

Application Number:	23/00024/FUL
Proposal:	Rear dormer loft conversion and single storey rear extension.
Site:	101 Whiteacre Road, Ashton-under-Lyne, OL6 9PJ
Applicant:	Mr Mustafa
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision has been requested by a Member of the Council.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The application relates to 101 Whiteacre Road, a two storey terraced dwelling set within a predominantly residential area of Ashton-under-Lyne. The application property is brick built with a gable roof above and reflects the uniform building style of the local area.
- 1.2 The site shares a common boundary with properties along Whiteacre Road and an area to the rear used as a communal space for bin storage. The topography of the site is fairly even with limited variance. The property is adjoined by no. 99 Whiteacre Road, which is set back in relation to the applicant property. The terraced row in which no. 101 is sited is angled in relation to the terraced row along Holden Street.

2. PROPOSAL

- 2.1 The application seeks planning permission for the erection of a rear dormer loft conversion and single storey rear extension.
- 2.2 The rear dormer will have a length of approx. 3.84m and will have a height of approx. 1.78m. The dormer will be set back from the eaves by a distance of approx. 0.33m.
- 2.3 The extension will project approximately 2.85m from the existing rear elevation. The width will measure approx. 4.11m. The extension will have a maximum height of approximately 3.71m and an eaves height of approximately 2.25m.

3. PLANNING HISTORY

- 3.1 None relevant.

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Planning Practice Guidance (PPG)

4.4 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.

Development Plan

4.5 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004)

Tameside Unitary Development Plan (UDP) Allocation

4.6 Unallocated, within the Ashton Waterloo Ward.

4.7 Part 1 Policies:

- 1.3: Creating a Cleaner and Greener Environment
- 1.5: Following the Principles of Sustainable Development

4.8 Part 2 Policies:

- H10: Detailed Design of Housing Developments
- C1: Townscape and Urban Form

Supplementary Planning Documents

4.9 Residential Design Guide Supplementary Planning Document:

- RED1: Acknowledge Character
- RED2: Minimum Privacy and Sunlight Distances
- RED3: Size of Rear Extensions
- RED4: Design of Rear Extensions
- RED6: Design Of Dormers

4.10 National Design Guide (2021)

Illustrates how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

Places for Everyone

- 4.11 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.
- 4.12 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.13 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

Other Considerations

- 4.14 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.15 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case, the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

- 5.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Tameside Statement of Community Involvement, the adjoining owner or occupiers were notified of the proposed development by neighbour notification letters and display of a site notice.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 In response to the neighbour notification letters, there have been six letters of representation received from four different households, one of which was from Councillor Cartey and included a call in request. The following concerns have been raised within individual objection letters, which are summarised as follows:

Design issues:

- Development too big;
- The proposal is out of character.

Amenity issues:

- Loss of Sun/Day Lighting/Overshadowing;
- Loss of light to properties along Holden Street due to the rear dormer;
- Impact on privacy by virtue of overlooking;

- Impact to general amenity due to health conditions and removal of sunlight to back garden area;
- Construction noise and impact to residents; and
- Sense of enclosure due to existing built environment.

Other matters:

On the basis of what has been submitted to the Council (an application for extensions to a single dwelling), other matters have been raised which are not material planning considerations.

- Proximity of the rear extension to area utilised by children for amenity space; and
- Increase of boundary of the rear garden area to no. 101 into the space to the rear amenity space of no. 99 Whiteacre Road.

7. RESPONSES FROM CONSULTEES

7.1 No consultees were consulted on this application.

8. ANALYSIS

8.1 The main issues to consider in the determination of this application are:

- The principle of the development;
- Design and local character;
- Residential amenity and
- Other matters (parking).

9. PRINCIPLE

9.1 The site is unallocated, is a residential property and a proposed extension to the property would maintain the residential intensity of the site and subject to design/amenity considerations, as outlined below. The proposal is therefore acceptable in principle subject to both design and amenity.

10. DESIGN AND APPEARANCE

10.1 Policies C1 and H10 of the Tameside Unitary Development Plan (UDP) state proposals should respect the nature of surrounding fabric and relationship between buildings and that housing developments should be of high quality, complementing and enhancing the character and appearance of the surrounding area.

10.2 Policy RED1 requires that proposals should apply an architectural style that reflects the existing dwelling and surrounding area and should not alter the scale and mass of the existing dwelling. Policy RED4 of the Residential Design Guide states that extensions to the rear of a house must not dominate the host dwelling, align in terms of scale and mass, roof styles and should align with the host dwelling. Policy RED6 of the guide outlines the principles of good design for dormers.

10.3 Regarding the design of dormers, Policy RED6 states:

- Dormers should ideally be located at the rear of a property, a position in which they will rarely need planning permission.

- Dormers are not encouraged at property frontage. They may be considered if they:
 - Will not detract from character of the street / surrounding area
 - Will not set an unwanted precedent
 - Complement the existing roof scape
 - Align with the architectural style of the house and surroundings
- Flat roofed dormers are not encouraged. Roofs should be pitched with ridge lines not projecting above those of the existing house.
- The design and size of a dormer should reflect the architectural style of your house and the surrounding neighbourhood.
- Dormers should not take up more than 1/3 of roof space at house frontage and 2/3 at rear.
- Dormers should be set back from the eaves/gutter line by a minimum of 1 metre. A greater setback may be requested where a dormer is being applied to a long or steep pitched roof.
- The dormer should line up vertically with the fenestration below.
- Materials should align with the existing roof.

10.4 The proposed dormer and extension will increase the scale and bulk of the application property. However, overall, the increase is not considered a disproportionate addition, with the rear extension and rear dormer being subordinate additions overall, due to the dormer being sited below the ridge height.

10.5 The use of a pitched roof to the rear extension is an appropriate roof type, complementing the existing dual pitched roofs along the terraced row. The roof gradient is an acceptable one due to a steep pitch, and lowering to an eaves height of approx. 2.25m

10.6 Proposed materials and fenestration are to match the existing throughout, which is suitable and reduces any impact the proposal would have on the character and appearance of the host dwelling.

10.7 The proposed dormer is located to the rear of the property, which is the position favoured by Policy RED6. The proposed roof style is flat roof, which is not considered acceptable under Policy RED6. The proposed dormer is set lower than the ridge height and due to the location of the dormer to the rear, it will have a lesser impact. Officers are mindful of the permitted development allowances in relation to loft conversions and although the development cannot be constructed under these rights, it is material. That being said, the flat roof will reflect similar developments in the wider local area and is not out of place. The dormer is estimated to take up more than 2/3 of the roof space to the rear, but for the above reasoning is deemed to be acceptable and due to the limited visibility from Whiteacre Road will not appear overbearing.

10.8 Overall, the proposals are deemed to meet the standards and guidelines set out under SPD Policies RED1, RED4 and RED6, Policies C1 and H10 of the adopted Tameside UDP and the NPPF.

11. RESIDENTIAL AMENITY

11.1 Paragraph 130(f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants.

11.2 Locally, the adopted Tameside UDP Policy H10 requires that any development, including extensions, should not have unacceptable impacts on the amenity of neighbouring properties through loss of privacy nor overshadowing.

11.3 In addition, Tameside Residential Design Supplementary Planning Document (March 2010) (the SPD) contains specific standards and guidelines for different development types to

ensure that no undue amenity impacts are caused to the occupiers of neighbouring properties. Policy RED2 establishes guidelines for privacy and sunlight distances; in order to ensure that developments do not cause unacceptable overshadowing, loss of natural light, or reduce privacy to neighbouring properties, minimum distance allowances have been implemented between new extensions and existing properties. Policy RED3 of the SPD states that if rear extensions are badly designed they can result in overshadowing, loss of privacy and/or a reduced outlook for neighbouring properties and their inhabitants. In order to avoid such issues, the Council will limit the size of extensions using 45 and 60 degree angle line rules. 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 The Council acknowledges the concerns/objections that have been raised by neighbouring residents in relation to the proposals.
- 11.5 The proposed rear extension will project from the rear property by a distance of approximately 2.85m and has a width of approx. 4.11m. The rear elevations of the properties along Whiteacre Road feature a narrow window and door to the centre of the ground floor, which results in the window being offset from the boundary. Due to this, the proposed rear extension will satisfy the 60 degree line taken from no. 103 Whiteacre Road. The proposed extension will also satisfy the 60 degree line taken from no. 99 Whiteacre Road. The proposed extension is acceptable under Policy RED2.
- 11.6 In respect of SPD Policy RED2, the requisite separation distance between the proposed rear extension and the habitable room window of the rear elevations of no. 7 and no. 9 Holden Street is 18m. The proposed rear dormer must meet a separation distance of 21m, having regard to Policy RED2 (E), being at 3 or more storeys. Due to the angled orientation between the terraced row along Holden Street and the terraced row along Whiteacre Road, the proposals are affected by Policy RED2 (F) and the distance to no.9 is reduced by 3m and the distance to No. 7 is reduced by 4m.
- 11.7 The separation distance of the rear extension to No. 9 Holden Street is approximately 15m from the rear extension. The separation distance of the rear extension to no. 7 Holden Street is approximately 15m from the rear extension. Accounting for the oblique overlooking reduction as outlined in policy RED2, it is found that the proposed rear extension meets the standards and guidelines set out under SPD Policy RED2.
- 11.8 The separation distance of the rear dormer to the rear windows of No. 9 Holden Street is approximately 18m from the rear dormer. The separation distance of the rear dormer to the rear windows of No. 7 Holden street is approximately 18m. Accounting for the oblique overlooking reduction as outlined in policy RED2, it is found that the proposed rear dormer meets the standards and guidelines set out under SPD Policy RED2.
- 11.9 The proposed windows meet separation distances as outlined in Policy RED2 and officers are satisfied that the proposed extension would not cause undue harm to the amenities of the neighbouring residents.
- 11.10 In light of the above, the separation distance and impact upon resident's amenity is fully policy compliant, meeting the standards and guidelines set out under SPD Policies RED2 and RED3 and Policy H10 of the adopted Tameside UDP and the NPPF.

12. OTHER MATTERS (HIGHWAYS)

- 12.1 The proposal will not alter any existing parking arrangements. Currently, the property utilises the limited parking spaces available to the front of the houses along Whiteacre Road. These properties are shared by properties on either side of Whiteacre Road and subsequently, there is insufficient parking space available especially due to parking restrictions. This is a pattern

which continues throughout the entirety of Whiteacre Road and results in heavily concentrated parking and the competition for spaces between residents. This is acknowledged by officers, but due to the small nature of the scheme it is not considered that the impact on the public highway would be severe as a result of the proposed scheme, in accordance with paragraph 111 of the NPPF.

13. CONCLUSION

- 13.1 The proposed two-storey/single-storey rear extension is considered to be sustainable development under the terms of the NPPF, whilst also complying with relevant policies of the Tameside Unitary Development Plan, as well as meeting the standards and guidelines set out in the Tameside Residential Design Supplementary Planning Document.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development hereby permitted must begin before the expiration of three years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in full accordance with the following amended plans/details:
Site Location Plan 00 Rev F (received by the Council 3 November 2022)
Existing Plans and Elevations 01 (received by the Council 21 September 2022)
Proposed Plans and Elevations 02 Rev F (received by the Council 3 November 2022)

Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policies and relevant national Planning Guidance (Policies RED1, RED2, RED3 and RED4 of the Tameside Residential Design SPD; Policies C1 and H10 of the Tameside UDP).

3. The external materials shall match those used in the existing building.

Reason: In the interests of the visual amenities of the locality, in accordance with UDP Policy C1: Townscape and Urban Form.