

<b>Application Number:</b>	22/01204/FUL
<b>Proposal:</b>	Proposed glazed roof canopy to rear of property.
<b>Site:</b>	46 Fir Tree Crescent, Dukinfield, SK16 5EH
<b>Applicant:</b>	Mrs S Walker
<b>Recommendation:</b>	Grant planning permission, subject to conditions.
<b>Reason for Report:</b>	A Speakers Panel decision has been requested by a Member of the Council.
<b>Background Papers:</b>	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 concerns a single storey detached property on Fir Tree Crescent, located in Dukinfield.
- 1.2 The surrounding area is predominantly residential, comprising a mix of single storey detached properties and two storey semi-detached properties.
- 1.3 The application property has a pitched roof, with the gable end fronting the highway, and is constructed largely from light brown masonry.
- 1.4 To the front of the property is a modest landscaped area, and a paved area for off street parking provision, capable of serving 2no vehicles.
- 1.5 To the side of the property is a front porch, accessed via a series of steps. Adjoined to the rear of the porch is a flat roof garage to the rear.
- 1.6 A single storey rear extension has previously extended the property.
- 1.7 There is a generous garden to the rear, comprising a patio area and soft landscaping area set at a higher level.
- 1.8 Fir Tree Crescent decreases in gradient to the west, and so the ground floor level of no.44 Fir Tree Crescent is set approximately 1m lower, and the ground floor level of no.48 Fir Tree Crescent is set approximately 1m higher than that of the application property.
- 1.9 The properties on the south side of Fir Tree Crescent are of a staggered layout, and so no.48 Fir Tree Crescent is set in front of the application, whilst no.44 First Tree Crescent, is set behind.

## **2. PROPOSAL**

- 2.1 Planning permission is sought for a glazed roof, open sided canopy to the rear of the property.
- 2.2 The structure would comprise 2no steel posts, affixed to the ground, with a glazed lean to roof, attached to the rear wall of the existing rear extension.

- 2.3 The structure would project 3m from the rear elevation of the existing rear extension and would have a width of 3.75m. The structure would have a maximum height of 2.4m.

### **3. PLANNING HISTORY**

- 3.1 20/00538/FUL: Proposed stepped landscaping to the rear of the property, including level alterations (retrospective). Application approved August 2020.

### **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**

- 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 Dukinfield-Stalybridge 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:**
- C1: Townscape and Urban Form

- H10: Detailed Design of Housing Developments

### **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.

#### 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 notifications. No site notice was erected.

## **6. SUMMARY OF THIRD PARTY RESPONSES**

6.1 In response to the neighbour notification letters, there has been eight letters of representation received, from eight different households. Within the letters of representation, there were six letters of support, and two letters of objection.

6.2 The concerns raised within the two letters of objections are summarised as follows:

Amenity issues:

- The proposed development would have the biggest impact on no's 44 and 48 Fir Tree Crescent, due to their positions on the steep hill (no.44 being lower than no.46, and no.48 being higher than no.46);
- The ground level at no.44 is approximately 2.5m below no.46 patio base, which the proposed structure would stand;
- The extension has a different context than it would if it were a standalone project on a flat road;
- The impact of the height of the proposed extension on the light and privacy at no.44 Fir Tree Crescent; and
- The proposed structure would reduce light to bathroom and kitchen windows at no.44 Fir Tree Crescent.

On the basis of what has been submitted to the Council (an application for an extension to a dwellinghouse), other matters have been raised including:

- Noise/hours of operation of the use of the structure;
- Concerns that that structure could be a conservatory in the future;
- The structure, intended for social gatherings would increase noise levels, having a negative impact on someone sleeping in the bedroom window served by the side window at no.44 Fir Tree Crescent facing the application property;
- Wind tunnel potential – Fir Tree Crescent is very exposed to adverse weather conditions and prone to high winds and driving rain;
- Lack of guttering on the structure would result in excess rainwater, onto the patio surface, consequently draining down the hillslope;
- Plans do not indicate what type of glass would be used (e.g. clear or tinted); and
- Rain would hit the roof, making a noise.

## **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 development;
- Design and local character and;
- Residential amenity.

## **9. PRINCIPLE**

9.1 Extensions and alterations to dwellings within an unallocated established residential area, are acceptable in principle, where they would be of a scale and design, which harmonises

with the existing building, and surrounding area, and where they do not adversely effect the amenity of neighbouring properties. The principle of development in this case is acceptable.

## **10. DESIGN AND APPEARENCE**

- 10.1 The Tameside UDP, guidance within the SPD, and the NPPF are clear in their expectations of achieving high quality development that enhances the locality and contributes to place making.
- 10.2 Amongst other matters, paragraph 130 of the NPPF requires new developments to function well and add to the overall quality of the area; be visually attractive, as a result of good architecture and layout, be sympathetic to the character and history and establish and maintain a strong sense of place.
- 10.3 Policies C1 and H10 of the UDP of the Tameside Unitary Development Plan (UDP) state proposals should respect the nature of the surrounding fabric and relationship between buildings and that housing developments should be of a high quality, complementing and enhancing the character and appearance of the surrounding area.
- 10.4 Policy RED1 of the Residential Design Guide Supplementary Planning Document (SPD) requires proposals to apply an architectural style that reflects the existing dwelling and surrounding area, and should not significantly alter the scale and mass of the existing dwelling.
- 10.5 Policy RED4 of the SPD states that extensions to the rear of a dwelling must not dominate the property, align in terms of scale and mass, and roof styles should align with the host dwelling.
- 10.6 The proposal involves a glazed roof canopy to the rear of the detached property. The structure would comprise a metal frame, with 2no posts affixed to the existing patio, and a glazed roof attached to the rear wall of the existing rear extension. The structure would be open sided to all elevations.
- 10.7 The proposed structure/canopy is proportionate and appropriate to the host dwelling and size of the plot, in regard to its size, scale, massing and design, and given its intended use, would not alter the scale or mass of the existing dwelling.
- 10.8 Given its location to the rear, the proposed structure/canopy would not be visible from public vantage points, and therefore would not significantly harm the visual amenity of the street scene. The lightweight structure and materials proposed are therefore acceptable in this residential setting.
- 10.9 Overall, the proposed development is not considered to unreasonably harm the character and appearance of the dwelling and surrounding area, and therefore deemed to meet the standards and guidelines set out under SPD policies RED1 and RED4, policies C1 and H10 of the UDP, and sections 2 and 12 of 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 any development, including house extensions, to not have an unacceptable impact on the amenity of neighbouring properties through loss of privacy or overshadowing.

- 11.3 In addition, the SPD contains specific standards and guidelines for different development types to ensure that no undue amenity impacts are to the occupiers of neighbouring properties. Policy RED2 of the SPD 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. Policy RED3 of the SPD states that if rear extensions are badly designed, they can result in overshadowing, loss of privacy and/or reduced outlook for neighbouring residents. In order to mitigate for such issues the Council will limit the size of single storey extensions using a 60 degree angle line rule. This line should be taken from the nearest ground floor rear habitable room window at adjacent/adjoining properties.
- 11.4 As per comments in section 6, a number of concerns/objections have been raised by neighbouring residents in relation to the proposed structure.
- 11.5 Due to the staggered layout of the properties on the southern side of Fir Tree Crescent, no.44 Fir Tree Crescent is set back from the front elevation of the application property. Although the application property has been previously extended to the rear, the existing rear elevation does not project beyond the rear elevation of no.44. With this in mind, and the fact the proposed structure is of a modest size, set away from the shared boundary with no.44 by approximately 5.25m, the 60 degree line rule, set out in policy RED3, would not be infringed upon. According to policy RED3, the proposed structure is not considered to appear oppressive to the neighbouring occupants, and thus would not cause any undue overshadowing or a reduced outlook from the rear of no.44.
- 11.6 That being said, the ground floor of no.44 Fir Tree Crescent is set significantly below that of the application property, and so a further assessment is required as to whether the proposed development would impact the amenity of the occupants at no.44.
- 11.7 Due to the difference in ground levels, the boundary fence would appear a much more oppressive feature than the proposed structure, when viewed from the rear elevation windows, or from the rear outdoor amenity space at no.44. Views of the proposed structure from this position are therefore screened, and so would not impact unduly on the light or outlook from the rear of no.44 Fir Tree Crescent.
- 11.8 There are 2no side elevation windows at no.44, which face the application property, serving a bathroom and bedroom. The bathroom would not be impacted upon, given the room is non-habitable and the window is installed with obscured glazing, thus no significant loss of light or reduced outlook is anticipated.
- 11.9 The bedroom window has a direct outlook towards the side elevation of the existing rear extension at the application property, and so as existing, the outlook from this window is reduced. Further, due to the difference in ground floor levels, natural light is already restricted into the bedroom. Although the proposed structure would be visible from the side habitable window, the structure is simple and lightweight, owing to its open sides. It is therefore considered that light into the bedroom and outlook from the window would not be significantly worsened, as a result of the proposed structure.
- 11.10 It is noted that there is an existing patio area to the rear of the application property. Given the difference in ground levels, when standing on the patio area at no.46, the side bedroom window at no.44 can be overlooked to some degree. The proposed canopy, although would encourage a seating out area even in bad weather conditions, would not increase the existing level of overlooking, and thus no undue loss of privacy to the occupants at no.44 is anticipated.
- 11.11 On balance, the proposed structure, by reason of its modest scale and lightweight structure, is not considered to appear overbearing to the occupants at no.44, and so would not

overshadow the neighbouring property. The proposed development would not significantly reduce the outlook from no.44 or cause an unreasonable loss of privacy.

- 11.12 The proposed structure would not infringe on the 60 degree line taken from the nearest habitable room window at no.48 Fir Tree Crescent. With this in mind, and the fact no.48 occupies a higher position on the street than the application property, the proposed canopy would not appear overbearing, result in a loss of light or reduced outlook to the neighbouring occupants.
- 11.13 The proposed structure would be visible from the properties to the east on Sunbury Close. However, given the neighbouring properties occupy a significantly higher position than the application property (due to the gradient of the surrounding area), the structure would not impact on the amenity of the occupants on Sunbury Close, in respect of light, overshadowing, outlook or privacy.
- 11.14 There are no residential properties directly to the rear of the application site, and therefore the proposed structure cannot impact on neighbouring amenity in this respect.
- 11.15 In light of the above, the proposed structure is not considered to significantly harm the amenity of neighbouring residents, meeting the standards and guidelines set out under policy RED2 and RED3 of the SPD, policies H10 of the UDP and section 12 of the NPPF.

## **12. OTHER MATTERS**

### **12.1 Response to Neighbour Comments**

Much of the concerns and objections to the proposed structure is with regard to its use, and the increase in noise disturbance this would involve. The use of such development is not a material consideration when determining the decision of an application as it will continue as a domestic property.

- 12.2 The proposed development would constitute an extension to an existing dwellinghouse. The proposed structure would adjoin to the rear elevation of an existing single storey rear extension, and due to the accumulative projection from the rear of the original dwelling, would fail to comply with paragraph (ja) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## **13. CONCLUSION**

- 13.1 The proposed glazed roof canopy/structure is considered to be a sustainable form of development, under the terms of the NPPF, whilst also complying with the relevant policies of the Tameside Unitary Development Plan and 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 received 14 December 2022:

Proposed plans and elevations – 103.2

Proposed site and roof plan – 103.5

Location plan – 103.4

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, and sections 2 and 12 of the NPPF).

3. The external materials shall match those indicated on the approval plans and application form.

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