

## **Application Number 17/00487/FUL**

<b>Proposal</b>	Retrospective planning permission for 2 no semi detached houses to regularise height difference (on plan) with neighbouring property and alternative roof design (following grant of planning permission 14/00721/FUL).
<b>Site Location</b>	87 Town Lane, Denton
<b>Applicant</b>	Mr P Eade
<b>Recommendation</b>	Grant Planning permission subject to conditions
<b>Reason for report</b>	The Head of Planning has chosen not to exercise delegated powers and instead present the item to speaker panel for determination due to the level of local interest in the application

## **REPORT**

### **1. APPLICATION DESCRIPTION AND BACKGROUND**

- 1.1 In 2014 the Council granted planning permission for two new homes on this site under application 14/00721/FUL. These homes were designed as a pair of semi-detached properties and were approved with a mansard style roof.
- 1.2 In 2016 the houses were constructed and at this point the Council received complaints from local residents that the houses had not been constructed in accordance with the approved plans. Upon investigation, two issues were revealed.
- 1.3 Firstly the originally submitted drawings were found to have been inaccurate and had shown the roof of the neighbouring property to be much higher than was actually the case.
- 1.4 Secondly the roof to the new build homes had been enlarged by increasing the height of the mansard section of the roof by 1.45m. This had been achieved through a combination of lowering the eaves and raising the height of the top of the mansard. Whilst the overall height of the ridge remained as permitted, the homes appeared to be much taller due to the error in representing the height of the neighbouring property on the originally permitted drawings. As a result the houses as constructed do not have planning permission.
- 1.5 Following on from the above, discussions took place with the Planning Enforcement team and the current application was submitted which seeks planning permission to regularise this development situation subject to further changes to the elevations to incorporate a gable style roof instead of the current mansard style roof.
- 1.6 Members may recall a previous application was reported to Speakers panel in May earlier this year under application reference 16/00533/FUL this application was refused due to Members concerns regarding the incorporation of twin gables and the roof design together with roof volume which members considered constituted poor design which failed to respect the character and appearance of existing residential properties in the area.
- 1.7 The current proposal has sought to address these concerns by revising the scheme to incorporate a twin gabled roof to the rear elevation which gives a more balanced appearance to the roof.

- 1.8 At present the houses remain unoccupied until such time as this matter is resolved and during this period, there have been a number of issues at the site in terms of crime and anti-social behavior. The applicant is therefore keen to see this situation resolved and has committed to implementing these changes to the scheme quickly should planning permission be granted to marketing of the properties to commence.

## **2. SITE & SURROUNDINGS**

- a. The application site is located to the corner of Town Lane and Merlyn Avenue in Denton and formerly contained derelict garages prior to the construction of the two new homes.
- b. The site has good access to public transport with bus services running along Town Lane and the nearest bus stops are immediately outside of the site.

## **3. PLANNING HISTORY**

- 3.1 16/00533/FUL Retrospective planning permission for 2 no semi detached houses to regularise height difference with neighbouring property and alternative roof design, refused May 2017 for the following reason;

"The proposed development by virtue of the proposed large twin gables and roof volume constitutes poor design and would fail to respect the character and appearance of existing residential properties in the area. The proposed development is therefore contrary to policies H10 'Detailed Design of Housing Development' and C1 'Townscape and Urban Form' and Section 7 of the NPPF which attaches great importance to the design of the built environment"

- 3.2 14/00721/FUL Demolition of garages and erection of 2 no semi-detached houses, permitted November 2014.

## **4. RELEVANT PLANNING POLICIES**

- 4.1 Tameside Unitary Development Plan (UDP) Allocation  
Within Settlement Boundary

### **4.2 Tameside UDP**

#### **Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment.
- 1.4: Providing More Choice and Quality Homes.
- 1.5: Following the Principles of Sustainable Development
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

#### **Part 2 Policies**

- H2: Unallocated Sites.
- H7: Mixed Use and Density.
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T11: Travel Plans.
- C1: Townscape and Urban Form
- N4: Trees and Woodland.
- N5: Trees Within Development Sites.
- N7: Protected Species
- MW11: Contaminated Land.
- U3: Water Services for Developments

#### 4.3 **Other Policies**

- 4.4 Greater Manchester Spatial Framework – Publication Draft October 2016  
The Greater Manchester Joint Waste Development Plan Document April 2012  
The Greater Manchester Joint Minerals Development Plan Document April 2013  
Residential Design Supplementary Planning Document  
Trees and Landscaping on Development Sites SPD adopted in March 2007.

#### 4.5 **National Planning Policy Framework (NPPF)**

- 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

#### 4.6 **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. **PUBLICITY CARRIED OUT**

- 5.1 As part of the planning application process 7 notification letters were sent out to neighbouring properties on 3<sup>rd</sup> August 2017.

### 6. **RESPONSES FROM CONSULTEES**

- 6.1 Environmental Protection: Recommend condition is applied to limit hours of demolition / construction work and deliveries.  
6.2 Highways: No objections subject to conditions to provide and retain parking & access.

### 7. **SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 In response to the original notifications 1 objection has been received notifying the Council that they would like to speak at Panel before a decision is made.

### 8. **ASSESSMENT**

- 8.1 The principal issues in determining this application are:
- Principal of development
  - Layout & Design
  - Amenity

### 9. **PRINCIPLE OF DEVELOPMENT**

- 9.1 The principle of residential development was established by the grant of planning permission for residential development in 2014 where the redevelopment of a former garage site on previously developed land was found to be acceptable. The previous consent for the development was also for two houses of identical footprint but with a different roof design.

- 9.2 In dealing with the current application, there are deemed to be three principal considerations which need to be considered. These are;
- Impact of the changes to the height and design of the homes
  - The impact on residential amenity as a result of the changes
  - Highway Safety regarding the layout and car parking provision

These matters are dealt with in turn below.

## **10. CHANGES TO HEIGHT & DESIGN**

- 10.1 In terms of assessing this issue, the key policy for consideration is RD22: Infill & Backland Sites which requires development proposals to ensure they do not harm the existing character of an area and retain adequate outdoor amenity space, parking and access.
- 10.2 The current proposals would be the same overall ridge height as the previously approved scheme but with an amended design proposed to create twin, front and rear facing gables. These changes would be beneficial in terms of ensuring that the design better reflects the character of the local area and would reduce the apparent bulk and mass of the roof particularly when viewed in the context of the rest of the street.
- 10.3 The revised design is therefore considered to be an improvement in terms of its visual appearance on both the previously approved scheme and the building as it now stands. As such the proposal would be considered to meet the requirements of policy RD22 of the Council's residential design guide and policy H10(a) of the UDP.
- 10.4 In terms of layout the rear garden areas for the proposed dwellings are small, but no smaller than previously approved. Parking is made available for a single car for each house compared with a car parking space and a garage, however, this is considered acceptable for a 2 bed property in a sustainable location and the proposals are considered to be compliant with UDP policies RD22 and HOU10(b).

## **11. AMENITY**

- 11.1 In terms of amenity this was assessed as being acceptable with regard to the previously approved scheme. Whilst the design of the roof is proposed to change this would not have any greater impact upon the amenities of neighbouring properties and the proposals would have no greater impact than the previously approved scheme and in this respect the proposals are considered compliant with policy H10 (a) of the UDP.

## **12. HIGHWAYS SAFETY**

- 12.1 Whilst matters of highways safety are raised by neighbours, the design and position of the access is identical to that previously approved and it is not considered that any new issues of highway safety are raised by the proposals and the previous application was not refused on the basis of any such concern.
- 12.2 Ultimately, the Council's Highways Engineer has no objections to the proposal and it is not considered that there are any grounds to refuse the application on the basis of the minor changes to the proposed parking provision which can be secured by condition.

## **13. CONCLUSION**

- 13.1 As planning permission has already been approved for the development of two new homes on this site, the key issue is whether the proposed changes to the approved scheme are considered to be acceptable.
- 13.2 In this respect, it is considered that the changes to the scheme are an improvement to the visual appearance of the building over the previously approved scheme and are acceptable in terms of the revised height, design, car parking and impact on residential amenity. As such the proposals would accord with planning policy and the grant of planning permission for the revised scheme would allow the completion of works to be finalised and occupied, thus also resolving other concerns regarding problems with crime and anti-social behaviour at the site.
- 13.3 Should members reach a view that they do not accept the officer recommendation then it will also be important for members to consider the expediency of taking formal enforcement action against the current unauthorised development. In this respect, it would be critical for Members to set out very clear reasons why it is considered appropriate and expedient to take enforcement action in this instance.

#### **14. RECOMMENDATION**

To grant planning permission subject to the conditions set out below:-

1. The development shall be carried out in accordance with the following approved plans;
  - Proposed Elevations and Roof Plan Drawing no. 12b
  - Proposed Floor Plans and Site Plan Drawing no. 13a
  - 1:1250 Location Plan licence number 100022432
2. During demolition/construction no work, including vehicle and plant movements, deliveries, loading and unloading, shall take place outside the hours of 07.30 and 18.00 Mondays to Fridays and 08.00 to 13.00 Saturdays. No work shall take place on Sundays and bank Holidays.
3. All hard and soft landscape works shall be carried out in accordance with the approved details shown on the 'Proposed Floor Plans and Site Plan Drawing no. 13' prior to the occupation of any part of the development. Any newly planted trees or plants forming part of the approved landscaping scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species by the developer unless the Local Planning Authority gives written consent to any variation.
4. A clear view shall be provided on both sides of the site access where it meets the footway in Merlyn Avenue. It shall measure 2.4 metres 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. The roof shall be finished using Marley modern grey roof tiles unless otherwise agreed in writing with the local planning authority.
6. The development shall be carried out in full accordance with the approved plans and completed within 6 months of the date of this permission.
7. Prior to occupation of the dwelling houses, a car parking plan showing the availability of a minimum of 3 car parking spaces shall be submitted to the Local Planning Authority for approval. The approved parking spaces shall thereafter be provided in accordance with the approved plan prior to the first occupation of any part of the development. The approved parking

shall thereafter be kept unobstructed and available for its intended purpose and shall be maintained and kept available for the parking of vehicles at all times.

8. The development hereby approved shall not be occupied/brought in to use until the road works and traffic management measures necessary to secure satisfactory access to the site have been completed in accordance with details which have first been submitted to and approved in writing by the local planning authority.

The reasons for the conditions are:

1. To define the permission and for the avoidance of doubt
2. To protect the amenities of occupants of nearby dwelling houses in accordance with UDP policies 1.12 and H10.
3. In the interests of the character and appearance of the area.
4. To allow users of the site access and highway to see each other approaching
5. To safeguard the character and appearance of the area.
6. To safeguard the character and appearance of the area.
7. To ensure adequate car parking arrangements.
8. To secure the provision of satisfactory access to the site and in the interests of road safety.