

Application Number 19/01038/FUL

Proposal	Demolition of existing dwelling and erection of new build dwelling, new 1.7m high access gate and wall/fence to front of property and formation of driveway with creation of dropped kerb to front of property. Erection of detached single storey outbuilding to rear of property to accommodate indoor swimming pool.
Site	211 Two Trees Lane, Denton, Tameside, M34 7AJ
Applicant	Mr Wshear Dawar
Recommendation	Approve planning permission
Reason for Report	A Speakers Panel decision is required because, in accordance with the Council's Constitution, Councillor George Newton has called in the application.

1.0 APPLICATION DESCRIPTION

1.1 The applicant seeks planning permission for the erection of a new dwelling, new 1.7m high gate and boundary wall to the front, formation of driveway and dropped kerb, and erection of a detached single storey outbuilding to the rear. The existing house has already been demolished and works have commenced on the new build.

2.0 SITE & SURROUNDINGS

2.1 Prior to the commencement of works on site, 211 Two Trees Lane was a large detached dwelling set within a generous curtilage. The house fronts onto Two Trees Lane to the south. To the east the site is bounded by Sunnybank which is an unadopted road and then 213 Two Trees Lane opposite, a church and council-owned land to the west, and the site bounds other residential properties along Prescott Walk and Portal Grove to the north and north east. The site is unallocated according to the Tameside UDP.

3.0 RELEVANT PLANNING HISTORY

3.1 19/00512/FUL - Demolition of existing front and rear bay windows, rear extension and chimney stacks and construction of single storey rear extension, front porch extension, extension/alterations to roof with canopy roof to front of property and raising of roof ridge height, new 1.7M high access gate and wall/fence to front of property and formation of driveway with creation of dropped kerb to front of property. Erection of detached single storey outbuilding to rear of property to accommodate indoor swimming pool. Approved 12/09/2019.

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Unallocated, within the Denton South ward.

4.2 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;
- 1.6: Securing Urban Regeneration.

4.3 Part 2 Policies

C1: Townscape and Urban Form;
H2: Unallocated Sites;
H4: Type, Size and Affordability of Dwellings;
H10: Detailed Design of Housing Developments.

4.4 Other Policies

Tameside Residential Design Supplementary Planning Document;
National Design Guide.

4.5 National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development;
Section 12: Achieving well designed places.

4.6 Planning Practice Guidance (PPG)

- 4.7 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 Neighbour notification letters were issued and a site notice was erected 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.

6.0 RESPONSES FROM CONSULTEES

- 6.1 Highways Engineers – No objection to the proposal subject to the inclusion of conditions. Conditions requiring a visibility splay be retained to the new site access, weather proof cycle storage be provided, and an informative in relation to section 184 of the Highways Act 1980.
- 6.2 Arboriculturalist – Demolition and rebuild has already commenced with the trees to the rear having been removed and three trees along Two Trees Lane retained. Recommends the debris around the base of the retained trees is removed and these trees protected to BS:5837 and a landscape plan with mitigation for the losses to the rear be agreed.
- 6.3 Greater Manchester Ecology Unit – Recommends a bat assessment for the building be provided and details of mature trees that are proposed for removal be provided prior to determination. Recommends the imposition of a number of conditions including submission of a bat assessment, a condition preventing works to trees being undertaken between 1 March and 31 August unless a bird nest survey has been carried out, and submission of a landscape plan to mitigate against the loss of trees and shrubs.

- 6.4 Contaminated Land – No objection to the proposal subject to the inclusion of a condition requiring the submission and approval of a contaminated land screening survey.
- 6.5 United Utilities – Recommends the inclusion of conditions relating to surface and foul water drainage and details for the emptying of the swimming pool. A document including standard conditions for works adjacent to a pipeline has also been provided.
- 6.6 Lead Local Flood Authority (LLFA) – Has responded requesting additional information is submitted.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 Two responses have been received as a result of neighbour consultations, the salient points are summarised below:
- House is being built in new engineering bricks, not the existing bricks as specified on the drawings;
 - The roof design is wrong;
 - The wall around the garden has been built to a different design to the drawings as submitted;
 - The structure goes against building regulations;
 - The original house was demolished not in accordance with the approved planning permission; and
 - The existing character of the house has been lost and is not in keeping with the other houses on Two Trees Lane.

8.0 ANALYSIS

- 8.1 In accordance with the revised NPPF and the Tameside UDP, the main issues raised by the application relate to the following:
- The principle of development;
 - Design and appearance;
 - Impact on existing residential amenities; and
 - Other Matters.

8.2 Principle of Development

- 8.3 The application proposes to replace an existing dwelling with a new dwelling in the same location and within a predominantly residential area. Planning permission has previously been granted for an extension and alterations to the pre-existing dwelling. The site is unallocated according to the UDP and the development is therefore considered acceptable in principle.

8.4 Character and Appearance

- 8.5 The NPPF (2019) attaches great importance to good design:
- Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
 - Paragraph 127 states that planning decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be sympathetic to local character and history, including the surrounding built environment. In addition,

development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

- Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 8.6 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. The current proposal would largely replicate the development approved under the householder application ref. 19/00512/FUL. In assessing this previous application the Council concluded the design of the alterations was considered acceptable having regard to RED1, RED4 and RED9 of the SPD.
- 8.7 The current proposal differs to the previous householder permission with the inclusion of a gabled roof to the south east roof slope and the use of different building materials to those used on the original house. The proposed materials will include red smooth brick to the external walls of the house, outbuilding and boundary wall, cast stone cills and lintels and riviis slate tile to the roof. The existing streetscene is varied and includes both hipped and gabled roofs of differing heights such that the roofstyle is considered acceptable in this instance. There is variation within building types, sizes and roof styles along Two Trees Lane such that the proposal would not appear out of character with the existing streetscene acknowledging RD2 and RD20 of the SPD. Whilst the concerns over the appearance of the new dwelling have been noted, red brick is present on neighbouring properties within the immediate vicinity. The neighbour concerns regarding the loss of existing character have also been noted, however the original house was not locally listed or within a Conservation Area therefore there are no special protections that would warrant its retention.
- 8.8 In addition to the main house the application also seeks permission for the erection of a detached pool building, erection of a front boundary wall and gates up to 1.7m in height and a new vehicular access onto Two Trees Lane. These elements of the proposal have been previously approved under householder planning application ref. 19/00512/FUL. The pool building will be built of materials to match the main house and be sited fully to the rear of the site such that no visual harm to the character or appearance of the host dwelling or wider streetscene is anticipated from this element of the proposal. Due to the large footprint and relatively high roof height of the building, a condition will be attached to any permission stating the use of this building is to be incidental to the use of 211 Two Trees Lane as a single dwellinghouse.
- 8.9 To the boundary with Two Trees Lane the application proposes a 1.7m high wall and gate. The wall will be brick built at its lower half up to 0.75m, with iron railings 0.95m high on its top half. The use of iron railings to the top section, and the planting behind will soften the visual impact of the proposed wall/fence. There are a variety of boundary treatments along Two Trees Lane with no predominant design or material, with some back-of-pavement development. Though the fence will be considerably higher than the existing wall, given the existing variation in the streetscene and the use of iron railing as opposed to solid brick or timber panels, the design of the wall/fence is considered acceptable having regard to H10 of the UDP and RED1 of the SPD. In the interests of consistent decision-making and acknowledging the previous approval for householder planning permission, the Council raises no objection to the design of these elements of the proposal.
- 8.10 **Impact on Residential Amenity**
- 8.11 No undue harm to the amenity of neighbouring occupants is anticipated. The house will be sited on the footprint of the pre-existing house, sufficient distance from neighbouring properties so as not to result in any undue overlooking, loss of light, outlook or privacy.

There will be 1no. window to the first floor of the south-east facing gable, this window will be approx. 13.8m from habitable room windows on the opposing face of 213 Two Trees Lane which fails to meet the minimum privacy distances within RD5 of the SPD. To prevent undue overlooking of side facing windows to no. 213 a condition will be attached ensuring this window and its replacements are and remain obscurely glazed.

8.12 The pool building will be adjacent to the blank two storey gable of 1 Prescott Walk such that no undue loss of light, outlook or privacy to this property is anticipated. There are no other neighbouring properties considered to be impacted by the proposal.

8.13 **Impact on Highway Safety and the Road Network**

8.14 The proposal is not considered to result in severely detrimental harm to highway safety; the site will remain in residential use with a single dwellinghouse. This assessment is corroborated by a lack of objection from the Council's Highways Engineers. An informative will be attached advising the applicant of the need to consult the Engineering Service about the construction of a pavement crossing under section 184 of the Highways Act.

8.15 The boundary wall to the front will be 0.75m in brick with iron railings above. The Engineers' comments regarding a visibility splay are noted however views of pedestrians and other road users will be visible through these railings such that it is not considered necessary in this instance to condition a visibility splay be provided.

8.16 **Landscaping**

8.17 In response to comments from the Council's Arboriculturalist and the GMEU, and in the interests of visual amenity and biodiversity, a condition will be attached requiring the submission of a landscaping scheme to mitigate against the loss of trees and nesting sites. A condition will be attached to the grant of any permission to this effect.

8.18 **Other Matters**

8.19 United Utilities have requested conditions and informatives be attached to any permission relating to drainage, foul water and water flow rates amongst other things. Paragraph 55 of the NPPF states planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development permitted, enforceable, precise and reasonable. The LLFA has also requested additional information including a drainage strategy, topography survey, peak flow rates and connections be submitted with the application. The application seeks to replace a dwelling with a new dwelling, there are existing connections on site which are proposed to be used to service the new dwelling.

8.20 The erection of a swimming pool for purposes incidental to the enjoyment of the dwellinghouse where it is built, generally constitutes permitted development under Class E of Part 1, Schedule 2 of the General Permitted Development (England) Order 2015 (as amended) (the GPDO). Were the pool building as proposed to be moved 2m from the site boundary and erected at a later date presuming the house is rebuilt, it is understood the building could be erected without planning permission under Class E of the GPDO. For this reason, to attach the conditions as suggested by United Utilities would not comply with the six tests and would be unreasonable in this instance. Instead, the information raised in the suggested conditions will be brought to the attention of the applicant through attached informatives.

9.0 **CONCLUSION**

9.1 To conclude, it is considered the proposal would be an acceptable form of development in this location. The proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The development hereby approved shall be carried out in full accordance with the submitted red line location plan and approved drawings numbered:
(01)002 PL2 received by the local planning authority on 26 November 2019;
(02)001 PL0 received by the local planning authority on 26 November 2019;
(03)001 PL0 received by the local planning authority on 26 November 2019;
(04)001 PL0 received by the local planning authority on 26 November 2019;
(05)001 PL1 received by the local planning authority on 26 November 2019;
(06)001 PL1 received by the local planning authority on 26 November 2019;
(07)001 PL0 received by the local planning authority on 26 November 2019;
(01)001 PL2 received by the local planning authority on 19 December 2019.
2. The materials to be used in the construction of the external surfaces of the dwelling, outbuilding and boundary wall hereby approved shall be in full accordance with those specified on the submitted Materials Schedule received by the Local Planning Authority on 4 March 2020.
3. The first floor window to the 'Proposed GA Side Elevation 2' as shown on drawing (06)001 PL1 shall be permanently obscured to a minimum level of 3 on the Pilkington scale of obscurity. This window and any subsequent replacements shall remain installed with obscure glazing to this minimum specification at all times thereafter.
4. The detached outbuilding hereby approved and indicated on drawings (01)002 PL2 and (01)001 PL2 shall be used solely for purposes incidental or ancillary to the use of 211 Two Trees Lane as a single dwellinghouse.
5. Prior to occupation of the dwelling and detached outbuilding hereby approved, a landscape plan shall be submitted to and approved in writing by the Local Planning Authority. This landscape plan shall include, but is not limited to, details of all soft and hard landscaping, plant species, sizes and planting schedule, and boundary treatments. The approved landscape plan shall then be implemented before the house and outbuilding are occupied or in accordance with a programme agreed with the Local Planning Authority. Any newly planted trees/shrubs forming part of the approved scheme which, within a period of 5 years from the completion of the planting are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species.
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. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.