

Application Number 16/00610/FUL

Proposal	Two-bedroom detached house
Site	Land Adjacent To 124 Mottram Old Road, Hyde
Applicant	Mrs Joanne Burnett
Recommendation	Grant planning permission subject to conditions.

REPORT

1 APPLICATION DESCRIPTION

- 1.1 The proposal is to construct a detached, two-storey house. Immediately behind the footway in Mottram Old Road the land on which the house would be built is flat and then, above a stone retaining wall, the land slopes upward to adjoin the rear gardens of bungalows in Silver Springs. Because of the profile of the land the house would be cut in to the slope and the ground-floor would not project as far back as the first-floor. Due to it cutting in to the slope, when viewed from the rear the house would appear single-storey.
- 1.2 The front of the proposed house would be on a similar level, with similar eaves and roof-ridge levels, as the neighbouring detached house at no. 130 Mottram Old Road. The new house would be brick-built with a tiled roof.
- 1.3 A driveway and largely hard-surfaced front garden, including a bin storage area, are proposed in front of the new house.

2 SITE AND SURROUNDINGS

- 2.1 A block of seven houses on the southern side of Mottram Old Road, at the fringe of the built-up area in Hyde, look out across the valley on the opposite side of the road where the land falls away steeply towards Godley. The Alder Community High School is located in the valley and there is pedestrian access to the school from Mottram Old Road. Westward, beyond the block of houses, the land opens up in to the green belt between Hyde and Hattersley.
- 2.2 The neighbouring house to the west, at no. 124, is raised up from the road and is accessed via steps. The application site is the garden at the side and side-rear of no. 124 Mottram Old Road and forms a gap in the built-up frontage in the block before the last house at no. 130. The front of the garden is flat and currently provides an off-street parking area and behind this, above a stone retaining wall, the garden is grassed and slopes upward to adjoin the rear gardens of bungalows in Silver Springs. There is a habitable room window in the ground floor in the middle of the side gable of the neighbouring house at no. 130 Mottram Old Road.

3.0 PLANNING HISTORY

- 3.1 In September 2004 the Council refused an application (ref. 04/01175/OUT) for outline planning permission for a detached house on this plot. At that time approval of the details of the siting of the house were sought and all other matters of detail were held in reserve. An appeal against the Council's decision was dismissed in June 2005.

- 3.2 A full application (ref. 14/01156/FUL) for full permission for a pair of semi-detached houses was refused in February 2015.
- 3.3 Most recently a full application (ref. 15/00300/FUL) to develop a detached house on the site was refused in June 2015.

4.0 RELEVANT PLANNING POLICIES

- 4.1 Tameside Unitary Development Plan (UDP) Allocation
4.1.1 Unallocated.

4.2 Tameside UDP

4.2.1 Part 1 Policies

- 1.3 Creating a Cleaner and Greener Environment
1.12: Ensuring an Accessible, Safe and Healthy Environment.
1.13: Meeting Obligations on Minerals, Waste and Energy.

4.2.2 Part 2 Policies

- H2: Unallocated Sites.
H9: Backland and Garden Development.
H10: Detailed Design of Housing Developments
MW11: Contaminated Land

4.3 Other Policy

- 4.3.1 Residential Design Supplementary Planning Document.

4.4 National Planning Policy Framework (NPPF)

- 4.4.1 Section 1 Delivering sustainable development
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design
Section 8 Promoting healthy communities

4.5 Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5.0 PUBLICITY CARRIED OUT

- 5.1 As part of the planning application process 11 notification letters were sent out to neighbouring properties on 26th July 2016.

6.0 RESPONSES FROM CONSULTEES

- 6.1 The Head of Environmental Services – Highways has raised no objections to the proposal and has requested conditions be attached to any approval.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

7.1 In response to the neighbour notifications representations have been received from four households.

7.2 One of the representations, from the occupier of the neighbouring detached house, at 130 Mottram Old Road, states that there is no objection to the application.

7.3 The other householder representations are objections from the occupiers of the houses next-door-but-one and next-door-but-four and from the bungalow behind, and on the grounds that:

the development would result in the loss of the open space;

the design, including the building materials, of the proposed house are out-of-keeping with the locality;

loss of privacy; and,

despite the provision of off-street parking spaces, the presence of the new house would exacerbate existing problems of congestion close to the access road to Alder Community High School, where pupils are dropped-of and picked-up, and a bus stop.

7.4 Another objection has been received from a consultant acting on behalf of the occupier of the bungalow behind the site in Silver Springs. This makes reference to the previous appeal decision (see para. 3.1) and the more recent refusal of planning permission (see para. 3.3) and that the reasons given for that appeal being dismissed and the planning permission being refused are not addressed.

8.0 ANALYSIS

8.1 The principal issues in deciding this application are:

- 1) the principle of the development,
- 2) access and parking
- 3) retention of garden areas
- 4) impact on residential amenity
- 5) impact on local character

9.0 The principle of the development

9.1 The application site is private land used as a garden adjunct to the house at 124 Old Mottram Road. In these circumstances, and given the expanses of open land nearby, the site has little value in terms of its openness.

9.2 In accordance with paragraph 53 of the NPPF, UDP policy H9 seeks to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. By inference the principle of the development is therefore acceptable subject to, and according to policy H9,:

- (a) arrangements being provided for access and parking for both the existing and proposed dwellings, and
- (b) garden areas being retained, and

- (c) privacy being maintained between existing and proposed dwellings and between their gardens, and
- (d) there being no serious detriment to the character of the area enjoyed by other residents.

9.3 Whether the principle, and indeed the detail, of the development is acceptable will then depend upon consideration of guidance and policies toward proposed new residential development within the curtilage of existing dwellings.

10.0 Access and parking

10.1 With adequate access arrangements, the layout of the proposed development includes provision to park two cars off-street. Such provision is satisfactory to serve the proposed house.

10.2 Whilst the development would remove the car parking space used currently by the occupants of no. 124 Mottram Old Road there is no compunction that this be maintained. The occupants may choose to refrain from using the land for parking and instead incorporate it into the wider garden.

10.3 The access and parking arrangements proposed are therefore considered acceptable in relation to both the existing and proposed houses.

11.0 Retention of garden areas

11.1 The gardens in front and behind the existing house would be retained. These would both be akin in size to those of the house to which it is attached and so be proportionate to the house.

11.2 In addition to the hard-surfaced front garden that would be largely given over to parking, the proposed house would be provided with gardens at the rear and side-rear. The size of the gardens provided would be more than adequate to provide for the needs of future occupants.

11.3 Adequate garden would be retained for the existing house and provided for the house proposed and so in this respect the proposal is considered adequate.

12.0 Impact on residential amenity

12.1 The Council's reason for refusing the first of the previous applications (see para. 3.1) was because the proposed development fails to achieve an adequate privacy and spacing distance to a habitable window in the gable end of 130 Mottram Old Road. In dismissing the appeal against the refusal of the first of these applications the Inspector agreed with the Council that the proposal would position a gable wall extremely close to a ground floor window in the side of no. 130. The Inspector recognised that whilst (the gable window) might be described as the secondary window to the room, it is very important to the enjoyment of the property.

12.2 In relation to the impact on amenity at the neighbouring bungalow in Silver Springs the Inspector acknowledged that there would be a loss of view from the rear windows that were clearly intended to take advantage of this opportunity but that the objection for this reason was 'less compelling'. The impact on the view was found not to be a

tenable reason in itself for refusal but a supporting reason. The Inspector's summary of the reason for dismissing the appeal referred solely to the impact on the window in no. 130 Mottram Old Road.

- 12.3 The reason given for the Council refusing the latter of the previous applications (see para. 3.3) was because:

The proposed development fails to achieve an adequate privacy and spacing distance, and so result in undue over-shadowing, to a habitable window in the gable of no.130 Mottram Old Road and would be detrimental to the amenity, in this case outlook, enjoyed currently by the occupier of no. 1 Silver Springs.

- 12.4 In the latter of the previous applications the proposed house included an attached garage on the side. The distance between the garage wall and the window in the gable of the neighbouring house at no. 130 would have been akin, approximately 2 metres, to that of the side wall of the house that was refused originally in 2004 (see para. 3.1).

- 12.5 As now proposed there would be a distance of 5 metres between the side of the new house and the window in the gable of the neighbouring house at no. 130. Moreover, an existing 1.8 metre high close-boarded, timber fence along the boundary would be retained. Albeit important to the enjoyment of the property, the window in the gable of the neighbouring house is secondary and given the spacing that is now achieved, the impact in terms of over-shadowing of this window by the proposed house would not be excessively greater than that caused by the existing fence. In this respect the proposal can therefore be considered acceptable.

- 12.6 Whilst there would undoubtedly be a loss of view from the rear windows of the bungalow behind in Silver Springs, as has been acknowledged previously, this in itself is not a tenable reason for refusal.

- 12.7 In terms of the impact on the amenity of neighbouring residential properties the proposal can be considered to be acceptable.

13.0 Local Character

- 13.1 The front of the proposed house would be on a similar level, with similar eaves and roof-ridge levels, as the neighbouring house at no. 130. In terms of scale the proposed house is thereby in-keeping with the neighbours.

- 13.2 The existing houses in the block consist of the detached house at no. 130, which is stone-built, a pair of semi-detached houses, both of which are pebble-dashed, and a row of four terraced houses, two of which are brick-built and two are stone-built. In these circumstances that the new house should be brick-built would be acceptable, subject to appropriate finishes.

- 13.3 The presence of the proposed house would not therefore be out-of-keeping with the local vernacular.

RECOMMENDATION

Grant planning permission subject to the following conditions.

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

1. No development shall take place until samples or a full specification of the materials to be used in the above ground external finishes to the house, all external hard-surfaced areas and to the treatment of the site's boundaries have been submitted to, and approved in writing by, the local planning authority. The development shall then be implemented in accordance with the approved details.

2. All windows and external doors in the house hereby approved shall be constructed with reveals, or recesses, to a depth of at least 900mm.

3. The development hereby permitted shall be carried out in accordance with the approved plan ref. 4071/001 rev. F, received on 23rd June 2016.

4. A clear view shall be provided on both sides of the site access where it meets the footway in Mottram Old Rd. It shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter spaced at not less than 100mm intervals

5. Prior to the first occupation of the house hereby approved, the car parking indicated on the approved plan shall be provided and thereafter kept unobstructed and available for its intended purpose.

6. During construction no work shall take place on Sundays and Bank Holidays and outside the hours of 07.30 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays.

7. No works other than the excavation of the foundations and/or piling works for the development shall be undertaken at the site until the Contaminated Land Screening Form has been submitted to, and approved in writing by, the Councils Environmental Protection Unit (EPU). Where necessary, a scheme to deal with any contamination / potential contamination shall be submitted to, and approved in writing by the EPU. The scheme shall be appropriately implemented and a completion report demonstrating this and that the site is suitable for its intended use will be approved in writing by the EPU prior to occupation. The discharge of this planning condition will be given in writing by the Local Planning Authority (LPA) on completion of the development and once all information specified in this condition has been provided to the satisfaction of the EPU.