

Application Number 20/00415/FUL

Proposal Change of use of privately owned surplus former development wasteland to residential curtilage for 7 West End Way including the erection of a detached garage building, 1.8 metre high boundary fencing and associated works including retaining walls and landscaping.

Site Land Adjacent to 7 West End Way, Broadbottom, Hyde.

Applicant James Dadge.

Recommendation Approval, subject to the conditions set out in the recommendation

Reason for Report The application has been referred to Speakers Panel (Planning) by Councillor Janet Cooper on the basis that they wish to speak at the meeting in objection.

1.0 APPLICATION DESCRIPTION

1.1 The application proposes the formal change of use of an area of undeveloped land to form an extension to the residential curtilage of 7 West End Way. It also proposes the erection of a detached double garage on the extended curtilage, the extension of the existing driveway serving the property, and associated landscaping works.

2.0 SITE & SURROUNDINGS

2.1 The application relates to an area of land adjacent to the southern boundary of 2 West End and to the north and east of 7 West End Way, Broadbottom.

2.2 The applicant owns no.7 West End Way and the land which is the subject of this application. The applicant's intention is to integrate the application site into the residential curtilage of the existing house and to use this land to erect a detached double garage, extend the driveway to provide access to the garage, and to form new garden / landscaped areas.

3.0 RELEVANT PLANNING POLICIES

3.1 Tameside Unitary Development Plan (UDP) Allocation

Unallocated

3.2 Part 1 Policies

Part 1 policy 1.3: Creating a Cleaner and Greener Environment.

Part 1 policy 1.5: Following the Principles of Sustainable Development.

3.3 Part 2 Policies

Part 2 policy H10: Detailed Design of Housing Developments

3.4 National Planning Policy Framework (NPPF)

Section 2: Achieving Sustainable Development

Section 11: Making efficient use of land
Section 12: Achieving well designed spaces

3.5 Other Policies

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

3.6 Planning Practice Guidance (PPG)

3.7 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.

4.0 PUBLICITY CARRIED OUT

4.1 Neighbour notification letters have been issued and a notice displayed adjacent to the site 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.

5.0 RESPONSES FROM CONSULTEES

5.1 Highways & Engineering – No objections from a Highways & Engineering perspective.
Ecology/Tree Officer – No objections from an Arboricultural perspective.

6.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

6.1 Representations have been received from 10no. neighbours raising the following (summarised) points:

- Concerns over the extinguishing of a private Right of Way which exists over the land;
- Potential conflicts with any adopted land use policy;
- The scale of the proposed development;
- Potential for loss of sunlight/light/overshadowing to neighbouring dwellings;
- The appearance/character of the development;
- Traffic generation/parking concerns;
- Boundary treatments and acceptableness of 1.8 metre high fence;
- Loss of bushes/trees currently growing on the application site;
- Potential for flooding caused by surface water runoff from the proposed driveway;
- The potential for light pollution from any lighting included; and,
- Spelling errors on the submitted documents.

7.0 ANALYSIS

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

- The principle of the development;
- Residential amenity;
- Design and integration with local character; and,
- Parking and Highway Safety.

8.0 PRINCIPLE

- 8.1 The application site is unallocated by the Proposals Map associated with the Unitary Development Plan for Tameside. As such, there are no planning-based reasons to suggest that the principal of the proposals would be unacceptable, subject to other policy requirements being fully satisfied which are considered in turn below.

9.0 RESIDENTIAL AMENITY

- 9.1 Unitary Development Plan Policy H10 is applicable in this regard which requires that developments do not cause any unacceptable impact on the amenity of the occupiers of neighbouring property.
- 9.2 The Council's adopted Supplementary Planning Document: Residential Design (2011) provides guidance on the application of this policy when assessing planning applications and is relevant, therefore, as a material planning consideration.
- 9.3 The neighbouring property most likely to be directly affected by the proposals is no.2 West End which adjoins the north western boundary of the application site. However, it is acknowledged the developments would be viewed at a greater distance from other properties on West End Way.
- 9.4 The development site will be generally obscured from view from the occupants of no.2 West End by the erection of a boundary treatment along the north elevation of the site. This boundary treatment, a 1.8m close boarded fence, has the potential to impact on outlook/loss of light to windows to the side elevation of 2 West End. However, since permitted development rights allow for the erection of a fence, wall, or other means of enclosure to the height proposed by this application (without the need for planning permission) this represents a so-called "fallback position" which is relevant as a material planning consideration. As such, it would be unreasonable to refuse the application on the grounds of any harmful impact caused by the proposed fence along the common boundary with no.2 West End.
- 9.5 The proposed garage is not considered to cause undue impacts to the occupants of no.2 West End. It is noted that the garage is situated closer to the side elevation of no.2 West End than the existing electricity substation that is directly to the east of the proposed development site. However, it is not considered that the cumulative impact of the proposed garage and electricity substation would cause materially greater impact to the residential amenity enjoyed by the occupiers of this adjoining property. Furthermore, the garage will be obscured from view by the erection of the 1.8m close boarded fence in any event. Due to the retained space distances between the front elevation of properties along West End Way and the proposed garage, it is not considered that the garage would have any undue impacts in terms of overbearing impact, loss of light/overshadowing or any other related issues.
- 9.6 The paved areas (including proposed driveway constructed with permeable materials & paved area) would not cause any undue neighbour amenity impacts and are considered to be acceptable. The proposed planting/landscaping will assist in softening and obscuring the development from general view and a condition will be added to any approval to ensure that the planting/landscaping is completed.

- 9.7 In conclusion on this aspect, and having regard to the aims and objectives of UDP Policy H10, it is considered the proposals would not result in any unreasonable harm or impact to the occupiers of neighbouring properties.

10.0 DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 10.1 Unitary Development Plan Policy H10 requires, amongst other things, that the layout, design and external appearance of all aspects of the proposals achieves a suitable design response within the context of established local character.
- 10.2 The proposed change of use will convert an area of undeveloped land, indicated to be in the ownership of the occupants of 7 West End Way, to a private garden area. It is not considered that this change of use would cause significant impact to the overall appearance of the area when viewed from West End or from West End Way.
- 10.3 The proposed double garage is to be constructed on an area of the site which is sloped, meaning that the rear elevation of the proposed garage will be lower and not visible from the highway/obscured from view by the retained electricity substation beyond the east boundary of the site. The garage will be visible from other dwellings to West End Way, however, the garage is of typical construction and not considered to be an unusual addition to the street scene. The proposed materials and overall appearance are suitable for the context of the area and is acceptable.
- 10.4 The proposed driveway is not considered to have a significant appearance on the overall appearance to the street scene of West End Way or the application property.
- 10.5 The proposed boundary treatments are of a suitable appearance in design terms.

11.0 PARKING AND HIGHWAY SAFETY

- 11.1 Unitary Development Plan Policy H10 requires that suitable arrangements are provided for parking and access. Paragraph 109 of the National Planning Policy Framework explains that development should only be prevented or refused on highway grounds if there would be a severe impact on highway safety.
- 11.2 Given the nature of the proposals it is not expected that there would be any material changes to the frequency of vehicular movements associated with the existing dwellinghouse. The alterations to the driveway and provision of a double garage are not considered to cause any detrimental impact to existing levels of highway safety and the Council's highway engineers have not raised any objections to the proposals on highway or parking related grounds.

12.0 OTHER MATTERS

- 12.1 Several objectors, in their written representations, have highlighted that there is a private right of way along the side elevation of no.2 West End and the north boundary of the application site.
- 12.2 However, such private rights are not relevant in the consideration of a planning application. Specifically, the local planning authority is required to determine applications for planning permission having regard to the policy requirements in its Development Plan unless material planning considerations indicate otherwise.

- 13.3 Material planning considerations are those which are concerned with land use in the public interest and do not include private interest such as the loss of private rights. This is because the granting of a planning permission would not override any legal rights that might exist on the land. Any disputes over such rights would not be a matter for the local planning authority to intervene in (when it concerns private land) but the relevant parties can consider seeking their own legal advice if deemed necessary.
- 12.4 In short, it would not be reasonable for the local planning authority to refuse any planning application on the basis that it would affect private rights over the land to which the application relates.
- 12.5 It is also acknowledged that some objections refer to the loss of low level scrub/self-seeded trees on the application site. This flora is not expected to be of high ecological importance or amenity value and is not protected from removal. This has been confirmed by the Authority's Tree Officer.

13.0 CONCLUSION

- 13.1 The proposed development is acceptable in principle, is not considered to result in undue impacts to the overall appearance and character of the area, and does not unduly impact on the occupants of neighbouring properties or cause highway safety concerns.

14.0 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. The materials of external construction shall match exactly in colour and texture those of the main associated dwellinghouse (7 West End Way).
3. The development hereby permitted shall be carried out in accordance with the following submitted plans:
 - a) Location Plan
 - b) Existing & Proposed Street Elevations, Proposed Elevations, Site Plan (020/JD/001)
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the use or occupation of any part of the development. Any newly planted trees or plants forming part of the approved landscaping 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 by the developer unless the Local Planning Authority gives written consent to any variation.
5. The proposed driveway to the front elevation of the proposed garage 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 application site.

Reason for conditions:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interests of visual amenity.
3. For the avoidance of doubt.
4. In the interests of visual amenity.
5. For the avoidance of doubt and in the interests of providing a sustainable means of surface water drainage.