



## Appeal Decision

Site Visit made on 9 October 2020

**by R Morgan BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 November 2020**

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**Appeal Ref: APP/G4240/W/20/3255343**

**Land surrounding 1 The Winnows, Denton, Tameside M34 3QR**

- 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 DMC Carpentry and Construction Limited against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 20/00048/FUL, dated 20 January 2020, was refused by notice dated 22 June 2020.
  - The development proposed is erection of an office block (Use Class B1) with associated access and parking.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by DMC Carpentry and Construction Limited against Tameside Metropolitan Borough Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issues are:
  - The effect of the proposal on the character and appearance of the area;
  - The effect on the living conditions of the occupiers of 1–4 The Winnows with particular regard to noise and disturbance, and on the occupiers of 71 Windmill Lane with particular regard to outlook.

### Reasons

#### *Character and appearance*

4. The appeal site is an area of open space which was formerly a landfill site and is now overgrown with immature trees and scrub. It is located in an area of Denton which has a mixture of uses, with housing, playing fields and employment development in close proximity. There are a number of substantial office and industrial buildings along Windmill Lane, and a large storage yard adjacent to the site, but despite this, the character of The Winnows is that of a green and quiet residential enclave.
5. Whilst noting the residential character of The Winnows, the Council has not objected to the principle of office development on the site, and I note that

- there was a previous planning permission for such a use, which has now expired. Given the mix of uses in the wider area, an office building could be an appropriate use of the site, subject to other impacts being acceptable.
6. Building types and ages vary considerably in the area around the appeal site, with large office blocks, industrial buildings and a long terrace of traditional houses on Windmill Lane. Residential development on The Winnows consists of a group of modern blocks of flats, that have the appearance of semi-detached houses.
  7. The footprint of the proposed building would be more than twice the size of the individual properties on The Winnows, but would not be excessive compared with other buildings in the vicinity, including the adjacent terraced housing on Windmill Lane. The depth of the building, on the side elevation fronting Windmill Lane, would be greater than that of the adjacent terrace, but not by a significant amount.
  8. The height of the proposed office would be consistent with that of surrounding buildings, and would be lower than the ridge height of the adjacent terrace. I agree that it would be preferable if the height could be slightly reduced to match the level of the eaves of the terrace, but appreciate the practical difficulties associated with this. Given the separation between the two buildings and their relative siting, with the proposed office being set back from the Windmill Lane frontage, the discrepancy in heights would not be unduly obvious. Overall, the scale and height of the proposed building would be acceptable in relation to the terrace of houses on Windmill Lane.
  9. I acknowledge that the proposal would be larger in scale and somewhat higher than the properties on The Winnows. However, the distance from the closest block, 1-4 the Winnows (Nos 1-4), and the difference in orientation, would serve to avoid any impression of overdominance in relation to those properties. The siting of the proposed office, close to the junction with Windmill Lane, would mean that it would primarily be viewed in the context of the adjacent terrace, rather than the houses on The Winnows, which are located around the corner and some distance away. Overall, the scale of the building would be acceptable within the context of the surrounding residential development on The Winnows.
  10. The building would have a flat roof, unlike the adjacent residential developments. Whilst the office and industrial buildings nearby also have pitched roofs, some have very shallow angles, particularly the office block directly opposite. The variety of roof styles and pitches in the vicinity, with no particular style, angle or colour predominating, means that the proposed flat roof would not appear particularly out of place.
  11. The fenestration and doors have been designed to reflect the rhythm of traditional terraced housing, such as that on Windmill Lane, and the use of red brick would be appropriate in this context. The building would have a modern appearance, but would not be unattractive, and would not appear out of place given the existing diversity of building styles in the surrounding area.
  12. The proposed office would front straight onto the back of the pavement, unlike the houses on the rest of The Winnows, which have front gardens. However, the large terrace just around the corner also fronts straight onto the street, so this positioning would not appear unusual or out of character in this location.

13. The finished floor level would be slightly higher than that of the adjacent terrace, but this would not be particularly noticeable given the separation between the buildings and the position of the proposed office, which would be set back from the Windmill Lane frontage behind a landscaped strip.
14. Overall, the scale, height, siting and design of the proposed office would have appropriate regard to its wider context and would be an appropriate addition to the locality. I conclude that the proposal would not cause undue harm to the character and appearance of the area, and have found no conflict with Policy C1 of the Tameside Unitary Development Plan 2004 (UDP), which requires new built development to respect the nature of the surrounding fabric, with particular attention given to the relationship between buildings and their setting. The proposal would also comply with UDP Policy E6, concerning the layout, design, and external appearance of proposed employment developments, and the advice contained within Chapter 10 of the Employment Land Supplementary Planning Document 2009 (SPD), regarding design and layout.

### *Living conditions*

#### 1-4 The Winnows

15. The rear gardens of Nos 1-4 currently back onto an area of open space, but the proposed development would result in this being replaced with a car park. As a result, Nos 1-4 would be surrounded on three sides with access roads and parking areas, with parking spaces in close proximity to the boundaries of these properties.
16. The garden areas to the side and rear of Nos 1-4 are fairly small, and there would be no part of the outdoor space where occupiers could sit and relax, without the potential for disturbance by vehicles and general comings and goings in the car park associated with the proposed office use. As well as cars, vehicles regularly visiting the site would be likely to include delivery and refuse vehicles, which would cause additional disturbance due to their larger size and weight, and features such as reversing alarms. A landscaped strip is proposed along the southern boundary, but this would be quite narrow and would not be sufficient to overcome the resultant harm to the living conditions of the occupiers of Nos 1-4.
17. I agree that car parking around houses is not usual or unexpected in urban areas, and acknowledge that there is an existing residential parking area to the rear of The Winnows. However, the main part of that car park lies beyond the boundary of the rear gardens of Nos 1-4, unlike the proposed development which would be immediately adjacent, with access roads and parking spaces very close to the property boundary.
18. The entrance to the proposed office would be positioned on the side of the building closest to the rear boundary of Nos 1-4. Whilst it is unlikely that unacceptable levels of noise or disturbance would be caused by people entering and leaving the building, the siting of the entrance would add to the potential for greater levels of activity around the rear of the houses, with associated disturbance for occupants. Such activity is likely to be limited to times when the building was open, which could be controlled by a condition. However, this would still involve significant periods of time during the day and early evening, resulting in harm to the living conditions of the occupiers of Nos 1-4.

19. I note that the previous planning permission for office development on the site included parking to the rear of Nos 1-4, but in that scheme open space was retained along the southern boundary, so the impact on living conditions would have been more limited than that of the current proposal.

#### 71 Windmill Lane

20. The blank rear elevation of the proposed building would face the side of 71 Windmill Lane (No 71). This wall has four large, centrally positioned windows, which are likely to serve habitable rooms.
21. The Employment Land SPD contains guidance aimed at safeguarding the amenity of nearby residents who may be affected by proposals for employment development. Guidelines on separation distances contained in the SPD aim to ensure that habitable rooms of existing dwellings retain a reasonable degree of daylight and avoid overlooking.
22. In this case, the proposed building height would be around 6.8 metres, with a separation of some 15.8 metres from the side of No 71. This would not fully meet the SPD requirement of 21 metres separation for a building over 6 metres in height. However, the SPD allows for a reduction in separation distance where the buildings do not directly face each other.
23. The proposed building would be set back from the Windmill Lane frontage so that it would directly face only part of the side elevation of No 71. As a result, the impact of the proposal on levels of light reaching the front two windows would be limited. The rear two windows on the side elevation of No 71 would directly face the proposed office, but due to their central position, and the relative siting and orientation of the two buildings, the proposal would not result in an unacceptable loss of light to those windows either.
24. The outlook from the two front windows on the side of No 71 would be toward the landscaped area in front of the building. From the rear two windows, the landscaped strip would also be visible, and whilst the blank façade of the proposed building would be clearly visible, it would be seen behind the fence and hedge along the boundary of the proposed courtyard area.
25. The building would not be significantly larger or higher than the existing terrace and, owing to the relative siting of the two buildings and the proposed set back of the office block from the Windmill Lane frontage, there would not be any unacceptable enclosure or overbearing impact when viewed from No 71. Owing to these factors, acceptable levels of light and outlook from windows on the side elevation of No 71 would be retained, despite the separation distance in the SDP not being fully met.
26. I conclude that the scheme would not cause harm to the living conditions of the occupiers of No 71 with regard to outlook and light. However, significant harm would be caused to the occupiers of 1-4 The Winnows as a result of increased noise and disturbance. In this regard, the proposal would fail to comply with part (d) of UDP Policy E6, which aims to ensure that employment developments would not result in unacceptable impact on neighbouring properties through noise, traffic and other disturbance. There would also be conflict with the detailed requirements of the employment land SPD with regard to these matters.

## **Other Matters**

27. The scheme would bring into use an area of underused land in a location which is accessible by a range of transport modes. It would also contribute to the local economy and provide jobs during the construction stages and operation of the building. In addition, I note the appellant's comments that it would provide a more robust capping system for the former landfill on the site, and that the reuse of the site would help to overcome problems with fly tipping.
28. The impact of the scheme on the character and appearance of the area would be acceptable, and it would not cause undue harm to the living conditions of 71 Windmill Lane. However, these factors are not sufficient to overcome the significant harm I have identified to the living conditions of 1-4 The Winnows, which would result from the additional vehicle movements and other disturbance in close proximity to the boundary of those properties.

## **Conclusion**

29. Material considerations do not indicate that I should conclude other than in accordance with the development plan as a whole. I therefore conclude that the appeal be dismissed.

*R Morgan*

INSPECTOR