

<b>Application Reference</b>	<b>DC/071621</b>
<b>Location:</b>	9 Evesham Avenue Heaton Norris Stockport SK4 3LQ
<b>PROPOSAL:</b>	First floor side and rear extensions above existing garage, ground floor rear extensions with extended and modified existing roof over, single storey front porch and front extension with monopitch roof over
<b>Type Of Application:</b>	Householder
<b>Registration Date:</b>	16.11.2018
<b>Expiry Date:</b>	11.01.2019 - Extension of time agreed to 19 <sup>th</sup> February 2019
<b>Case Officer:</b>	James Appleton
<b>Applicant:</b>	Ms Stella Jakyung Ku
<b>Agent:</b>	bpm architectural services ( Manchester)

### **COMMITTEE STATUS**

Heatons and Reddish Area Committee. The application has been referred to Committee due to the number of objections received.

### **DESCRIPTION OF DEVELOPMENT**

The application seeks planning permission for the erection of a two storey side and rear extension with a single storey front extension at no.9 Evesham Avenue, Heaton Norris.

The proposed two storey side extension will have a length of approximately 10.3m and a width of approximately 2.3m. It will project approximately 3m beyond the existing rear elevation with a width of 8.27m. It will have a pitched roof with a ridge and eaves height of approximately 6.5m and 4.5m respectively.

The proposal also seeks permission for a single storey extension to the front of the two storey extension measuring approximately 2.29m wide with a length of approximately 1m. It will project beyond the existing front elevation by approximately 1.1m with a maximum width of 4.5m. It will contain a pitched roof with a ridge and eaves height of 3.4m and 2.4m respectively. There are no windows proposed to either side elevation of the single storey front extension and it is considered that there will be no loss of residential amenity to neighbouring properties because of the proposed single storey front extension.

Matching materials are proposed and it is noted that since the original submission, amended plans have been received; these amendments were sought due to the impact of the proposal on terracing.

### **SITE AND SURROUNDINGS**

The application property is located on Evesham Avenue, Heaton Norris and forms a two storey traditional red brick terraced property.

The property is faced with red brick and has a grey tiled roof and white UPVC window frames, it is located on a corner plot. The surrounding area is predominantly residential, consisting of mainly two storey terraced housing from the same building period. Evesham Avenue gives a feel of 'linked detached properties' with a linked garage to adjacent neighbours.

There is a driveway to the front of the property that provides parking for one vehicle. There are noticeable two storey side extensions and porches within the streetscene and to the rear of the site is the cul-de-sac of Alvaston Avenue.

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

### **The Development Plan includes-**

- Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> May 2006 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 adopted 17<sup>th</sup> March 2011.

### **Saved policies of the SUDP Review**

CDH 1.8: RESIDENTIAL EXTENSIONS states that extensions to residential properties are only permissible where they complement the existing dwelling in terms of design, scale and materials and do not adversely affect the character of the street scene or cause damage to the amenity of neighbours by reason of overlooking, overshadowing, visual intrusion or loss of privacy.

### **LDF Core Strategy/Development Management policies**

SD-2: MAKING IMPROVEMENTS TO EXISTING DWELLINGS

H-1: DESIGN OF RESIDENTIAL DEVELOPMENT

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

Policy SIE-1 recognises that specific regard should be had to the sites' context in relation to surrounding buildings and spaces.

Policy SD-2: Planning applications for changes to existing domestic dwellings will be required, where possible and practical, to undertake reasonable improvements to the energy performance of the existing dwelling.

Policy H-1 of the Core Strategy is also relevant stating that proposals should

respond to the townscape and landscape character of the local area, reinforcing or creating local identity and distinctiveness in terms of layout, scale and appearance.

## **Supplementary Planning Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless, it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

'Extensions and Alterations to Dwellings' Supplementary Planning Document (adopted in February 2011) states that the issue of design is a highly important factor when the Council assessed proposals for extensions and alterations to a dwelling. The Council require all development to be designed to a high standard in order that it makes a positive contribution to the provision of an attractive built environment.

This does not mean that a new development has to exactly replicate the style and character of the existing building or its locality, but it should be harmonious with what is already there. The character of an area is reflected in the layout, massing, scale, height, style and materials of buildings and the spaces around them. Any extension or alteration to a property should:-

- Respect the form, shape, symmetry and proportions of the existing dwelling and compliment the character of the surrounding area (DESIGN)
- Generally appear subordinate in relation to the existing dwelling in terms of massing, scale and overall appearance (SCALE)
- Respect the architectural integrity of the existing dwelling. External materials and finishes should be durable and of good quality. They should be visually appropriate for their surroundings and sympathetic in terms of colour, texture and detail in relation to the existing dwelling (MATERIALS).

Special attention should be given to matters such as siting, scale, height, massing, detailed design and appropriate use of materials. The Council wishes to protect the boroughs buildings and residential areas from unsympathetic changes by ensuring that new extensions are designed in context with their surroundings.

It will generally be necessary to use specialist building techniques, traditional materials and comparable architectural detailing which reflect the special quality of the building and surrounding area.

A two storey side extension should:

- Respect the form and design of the existing dwelling with a roof design that complements the existing appearance.
- Ideally appear subservient to the main dwelling with the ridge level of extensions set below the main ridge line of the original house.
- A linked or infill effect between neighbouring dwellings should be avoided by leaving a visibly adequate gap between the boundary and the side wall of the extension.

Whilst it is necessary to consider each situation individually, the Council is concerned that where two storey side extensions are proposed to homes in areas of mainly detached or semi detached housing the character should not be

lost through terracing extensions. In such areas houses should not be physically or visually linked, particularly at first floor level.

In these instances:

Two storey side extensions should be set back from the front of the property by a Minimum of one metre behind the front main wall of the house, or by 1 metre from the side boundary.

The joining up of detached or semi detached properties can also result in future Maintenance difficulties.

Where a two storey rear extension or first floor rear extension is proposed, these should be avoided where they would be sited adjacent to a party boundary, particularly on the south facing side. Individual circumstances will influence the acceptability of such extensions but ideally they should be sited away from the boundary to ensure the outlook of neighbouring properties is not overly harmed and an unacceptable loss of daylight is not experienced.

Front porches usually look best where the materials, glazing pattern and degree of roof pitch, match the existing house. Where there is a strong building line or an architectural cohesiveness to the street which would be broken, front extensions are unlikely to be acceptable.

Between habitable room windows on the public or street side of dwellings there should be a separation distance of 21m. Extensions which cause an unacceptable loss of privacy or outlook to neighbouring properties, or look out of keeping with the character of the street, will be refused.

## **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) initially published on 27<sup>th</sup> March 2012, subsequently revised and published on 24<sup>th</sup> 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 revised National Planning Policy Framework 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.124 *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

Para.130 *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area*

*and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.*

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)”.

## **Planning Practice Guidance**

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

## **RELEVANT PLANNING HISTORY**

<b>Application Number(s)</b>	<b>Issues Raised</b>	<b>Date</b>	<b>Decision</b>
J/6694	Extension to rear of kitchen and dining room	21-JUL-76	Granted
J/5659	Kitchen/dining room extension	14-APR-76	Refused

## **NEIGHBOUR'S VIEWS**

The owner/occupiers of ten neighbouring properties have been notified by letter. The neighbour notification expired on 16<sup>th</sup> December 2018 and five letters of representation was received citing objections to the proposal which are summarised below:

- Encroachment
- Loss of light
- Loss of outlook
- Unacceptable to extend beyond the existing rear extension
- Parking
- Increase in congestion
- Drainage

- Devaluation of a property
- Terracing
- Overdevelopment & out of proportion for the site and plot
- Used to house multiple occupation
- Used as a business
- Out of keeping of the estate
- Obtrusive
- Overlooking
- Under 21m from the building line
- Proposed 6 bedrooms
- Reduction in separation distance
- Height and bulk is unacceptable.
- Beyond rear building line
- Amended plans have no alterations from the originals - measurements, roof section etc - other than an added tag line.

## **CONSULTEE RESPONSES**

N/A

## **ANALYSIS**

The site lies within a Predominately Residential Area as identified on the Proposals Map of the SUDP Review. In assessment of the application, it is considered that the main issues of contention are the visual impact of the proposed extension in relation to the existing house, the character and appearance of the area, the potential harm to the amenity of the neighbouring properties and impacts on highway safety.

### **Design, Character and Appearance**

The buildings surrounding the site are made up of terraced dwellings that provide a linked detached feel when travelling along Evesham Avenue. The properties are two storeys tall and contain garages which are linked to the adjoining neighbour to the north. In this scenario the applicant's link-detached property is actually an end-terrace, as the garages link the buildings in the same way as a terrace. It is noted that there are other first floor side extensions within the street scene noticeably at no.10 Evesham Avenue (DC/055015) directly opposite the application property and at no.6 Evesham Avenue (DC/011130). The proposed first floor side extension will be set back from the front elevation by approximately 1m and built along the common boundary. As such, the proposal is considered acceptable in this instance, will not create a terracing effect and as such complies with the Extensions & Alterations to Dwellings SPD.

The extension is subservient to the existing dwelling and matching materials are proposed similar to those used on the existing and neighbouring dwellings. It is considered that the proposal would respect the design, scale, materials, character, appearance and proportions of the existing dwelling and would preserve character and appearance of the surrounding area.

There are numerous porches and front extensions within the streetscene. As such the proposed development would respect the design, scale, materials, character, appearance and proportions of the existing dwelling and would preserve character and appearance of the surrounding area.

### **Residential Amenity**

The proposal will be located along the common boundary shared with the neighbouring property at no.7 Evesham Avenue to the north. The extension will be located approximately 3m away from the main dwelling. The proposed side element of the extension will be screened from this neighbour by the neighbours existing dwelling. There is one obscure glazed window at first floor to the neighbour's side elevation and there will be one obscured glazed window at first floor to the side elevation of the extension which will replicate the existing relationship.

The procedure of a 45 degree rule is essential in protecting neighbours living conditions against the construction of very large house extensions and this rule is established at a national level. In this regard, the proposed extension will not project beyond a 45-degree angle when measured from the centre point of the nearest first & ground floor clearly glazed habitable room window at no.7 Evesham Avenue, this 45-degree angle is used as a guide to judge whether there would be an overbearing or over-shadowing impact. The comments from the neighbouring property are noted however, it is considered that the proposal would not exacerbate the existing situation to such an extent that would warrant refusal of the application on the basis of loss of light and outlook.

The proposed extension will be located approximately 11.3m away at an angle from the neighbouring property to the north-east at no.30 Alvaston Avenue. The rear elevation of the proposal faces the front/side corner of the neighbouring property. There is one obscure glazed window to the side elevation of the neighbouring property and clearly glazed windows to the front of the property. There will be a first floor clearly glazed window to the rear of the extension and whilst the separation distance is below the minimum separation distance of 21m. It is considered acceptable given that the existing separation distance is 14.3m that is already substandard and the property is located at an angle thus not providing any direct overlooking or overlooking into the neighbours private amenity space. As such it is considered that the proposal wouldn't have a materially harmful impact on the amenity of no.30 Alvaston Avenue to justify refusal of this planning application. As such there will be no detrimental impact on the amenity of the neighbouring property at no.30 Alvaston Avenue.

The councils 'Extensions and Alterations to Dwellings SPD' states that there should be a minimum of 21m between habitable room windows on the public or street. The neighbouring properties to the rear across Alvaston Avenue are approximately 21m away, whilst the neighbours along Alvaston Avenue are located to the rear of the application site, the proposal backs onto the public highway of Alvaston Avenue and therefore complies with the councils SPD.

The facing properties to the front are approximately 19m away mirroring the existing relationship and the neighbouring property to the south across Chinley close is approximately 20m away which replicates the existing separation distance.



Whilst the concerns from the neighbouring properties are noted it is not considered that the proposals would worsen the existing situation to warrant refusal on this basis as explained above.

### **Highway Safety**

The councils adopted parking standards allows for a minimum of one vehicles with the maximum provision of two vehicles. The property has sufficient space to accommodate one vehicle and as such is considered acceptable.

### **Other Matters/Considerations**

The LPA has considered the cumulative effect of similar applications. However, it is considered that the possibility of precedent should not lead to a refusal where an application complies with the NPPF, the councils saved UDP policy, the councils Core Strategy and SPD.

A refusal of the current application on the grounds of over-development is not considered to be justified. An Energy Efficiency Checklist has been submitted in support of the application and as such complies with policy SD-2.

The de-valuation of a property is not a material planning consideration. Drainage matters are not material planning considerations and these matters are dealt with as part of a building regulations application. There is no evidence at this stage to suggest the property will be used for businesses purposes and in any event planning permission for a change of use is required if the property was to be used as a business.

Encroaching onto neighbouring land is covered within the Party Wall Act 1996, which is a civil matter, and not in the control of the Council, however there is an informative note attached with this permission making the applicant aware of the provisions contained within this act.

### **Conclusion**

Overall the proposal is in compliance with adopted planning policy and guidance. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. Paragraph 7 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 indicates that these should be sought jointly and simultaneously through the planning system.

In this instance there are several benefits that weigh in support of the proposal, in particular acceptable design, impact upon residential amenity and the submission of an energy checklist.

The proposal would not unduly impact on the residential amenity of the surrounding properties by reason of overshadowing, over-dominance, visual intrusion, loss of outlook, overlooking or loss of privacy. The proposal would not prejudice a similar development by a neighbour and the general design of the proposed development is considered acceptable in terms of its relationship to the existing dwelling and the

character of the street scene 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.

In considering the planning merits against the NPPF as a whole the proposal represents sustainable development; Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application be granted subject to conditional control.

### **RECOMMENDATION**

Grant, subject to conditions.

### **HEATONS AND REDDISH AREA COMMITTEE (28/01/2019)**

The Planning Officer introduced the application and highlighted the pertinent issues of the proposal.

Cllr McGee sought clarification from the Planning Officer on the 45-degree test. The Planning Officer confirmed that 45-degree rule and how it is applied when dealing with applications for two storey rear extensions.

A member of the public spoke in objection to the application. Concerns were raised over the amended plans not being amended, the massing of the extension, concerns regarding the impact on no.7 next door due to overshadowing and loss of light.

Concerns that the extension comes within 21m between the extension and the house at the rear at no.26 that will increase overlooking. The plans also indicate the use of multiple occupation and parking issues will arise.

Members sought clarification on what else the member of the public wanted to say. The member of the public stated the concerns of residents relate to the multiple occupation of the proposed development and the increase of parking on the cul-de-sac & overshadowing.

The agent spoke in support of the application. It was noted that the applicants were unavailable to attend the meeting. The applicant fully intends to live at the property, no intention to rent, multiple-occupancy or re-let therefore there will be no parking issues. The extension complies with all relevant planning policies. The properties to the rear are 21m away. The property needs upgrading to bring it up-to-date with modern standards.

Cllr Fitzpatrick sought clarification from the agent regarding how the agent knew the applicant and what their intentions were & how many properties has the applicant owned before. Cllr Sedgwick (committee chair) stated that the question is not relevant and a private matter. Cllr Fitzpatrick apologised.

Cllr Fitzpatrick asked the planning officer for the percentage increase of the original dwelling. The planning officer stated that the percentage increase hasn't been worked out because it doesn't form a material planning consideration in the case.

Cllr McGee asked if the separation distance to the properties at the rear has been checked. The planning officer clarified that the agent and the planning officer has measured the distance following the submission of a site plan.

Cllr McGee asked when would a proposal be considered overdevelopment. The planning officer stated that the extension is subservient to the existing dwelling and the plot is of a reasonable size, the extension is contained within the existing building width and a refusal on overdevelopment is not considered justified.

Members debated the application. Cllr McGee suggested that the application should be considered for a site visit to PHRC. Cllr Fitzpatrick seconded a site visit to PHRC.

Cllr Taylor suggested including a condition to withdraw permitted development rights. The planning officer stated that because the property is on a corner plot and if the two storey rear extension is approved as proposed, there would be little permitted development rights at the property subject to a rear dormer or small porch. In addition, it wouldn't be reasonable to impose such a condition as there wouldn't be any permitted development rights remaining.

A vote was taken (7 in favour, 3 against, 1 abstention) and it was resolved for a recommended site visit for the Planning & Highways Regulatory Committee to consider massing at the rear and impact on residential amenity of neighbouring properties.