



Appeal Decision

Site visit made on 8 November 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/T4210/W/22/3303523

1 Hereford Drive, Prestwich, Manchester M25 0JY

- 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 I Fogel (11 Stars Property Ltd) against the decision of Bury Metropolitan Borough Council.
 - The application Ref 67692, dated 19 October 2021, was refused by notice dated 18 February 2022.
 - The development proposed is described as 'Provision of new 2-storey, 2-bedroom corner dwelling with associated site works including soft landscaping, cycle and refuse storage'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice lists 3 reasons for refusal. Reasons 1 and 2 include reference to a proposed access on Hereford Drive being inadequate and having a detrimental effect on highway safety and the health of highway trees.
3. The Government provides advice on what information should be included on a location plan in the Planning Practice Guidance (PPG). The PPG stipulates that: "The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site."
4. The submitted site location plan identifies the application site in red and the adjoining area which includes 1 Hereford Drive in blue. This plan shows a potential future parking space for a car and a potential vehicular access for No 1, outside of the application site, and within the area that has a blue line drawn around it.
5. The potential new vehicular access and parking space for No 1 is also not included in the description of the proposed development in the planning application form. Accordingly, I do not consider them to form a part of the proposed development and I have not assessed the effect of these on highway safety and the future health of nearby trees in my decision.

Main Issues

6. The main issues are therefore:

- Whether the proposed development would provide acceptable living conditions for future residents, with particular regard to outlook and garden size.
- The effect of the proposed development on highway safety in respect of car parking provision.

Reasons

Living Conditions

7. The appeal relates to the irregular shaped side garden area of 1 Hereford Drive, which is a 2 storey detached dwelling. It is situated on a prominent corner location next to the junction of Hereford Drive and Tewkesbury Drive. The surrounding area is residential, predominantly comprising a mixture of 2 storey detached and semi-detached properties.
8. It is uncontested between the main parties that there would be around 110m² of private amenity space provided. Nonetheless, the irregular shape and angled rear boundary line of the appeal site is such that the proposed dwelling would have a much smaller private rear garden than other dwellings in the area.
9. According to the Council's uncontested measurements the distance between the proposal's rear elevation and the 2 storey side elevation of 39 Tewkesbury Drive, would only be around 2.5 metres at its closest point. It is also not in dispute that the proposed rear garden area would only be approximately 6.5 metres long at its greatest point, and I have no substantive reason to question these figures.
10. Given the relatively small size of the proposed intervening back garden and the proximity to the facing ground and first floor rear windows of the proposed dwelling, No 39 would present a substantial elevation along the shared boundary. Its mass and bulk would therefore visually dominate the outlook and have an oppressive, enclosing and overbearing effect from the rear windows of the proposed dwelling and its back garden area.
11. The relationship between the buildings would fall markedly short of the recommended interface distances contained within the Council's 'Alterations and Extensions to Residential Properties' Supplementary Planning Document 2010 (SPD6). Whilst this does not specifically refer to new dwellings, it provides useful Council guidance and logical considerations in respect of over-development and the protection of neighbour amenity. Consequently, and in the absence of detailed planning policies in respect of garden sizes and separation distances, I consider it reasonable to have regard to this document.
12. The appellant's willingness to accept planning conditions for details of the hedging to be retained and additional planting along with an alternative location for bin storage are noted. However, this would not provide sufficient mitigation to overcome the harm that I have identified.
13. As such I am unable to find that the proposed development would provide acceptable living conditions for future residents, arising from the lack of outlook, and garden size. Conflict would thereby arise with Policies H2/1, H2/2,

and H2/6 of the Bury Unitary Development Plan 1997 (UDP). These require, amongst other matters, for the impact of developments on residential amenity and neighbouring properties to be considered. It would also not accord with advice contained within SPD6.

Highway Safety

14. UDP Policy HT2/4 requires developments to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards. Although the appellant refers to Appendix 4 of the UDP, the Council's current car parking standards are detailed within the Development Control Policy Guidance Note 11: Parking Standards in Bury 2007 (SPD11).
15. SPD11 sets out maximum standards for car parking in the borough. For 2 bedroom dwelling houses, such as the proposal, 1.5 spaces are required to be provided. SPD11 also advises that for a 4 bedroom dwelling, such as at No 1, three spaces should be provided.
16. The appellant accepts that No 1's existing 2 off street parking spaces would be lost to make way for the proposed development, and that the proposed dwelling would provide only 1 parking space. However, a parking survey has been commissioned in an attempt to demonstrate that there is sufficient on-street car parking availability close to the appeal site to accommodate demand generated by the proposal. The parking survey found that there is a total of 63% on-street car parking stress in the vicinity of the site. The appellant contends that this is well below the 90% maximum, where it could be considered to be an issue.
17. However, the survey data appears to have only been taken over a very short period of time (at 00:30 hours) on 1 Friday night in July. It also covers an extensive 200 metre catchment area, including many streets which would not be in view of No 1 and the proposed dwelling. For this reason, I consider it to be unlikely that future residents and the occupiers of No 1 would park their vehicles in many of these streets. As a consequence of the very limited period of survey work, and the extensive catchment area, I am not satisfied that the appellant's parking survey to be comprehensive or robust. As such, I am unable to conclude that the data within the survey is representative of the general level of car parking that currently takes place in the surrounding area.
18. At the time of my mid-morning site visit I saw that Hereford Drive and Tewkesbury Drive, were lightly trafficked, with some on-street parking. Nonetheless, I recognise that this may have been a snapshot in time and I am mindful of the representations that have been received from local residents, which suggest that on-street car parking already causes significant problems in regards to accessibility and manoeuvrability along these roads. I also understand that this situation would be likely to be intensified in the evenings and at weekends, when residents are more likely to be at home, and understandably seek to park at or near their place of residence.
19. Insufficient evidence has therefore been advanced to demonstrate that the proposed development would provide adequate car parking provision and avoid vehicles parking and manoeuvring on the highway to the detriment of highway safety. As such it would conflict with UDP Policies HT2/4 and HT6/2, which require, among other things, that developments make adequate provision for their car parking requirements and to reduce pedestrian/vehicular conflict.

20. Furthermore, paragraph 111 of the National Planning Policy Framework (the Framework) indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. For the reasons provided above, I have found this to be the case in this instance.

Other Matters

21. The appellant has put forward that the proposal would be an efficient use of land, in a highly sustainable location. However, as the proposal is for a single dwelling any benefits in these respects would be somewhat limited. The proposed development would also make a contextually very small contribution to housing supply which, according to the uncontested view of the Council, appears to be in excess of the 5 years required by the Framework.
22. I am also aware that the appeal site is not located in a conservation area and that the Council found the effects of the proposal on the character and appearance of the area to be acceptable. Secure cycle, refuse and recycling storage would also be provided. Nonetheless, the absence of harm in these respects are neutral factors which do not weigh in favour of the development.
23. In reaching my findings I have also taken account of the appellant's reference to other sections of the Framework. However, neither these or any of the other matters above would overcome or outweigh the significant harm that I have identified in respect of the main issues of this case.

Conclusion

24. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR