

Application Number: 19/00035/FUL

Proposal: Single storey extension to rear (north-east) of property with external steps to rear (retrospective)

Site: 123 Joel Lane, Hyde, Tameside, SK14 5LF

Applicant: Mr and Mrs P Travis, 123 Joel Lane, Hyde, Tameside SK14 5LF

Recommendation: APPROVE subject to conditions

Reason for report: At the discretion of the Head of Planning given the complexity of the site history.

1. APPLICATION DESCRIPTION

- 1.1 Retrospective planning permission is sought for the construction of a single storey extension to the North-East facing elevation of No.123 Joel Lane, with external steps to rear. The application also seeks consent to install a balustrade to the existing patio doors to the existing first floor gable.

2. SITE & SURROUNDINGS

- 2.1 The application property is a semi-detached dwellinghouse situated in an elevated position to the North East side of Joel Lane, which is a road with a steep incline that connects Gee Cross with Werneth Low. The surrounding residential properties are sited parallel with the highway in a linear form of development. The application property, which is attached to No.125 Joel Lane (Hillside Farm) at the rear, is set back from the highway and the property frontage faces the direction of North and overlooks the neighbouring detached bungalow No.121a Joel Lane. Off-street parking is located to the front of the dwelling with a private garden located to the side.
- 2.2 No.123 Joel Lane is located within the designated Green Belt. Over time, the property has been expanded with the addition of a projecting two storey front gable extension and single storey flat roof extension to the north-east gable with front parapet wall (subject of this application).
- 2.3 The front elevation of the dwelling is surfaced with facing brick with white render to the north east facing gable. The south-east elevation of the single storey extension (facing the adjacent property at Hillside Farm) is still exposed blockwork. The main dwelling sits under a dual-pitched grey tiled roof.

3. PLANNING HISTORY

- 3.1 02/00214/FUL - Two storey side extension plus two storey extension to front including elevational alterations – Refused March 2002.
- 3.2 02/00549/FUL - Single storey extension to side plus two storey front extension and elevational alterations – Approved June 2002.
- 3.3 02/01350/FUL - Single storey extension, parapet and window to existing gable end – Refused December 2002.

- 3.4 03/00366/FUL - Single storey side extension (Appeal against Enforcement Notice) – Refused July 2003.
- 3.5 07/01137/FUL – Detached Garage (Retrospective) – Approved October 2007.
- 3.6 08/00439/FUL – Rear Conservatory – Refused May 2008.
- 3.7 08/01256/FUL – Rear Conservatory – Refused November 2008.
- 3.8 16/00652/FUL – Single storey rear conservatory – Refused August 2016.

4. RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP)

4.2 UDP Allocation – Green Belt

4.3 Part 1 Policies

- 1.3 Creating a Cleaner and Greener Environment
- 1.5 Following the Principles of Sustainable Development
- 1.10 Protecting and Enhancing the Natural Environment

4.4 Part 2 Policies

- H10 Detailed Design of Housing Developments
- OL1 Protection of the Green Belt
- OL2 Existing Buildings in the Green Belt
- OL10 Landscape Quality and Character

4.5 Other Policies

Tameside Residential Design Supplementary Planning Document

4.6 National Planning Policy Framework (NPPF)

- Section 2 Achieving Sustainable Development
- Section 12 Achieving well-designed places
- Section 13 Protecting Green Belt land
- Section 15 Conserving and Enhancing the Natural Environment

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 Three objections were received. The following is a summary of the comments received during the consultation period:

- Retrospective application sets a dangerous precedent with its increased height and balcony. Could be repeated elsewhere.
- Balcony is an invasion to neighbours privacy and associated statutory nuisance i.e. noise, parties.
- Planning applications in the Green Belt must include volume calculations and evidence of very special circumstances – this supporting information has not been submitted.
- Concerns relating to previous enforcement/planning application matters.
- Extremely high – concerned about use of roof as a patio terrace resulting in loss of privacy. Huge difference between looking through window and looking from patio terrace.
- Disproportionate to the main house and all surroundings.
- Detrimental to residential amenity by reason of its location, height, depth, width and massing.
- Dominant, overbearing and intrusive appearance.
- Unacceptable and intrusive and loss of privacy.
- Poor visual outlook via its unauthorised additions and uses.
- The structure breaches the 60 degree rule and conflicts with both planning and Green Belt policies.
- High degree of overshadowing and loss of natural light into the rear of Hillside Farm and garden areas alike.
- Light pollution via the large glazed roof light.
- First floor bathroom window to gable is a double-opener and does not have planning permission – concerns it provides access to flat roof – unacceptable.
- Rendering to rear blockwork will not reduce harm.
- Disagree with contents of the application form.
- Land ownership certificate incorrect.
- Extension does not comply with building regulations.
- The plan has incorrect measurements and scale.

8. ANALYSIS

8.1 In accordance with the revised NPPF and the Tameside UDP, the main issues raised by the application relate to the following:

- Principle of the development;
- Impact of the development on the character and appearance of the surrounding area;
- Impact on residential amenity; and,
- Impact on highway safety

8.2 Further to the above site history, the principal changes to the development from that which has already been approved by the Council are as follows:

- Greater roof height to the front of the single storey extension (parapet wall);
- New glazed roof lantern to the flat roof of the single storey extension;
- Balustrade to the patio doors to the first floor gable to create Juliet balcony;
- New window (smaller) to the north east facing side wall of the single storey extension;
- Change in roof style to front canopy above bay window;
- Render to side and rear wall

8.3 With reference to paragraph 3.4, planning permission was granted for a single storey extension under reference 02/00549/FUL. The extension that was built was higher than that

approved. It was also constructed in blockwork, not brick as shown on the approved plans, and incorporated an additional window in its rear elevation. The extension was built as shown on the refused planning application reference 02/01350/FUL. An enforcement notice was served and issued on the 3 February 2003 (JMH/ENF/1711). The requirements of the notice were to demolish the single storey side extension and remove all associated demolition material from the land within 3 months. The enforcement notice was subsequently appealed (APP/G4240/C/03/1112379) and the notice was upheld with variations and planning permission was refused on the application deemed to have been made under section 177(5) of the Act as amended. The enforcement notice was varied, by deleting the contents of Section 5 and substituting thereof 'Reduce the size of the single storey extension to that permitted under planning permission no. 02/00549/FUL and render the side elevation of the extension facing Hillside Farm to match the render on the rear elevation of the dwellinghouse at 123 Joel Lane'. The outcome of this enforcement appeal decision is a strong material planning consideration in the determination of this application and holds substantial weight.

8.4 The above matters are considered in more detail below.

9. PRINCIPLE OF DEVELOPMENT

9.1 The site lies within the Green Belt which, with reference to paragraph 134 of the revised NPPF, exists to:

- To check the unrestricted sprawl of large built-up areas;
- To prevent the neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The National Planning Policy Framework states at Paragraph 145 that a Local Planning Authority should regard the construction of new buildings as inappropriate within the Green Belt. The exceptions criteria listed within paragraph 145 confirms that development is not inappropriate (within the Green Belt) if it involves "the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building". Paragraph 143 of the NPPF clearly states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 144 continues to state that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.2 Officers are satisfied that the extension does not result in disproportionate addition over and above the size of the original building, compliant with paragraph 145(c) under section 13 of the revised Framework (2019) and section OL2(b) and (e) of the UDP. The development is therefore considered to be acceptable in principle.

9.3 It is also further acknowledged by Officers that the bulk of the development has already been approved under planning reference 02/00549/FUL. Furthermore, the appeal decision relating to application 08/01256/FUL (APP/G4240/A/09/2094661) did not consider an even larger conservatory extension to the existing dwelling to be a disproportionate addition and thereby acceptable in Green Belt policy terms.

9.4 Officers are mindful of the comments received relating to Green Belt issues, however Very Special Circumstances are not required given that the proposal meets the exceptions criteria detailed within paragraph 145(c) of the NPPF.

10. CHARACTER OF THE SURROUNDING AREA

- 10.1 Amongst other matters, Policy H10 of The Tameside Unitary Development Plan seeks high quality design in the layout, design and external appearance of housing developments that in turn complement the character and appearance of the surrounding area. The Residential Design SPD provides more detailed guidance on this matter and states that extensions should be subordinate to the original building and should apply an architectural style that reflects the existing dwelling and use materials, external fixtures and fittings that align with the existing in terms of size, style, colour and texture.
- 10.2 The single storey extension projects approximately 4.8m beyond the side elevation of the original house, extends approximately 6.3m in width and approximately 4.5m in height to the side and rear. The extension features a stepped parapet wall to the front of the extension that measures approximately 5.3m in height.
- 10.3 Given the non-excessive scale and size of the extension, Officers are of the view that the development reads as a clear subsidiary addition and so would not unacceptably alter the scale and massing of the main dwelling, compliant with Policy RED1 and RED5 of the SPD. The extension has been constructed with matching brick to the front elevation with matching fenestration detailing and so represents a complimentary addition to the main dwelling. In line with the Planning Inspector's comments detailed in the enforcement appeal decision (APP/G4240/C/03/1112379) rendering of the blockwork would redress the unsightly blockwork appearance to the rear, and would provide an acceptable aspect when viewed from Hillside Farm, given that the existing side gable of no.123 Joel Lane is also surfaced with render.
- 10.4 Policy RED5 requires the roof of a side extension to be in the same style as the original house. Though the extension features a flat roof with a roof lantern, rather than a dual-pitched roof to match the main dwelling, Officers do not consider this to be visually harmful particularly in relation to the street scene.
- 10.5 It is also a strong material planning consideration that the Council have already approved a similarly scaled flat roof extension at the property.
- 10.6 To the rear of the adjoining property (Hillside Farm - attached to the rear) planning permission has been approved and implemented for a part two storey/part single storey extension that extends some 4m beyond the rear wall (07/00354/FUL). The cumulative impact of the single storey extension subject of this application, the existing front bay window extensions and the projecting two storey front gable extension are not materially larger than the approved extension to the rear of the attached property Hillside Farm and other residential extensions in the immediate vicinity, for example to No.121a Joel Lane (15/00614/FUL). As a result, the development would not appear unduly out of keeping or out of scale within its setting.
- 10.7 In light of the above Officers are satisfied that the extension is of an acceptable scale, and subject to the rear elevation being surfaced with render, as per the Inspector's comments, the extension would complement the main dwelling and would not unduly detract from the character and appearance of the wider Green Belt setting, compliant with Policies 1.3, H10, OL2(e) of the UDP and the Residential Design Supplementary Planning Document.

11. RESIDENTIAL AMENITY

- 11.1 As part of its underlying drive to promote sustainable development, paragraph 127(f) of the revised National Planning Policy Framework says that a high standard of amenity should always be sought for all existing and future occupants of land and buildings. Policy H10 of

the UDP also states that new development should have no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing or traffic.

- 11.2 Though the proposed extension is located to the side gable of No.123 Joel Lane, due to the unusual relationship that the application property shares with the adjoining semi-detached property, the extension does project beyond the rear wall of Hillside Farm and therefore has a similar visual impact to that of a rear extension for the neighbouring occupiers. The single storey extension has therefore been assessed against Policy RED3 of the SPD.
- 11.3 If rear extensions are badly designed they can result in overshadowing, loss of privacy and/or a reduced outlook for neighbours. Further to Policy H10 of the UDP, in order to avoid such issues, the Council will limit the size of extensions using a 60 degree angle line rule (Policy RED3). If a neighbour has an existing extension and this is the nearest habitable room window, the rule should be applied from the extension.
- 11.4 Whilst the two storey extension to the rear of Hillside Farm has not been completed, the permission has been implemented and is lawful. When measured from the nearest habitable room window of the approved two storey extension (dining room), the single storey extension fails to comply.
- 11.5 However, the extension projects the same distance from the gable of No.123 Joel Lane as the permitted scheme (02/00549/FUL). Consequently, given the similar height (approximately 4.5m) in the view of Officers it has no greater effect in terms of outlook, loss of light and overshadowing than previously approved by the Council. The modestly proportioned parapet wall to the front of the extension (facing No.121a Joel Lane) would not unduly harm the amenities of the neighbouring occupiers.
- 11.6 An objection received makes reference to the height of the permitted development (02/00549/FUL) being 3050mm. This relates to the internal floor to ceiling height – not the external ground floor to roof height. The external height of the development approved under planning reference 02/00549/FUL is approximately 4.5m above ground level.
- 11.7 In relation to impact on privacy and having regard to the Inspectors conclusions within their decision, it is not considered that the smaller kitchen window to the side elevation of the extension would result in an unacceptable loss of privacy to the occupiers of Hillside Farm. This is by reason of the existing planting by way of screening and orientation of the window facing out over the applicant's garden. However, noting the approved scheme at Hillside Farm (07/00354/FUL), in order to prevent unacceptable direct overlooking between habitable rooms, it is considered necessary to recommend a condition on any approval that prevents the future insertion of windows or doors to the south east elevation.
- 11.8 The application seeks to install a balustrade to the existing patio doors to the first floor bedroom above the flat roof extension. The insertion of this balustrade would prevent the unacceptable use of the roof as a terrace and would prevent the opportunity for unrestricted views and direct overlooking of the neighbouring properties. Notwithstanding this, it is considered appropriate to recommend a condition on any approval which restricts the use of the flat roof above the extension as a terrace/outdoor seating area.
- 11.9 It is not considered that the roof light to the extension results in unacceptable light disturbance given its modest size and siting in the centre of the flat roof. Any such disturbance in terms of internal lighting of the application dwelling would be commensurate to that which would normally be expected from a residential dwelling. Refusal of the application on these grounds is therefore not considered appropriate/ substantiated.

12. HIGHWAY SAFETY

- 12.1 There would be no impact on highway safety.

13. OTHER MATTERS

- 13.1 Concerns have been raised in relation to a first floor bathroom window above the single storey extension; however, this window is not subject of this application.
- 13.2 Land ownership is a civil matter. The red line location plan submitted indicates development on land within the curtilage of the dwelling and ownership certificate A has been signed.
- 13.3 In respect of concerns raised in relation to building regulations, this is not a material planning consideration and would not constitute a reason to withhold planning permission. The appropriate building inspector completion certificates will need to be obtained by the applicant.

14. CONCLUSION

- 14.1 To conclude, it is considered that the application is in accordance with the National Planning Policy Framework, UDP policies 1.3, 1.5, 1.10, OL1, OL2, OL10 and H10 together with the Councils adopted Supplementary Planning Document on Residential Design and is therefore recommended for approval.

15. RECOMMENDATION:

Approve, subject to the following conditions:

1. The final development hereby approved shall be constructed in accordance with the materials detailed on the approved drawing number 18022/01c.
2. The development hereby permitted shall be carried out in accordance with the approved drawings:
 - a. Drawing number 18022/01c dated 05/02/18; and,
 - b. Drawing number 18022/02 dated January 2019.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows or doors other than those expressly authorised by this permission shall be inserted or constructed at any time in the south east facing elevation of the extension hereby permitted.
4. The flat roof of the single storey extension to the north-east elevation hereby approved shall not be used as an outdoor amenity space/ roof terrace.