

Application No: 17/00856/FUL

Proposal: Erection of a detached dwelling house following demolition of existing dormer bungalow, garage and car port.

Site: Spring Haven, 61 Gibraltar Lane, Denton

Applicant: Mr Mustapha Matib

Recommendation: Grant Planning permission subject to conditions

Reason for report: Councillor Claire Reid has requested that the application be determined by Members of the Speakers Panel (Planning) on behalf of a local resident who is concerned regarding loss of privacy and visibility.

REPORT

1. APPLICATION DESCRIPTION

- 1.1 The application seeks planning permission to erect a detached dwellinghouse following the demolition of the existing bungalow, garage and car port.
- 1.2 Since the original submission, the application has been amended to include a revised siting and set back from Gibraltar Lane, the removal of several windows at first floor level and an amended 'hipped' roof design on the single storey part of the scheme.
- 1.3 The proposed dwelling house (as amended) has an 'L' shaped footprint and is part two storey and part single storey in height. The accommodation comprises of a kitchen, family lounge, guest lounge, hall, utility, w.c, gym/pool and double garage at ground floor with 4 bedrooms (all en suite) and a study at first floor level. The proposed materials of the dwelling house are rendering with exposed stone quoins at corners and returns with a tiled roof.
- 1.4 The proposal will utilise the existing access from Gibraltar Lane into the site and a new driveway in front of the proposed dwelling house will provide parking for two vehicles.
- 1.5 A bin storage area will be provided close to the site frontage on Gibraltar Lane.
- 1.6 The applicant has provided the following documents in support of the planning application:

Proposed and Existing Plans and Elevations
A Coal Mining Risk Assessment
Design and Access Statement

2. SITE AND SURROUNDINGS

- 2.1 61 Gibraltar Lane comprises of a detached bungalow with detached double garage sited on a roughly rectangular shaped parcel of land some 0.11 hectares in area. The property is sited in the north western part of the site area and close to the side and rear boundaries of the site. The detached double garage is sited close to the south eastern boundary of the site. There is a landscaped garden area in front of the property with a hedge boundary adjoining the road frontage. A separate access point from Gibraltar Lane currently provides vehicular access into the site.

- 2.2 The application site is sloping and site falls by approximately 3 – 5 metres from north to south. The highest levels are in the north, east and western parts of the site whilst the lowest ones are along the southern parts (close to the site access).
- 2.3 The site lies within a predominately residential area and is adjoined by 59 and 63 Gibraltar Lane and properties on Sandown Drive and Newport Road to the rear. Residential properties also lie opposite the site.

3. PLANNING HISTORY

- 3.1 16/00784/FUL – Existing Dormer Bungalow roof raised to form 1st floor accommodation, 2 storey side extension and construction of Granny Annexe to replace existing Garage and Carport. Withdrawn on 31.10.16.

4. RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)

- 4.2 Planning Practice Guidance (PPG)

4.3 Tameside Unitary Development Plan (UDP) Allocation

Unallocated, within the settlement of Haughton Green, Denton.

4.4 Part 1 Policies

- 1.3: Creating a Cleaner and Greener Environment.
- 1.4: Providing More Choice and Quality Homes.
- 1.5: Following the Principles of Sustainable Development
- 1.10 Protecting and Enhancing the Natural Environment
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

4.5 Part 2 Policies

- H2: Unallocated Sites
- H4: Type, size and affordability of dwellings
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T10: Parking
- C1: Townscape and Urban Form
- N4: Trees and Woodland
- N5: Trees Within Development Sites
- MW11: Contaminated Land

4.6 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2016;
Residential Design Supplementary Planning Document; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.7 National Planning Policy Framework (NPPF)

- Section 1 Delivering sustainable development
- Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design
Section 8 Promoting healthy communities
Section 11: Conserving and enhancing the natural environment

4.8 Planning Practice Guidance (PPG)

4.9 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 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 Borough Contaminated Land Officer: Recommends that a standard contaminated land condition is attached to any planning approval granted for development at the site, requiring the submission and approval of an assessment into potential sources of contamination and a remediation strategy.

6.2 Borough Environment Health Officer: Raises no objections to the proposed development subject to the imposition of conditions limiting the hours of works and deliveries during the construction process.

6.3 Local Highway Authority: Raises no objections to the proposals subject to the imposition of conditions requiring the laying out of the car parking spaces prior to the first occupation of the development, details of measures necessary within the highway to ensure that the proposed access is constructed satisfactorily.

6.4 The Coal Authority: The application has been supported by a Coal Mining Risk Assessment. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

6.5 Arboricultural Officer (TMBC): There is a Cherry tree to be removed that is relatively low value. The more significant fir tree and boundary hedge are to be retained and should be protected to BS5837 during works.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

7.1 Councillor Claire Reid has contacted the Council on behalf of residents and requested that the dwelling house be '1 metre shorter' than described on the plans.

7.2 4 letters of objection have been received. Main points raised:

- Concern regarding noise and disturbance from plant and machinery associated with the swimming pool;
- General disturbance during the construction period;
- Increased congestion and noted that Gibraltar Lane is well used by pedestrians;
- Intrude on privacy and result in overlooking;
- Noise;
- Light and lack of light;
- Property value will be reduced by 25 – 30% if development goes ahead; and,
- Request visit from Planning Department to discuss concerns.

8. ANALYSIS

8.1 In accordance with the NPPF and Tameside UDP policies H2 and H10, the main issues raised by the application relate to the following:

- The principle of development;
- 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. PRINCIPLE OF DEVELOPMENT

9.1 With regard to the principle of development, the site is unallocated on the UDP Proposals Map and lies within a predominately residential area. Given that that the application proposes a replacement dwelling house, the site falls within the definition of 'previously developed land' as prescribed by the NPPF and as such it is not considered that there are any objections to the redevelopment of the site in broad land use terms. The proposal accords with national and local planning policy advice in this regard.

10. IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

10.1 Saved Tameside UDP Policies C1 and H10 together with the NPPF all seek to ensure that any new development respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

10.2 The area surrounding the application site is characterised by a mix of detached and semi-detached dwellings which are predominately two stories in height with examples of single storey bungalows and dormer bungalows along parts of Gibraltar Lane. Properties on this part of Gibraltar Lane generally present a linear pattern of development facing towards the highway and tend to be sited within relatively spacious plots.

10.3 The proposed development fronts onto Gibraltar Lane and is considered to be consistent with the existing linear pattern of development in the locality. The proposal would also achieve an appropriate visual relationship with the adjacent properties given its size, scale and design. The scale and mass of the building and particularly the proposed finished floor levels and resultant overall height would mean that the dwelling would not appear prominent in the street scene or in views from the existing residential properties to the rear or side of the site. As a result it is considered that the property can be accommodated on the site without detriment to the character and appearance of the surrounding area.

10.4 The proposed design of the dwelling and materials (including the use of render) are also considered to be acceptable.

11. RESIDENTIAL AMENITY

11.1 The NPPF outlines the importance of planning in securing good standards of amenity for future and existing 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 traffic.

11.2 The Residential Design SPD expands on issues covered by criteria under Policy H10 with, amongst other matters, the requirement of new development to maintain adequate separation distances between proposed and existing dwellings in order to protect the amenities of future and existing occupiers.

11.3 In this particular case, the main impact from the proposal would be on the occupiers of 59 and 63 Gibraltar Lane and properties to the rear of the site on Sandown Drive. The impact from the proposal on each of these properties is considered in more detail below.

11.4 59 Gibraltar Lane is a detached dormer bungalow which lies adjacent to the site. The rear elevation of this property faces the side (western) elevation of the proposed dwelling house. There are main windows in the rear elevation of 59 Gibraltar Lane and at ground floor level in the side (western) elevation of the proposed dwelling. The three windows at first floor level in the side (western) elevation of the proposed dwelling house serve two en suite bathrooms and a study (high level window). The proposed dwelling house is sited at a lower level to 59 Gibraltar Lane with the finished floor levels being approximately 4 metres below that of this property.

11.5 The separation distance between the proposed dwelling house and 59 Gibraltar Lane is approximately 17 metres. Whilst the Council's guidelines laid down in SPD Policy RED2 would normally require a separation distance of 21 metres, given the site levels and proposed window arrangement at first floor level, it is not considered that there will be any undue overlooking or loss of privacy resulting from this part of the proposal. It is recommended that a condition be attached requiring the use of obscure glazing to all en suite bathroom to protect the privacy of adjoining occupiers.

11.6 63 Gibraltar Lane is a detached dormer bungalow which lies adjacent to the side boundary of the application site. There is a main window in the side gable of this property at first floor level. The separation distance between this window and windows in the side (eastern) elevation of the proposed dwelling house is approximately 18 metres. Given the angle between these windows, this relationship is acceptable.

11.7 The rear boundary of the site adjoins properties on Sandown Drive. The rear (northern) elevation of the proposed dwelling house contains windows at ground and first floor level which directly face the rear elevation of properties on Sandown Drive. The separation distance between these properties and the proposed dwelling house is 25 metres which is acceptable and in complete accordance with the Council's guidelines.

11.8 Part of the side (western) boundary of the site adjoins the rear garden areas of properties on Newport Road. The separation distance between these properties and the proposed dwelling house is 23 metres which is acceptable and in complete accordance with the Council's guidelines.

11.9 The proposed property is more than 14 metres away from properties opposite the site on Gibraltar Lane which is acceptable in accordance with the Council's guidelines.

11.10 The proposal will be served by a separate means of access from Gibraltar Lane. There will be a parking area in front of the dwelling. This arrangement is similar to surrounding properties and is not considered to adversely impact on the amenities of surrounding residents.

11.11 The development proposes adequate private amenity space.

12. HIGHWAY SAFETY

12.1 The application proposes to utilise the existing driveway from Gibraltar Lane which will provide off street car parking for approximately two vehicles. In addition, the proposed dwelling has an integral double garage which will provide space for a further two vehicles. The proposed access and parking arrangements are acceptable and no objections have been raised to this part of the proposal from the Head of Environmental Services (Highways). It is recommended that the driveway be constructed in permeable materials. This can be secured via a planning condition.

13. CONCLUSION

13.1 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through decision taking. Paragraph 7 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and paragraph 8 of the NPPF indicates that these should be sought jointly and simultaneously through the planning system.

13.2 The site is unallocated on the UDP Proposal Map and within the defined urban area with an accessible and sustainable location. As such the principle of residential development on the site is considered acceptable. The layout and design of the proposed development has been assessed and is considered acceptable, in terms of its impact on the visual amenity of the area and the residential amenity of surrounding properties. The traffic generation, access and parking arrangements are also considered to be acceptable.

13.3 In view of the above, the proposal is considered to comply with relevant saved UDP Policies and the SPD on Residential Design. In considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development.

13.4 On this basis in accordance with the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

14. RECOMMENDATION

Grant planning permission subject to the following conditions:

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) Samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority before any work commences. The development shall be constructed with such approved materials.
- 3) No works other than the excavation of the foundations and/or piling works for the development shall be undertaken at the site until the CLS2A Contaminated Land

Screening Form has been submitted to, and approved in writing by, the Councils Environmental Protection Unit (EPU). Where necessary, a scheme to deal with any contamination / potential contamination shall be submitted to, and approved in writing by the EPU. The scheme shall be appropriately implemented and a completion report demonstrating this and that the site is suitable for its intended use will be approved in writing by the EPU prior to occupation. The discharge of this planning condition will be given in writing by the Local Planning Authority (LPA) on completion of the development and once all information specified in this condition has been provided to the satisfaction of the EPU.

- 4) Prior to occupation, the car parking indicated on the approved plan shall be provided to the full satisfaction of the Local Planning Authority and thereafter kept unobstructed and available for its intended purpose. The areas shall be maintained and kept available for the parking of vehicles at all times.
- 5) Prior to the commencement of any development:

details of a scheme of intrusive site investigations, including gas monitoring, in order to establish the exact situation regarding coal mining legacy issues on the site shall be submitted to, and approved by, the local planning authority;

any approved scheme shall then be undertaken and a report of findings arising from the investigation, including a scheme of any necessary remedial works, shall be submitted to, and approved by, the local planning authority.
- 6) During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
- 7) The dwelling hereby approved shall not be occupied unless and until adequate facilities for the storage and collection of refuse and recyclable materials have been physically provided in accordance with the details indicated on the approved plans.
- 8) Notwithstanding the submitted details and prior to the commencement of any site works for the development hereby approved, details of all existing and proposed slab and site levels (including any re grading proposed to the site) shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with those details so approved.
- 9) Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby approved shall not be altered or extended (including any alterations to its roof), no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been approved by the Local Planning Authority.
- 10) All en suite bathroom windows shall be fitted and retained with obscure glass which shall achieve a level of obscurity equivalent to Grade 4 or 5 on the Pilkington Scale. Any subsequent re-glazing shall be in obscure glass which shall achieve the same level of obscurity.
- 11) The new hard surface in front of the dwelling house hereby approved shall be constructed of porous materials or else provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

- 12) Prior to the commencement of the development, a detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is sooner: and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 14) Prior to commencement of work on site the applicant shall undertake a condition and dilapidations survey of the highway fronting the site and giving access to the site and prepare and submit a report to the Engineering Operations Manager. The developer will be responsible for making good any damage caused to the highway by the development works or by persons working on or delivering to the development. Any damage caused to the street during the development period shall be reinstated to the full satisfaction of the Highway Authority prior to the occupation of any part of the development.
- 15) The development hereby approved shall be carried out in accordance with the amended drawings received by the Council on 20 April 2018

130102/001 (Ground Floor Plan As Proposed)
130102/002A (First Floor Plan As Proposed)
130102/003B (SW & SE Elevations As Proposed)
130102/004B (NE & NW Elevations As Proposed)
130102/005 A (Location Plan As Proposed)
130102/006 B (Site Block Plan)
130102/007 B (Site Sections)
130102/008A (Site Layout Plan)