

Application Number 20/00329/FUL

Proposal Detached dwelling house - retrospective

Site Land adjacent to 124 Mottram Old Road, Hyde, SK14 3BA

Applicant Mr Paul Williamson

Recommendation Grant planning permission subject to recommended conditions.

Reason for Report A Speakers Panel decision is required because the application has been called in by Councillor Welsh.

UPDATE REPORT

This application was first presented to the Panel at their meeting on 26 May 2021. The officer's recommendation was for approval, subject to conditions. At that meeting the Panel deferred the application with instruction that the height of the building should be ascertained. The case officer has met with the applicant's appointed agent at the site and measurements have been verified.

The drawings submitted with the previous application that was approved (see paragraph 3.4 of Original Report) did not include any datum but indicate that the height of the ridge of the roof of the house was to rise approximately 9.1m above the highway in Mottram Old Road.

The land in front of the house rises from the highway and the drawings submitted with the current application indicate that the ridge of the roof of the house that has been built is approximately 8.4m above ground level and approximately 8.8m above the level of the highway. The eaves stand approximately 5.2m above ground level. These measurements conform with the dimensions indicated on the submitted drawings.

In both instances, the ridge of the roof house was to be lower than that of the neighbouring semi-detached houses at 122 and 124 Mottram Old Road but slightly taller than that of the ridge of the roof of the neighbouring detached house on the other side at 130 Mottram Old Road. This pattern of staggered roof heights is reflected in what has been built.

Previously, it was reported (see paragraph 13.1 of Original report) that details of the construction or load bearing capacity of the retaining wall that has been constructed have been provided and were being considered by the Council's Structural Engineers. These details have been considered and the wall has been inspected by a Council structural Engineer and no issues or substantive concerns are raised.

As such, the recommendation remains as is set out in the original report presented to the Panel on 26 May 2021, which is attached below.

ORIGINAL REPORT

1.0 APPLICATION DESCRIPTION

1.1 The application seeks retrospective and full planning permission for a 3-bedroom, detached house that has been built on a plot of land that was previously used for parking between nos. 124 and 130 Mottram Old Road. The roof space is utilised to accommodate a bedroom and so the house is considered 3-storey. The plot is situated immediately behind the footway and is initially flat and then, above a brick retaining wall that has been constructed, the land slopes upward to adjoin the rear gardens of bungalows in Silver Springs.

- 1.2 Due to the profile of the land, the house has been cut in to the higher ground and so, due to it cutting in to the slope, when viewed from the rear the house appears single-storey. From the rear of the bungalows behind only the roof of the house is visible.
- 1.3 The front of the proposed house is on a similar level to that of the neighbouring detached house at no. 130 Mottram Old Road. The neighbouring house on the opposite side at no. 124 Mottram Old Road is a semi-detached and at a higher level. Consequently, partly due to the change in the levels, the eaves and ridge of the roof of the new house are higher than those of no. 130 but lower than those at no. 124. The new house is brick-built with a tiled roof.
- 1.4 A driveway has been constructed on the eastern side of the house, next to no. 130, and the area in front is likewise hard-surfaced to provide for car parking.

2.0 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 previously formed a gap in the built-up frontage in the block before the last house at no. 130 where there is a ground floor, habitable room window in the middle of the side gable.

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 Application (ref. 14/01156/FUL) for full permission for a pair of semi-detached houses was refused in February 2015. Appeal dismissed.
- 3.3 Application (ref. 15/00300/FUL) for full permission to develop a detached house on the site was refused in June 2015. Appeal dismissed.
- 3.4 Most recently, full permission (ref. 16/00610/FUL) was granted in October 2016 for a 2-bedroom, detached house.

4.0 RELEVANT PLANNING POLICIES

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

- 4.2 **Part 1 Policies**

- 1.3 Creating a Cleaner and Greener Environment
- 1.5: Following the Principles of Sustainable Development
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.
- 1.13: Meeting Obligations on Minerals, Waste and Energy.

4.3 **Part 2 Policy**

H2: Unallocated Sites.

H9: Backland and Garden Development.

H10: Detailed Design of Housing Developments

T1: Highway Improvement and Traffic Management

C1: Townscape and Urban Form.

MW11: Contaminated Land.

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

Section 2. Achieving sustainable development

Section 5. Delivering a sufficient supply of homes

Section 9. Promoting sustainable transport

Section 11. Making effective use of land

Section 12. Achieving well-designed places

Section 15. Conserving and enhancing the natural environment

4.5 **Other Policies**

Residential Design Supplementary Planning Document

It is not considered there are any local finance considerations that are material to the application.

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.

5.0 **PUBLICITY CARRIED OUT**

5.1 As part of the planning application process, 11 notification letters were sent out to neighbouring properties on March 21 2020.

6.0 **RESPONSES FROM CONSULTEES**

6.1 The Head of Environmental Services (Highways) has raised no objections to the proposal and has suggested that conditions regarding the provision of visibility splays where the driveway meets the footway and cycle storage, and details of the retaining wall, as well as informative notes regarding a postal address and working near to a highway be attached to any permission.

7.0 **SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 As a result of the application being publicised objections have been received from Councillor Welsh and from a neighbour. Councillor Welsh objects on the grounds that the house that has been built is larger, including being taller, than the house that was approved (see paragraph 3.4) and consequently has a greater impact on the amenities of the neighbour behind.

7.2 The neighbour objects also on the grounds that the house is taller than that approved, and so has a greater impact on the outlook from windows in the bungalow behind, and also the failure to adhere to the terms of the planning permission.

8.0 ANALYSIS

8.1 The site is located within an established residential area and, there having been no material changes in circumstances in the meantime, the principle that residential development is acceptable is established by the previous grant of planning permission (see paragraph 3.4). The principle that residential development is acceptable being established, the issues to be considered in the determination of the application are then the effect of the proposal on:

- The character and appearance of the site and the surrounding area;
- The impact on existing residential amenities;
- The residential environment created; and
- The impact on highway safety.

9.0 CHARACTER AND APPEARANCE

9.1 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. There being a variety of external finishes to nearby houses that the new house is brick-built is considered acceptable.

9.2 The eaves and roof ridge of the new house are both lower than those of the neighbouring semi-detached house. The eaves of the new house are at approximately the same height as those of the neighbouring detached house, but the ridge is higher. In terms of scale, the new house is considered in-keeping with the neighbours and results in a stepping-down in terms of height along the row.

9.3 The windows in the house that was approved previously each had a vertical emphasis, they were taller than they were wide, as do the windows in each of the other houses in the row. As built, the main windows in the front of the new house are square. The windows in the house that was approved were each to be built with stone sills and headers; these are omitted from the house as built, but it is proposed that stone sills be introduced. It is considered that the introduction of sills, together with an existing profiled band in the brickwork above the front, ground floor window and door, provide adequate architectural features so that the design and appearance of the proposed house are considered acceptable and compliant with: policies 1.3, 1.11, H10 (a) and C1 of the UDP; policy RD1 of the SPD; and, Sections 11 and 12 of the NPPF, and that the house appears in-keeping with the setting.

10.0 IMPACT ON EXISTING RESIDENTIAL AMENITIES

10.1 The Council's reason for refusing the first of the previous applications (see para. 3.2) 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.

10.2 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.

- 10.3 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 results 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, currently enjoyed by the occupier of no. 1 Silver Springs.

- 10.4 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 sidewall of the house that was refused originally in 2004 (see para. 3.2).
- 10.5 As was the case in the previous permission (see para. 3.4), as built there is a distance of more than 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.
- 10.6 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.
- 10.7 In terms of the impact on the amenity of neighbouring residential properties, the proposal can be considered to be acceptable and compliant with: policies 1.5, H9(c), H10(d) of the UDP; policy RD5 of the SPD; and Sections 11 and 12 of the NPPF.

11.0 RESIDENTIAL ENVIRONMENT CREATED

- 11.1 UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meet the needs of the potential occupiers. To this end, SPD policy RD18 recommends minimum floor areas that residential developments should achieve. Internal space being interpreted by reference to the nearest equivalent new national technical standard as given by the Government's Technical housing standards – nationally described space standard document (THS) – which require that a 3-bedroom, 3-storey dwelling provides a minimum internal floor area of at least 90sqm, and in order to provide one bed space, a single bedroom has a floor area of at least 7.5sqm and is at least 2.15m wide. Any area with a headroom of less than 1.5m is not counted within the gross internal area unless used solely for storage.
- 11.2 Excluding the area of the bedroom in the roof space that has a headroom of less than 1.5m, the gross internal area of the house as built, and indicated on the submitted drawings, is approximately 90sqm and achieves the requirements of the THS for a 3-storey, 3-bedroom dwelling. The house is provided with commensurate private amenity space. In terms of the residential environment that would be created the proposal is therefore considered compliant with policies 1.5 and H10(a) of the UDP; policy RD11 of the SPD; and, Section 12 of the NPPF.

12.0 HIGHWAY SAFETY

- 12.1 Whilst the development has removed the car parking space currently used 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. The layout of the house as built includes provision to park two cars off-street.
- 12.2 The Head of Environmental Services (Highways) offering no objection, the provision of two car parking spaces, despite the absence of any discrete cycle storage, is considered adequate and in compliance with both the policy H10(b) of the UDP and policies RD7, RD8 and RD9 of the SPD, and, the impact on the road network not being severe, Section 9 of the NPPF.

13.0 OTHER ISSUES

- 13.1 Whereas in the development approved previously the house was to be cut in to the hillside so that sloping land would remain at the side, as built the land at the side has been levelled and a retaining wall has been constructed level with the back wall of the house. According to paragraph 170 of the NPPF, planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by land instability. Details of the construction or load bearing capacity of the retaining wall that has been constructed have been provided and are being considered by the Council's structural engineers. Whether the details that have been provided are sufficient so that it can be accepted that the development has not contributed to, or is put at unacceptable risk from, or is adversely affected by, land instability will be reported orally to the Panel.

14.0 CONCLUSION

- 14.1 The Council cannot demonstrate a five-year supply of deliverable housing sites in a recently adopted plan or in any annual position statement, as is required by paragraph 74 of the NPPF. For decision taking this means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 14.2 The principle of the development is established, and without impinging unduly on any existing amenities, it is considered that the house as built provides a new dwelling that conforms to the relevant requirements of the Residential Design SPD, the UDP and the NPPF. The recommendation is therefore for approval.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

- 1) The development hereby approved shall be completed in accordance with the following approved plans:

Site Location Plan, ref. (00).004 A
Proposed Site Plan, ref. 101 B
Proposed Section 1-1, ref. 102 B
Proposed Section 2-2, ref. 103 B
Proposed Plans, ref 104 B
Proposed Elevations, ref. 105 B

Reason: For the avoidance of doubt.

- 2) Prior to the first occupation of the development hereby approved, the soils at the site (particularly, in garden/soft landscaped areas) and any imported soils shall be sampled and analysed in line with current best practice contaminated land guidance and the Councils 'Guidance Document for Applicants, Developers, Land Owners and their Agents'. The soil analysis data and a detailed soils risk assessment(s) shall be submitted to, and approved in writing by the local planning authority (LPA).

Where necessary, a remediation strategy detailing the works and measures required to address any unacceptable risks posed by contamination shall be submitted to, and approved in writing by, the LPA. The strategy shall include full details of the information that will be obtained in order to demonstrate the scheme has been fully implemented. The approved remediation scheme shall be fully implemented and a verification/completion report demonstrating this and that the site is suitable for its intended end use shall be submitted to, and approved by, the LPA.

The discharge of this planning condition will be given in writing by the LPA once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation shall not begin until this time unless otherwise agreed in writing by the LPA.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with policy MW11: Contaminated Land of the UDP, and with paragraph 178 of the National Planning Policy Framework.

- 3) Prior to the first occupation of the development hereby approved stone sills, as indicated on the approved plans ref. 102 B and ref. 105 B, shall be installed.

Reason: In the interests of the visual amenities of the locality, in accordance with policies 1.3: Creating a Cleaner and Greener Environment, H10: Detailed Design of Housing Developments, and C1: Townscape and Urban Form of the UDP, and within Section 12 of the NPPF.

- 4) Prior to the first occupation of the development hereby approved the car parking facilities indicated on the approved plan, ref. 101 B, shall be provided and thereafter be kept available for the intended purpose at all times.

Reason: In the interest of highway safety, in accordance with Policy T1: Highway Improvement and Traffic Management of the UDP, and with Section 9 of the NPPF.

- 5) As indicated on the approved plan, ref. 101 B, a clear view shall be provided on each side of site access where it meets the footway in Mottram Old Road. Its area shall measure 2.4 metres along the edge of the site access and 2.4 metres along the footway. It must be kept 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.

Reason: In the interest of highway safety, in accordance with Policy T1: Highway Improvement of the UDP, and Traffic Management., and within Section 9 of the NPPF

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order, with or without modification, express planning consent shall be required for any development referred to in Class A, Class AA, Class B, Class C, Class D, and Class E of Part 1 of Schedule 2 of that Order.

Reason: To prevent undue overlooking and overshadowing of neighbouring properties in accordance with policy H10 of the UDP, and within Section 12 of the NPPF.