

Application Reference	DC/070787
Location:	182 Strines Road Strines Stockport SK6 7GA
PROPOSAL:	Raised patio and shed
Type Of Application:	Full Application
Registration Date:	28.08.2018
Expiry Date:	14.11.2018
Case Officer:	Rachel Bottomley
Applicant:	Mr Andrew Baggott
Agent:	N/A

COMMITTEE STATUS

The application should be referred to the Planning & Highways Regulations Committee as the application relates to a Departure from the Statutory Development Plan.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for the creation of a raised patio area and the erection of a shed within the rear garden of a detached residential property. The patio and shed are already in place and therefore the application is retrospective.

The rear garden of the property slopes up to the South West to adjoin fields to the rear of the site. The patio seeks to provide usable level areas within the curtilage of the property. It is constructed of timber upstands around the perimeter of the patio with indian stone flags forming the surface.

The shed is of timber construction and has been sited within the Western corner of the garden. The shed has a height of 3.2 metres from the ground level on which it stands.

SITE AND SURROUNDINGS

The applicant's property is a detached dwellinghouse located within a large plot sited within the green belt.

The property is set back slightly from the frontage of Strines Road and it sited higher than the road level due to the sloping land. The rear garden slopes up steeply to the rear.

To the northern side of the site is the adjacent property No. 180 Strines Road. The curtilage of the application property extends further to the rear than the curtilage of No. 180 and therefore the shed and patio do not adjoin the rear garden of No. 180.

To the southern edge of the site, the property adjoins a public footpath.

To the rear, the property adjoins fields to the rear, which slope up further to the South West.

POLICY BACKGROUND

Section 70(2) Town and Country planning Act 1990 provides that the decision-maker shall have regard to the provisions of the development plan, so far as material to the application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 outlines that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Statutory Development Plan includes:-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 (SUDP) which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004: &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (CS) adopted 17th March 2011.

Saved policies of the SUDP Review

GBA1.2: CONTROL OF DEVELOPMENT IN GREEN BELT

GBA1.5: RESIDENTIAL DEVELOPMENT IN GREEN BELT

CDH1.8: RESIDENTIAL EXTENSIONS

LDF Core Strategy/Development Management policies

SD-2: MAKING IMPROVEMENTS TO EXISTING DWELLINGS

SIE-1: QUALITY PLACES

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

Supplementary Planning Guidance

Supplementary Planning Document 'Extensions and Alterations to Dwellings' adopted February 2011 following public consultation.

Supplementary Planning Guidance (Saved SPG's & SPD's) does not form part of the Statutory Development Plan; nevertheless, it provides non-statutory Council approved guidance that is a material consideration when determining planning applications.

The National Planning Policy Framework (NPPF)

The NPPF, initially published on 27th March 2012, subsequently revised, and published on 24th July 2018 by the Ministry of Housing, Communities and Local Government, sets out the Government's planning policies for England and how these are expected to be applied. The NPPF will be a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

N.B. In respect of decision-taking the revised NPPF constitutes a "material consideration".

Para.1 *"The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied"*.

Para.2 *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise"*.

Para.7 *"The purpose of the planning system is to contribute to the achievement of sustainable development"*.

Para.8 *"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):"*

- a) an economic objective*
- b) a social objective*
- c) an environmental objective"*

Para.11 *"Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Para.12 “.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.133 “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

Para.134 “Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;*
- to prevent neighbouring towns merging into one another;*
- to assist in safeguarding the countryside from encroachment;*
- to preserve the setting and special character of historic towns; and*
- to assist in urban regeneration by encouraging the recycling of derelict and other urban land”.*

Para.141 “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to

retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

Para.143 *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.*

Para.144 *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.*

Para.145 *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

Paragraph 146 states “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

b) engineering operations;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

Para.146 *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.*

Para.153 states *“In determining planning applications, local planning authorities should expect new development to:*

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.

Para.213 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

NPPF Conformity

The Planning Advisory Services’ National Planning Policy Framework (NPPF) Compatibility Self-Assessment Checklist has been undertaken on Stockport’s adopted Core Strategy. This document assesses the conformity of Stockport’s adopted Core Strategy with the NPPF and takes account of saved policies from the Unitary Development Plan where applicable. No significant differences were identified therefore the development plan is in conformity with the NPPF.

PLANNING HISTORY

- DC052932 – Two storey rear extension. Granted 14/8/2013
- J15755 – Proposed living room and bedroom extension. Granted 16/5/1979

NEIGHBOURS VIEWS

The owners/occupiers of two surrounding properties were notified in writing of the proposal. Additionally, the application has been advertised by way of site and press notices. No letters of representation have been received regarding the application.

CONSULTEE RESPONSES

None

ANALYSIS

Residential Amenity

As the patio is retrospective and we do not have any photographs of the land levels prior to any works being undertaken, it is difficult to accurately assess any increases in height of the land. However, from a site visit, it is clear that the fields to the rear slope up steeply from the rear boundary of the site and therefore it is evident that the land levels within the curtilage of the application site consisted of a steep slope up to the southwest. As such, the patio area does not appear to create levels demonstrably greater in height than the previous garden levels.

Furthermore, the patio area is sited a minimum of 15 metres from the rear elevation of the adjacent property, No. 180 Strines Road and 20 metres from the rear elevation of No. 184 Strines Road.

It is therefore considered, that given the likely previous land levels that no undue overlooking or loss of privacy occurs as a result of the patio.

The shed is sited over 17 metres from the rear elevation of No. 180 Strines Road and 24 metres from the rear elevation of No. 184. As such, no undue overshadowing or loss of outlook occurs as a result of the shed.

There are no residential properties immediately to the rear of the site.

As such, it is considered that the raised patio and shed would not unduly impact on the residential privacy or amenity of any surrounding property in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1.

Design

The raised patio area is surfacing using indian stone with timber upstands.

The shed is of a timber construction and is painted black in colour.

Both elements of the proposal are sited to the rear of the site. A 2-metre high fence is sited along the South Eastern boundary of the site adjacent to the public footpath. Mature trees and shrubs are sited to the rear boundary of the site. The development is therefore minimally visible from public vantage points around the site.

Notwithstanding this, a stone patio and timber shed are features that are to be expected within the curtilage of a residential property.

In view of the above, it is considered that the proposal respects the character and appearance of the existing dwelling and surrounding area would not result in harm to the character of the street scene, the visual amenity of the area or the in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1.

Green Belt

Saved UDP Policy GBA1.2 states that there is a presumption against the construction of new buildings within the Green Belt unless it is for certain purposes, including limited extension and alterations to existing dwellings. Saved UDP policy GBA1.5 states that proposals relating to existing residential uses may be permitted in certain cases, including alterations and extensions where the scale, character and appearance of the property would not be significantly changed. The interpretation of significant change will vary according to the character of the property but as a general guideline, extensions, which increase the volume of the original dwelling by more than approximately one third, are unlikely to be acceptable.

Paragraph 145 of the NPPF regards that the construction of new buildings is inappropriate in the green belt. However, it also states that the local planning

authority should take into consideration any very special circumstances, which exist which may outweigh any potential harm to the greenbelt.

A statement has been submitted to accompany the application. The statement states that the existing shed exceeds the height, which could be considered as permitted development by a small amount (2.5 metres could be considered permitted development, whilst the actual height is 3.2 metres) therefore any greater volume is minimal. Furthermore, the width of the shed is 3.0 metres, which is a normal sized shed.

The statement also points out that the shed is sensitively sited to the top corner of the garden and due to the curtilage of the application site extending further to the rear than the adjacent garden at No. 180. The shed is therefore sited beyond the boundary line of No. 180. The shed is also surrounded on three sides by mature bushes and trees and is therefore minimally visible.

It is accepted that no issues relating to volume occur as a result of the raised patio area, given the likely land levels prior to development.

Furthermore, it is also accepted that, whilst new outbuildings are generally considered inappropriate within the greenbelt, any increase over the volume, which could be created by a shed classed as permitted development, is minimal. Additionally, due to the shed being significantly screened from views around the wider area that the shed would also have a minimal impact on the openness of the greenbelt.

It is considered that the proposal would not result in any detrimental impact on the openness of the greenbelt.

For the reasons stated above, it is considered that 'very special circumstances' can be demonstrated.

SUMMARY

The proposal would not unduly impact on the residential amenity of the surrounding properties or prejudice a similar development by a neighbour, in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1.

The general design of the proposed development is considered acceptable in terms of its relationship to the existing dwelling, the character of the street scene and the visual amenity of the area in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1.

Other material considerations such as the Extensions and Alterations to Dwellings SPD and the NPPF have also been considered and it is judged the proposal also complies with the content of these documents.

Whilst the proposal constitutes inappropriate development it would have only limited harm to the openness of the Green Belt and the case for very special circumstances is sufficient to outweigh harm by reason of inappropriateness. On balance the proposal amounts to Sustainable Development, consequently it is recommended that permission be granted subject to appropriate planning conditions.

RECOMMENDATION

Grant

MARPLE AREA COMMITTEE (12/12/18)

The Planning Officer introduced the report and answered Members questions; Committee acknowledged that the proposal represented 'inappropriate development' and considered the effect on the openness of the Green Belt. Committee resolved that the case for very special circumstances is sufficient to outweigh harm by reason of inappropriateness and recommend that permission be granted.