

# APPLICATION REPORT - PA/342950/19

Planning Committee, 1 July, 2019

**Registration Date:** 21/02/2019  
**Ward:** Shaw

**Application Reference:** PA/342950/19  
**Type of Application:** Full Planning Permission

**Proposal:** 1. Conversion and extension of the existing dwelling to form 4no. dwellings following the erection of a two storey side extension, single storey rear extension, and two single storey side extensions. 2) Removal of a section of front perimeter wall to create parking.

**Location:** St James Vicarage, Vicarage Street, Shaw, OL2 7TE  
**Case Officer:** Hannah Lucitt

**Applicant Agent :** Church of England - Diocese of Manchester  
Cordingleys Chartered Surveyors

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## THE SITE

The dwelling at St James Vicarage is a vacant detached, two storey former vicarage, located at Vicarage Street, within the built up area of Shaw.

The dwelling has private amenity space and parking to the front, and private amenity space, with some substantial trees, to the side and rear.

The application site is flanked on three sides by dwellings, with East Crompton St James C.E Primary School to the rear.

The parking is accessed from Vicarage Street.

## THE PROPOSAL

This application proposes the sub-division and extension of the existing dwelling to form 4no. dwellings.

The proposed works include the erection of a two storey side extension, single storey rear extension, and two single storey side extensions

The proposed two storey side extension would project 5.3m to the side of the existing dwelling, replacing the existing single storey garage addition. This extension would measure 8.5m in width and would match the eaves height and roof ridge of the existing dwelling. A single storey side addition is also proposed to this elevation which would project a further 2.2m to the south, and would measure 3m in width.

The proposed single storey infill extension would project 3.8m from the rear of the existing building, and would measure 11.5m in width.

A single storey side extension to the north of the building is proposed, which would project 2.2m from the original building, and would be 3m in width.

Alteration to the existing window fenestration is proposed as well as the insertion of new windows to the ground and first floor.

This application also proposes the removal of a section of the front perimeter wall to create access for parking.

The proposal would result in 3 x two bedroom dwellings, and 1 x three bedroom dwelling. Each dwelling would be afforded its own private amenity space and a minimum of one car parking space.

This application is being determined at Planning Committee at the request of Cllr Sykes.

### **RELEVANT HISTORY OF THE SITE:**

PA/342949/19 'Outline planning application to construct a detached dwelling house - access and layout to be considered all other matters reserved'. This applicaiotn is also on this committee agenda for determination.

### **CONSULTATIONS**

Highway Engineer	No objection, subject to the inclusion of conditions addressing the provision and retention of car parking spaces.
Environmental Health	No objection, subject to the inclusion of a condition addressing landfill gas.
OMBC Arborist	No objection, subject to the inclusion of a legal agreement securing a contribution in regard to off site planting of trees.

### **REPRESENTATIONS**

This application was publicised by way of a site notice, press notice and neighbour notification letters. Two letters of objection have been received which comment that the proposed development would have a negative impact on the Conservation Area and would detrimentally impact on trees.

Shaw & Crompton Parish Council recommend approval.

### **PLANNING CONSIDERATIONS**

The main issues to consider are:

1. Principle of development;
2. Residential amenity;
3. Design and impact on St James's Conservation Area
4. Parking and highway safety;
5. Public open space; and,
6. Trees.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate

otherwise. Paragraph 2 within the National Planning Policy Framework (NPPF) reiterates this requirement.

In this case the 'development plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. The application site is unallocated by the Proposals Map associated with the Joint Development Plan Document, however, it is located within the St James' Conservation Area.. Therefore, the following policies are considered relevant:

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting accessibility and sustainable transport choices  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 23 - Open spaces and sports;  
Policy 24 - Historic Environment.

Saved UDP Policy D1.5 and the NPPF are also relevant.

### **Principle of Development**

Policy 1, in the context of this application, is concerned with ensuring the effective and efficient use of land by promoting development on 'previously developed land'. The area of development subject of this application is an existing dwelling, and its garden. Annex 2 of the NPPF excludes residential gardens from the definition of previously developed land on which proposed extensions to the building would be situated.

Nevertheless, this is not synonymous with a position that all development of such land is unacceptable where it achieves sustainable development objectives in accordance with paragraph 8 of the NPPF.

DPD Policy 3 states that new residential developments should be located within 480m of at least two 'key services'. These are specifically defined as areas of employment, major retail centres, local shopping parades, health related facilities and services, schools, post offices and community uses.

St James C of E Church and East Crompton St James C.E Primary School are within a ten minute walk of the application site, which is located within an established residential area. It is therefore reasonable to conclude that the site is located in a sustainable position in close proximity to at least two key services as required by Policy 3.

Policy 5 requires minor development to achieve 'low accessibility' as a minimum which is defined as being within approximately 400m of a bus route with a service, or a combination of services, running less frequently than medium accessibility. The nearest bus stop is approximately 320m from the application site. As such, it is considered that the site is well placed in terms of access to bus routes.

Having regard to the above it is considered that the principle of the proposal is acceptable given that the site is in a highly sustainable location. In addition, there is no evidence to suggest that the release of this small area of greenfield land would prejudice the delivery of residential schemes on other previously developed or allocated sites in the surrounding area.

### **Residential amenity**

DPD Policy 9 outlines that new development proposals must not have a significant adverse impact upon the amenities of neighbouring properties. In this regard it is important to consider the impact on the neighbouring properties on Vine Close and Vicarage Street.

The dwellings to the north and south sides of the application site would remain in excess of 20m from the proposed development at first floor level. No first floor flank windows serving primary living accommodation are proposed. The existing dwellings to the front of the application site would be caused no more mutual overlooking than the existing scenario, as the first floor windows on the proposed side addition would largely face a blank flank terrace wall.

Other dwellings are further from the applicaiotn site and would not be affected.

Given the above, it is not considered that the proposed development would have any significant impact on neighbouring dwellings.

The proposed development would comply with the DCLG Technical housing standards – nationally described space standards. The Environmental Health team previously commented on room sizes being too small, the room sizes have since been amended and are now acceptable.

The amount of amenity space proposed is considered generous, when assessing nearby existing dwellings. Although there would be an element of mutual overlooking between each dwelling's private amenity space to the rear, this is not considered unusual for the area, and is therefore acceptable.

It is considered that the proposed development would have an acceptable impact on residential amenity, in regards to both existing residents and future occupants of the proposed development.

Given the above, the proposed development is considered to comply with DPD Policy 9 in regard to residential amenity.

### **Design and Impact on St James's Conservation Area**

Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'with respect to any buildings or other land in a conservation area,' .... 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. DPD Policy 24 (Historic Environment) together with Part 16 (Conserving and enhancing the historic environment) of the NPPF reflect this duty.

DPD Policies 9 , 20, and 24 are also relevant in seeking to support development proposals which have an acceptable relationship with adjoining land and property (including the occupiers of such), whilst being of high quality design which reflects the character and appearance of the Conservation Area.

Policy 24, in the context of this application, states that development within or affecting the setting of a conservation area, including views in or out, must serve to 'preserve' or 'enhance' the character or appearance of the area. The proposal must have a sensitive and appropriate response to context and good attention to detail. Proposals must not adversely affect important architectural or historic features or distinctive local features or structures unless it can be demonstrated that the development brings substantial benefits to the community.

Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. A Planning Statement has been submitted with this application which seeks to justify the proposed works in design terms.

The site is located within a relatively prominent location on Vicarage Street. The proposed two storey side extension and single storey side additions would be clearly visible from public vantage points. The two storey side addition would replace an existing single storey side garage addition. The existing vicarage appears to have been altered on numerous occasions over the years and the existing window fenestration does not appear particularly sympathetic to the host dwelling.

The proposed two storey extension would reflect the original dwelling in regard to the window fenestration, enhancing the historic interest and setting of the host building, by virtue of the removal of the garage addition. The proposed single storey side additions are minor in scale, and would have little impact on the host property or the character of the Conservation Area, when viewed from public vantage points.

The proposed rear infill addition has clearly been designed sympathetically to the character of the host dwelling, using re-claimed materials to match the existing dwelling, and would have a broadly neutral impact.

Though the loss of elements of the existing boundary wall are not considered preferable, it is not considered that this loss could justify the refusal of this application on this basis alone, particularly having regard to the public benefits of facilitating additional residential accommodation.

The impact on the proposed development is considered acceptable, subject to the inclusion of a condition ensuring the use of re-claimed stone and slate.

Having regard to the above, it is considered that the design of the proposed dwellings would broadly 'enhance' St. James Conservation Area, and is therefore compliant with DPD Policy 24 and Chapter 16 of the NPPF.

### **Parking and highway safety**

A number of new access points to the site are proposed from Vicarage Street. No objection has been received from the Highway Engineer. It is not considered that the proposed development would have any significant impact on highways safety and amenity.

Given the above, it is considered that the proposed development would be in accordance with DPD Policy 9 in regard to highway safety and amenity.

### **Public open space**

DPD Policy 23 requires all new residential units to contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practical nor desirable.

However, Planning Practice Guidance advocates that no contributions should be required for development of 10 or less dwellings and therefore, it is not appropriate for a contribution to be sought.

## Trees

Saved Policy D1.5 aims to protect existing trees on development sites.

There are to be three mature specimen trees (T1, T17 and T18 Category B) and four groups (G1, G2-30%, G3 and G4 totalling over 35 stems of limited arboricultural merit) to be removed to facilitate development.

Policy D1.5 Council policy requires a for a 3:1 replacement ratio to be policy compliant. There should be replanted, nine individual trees and a group totalling over 100 stems. It is not possible to replant this many trees on site to due lack of available space. The applicant has agreed to a contribution by way of legal agreement to facilitate the outstanding replants off site.

Subject to a contribution of £3,300 being made for tree planting within the Shaw and Crompton Wards, the proposed development complies with saved Policy D1.5 in regard to protecting existing trees on development sites.

## Conclusion

The principle of the proposed development is considered acceptable, and the application site is located within a sustainable area.

There would be no significant impact on residential amenity, or highway safety and amenity by virtue of the proposed development.

The design and impact on St James's Conservation Area is acceptable; the proposed development would broadly enhance St James's Conservation Area.

The impact on trees is acceptable, subject to a contribution, secured by legal agreement for tree planting off site.

The application is recommended for approval accordingly.

## RECOMMENDATION

**It is recommended that Committee resolves to grant permission:**

- (1) subject to the conditions in the report and to completion of a Section 106 legal agreement in respect of a contribution of £3,300 towards tree planting within the Shaw and Crompton Wards; and,**
- (2) to authorise the Head of Planning & Development Management to issue the decision upon satisfactory completion of the legal agreement.**

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications:

- Drawing no. 3298/06B received 15th April 2019

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. No development comprising the construction of external walls or roofs shall take place unless and until samples of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Classes A, B, C, D, E, F, G or H of Part 1, or Class A of Part 2, of Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority.

Reason - The Local Planning Authority considers it expedient, having regard to the density, type and appearance of the development, to regulate any future alterations/extensions to ensure that the character and appearance of the area are not detrimentally affected.

5. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety, because the site is located within 250m of a former landfill site.

6. Prior to any works being undertaken to trees on site, an Arborist Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The recommendations contained within the statement shall be carried out in accordance with the approved details.

Reason - To protect trees within St. James's Conservation Area.

7. No dwelling shall be occupied unless and until the parking spaces for that dwelling situated clear of the highway have been provided in accordance with the approved plan received on 15th April 2019 (Ref: Dwg No. 3298/06B). The parking spaces so provided shall be available at all times thereafter for the parking of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided for the development and that parking does not take place on the highway to the detriment of

highway safety.

..... **Case Officer**

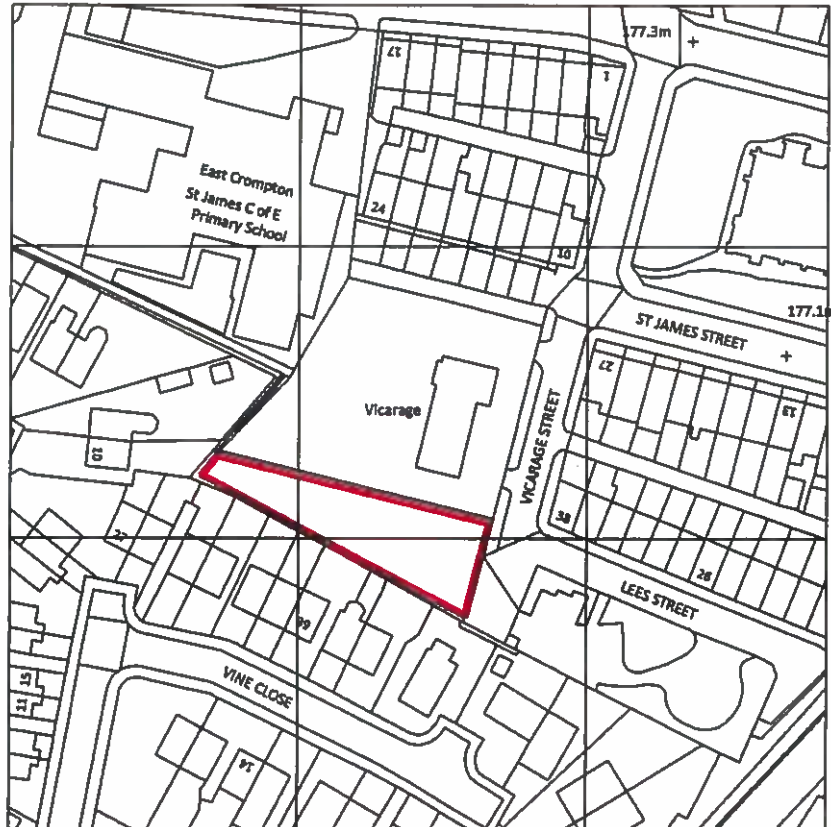
..... **Date**

..... **Planning Officer**

..... **Date**



NB. No survey data has been used for the production of this drawing and therefore all features / boundary positions shown rely on the accuracy of the Ordnance Survey information



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Scale 1:1250 @ A4

Client **DIOCESE OF MANCHESTER**

Project **St James Vicarage, Shaw, Oldham  
OL2 7TW**

**LOCATION PLAN.**

Drawn By  
Checked By

Date **Oct 2017**  
Drwg. No. **3295/03**

