The Planning Inspectorate

Appeal Decision

Site visit made on 15 March 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2022

Appeal Ref: APP/P4225/W/21/3287709
Land Adjacent to 25, 27 & 29 Shepherd Street, Rochdale OL11 5SU

- 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 Mrs Karen Winkler against the decision of Rochdale Metropolitan Borough Council.
- The application Ref 20/01410/FUL, dated 26 May 2021, was refused by notice dated 2 September 2021.
- The development proposed is change of use of unused soft landscaping to hardstanding for off-street parking for numbers 25, 27 and 29 Shepherd Street, Norden, Rochdale.

Decision

1. The appeal is dismissed.

Procedural Issue

2. The application form and appeal form have a different site address, I have therefore taken the appeal site address from the Council's decision notice for clarity, as this accurate describes the site location.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Shepherd Street is a residential cul-de-sac with properties consisting of a mix of terraced and semi-detached dwellings. The appeal site is located to the southern end and consists of a parcel of grassed open land, which appears to be well maintained with a tree at either side and enclosed at the rear by mature hedging. The appeal site sits at a higher level than the footpath that serves the adjacent properties at No's 21, 23, 25, 27, 29 and 31 and the change in levels is retained by a brick wall.

5. Shepherd Street has a number of access points that integrate from the street and lead to areas of hardstanding with blocks of garages. From site observations at the time of the visit, a number of vehicles were parked on the footways, including the pavement that sits in front of the site and this is likely due to the current lack of off-street parking and the demand for it.

6. Many properties have front enclosed garden areas which are landscaped, but the majority have limited space and the rows of terraces to the east directly abut the pavement, thus having no front gardens. There are no other green areas or open space along the cul-de-sac and the appeal site is of a substantial

size. Therefore, it provides an attractive and pleasant verdant space, with existing planting and is a welcome break between the densely built form of residential properties. As such, it positively contributes to the character and appearance of the immediate and wider street scene.

7. The proposal would result in the loss of almost the entirety of this green open space, and it being replaced with a substantial amount of tarmac that would dominate the site, to facilitate the change of use of the land to form 6 parking bays. The proposal would only serve 3 of the properties, No's 25, 27 and 29 and would have limited public benefit, particularly to wider residents. The appellant indicates it would be for essential electric vehicle charging points. Nonetheless, there is no substantive evidence of this, how it would be facilitated on the land or that it is indicated on the plans before me.

8. Although, the spaces would be separated from the properties by the remaining footpath, and it would not be compromised. It would result in a break in the hedge, which adds value to the visual quality of the area and a gap in the retaining wall to facilitate steps down from the parking area. I note that the steps could be removed, but I have no alternative proposal before me.

9. There is limited landscaping proposed or mitigation to soften the visual impact of the excessive area of tarmac proposed or to compensate for the amount of loss to the visual aspects of the green open space. I acknowledge the appellant's intention, but I have no evidence of proposed soft landscaping and how planting would integrate with the tarmac areas. Therefore, I am not satisfied that the visual appearance of the proposal could be improved or enhanced with suitably worded conditions.

10. Moreover, it would also result in the loss of the pavement area that provides connectivity around the cul-de-sac, and I would disagree with the contention that by broadening the area would create a more open feel, whilst vehicles would come and go, that park around it. The distances to other woodland, moorland or open green sites does not justify the siting and excessive amount of hardstanding for the proposal, which would be detrimental to the visual appearance of the street scene.

11. The appellant sets out that the land is privately owned by the occupiers, albeit as open space, and this is not in dispute. It would be the appellant's choice whether to permit public access or not. However, the land is not restricted, fully enclosed, with access only from the existing pavement. It appears to have been utilised informally and historically by wider residents for recreational purposes over some years, and I have no substantive evidence to the contrary.

12. The main parties have drawn my attention to the previous appeal[1] at the site. A previous appeal decision is capable of being a material consideration and matters of consistency are set out in caselaw[2]. Particularly, where the previous decision is sufficiently closely related to the issues then regard should be had to it.

13. In this case, I accept that there has been a material change in circumstances relating to development plan policy and national planning policy since that decision. However, the scheme proposed is comparable in regard to the

[1] APP/P4225/A/04/1161049
[2] Fox Strategic Land and Property Ltd v SSCLG & Anor [2012] EWHC 444 (admin) (02 March 2012); St Albans City & District Council v SSCLG [2015] EWHC 655 (Admin); N Wiltshire DC v SSE (1993) 65 P.& C.R 137

formation of car parking, the effect on the green open space, and the main issue of character and appearance.

14. Nevertheless, I have no reason to disagree with that Inspectors finding in paragraph 8, in regard to proposals impacting on the open space, it '*would introduce a visually discordant element into the open space and I find that it would have a materially adverse impact on the character and appearance of Shepherd Street'.*

15. Moreover, the proposal before me would have a greater impact than the previous scheme as it would result in almost the entirety of the green open space being removed and replaced with a significant larger amount of tarmac and additional parking spaces. I have in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

16. For the reasons given above, I conclude that the proposal due to the siting and size would result in adverse harm to the character and appearance of the area. It would conflict with policies DM1, G6 and P3 of the Rochdale Adopted Core Strategy, 2016. Amongst other things, the policies require new developments to adhere to high standards of design and take the opportunity to enhance the quality of the area, including high quality landscaping schemes, whilst proposals affecting green infrastructure should have regard to local landscape character and contribute to its conservation or enhancement, and avoid the loss of existing urban greenspace or features.

17. It would also be in conflict with the guidance set out in the National design guide, and National Planning Policy Framework, Chapter 12 achieving well-designed places. Developments should ensure they are visually attractive as a result of layout and appropriate and effective landscaping, and they are sympathetic to local character.

18. However, I do not find it would be in conflict with paragraph 99, I have no substantive evidence from the Council in regard to whether there is a surplus of open space in the area, there is a further identified need, and in this case the appeal site would appear to be within private ownership.

Other Matters

19. My attention has been drawn to other developments where the Council has granted permission for grass verges and similar areas of open space to be converted to parking bays. Without information I am unable to give significant weight to the issue of precedent.

20. The appellant sets out that conflict has been experienced with regard to illegal parking and the lack of parking provision, resulting in having to park outside other residents' homes. There are no on street parking restrictions, and I have no evidence to support that anti-social behaviour has taken place in the area, and even if this were the case it would be a matter for the relevant authorities.

21. I can also understand the appellants' desire to provide designated parking for their vehicles. The Council did not raise any objections on highway safety grounds, and letters of support have been received. However, I do not consider that these circumstances outweigh the harm that I have identified.

Conclusion

22. The proposed development would be contrary to the development plan taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.

23. For the reasons given above, I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR