and with the requirements of the SPD, as set out above.

#### *Highway Safety*

11. The Council note that the site is located almost immediately adjacent to a primary school and close to a road junction and have therefore requested that the development includes a clear view of the site access where it meets the highway.
12. Be that as it may, I have not been provided with any clear explanation of or justification for the visibility splays the Council seeks. Moreover, it has not been demonstrated that the visibility splays sought by the Council could not be secured with a planning condition. While the relevant land is outside the appeal site, it is within the appellant's control and it is not clear that it will be separated from the appeal site in the future.
13. Consequently, in the absence of any compelling evidence, I am not persuaded that a suitable access arrangement could not be achieved. As such, the proposed development would not have a harmful effect on highway safety and

it would not therefore conflict with policy H10 of the UDP, which seeks to ensure, amongst other things, that housing developments have suitable arrangements for access to and from the highway with no unacceptable impact on the surrounding highway network.

*Other Considerations and the Planning Balance*

14. The Council cannot demonstrate a five-year housing land supply. Consequently, in accordance with the National Planning Policy Framework (the Framework), the relevant policies of the UDP are considered to be out-of-date. In these circumstances, Paragraph 11 of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
15. This proposal would provide social benefits through the provision of a new dwelling and economic benefits during the construction phase and subsequent occupation of the dwelling. Nevertheless, due to the small scale of this proposal these benefits would be limited, and it would also have a limited impact on the Council's housing land supply, irrespective of the extent of the shortfall. Viewing the development as a whole, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Consequently, the proposed development would not constitute sustainable development, for which there is a presumption in favour. In these circumstances, the appeal should be determined in accordance with the development plan.

**Conclusion and Recommendation**

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

*Hannah Ellison*

Appeal Planning Officer

**Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Peter Willows*

INSPECTOR