

Application Number: 18/00783/FUL
Proposal: Construction of a timber gazebo outbuilding (retrospective)
Site: 65 Green Lane, Ashton-Under-Lyne, OL6 8TE
Applicant: Mrs Dolores Lewis, 65 Green Lane, Ashton-Under-Lyne OL6 8TE
Recommendation: APPROVE
Reason for report: The applicant is an elected member of Tameside Council

1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks retrospective planning permission for the erection of a timber gazebo within the rear garden of No.65 Green Lane. The gazebo has a maximum height of 3.04m, a maximum width of 3.2m and an eaves height of 2.3m. It is situated to the North West corner of the garden on top of a raised patio area, which is no more than 0.25m above natural ground level. The gazebo directly abuts the shared boundary with No.67 Green Lane and the cycle path to the rear.
- 1.2 The timber gazebo features a hipped roof design with felt shingles, with three open elevations and one timber elevation with three glass windows facing No.65 Green Lane.

2. SITE & SURROUNDINGS

- 2.1 No.65 Green Lane is a semi-detached brick built dwelling which forms part of a wider residential cul-de-sac in Ashton-Under-Lyne. The property benefits from a front garden with a larger garden to the rear, a paved driveway to the side of the dwelling and detached garage adjacent to the boundary with No.67 Green Lane.
- 2.2 Residential properties surround the site, with a former rail line (now cycle path) beyond the boundary to the rear.

3. PLANNING HISTORY

- 3.1 There is no relevant planning history relating to the application site.

4. RELEVANT PLANNING POLICIES

- 4.1 Tameside Unitary Development Plan (UDP) Allocation
- 4.2 Unallocated, within the Ashton Hurst Ward.
- 4.3 **Part 1 Policies**
1.3: Creating a Cleaner and Greener Environment.
1.5: Following the Principles of Sustainable Development
- 4.4 **Part 2 Policies**
H10: Detailed Design of Housing Developments
C1: Townscape and Urban Form

4.5 **Other Policies**

Tameside Residential Design Supplementary Planning Document
The Town and Country Planning (General Permitted Development) (England) Order 2015
(as amended)

4.6 **National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development

Section 12: Achieving well-designed places

4.7 **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 Neighbour notification letters were issued and a site noticed was displayed in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.

6. **RESPONSES FROM CONSULTEES**

- 6.1 None.

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

- 7.1 In response to the original notification, 1 letter of objection was received from the adjacent property, No.67 Green Lane. Main points raised:
- The outbuilding has taken light from their garden
 - Spoilt the view of the background trees
 - Eyesore when viewed from the patio area and kitchen window
 - Should be located two metres from any boundary as per the law.
 - Huge gazebo belongs in the middle of the garden
 - Built on a raised patio area
 - Large conifer tree on the shared boundary casts a huge shadow on the garden and leaves falling debris
 - Overall congestion on the boundary line contributing to additional shade

8. **ANAYLSIS**

- 8.1 In accordance with the revised NPPF and Tameside UDP policies 1.3, C1 and H10, the main issues raised by the application relate to the following:
- Impact on the character and appearance of the surrounding area;
 - Impact on residential amenity; and,
 - Impact on highway safety
- 8.2 The above matters are considered in more detail below.

9. CHARACTER OF THE SURROUNDING AREA

- 9.1 In terms of its detailed design, there are no specific local policies which relate to outbuildings within the curtilage of a dwellinghouse; however Section 12 of the revised NPPF makes clear the importance of good design in new development and Part 1 Policy 1.3 of the UDP states that “all developments must achieve high quality design which is sensitive to the character of the local area, particularly in the relationship between buildings, between buildings and adjoining spaces, and in associated landscaping”.
- 9.2 The design and appearance of the gazebo is considered to be acceptable, for the reason that it is small scale, located some 20m west from No. 65 and the neighbouring properties and is constructed from a natural timber material with a sympathetic mottled grey coloured hipped roof. The gazebo is not considered to be of detriment to the character and appearance of the surrounding area, in accordance with the revised NPPF and UDP Policies 1.3 and H10.

10. RESIDENTIAL AMENITY

- 10.1 Paragraph 127 of the revised NPPF outlines the importance of planning in securing a high standard of amenity for existing and future occupiers of land and buildings. Saved UDP Policy H10 seeks to ensure that new development does not result in any detrimental impact on the residential amenities of existing occupiers through loss of privacy, overshadowing or outlook.
- 10.2 Under Class E (Part 1, Schedule 2) of the Town and Country Planning General Permitted Development Order, an outbuilding can be erected within the curtilage of a dwellinghouse, but will be limited to a height of 2.5m if within 2m of any boundary. In this particular case, the gazebo only requires planning permission by virtue it being located within 2m of the boundary and extending 3.04m in height. This is a strong material planning consideration in the determination of this application.
- 10.3 It is acknowledged by Officers that the gazebo directly abuts the shared boundary with No.67 Green Lane and therefore the hipped roof, which protrudes approximately 1m above the fence line, is visible from that property and the associated rear garden. However, given that the gazebo is located some 20m in distance from the rear habitable room windows of that property, it is not considered to be unduly overbearing or unduly harmful to the neighbour's quality of outlook.
- 10.4 No.67 Green Lane is served by a large rear garden (approximately 20m x 14m) and so the gazebo, which is small in scale, would not cause such a significant level of overshadowing than in turn would be of detriment to the enjoyment of the neighbour's amenity space.
- 10.5 Officers are satisfied that the gazebo would not result in overlooking and cause a loss of privacy to the detriment of the neighbour's amenity, as it is sufficiently screened by the boundary fencing.
- 10.6 Loss of a view is not a material planning consideration and does not hold any weight in the determination of this planning application.

11. HIGHWAY SAFETY

- 11.1 There would be no impact on Highway Safety.

12. OTHER MATTERS

- 12.1 Objectors have raised concerns that large tree in the rear garden of No.65 Green Lane, casts a shadow on the rear garden of No.67 Green Lane. However the tree is not protected by a Tree Preservation Order, nor is the site located within a Conservation Area, and as such is not in the remit of planning control and not a matter which can be taken into account as part of this planning application.

13. CONCLUSION

- 13.1 To conclude, it is considered that the application is in accordance with the revised NPPF, UDP policies 1.3, C1 and H10 together with the Councils adopted SPD on Residential Design and is therefore recommended for approval.

14. RECOMMENDATION:

Grant planning permission.