

APPLICATION REPORT – FUL/350330/22
Planning Committee 7 June 2023

Registration Date: 28th December 2022
Ward: Waterhead

Application Reference: FUL/350330/22
Type of Application: Full

Proposal: Erection of a single storey dwelling with parking and associated external works

Location: 250-252 Huddersfield Road, Oldham, OL4 2RB

Case Officer: Sophie Leech
Applicant: Mr T Mushtaq
Agent: Mr Lee Hollingworth

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination because the applicant is a familial relation of an elected councillor (Councillor Shaid Mushtaq).

2. RECOMMENDATION

- 2.1 It is recommended that the application be refused for the reasons set out in this report and that the Head of Planning be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 The site relates to a parcel of land sited to the rear of an end terrace property formerly known as 'The Farmers Boy' public house, located on the southern side of Huddersfield Road, Oldham. The site is neighboured by ASDA supermarket to the east and retail units to the west along the terraced row. To the front of the site lies residential properties on Palm Street.
- 3.2 The parcel of land is currently vacant.

4. THE PROPOSAL

- 4.1 The application proposes the erection of a single storey dwelling with parking and associated external works.
- 4.2 Planning permission has previously been granted for a bungalow on the land through application ref: PA/336292/14, however, this permission has now expired and is therefore not extant. The previous red line for the site accommodated a rear garden area and a garage area for the parking of one vehicle. This application now has a red line smaller than the earlier approval, which has resulted in a smaller curtilage area.

5. PLANNING HISTORY

FUL/349701/22 - Change of use of Public House to 11 bed HMO (house in multiple occupation) - Approve 08.12.22

PA/336292/14 – Erection of 1no bungalow – Approve 23.03.15

6. RELEVANT PLANNING POLICIES

6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated in the Proposals Map associated with this document. As such, the following policies are considered relevant to the determination of this application:

- 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 20 Design
- National Planning Policy Framework

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	No comments received
Highways Engineer	No objections to the amended parking layout

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

8.1 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, the application has been advertised as a minor development by neighbour notification letters.

8.2 In response, two objections have been received raising the following summarised issues:

- The site is not big enough for construction to take place wholly within the land (see section 11)
- Issues with future parking on Palm Street (see section 12)
- Issues with sewers and waste disposal (arrangements for connections to sewers / waste disposal would be a post-decision matter for the developer to address in the event that the application is approved).

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Policy 1 promotes development which supports the vitality and viability of designated Centres such as Oldham and residential uses in these areas can help support the shops and services they host. Furthermore, Policies 3 and 5 aim to ensure residential uses are located in highly sustainable locations in respect of access to key services and public transport options. In this regard, the site is within a 10-minute walk to shopping areas and a few minutes' walk to the nearest bus stop on Huddersfield Road. Therefore, for the purposes of Policy 5, the site is 'very highly accessible'.
- 9.2 Policy 11 states that all residential development must be appropriate to the area, accessible to public transport and key services, and have regard to the council's plans for the area. It must also be demonstrated that the proposal does not adversely affect the local character of the area, the residential and workplace amenity of current, future and neighbouring occupants, and traffic levels and the safety of road users.
- 9.3 Policy 9 and 20 state that the council will protect and improve local environmental quality and amenity and promote community safety across the borough. Policy 9 states that proposals must not be located in areas where it would be adversely affected by neighbouring land uses; and does 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 and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances.
- 9.4 Both Policy 9 and 20 state that proposals must not have a significant, adverse impact on the visual amenity of the surrounding area, including local landscape and townscape; and do not result in unacceptable level of pollutants or exposure of people in the locality or wider area, minimises traffic levels and does not harm the safety of road users.
- 9.5 Subject to the consideration of the policies referred to above in the following sections of the report the principle of development is considered to be acceptable in land use terms.

10. RESIDENTIAL AMENITY

- 10.1 Policy 9 seeks to protect the amenities of the occupants of residential properties by ensuring adequate outlook, levels of natural light and privacy. It states that consideration must be given to the impact of a proposal on the local environment. It seeks to ensure that development, amongst other matters, is not located where it would be adversely affected by neighbouring land uses, does not cause significant harm to the amenity of the occupants of the development or to existing and future neighbouring occupants or users through impacts including safety, security and noise.
- 10.2 The original plans showed high level habitable room windows on the rear, directly facing the newly approved house in multiple occupation at no.250-252 Huddersfield Road (the previous public house on site). Following amended plans, the dwelling now has just windows on the sides and front and these windows will serve habitable rooms. The lounge, kitchen and bedroom have sufficient windows that would provide the necessary outlook and light which is considered acceptable.
- 10.3 It is important to consider the amenity of future occupiers of the proposal. In this regard, the footprint of the dwelling complies with the National Space Standards Document

(DCLG, 2015), requiring 37 square metres with 1 square metre as storage for a 1 person dwelling. Therefore, the proposed dwelling is considered a suitable size to meet the needs of the future occupier.

Impact upon 250-252 Huddersfield Road (HMO)

- 10.4 Prior to this application, a house in multiple occupation (HMO) has been approved directly behind the site in the two storey end terrace building. The rear bedroom windows of the future HMO will have a view directly facing the new dwelling at a distance of only 8 metres and 10 metres respectively. This applies to bedrooms on the rear of the ground floor and on the rear of the first floor. These rooms previously served a kitchen and bathroom when the building was a public house. These rooms are considered non-habitable; therefore, it is clear why the earlier bungalow on site was approved in 2015.
- 10.5 The land levels on site would effectively result in two storey development directly behind the HMO building at between 8 and 10 metres separation distance. The impact of this and the proximity of the build to bedroom windows is considered would have an unacceptable impact upon the outlook to future occupiers of the HMO.
- 10.6 In addition, there is likely to be some degree of overshadowing but not significant enough to pose a severe impact on light levels to these bedrooms.
- 10.7 Following the above assessment, the proposed development does not comply with Policy 9 in regard to the amenity of future occupiers of the dwelling along with the amenity of future occupiers of the HMO.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 Policy 20 states that new development must have a positive impact upon an area and be well designed. Externally, the dwelling is of a typical bungalow design with a single storey height and a pitched roof. The materials would reflect existing materials seen around the site which consists of slate and red brick.
- 11.2 The dwelling's footprint originally covered the majority of the plot, extending to the front, side, and rear boundaries of the plot, resulting in cramped and overdeveloped site. The Agent has resolved this matter by reducing the size of the bungalow to minimum standards (37sqm in footprint to comply with the national space standards) in order to provide a small garden area and a parking space. This is considered sufficient given the terraces immediately joining the area have small rear gardens, therefore the character of the area will be maintained on this site. As such, in this regard, the proposal is now compliant with Policy 20 which requires amongst other things that new development is well designed having appropriate regard to its surroundings and local character.

12. HIGHWAY SAFETY

- 12.1 The amended proposed plan demonstrates a safe and legal parking space can be provided on site and the Council's Highways Engineer has raised no objections to this.
- 12.2 As a result, the proposed development would provide 1no off road parking space to serve the new dwelling, of which is supported. As such, the proposed development complies with Policy 9.

13. CONCLUSION

- 13.1 It is considered that the erection of a new dwelling would be unacceptable in this location due to the poor outlook that would be received by future occupiers of the HMO towards the rear of the site (the building known as 250-252 Huddersfield Road). As such, the application is recommended for refusal.

14. RECOMMENDATION

Refuse planning permission for the following reason(s):

1. The proposed dwelling would provide a poor outlook when viewed from the bedroom windows on the rear elevation (ground floor and first floor) of the house in multiple occupation to the rear of the site (no.250-252 Huddersfield Road, Oldham) due to the significant land level difference, resulting in harm to the amenity of future occupiers of this building. It is therefore contrary to Policy 9 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):

