

APPLICATION REPORT - HH/344790/20

Planning Committee, 26 August, 2020

Registration Date: 27/04/2020
Ward: Royton North

Application Reference: HH/344790/20
Type of Application: Full Planning Permission

Proposal: Proposed single storey outbuilding, built into the existing split level sloping garden with access steps, re-modelled lower patio area and raised upper garden area.

Location: 38 Tandlewood Park, Royton, OL2 5UZ

Case Officer: Abiola Labisi

Applicant: Mr & Mrs Reynolds
Agent : Edifice Building Consultants Ltd

This application is being reported to Planning Committee in accordance with the Scheme of Delegation at the request of Councillor Roberts.

RECOMMENDATION

Approve, subject to conditions:

THE SITE

38 Tandlewood Park is a detached house on the western side of the street within a residential area of predominantly detached dwellings. Land levels vary significantly within the site, with the rear garden stepping down towards a stream which flows past the rear boundary of the site. Beyond the stream is undulating open land within the Green Belt.

THE PROPOSAL

The proposal relates to the erection of a single storey outbuilding, built into the existing split level sloping garden with access steps, a re-modelled lower patio area and raised upper garden area. The outbuilding would have a grassed flat roof with two rooflights and it is stated that the outbuilding would be used as a domestic gymnasium. The outbuilding will be set in from the adjacent garden boundaries on either side.

The building would be sunk into the slope leading to the upper garden level, with the roof top matching the height of the upper patio area. A 1m high glass balustrade would be erected along the front edge of the building's roof, with screen fencing to either side of the perimeter of the roof.

The plans indicate that the land adjacent the building and the neighbouring property on each side would be graded along the existing boundary to avoid underpinning works.

RELEVANT HISTORY OF THE SITE:

HH/341772/18 - Proposed front corner two storey extension, proposed first floor side extension, demolition of existing conservatory and erection of two storey rear extension, first floor balcony to the rear, new pitched roof with mixture of slate and cladding, new wall facing materials with mixture of cladding, render and brickwork. Approved 31/08/2018.

CONSULTATIONS

Environmental Health

No objection but recommended that no security light/floodlighting unless approved.

REPRESENTATIONS

Two representations were received during the period of public consultation. Whilst one of these was an objection to the scheme, the other sought assurances that certain measures would be in place to prevent issues such as overlooking and noise disturbance. The planning issues raised in the objection include:

- Impact on the character and appearance of the property and surrounding area;
- Impact on residential amenity of neighbours;
- Impact on drainage;
- Impact on biodiversity interests at the site;
- Potential noise disturbance;
- Inaccurate ownership certificate.

RELEVANT PLANNING POLICIES & GUIDANCE

The 'development plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is not allocated within the Proposals Map associated with the Joint Development Plan Document. Therefore, the relevant policies are:

Policy 9 – Local Environment
Policy 20 – Design

National Planning Policy Framework

Section 12 - Achieving well-designed places

PLANNING CONSIDERATIONS

The main planning issues to consider are:

- Design and impact on the character of the area;
- Impact on the amenity of the occupiers of neighbouring properties;
- Drainage;
- Ecology.

Design and Impact on the character of the area

Para 127 of the National Planning Policy Framework as well as Policies 9 and 20 of the Oldham Local Development Framework require that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment.

The rear gardens of the applicant's property, and those of the adjacent houses on this side of Tandlewood Park, decline in level from the rear of the houses towards a watercourse which runs along the rear boundary. In terms of existing character, it is noted that significant urbanisation of gardens has taken place in the area with garden development/landscaping works extending down to the watercourse, including immediately to the north.

The proposed outbuilding would occupy part of the lower section of the rear garden, at which level the new floor will be formed, with the roof reflecting the upper level of the existing garden. It would have a grass roof which would enhance its assimilation into the garden. As such, it is considered that the proposal has been designed in a manner that is sympathetic to the landscape, would be in keeping with the general pattern of development in the area, and would therefore not lead to a significant adverse impact on the character of

the immediate area.

Whilst there are views of the site from the public footpath at the rear, it is however only the rear elevation of the building that would be visible from across the stream. Given the undulating topography, and the level of the building, other views would be restricted.

The proposal would therefore be sympathetic to the character of the area and the host dwelling, in accordance with relevant provisions of Oldham Local Plan Policy 20.

Impact on the amenity of occupiers of neighbouring properties

Para 127 of the NPPF requires that new development should also ensure a high standard of amenity for existing and future users. Policy 9 of the Local Development Framework provides that development should not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety, security, noise, visual appearance of an area and access to daylight amongst others.

As noted above, the applicant's existing rear garden occupies two levels, the higher section leading to the ground floor of the house. The proposed outbuilding would be sunk into the lower section of the garden and its roof height would reflect that of the existing higher garden section. Consequently, in terms of the relationship with neighbouring properties, there will be no adverse impact in terms of physical presence or effect on daylight/sunlight to the outlook from the similarly elevated sections of neighbouring gardens or from the properties themselves. Any view of the building from neighbouring dwellings on both sides would be restricted to the roof which would blend with the rest of the garden.

In the section of garden to be occupied by the outbuilding, in effect the applicant's garden level will be raised for a distance of 4.5 metres. At this point it will therefore result in an increased presence in relation to the adjacent gardens, and in particular any persons walking on the roof of the outbuilding would be elevated above the existing boundary screen treatment. The applicant initially proposed to increase the boundary fencing. However, this would result in noticeable increased overshadowing of the lower sections of the neighbouring gardens.

The proposal now incorporates screens to either side of the outbuilding's roof.

In respect of the property to the south, this would ensure privacy whilst avoiding any impact on daylight/sunlight reaching the lower garden.

In respect of the property to the north, from where an objection has been received, there will be some additional impact when utilising the lower patio level. However, such impact needs to be considered in the context of the overall site. This will affect a small section of the garden only, and for only a period in the morning. There will also be a gap of 1 metre from the boundary to the elevated screen fence, further reducing any immediate impact.

With regard to noise and disturbance, whilst there would be some level of noise during the construction phase, this would be temporary and expected during any construction works. Where such noise becomes a statutory nuisance, this is covered under environmental protection legislation. As the proposal is for domestic use, it is not considered that there would be any significant noise disturbance following the erection of the building beyond that which could reasonably occur from activity within the applicant's domestic garden. Commercial use can be controlled by condition.

Drainage

With regard to drainage, the applicant has submitted details of their proposed foul and surface water drainage scheme. Surface water will continue to discharge by gravity to the watercourse. Any foul water will need to be pumped to the public sewer on Tandlewood Park, and will require installation of a pump. This will be set below ground level, and details of noise emissions will require the Council's prior approval. Given that the pump will have a

limited capacity suitable for domestic use only, it is not anticipated that an acceptable solution is available.

Ecology

The development would take place on a domestic garden which is not known to be of any significant biodiversity value and not subject of any formal ecological designation. As such, having regard to its location and scale, the proposal would not lead to any significant adverse impact on biodiversity. It is also considered important to point out that an outbuilding similar in scale as that proposed can be erected on the site under householder permitted development rights without any ecological consideration.

Other matters.

The applicant has clarified that none of the proposed works would be outside the land owned by them and therefore there is no need to serve notice of the development on any other person/party. Adjacent owners have nevertheless been notified as part of the application process.

CONCLUSION

Having regard to the scale and design of the proposed development, as well as the nature of the proposed use, it is considered that the proposal would not lead to any significant adverse impact on the character of the area neither or to any significant adverse impact on the amenity of the occupiers of neighbouring properties. The proposal would therefore be in accordance with relevant provisions of Oldham Local Plan as well as relevant provisions of Section 12 of the National Planning Policy Framework.

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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the other conditions of this permission, the development hereby approved shall be fully implemented in accordance with the approved plans and specifications which are referenced as:

Drawing No. 533-1.03 Rev C (Proposed Site Plan)
Drawing No. 533-3.01 Rev C (Proposed Ground Floor Plan)
Drawing No. 533-3.02 Rev C (Proposed Lower Ground Floor Plan)
Drawing No. 533-4.01 Rev B (Proposed Elevations)
Drawing No. 533-4.02 Rev B (Proposed Rear Elevation)
Drawing No. 533-4.03 Rev B (Proposed Side Elevation)
Drawing No. 533-4.04 Rev B (Proposed Side Elevation)
Drawing No. 533-5.01 Rev B (Proposed Section A-A)
Drawing No. 533-5.01 Rev B (Proposed Section A-A Upper Part)
Drawing No. SD-TF01 (Close Board Timber Fence Standard Detail)

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

3. Prior to the commencement of the development hereby approved, full details of the proposed measures for disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. Uncontaminated surface water shall be discharged to the watercourse. The submitted details shall include a full specification of any sewerage pump and details of acoustic emissions generated there from. The development shall be implemented in full accordance with the approved details.

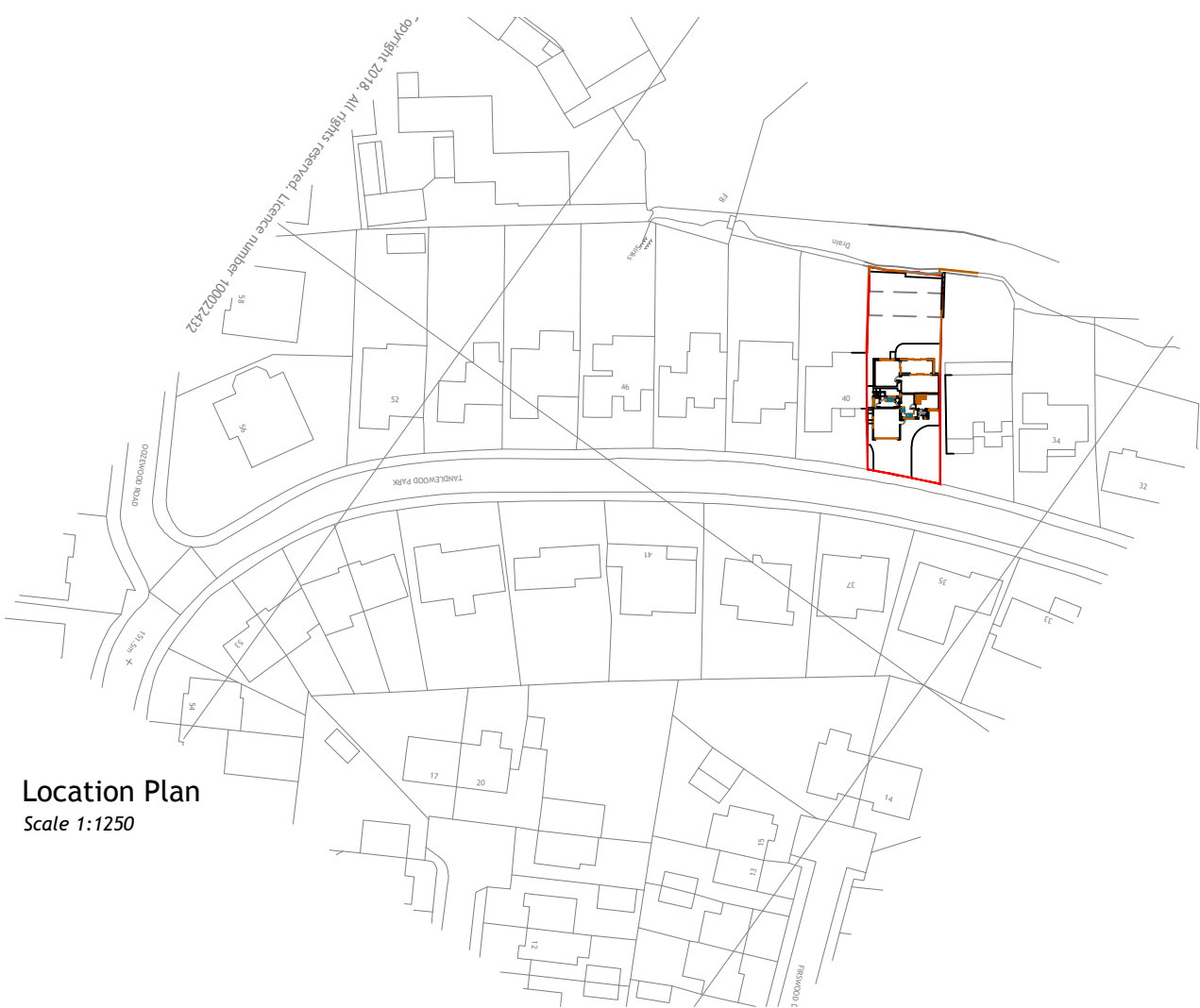
Reason - To ensure that an adequate drainage facility is provided for the development having regard to Policy 19 of the Oldham Local Plan.

4. Prior to the commencement of the use of the roof section of the outbuilding, the side boundary screens indicated on the approved plans shall be installed. The screens shall be retained at all times thereafter.

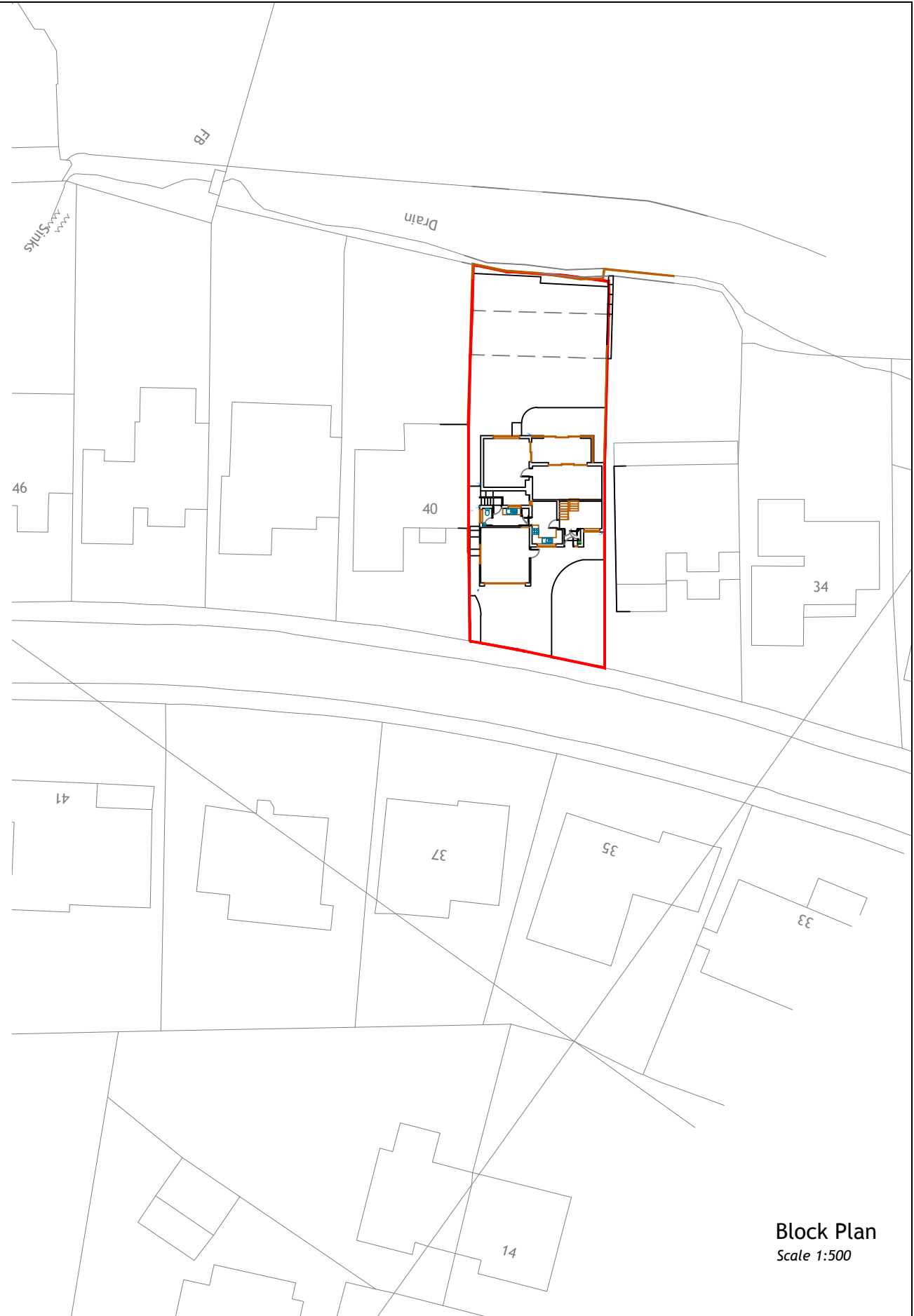
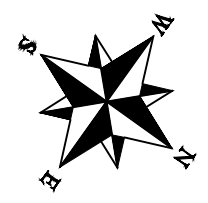
Reason - In order to protect the amenity of the occupiers of neighbouring properties in accordance with Oldham Local Development Framework Policy 9.

5. The development hereby approved shall only be used for domestic purposes ancillary to the existing dwelling house and shall not be used on a commercial basis.

Reason - In order to protect the character of the area and the residential amenity of the occupiers of neighbouring properties in accordance with Policy 9 of the Oldham Local Plan.



Location Plan
Scale 1:1250



Block Plan
Scale 1:500



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PROJECT
 Proposed Rear Development at:
 38 Tangle Wood Park
 Royton
 Oldham

DRAWING TITLE
 Existing Location and Block Plans

CLIENT
 Mr and Mrs Reynolds

DATE	May '19	DRAWING No	REV
DRAWN BY	NH	533-1.01	
SCALE	1:1250/500@A3		