

Application Number 20/00077/FUL

Proposal Demolition of existing garage and proposed erection of a detached accessible bungalow.

Site Land at the rear of 138 Laburnum Road, Denton

Applicant Mr B Williamson

Recommendation REFUSE

Reason for Report A Speakers Panel decision is required because an objector has requested to speak.

1.0 APPLICATION DESCRIPTION

- 1.1 The application as amended on 27 March 2020 seeks planning permission to erect a detached bungalow following the removal of the existing detached garage. The internal layout comprises of an entrance hallway, 2 bedrooms, one bathroom and a lounge/kitchen/dining room.
- 1.2 Externally, a driveway and car parking area is proposed in front of the building. Access to this is via an existing access way to the side of 138 Laburnum Road. A refuse storage area and cycle shed for 2 cycles is proposed at the side of the building. A small patio area is proposed to the rear.
- 1.3 The building is of a modern design with a flat roof. The proposed materials are render, UPVC and cedar cladding for the external walls and GRP roof finish in grey.
- 1.4 The following drawings and documents have been submitted with the application:

Existing 001 Rev A
Proposed Site Plan 002 Rev B
Proposed Elevations (Sheet 1 of 2) 003 Rev B
Proposed Elevations (Sheet 2 of 2) 004 Rev B
Arboricultural Impact Assessment with Tree Protection Measures dated 29 November 2017

2.0 SITE & SURROUNDINGS

- 2.1 The applicate site relates to an existing access way and small parcel of land some 0.02 hectares in area situated to the side and rear of 138 Laburnum Road. The site contains hard standings and a single detached garage which was erected pursuant to planning permission 12/00665/FUL. There are three trees within the site that are subject to a Tree Preservation Order (TPO). The site is adjoined by existing garden areas serving properties on Laburnum Road and Ash Road on the east and southern boundaries. A gated access way adjoining the site on its northern boundary separates the land from the rear yard areas of properties on Laburnum Road. A public right of way adjoins the western boundary of the application site.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The site has a lengthy planning history which is summarised as follows:

- 3.2 17/00837/FUL - Erection of a detached bungalow following demolition of existing garage. Refused.
- 3.3 12/00065/PLCOND Discharge of condition No.3 attached to planning approval 12/00665/FUL requiring details of gates to be erected. Approved on 25/09/12.
- 3.4 12/00665/FUL Demolition of existing garage and construction of new garage. Approved on 14/08/12.
- 3.5 06/00659/FUL Detached Bungalow. Refused on 22.06.06 Appeal dismissed on 10/05/07.
- 3.6 05/01585/FUL Erection of 2 No. 2 bedroomed semi-detached bungalows. Refused on 17.01.06. Appeal dismissed on 11/10/06.

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Unallocated

4.2 Part 1 Policies

Policy 1.4: Providing More Choice and Quality Homes.
 Policy 1.5: Following the Principles of Sustainable Development
 Policy 1.6: Securing Urban Regeneration
 Policy 1.10: Protecting and Enhancing the Natural Environment.
 Policy 1.12: Ensuring an Accessible, Safe and Healthy Environment

4.3 Part 2 Policies

C1: Townscape and Urban Form
 H1: Housing Land Provision.
 H2: Unallocated Sites (for housing)
 H4: Type, size and affordability of dwellings
 H9: Back land and Garden Development
 H10: Detailed Design of Housing Developments
 MW11: Contaminated Land
 N3: Nature Conservation Factors
 N4: Trees and Woodland
 N5: Trees within Development Sites
 N7: Protected Species
 T1: Highway Improvement and Traffic Management.
 T10: Parking
 U3: Water Services for Developments

4.4 National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development
 Section 5: Delivering a sufficient supply of homes
 Section 8 Promoting healthy and safe communities
 Section 11: Making efficient use of land
 Section 12: Achieving well designed places
 Section 15: Conserving and enhancing the Natural Environment

4.5 Other Polices

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

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 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. This is in addition to a site notice which was displayed on Laburnum Road.

6.0 RESPONSES FROM CONSULTEES

6.1 Borough Environmental Health Officer (EHO) - no objections to the proposals subject to a condition restricting the working hours during the construction period.

6.2 Highway Authority – No objections subject to conditions regarding car and secure cycle parking provision.

6.3 Arboricultural Officer - The Arboricultural Impact Assessment states that existing hard surfacing and underground structures should have prevented root growth into the foundation area and also act to protect any roots during works. The two trees to be removed are lower value and would not result in a significant loss of amenity to the area.

6.4 United Utilities - In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

7.1 Representations have been received from 16 neighbours raising the following (summarised) points:

- The planning history of the site including previous appeal decisions which have been dismissed and planning applications refused should be noted.
- There have been no material changes in circumstances since previous applications to take a different view on this application and the grounds for 'rejection' remain the same.
- If approved, proposal will set an undesirable precedent for other proposals of a similar nature.
- The aesthetics, character and proximity to existing properties are in conflict with Tameside UDP and do not meet the Residential Design SPD.
- The proposal is out of keeping with the character of the surrounding area
- The current aspect to the rear of the property is 'pretty unique' and includes an abundance of wildlife including bats.

- There are ample brownfield sites and buildings which could be converted to provide further housing.
- The proposal will have a detrimental impact on privacy.
- There will be an increase in traffic and proposal will create significant parking issues
- The removal of the gated access to the site will undermine current safeguards and security.
- Query how a dwelling could fit on plot.
- There are protected trees on site and the Arboricultural Report submitted with the planning application is confusing.

8.0 ANALYSIS

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

- The principle of the development;
- The design and impact of the proposed development on the street scene and character and appearance of the surrounding area;
- Residential amenity for existing and proposed occupiers;
- The effect of the proposal on highway and pedestrian safety; and,
- The impact on trees.

8.2 These matters are considered in more detail below.

9.0 PRINCIPLE

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

9.2 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making this means:-

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

9.3 This previously developed site lies within a predominately residential area, in a relatively sustainable location and is unallocated on the UDP Proposals Map. Accordingly, there are no objections to the principle of residential development in broad land use terms.

10.0 DESIGN AND INTEGRATION WITH LOCAL CHARACTER

10.1 Saved Tameside UDP Policies C1, H9 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 its form, scale, mass, materials, layout, bulk and height.

- 10.2 The scale, form and pattern of development surrounding the application site comprises mainly of traditional, two storey terraced properties fronting directly onto the highway. By way of contrast, the application proposes a single storey, detached dwelling of a modern, flat roofed design sited in a back land location and accessed via a private access way off Laburnum Road. It is considered that a single storey detached dwelling of a modern design in this location would be out of keeping with the prevailing house type, form and pattern of development in the surrounding area.
- 10.3 The site adjoins existing garden areas and the area generally has a relatively open character. Where there are buildings within garden areas, these are generally small in scale and appear subservient to the properties in which they serve in terms of their size, scale and function. It is considered that the erection of a substantial sized building in this location and occupying a significant proportion of the site area would be out of place amongst surrounding gardens and would appear as an incongruous form of development which would reduce the openness of land to the rear of dwellings on Laburnum Road and Ash Road. As a result it is considered that the proposal would be out of keeping with the 'open' character and general pattern of development in the surrounding area.
- 10.4 In terms of its design, whilst it is noted that the proposal has been amended in terms of its detailed design and overall height, such a modern building and roof form would not be typical of the area, which is characterised primarily by traditional styled properties with pitched or hipped roofs. The proposal would not be appropriate to its context and setting in this regard.

11.0 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 Policies H9 and H10 seek 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 H9 and 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 proposed dwelling house would be sited behind properties on Laburnum Road. The rear elevations of these properties contain main windows to habitable rooms at ground and first floor level which would directly face the front elevation of the proposed dwelling.
- 11.4 The proposed dwelling has been designed with the majority of windows and openings facing the rear boundary of the site. There is however one bedroom window on the front elevation of the building. Having regard to the single storey nature of the proposal together with the design of the dwelling which includes a brick screen to the side of the proposed opening together with roof canopy above, it is considered that any overlooking or loss of privacy between the existing properties and proposed dwelling house resulting from this part of the proposal would not be so significant to warrant the refusal of the application.
- 11.5 Following the above assessment, it is considered that the proposals would not result in an adverse impact on the residential amenity of existing neighbouring properties.
- 11.6 With regard to the amenity created for future occupiers of the proposed development, in this regard the Technical House Standards – Nationally Described Space Standard is relevant. This requires a minimum area of 70 square metres for a single storey building of two bedrooms accommodating 4 people. The new dwelling would provide a gross internal

floor area of approximately 58 square metres and would thus fall short of this requirement. It is therefore considered that the development would be overly confined in terms of internal space which would be detrimental to the living conditions of future occupants.

- 11.7 The new dwelling would be sited towards the rear part of the site area, with the majority of windows facing the rear boundary. Of concern is the proximity of the lounge/kitchen/dining room window to the rear site boundary. The separation distance between this window (which other than a small roof light is the only source of light into this room) and the rear boundary of the plot would be approximately 3 metres. Whilst it is accepted that the relevant policies contained within the SPD on Residential Design do not give specific guidance on separation distances to plot boundaries, it is considered that the main outlook from this window concerned would be overly constrained by the close proximity of the boundary fence at just 3 metres from the rear elevation. As a result, there would be an unacceptable sense of enclosure and confinement for future occupants whilst using this room.
- 11.8 Also of concern is the lack of private amenity space to serve the proposal. Whilst the Council do not give specific guidance relating to the amount of space required, SPD Residential Design Policy RD11: Private Amenity Space states that all houses should have private amenity space of a size and function suitable for its intended occupants. In this particular case, the patio area to the rear of the building provides just 25 square metres of amenity space which is considered inadequate to cater for the needs of future occupiers.
- 11.9 As a result of the above, it is considered that the proposal would unacceptably fail to provide adequate living conditions and private outdoor amenity space for future occupants. It would therefore fail to comply with both UDP Policy H10 insofar as it fails to meet the needs of potential occupiers and SPD Residential Design policies RD11: Private Amenity Space, RD18: Minimum Dwelling Sizes and RD22: Infill and Backland Sites which amongst other matters require housing developments to represent high quality design, provide adequate space for its intended number of occupants and have private amenity space of a size and function suitable for its intended occupants.

12.0 HIGHWAY SAFETY

- 12.1 The proposed means of access into the site is via an existing gated access way which is located between 136 and 138 Laburnum Road.
- 12.2 The proposed means of access into the site and level of parking provision is considered to be acceptable. The Head of Environmental Services (Highways) has not objected to the proposal on highway safety grounds.

13.0 TREES

- 13.1 There are several trees located on site, three of which are protected by a Tree Preservation Order. These include a Laburnum (T25-D8), a Cherry (T26-D8) and a sycamore (T27-D8). An Arboricultural Impact Assessment with Tree Protection Measures accompanies the application. This confirms that the development will result in the removal of the protected Cherry (T26-D8). This tree is considered to be of low amenity value and its proposed removal is not considered to have a significant impact on the visual amenities of the surrounding area. There are therefore no objections to this part of the proposal.
- 13.2 It is noted that the proposed Tree Protection Plan submitted with the Arboricultural Report relates to the original layout and not that subsequently amended by the applicant in March 2020. Notwithstanding this however, the revised layout includes a building with a footprint similar and in parts smaller to the original layout. In this regard it is not considered there

would to be any additional impact on the protected trees resulting from the amended proposal.

14.0 CONCLUSION

- 14.1 Overall it is considered that the design of the proposal would not be appropriate to its context and setting. The proposed siting, to the rear of existing properties, would reduce the sense of openness of the land to the rear of the dwellings on Laburnum Road and Ash Road, and would be significantly at odds with the characteristic form and pattern of residential development in the surrounding area. Such concerns, amongst other matters, were also expressed in previous appeal decisions for residential development on the site in 2006 and 2007. In addition the size of the proposed dwelling, its proximity to plot boundaries and the limited private amenity space proposed is also a concern with regard to the level and standard of amenity created for proposed occupants of the proposal.
- 14.2 As a result of the above, the proposal fails to comply with Policies H9 and H10 of the Unitary Development Plan and the Councils adopted SPD on Residential Design.

RECOMMENDATION

Refuse planning permission for the following reasons:

1. The siting of the proposed dwelling to the rear of existing properties would have a detrimental impact on visual amenity and on the character of the surrounding area. In particular, the proposal would appear incongruous and intrusive within an otherwise open aspect, would not reflect or respect the design of existing development and would appear as a form of back land development, wholly out of keeping with the established character. The proposal would therefore be contrary to Policies H9 and H10 of the Unitary Development Plan and the Councils adopted SPD on Residential Design.
2. The proposal as a result of its size, siting and limited outdoor private amenity space would fail to provide adequate living conditions for future occupants. As such the proposal would be contrary to Policies H9 and H10 of the Unitary Development Plan and the Councils adopted SPD on Residential Design