

ITEM 2

Application Reference	DC/076333
Location:	59 Vale Close Heaton Mersey Stockport SK4 3DS
PROPOSAL:	Replacement of existing double door to a bifold door at first floor level on rear elevation of 59 Vale Close
Type Of Application:	Full Application
Registration Date:	01.04.2020
Expiry Date:	Extension of time agreed until 16 th June 2020
Case Officer:	Jeni Regan
Applicant:	Craig & Louise Strong & Douglas
Agent:	

DELEGATION/COMMITTEE STATUS

Heatons and Reddish Area Committee. Application referred due to receipt of 4 or more letters of objection, contrary to the Officer recommendation to grant.

DESCRIPTION OF DEVELOPMENT

Background

The description of development of the application as originally submitted was:

“Change of use of area of greenspace to the rear of Numbers 59 and 60 Vale Road to residential garden and replacement of existing double door to a bi-fold door at first floor level on rear elevation of 59 Vale Close”

However, following a significant amount of local objection to the proposed change of use of the area of public open space land and resulting formal garden proposals, and through detailed negotiations with the applicant, it has been requested that this element of the proposals be withdrawn from the application.

Current Proposals

Therefore, the application that is now before Members for consideration is just for the replacement of the existing patio doors with a new Bi-fold door on the rear elevation of No. 59 Vale Close at the first floor level.

The proposed Bi-fold doors would measure 1.8m wide and 2.1m high. The proposed doors would be aluminium and powder coated in grey to match the existing ground and 2nd floor rear windows / doors at this property.

The application seeks to replace an existing pair of doors that provide access to a first floor rear balcony.

SITE AND SURROUNDINGS

The application site is a two storey mid-terraced property located on the western side of Vale Close in Heaton Mersey. Vale Close is a steep and setted road, located just off the main road Didsbury Road behind the Crown Inn public house. The properties have small lightwell areas to the front with a level access to the front door from the street. The properties are then three storeys to the rear due to the significant changes in levels from front to back, creating a lower ground floor. Access to the existing rear garden area is from the existing patio doors in the lower ground floor rear elevation.

The application site is located wholly within the Heaton Mersey Conservation Area, which for the purposes of the NPPF is recognised as a designated heritage asset. Further to this, the application site is subject to Article 4(2) Direction controls, removing householder permitted development rights from elevations which front a 'relevant location' defined as a highway waterway or open space.

The row of terraces and the other workers cottages in this immediate area are also designated as Locally Listed Buildings due to their historic character. Buildings date largely from the early 19th to the mid-20th centuries and illustrate a variety of gothic and vernacular revival styles.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for Stockport comprises :-

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

The application site is allocated within a Predominantly Residential Area, as defined on the UDP Proposals Map. The site is also located within the Heaton Mersey Conservation Area. The following policies are therefore relevant in consideration of the proposal

Saved policies of the SUDP Review

CDH1.8 'Residential Extensions'

HC1.3 'Special Control of Development in Conservation Areas'

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'

SIE-3 'Protecting, Safeguarding and enhancing the Environment'

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) is relevant to this application.

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, 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. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

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. 189 “*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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to*

submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Para. 190 “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Para. 192 “In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.*
- Considering potential impacts”*

Para. 193 “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Para. 194 “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

Para. 196 “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Para. 197 “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Para. 202 “Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”

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

There are a number of historic applications for this site, including the following:

DC/071454

Description: Replacement balcony.

Address: 59 Vale Close, Heaton Mersey

Decision: Granted 31st January 2019

DC/075247

Description: Change of use of area of greenspace to the rear of Numbers 59 and 60 Vale Road to residential garden, comprising raised decked area.

Address: 59 and 60 Vale Close, Heaton Mersey

Decision: Withdrawn 2nd March 2020

NEIGHBOUR'S VIEWS

The owners/occupiers of three surrounding properties were notified in writing of the proposal. In addition to this, as a result of the site being located within the Heaton Mersey Conservation Area, a site notice was displayed in the area and a press notice advertised the proposed development and invited representations.

10 emails / letters of objection have been received in response to this notification process. However, it should be noted that most of the comments made are an objection to the change of use of the open space land to create a formal garden area, which has now been removed from this application. Therefore, these comments are no longer material to the consideration of the application.

3 of the 10 emails of objection received specifically refer to the installation of the Bi-fold doors on the rear elevation and the comments made in relation to this matter are summarised below:

- The addition of bi-folding windows accentuates the loss of privacy to residents
- It is not considered that the installation of Bi-folding doors is appropriate on a 200 year old property. This type of adaption goes against the character of the houses and ruins the symmetry of the property.
- The quality of the plans submitted is questioned, especially for a property in the Conservation Area.

CONSULTEE RESPONSES

Members should note that based on the original Description of Development for this application, consultations were sent to the LLFA, Arboriculture and the Nature Development Officer. However, due to the withdrawal of the change of use element of the application, the comments received from these officers are no longer material to the consideration of this application for the installation of Bi-fold doors. The only comments that remain relevant are the following comments from the Conservation Officer.

Conservation Officer

Conservation note that the application / description of development has been amended, and that the current application seeks only to replace the existing bi-fold doors to the rear of the property. As such, please find below our comments pertaining to this.

The application site is located wholly within the Heaton Mersey Conservation Area, which for the purposes of the NPPF is recognised as a designated heritage asset. Further, the application site is subject to Article 4(2) Direction controls, removing householder permitted development rights from elevations which front a 'relevant location' defined as a highway waterway or open space.

The application seeks to replace an existing pair of doors that afford access to a first floor rear balcony. The existing doors have the benefit of having maintained the width of the original window that occupied the opening. The original opening having been extended only vertically, thus preserving the original brick arched header.

Regrettably, the proposed replacement doors would be wider than the existing, necessitating the loss of the original window header. Nevertheless, the Conservation team are mindful that a significant number of properties have already undertaken similar works in a variety of materials and with differing header styles, prior to the making of the Article 4 Direction. As such, it is felt that appropriate mitigation in this instance would be to ensure conditional control of the details of the door header, to replicate the original brick arch header (albeit of extended width), along with further conditional control of the placement of the doors within the external reveal.

It is also noted that the proposed doors would be of aluminium, powder coated in grey. The existing ground and 2nd floor windows / doors are of grey upvc, and as such the colour of the bi-fold doors would match these existing windows, whilst the aluminium material would afford a frame with a more slender section and profile, than upvc. As such, in this particular instance, Conservation raise no objection to the proposed installation, subject to following recommended condition:

Condition:

The bi-fold doors hereby approved to the rear elevation of the property at 1st floor level, shall be of aluminium with a powder coated finish in dark grey, to match the colour of the existing rear elevation windows at the property. The doors shall have a 3 course segmental brick arch header, to match the existing headers to the 1st and 2nd floor rear elevation openings. The doors shall be set back from the face of the building within the external reveal by a minimum of 90mm. No frame mounted trickle vents shall be fitted to any new or existing window or door.

Reason - In order to preserve or enhance the special architectural, artistic, historic or archaeological significance of the heritage asset, in accordance with Development

Management Policy SIE-3 (Protecting, safeguarding and enhancing the environment) of the adopted Stockport Core Strategy, and in order to preserve or enhance the character or appearance of the Heaton Mersey Conservation Area in accordance with saved UDP Review Policy HC1.3, "Special Control of Development in Conservation Areas".

ANALYSIS

The site lies within the Heaton Mersey Conservation 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 elevational alteration in relation to the existing house, the character and appearance of the area, impact on the Locally Listed Building & Heaton Moor Conservation area and the potential harm to the amenity of the neighbouring properties.

Impact on the Designated and Non-Designated Heritage Asset

The site lies in the Heaton Mersey Conservation Area and is a locally listed building as such development should seek to preserve or enhance the special architectural, artistic, historic or archaeological significance of heritage assets, as set out in Saved UDP Review policy HC1.3 and Core Strategy policy SIE-3.

Saved UDP Policy HC1.3 'Special Control of Development in Conservation Areas' provides the criteria for which development in Conservation Areas must be assessed against. The policy states that proposals within a Conservation Area will not be permitted unless the "siting, scale, design, materials and landscaping of the development are sympathetic to the site and surroundings". Proposals which fail to preserve or enhance the character of the conservation area will not be permitted.

Core Strategy Policy SIE-3 goes further to state that clear and convincing justification is required in support of loss or harm to the significance of a heritage asset (which includes conservation areas), through alteration, destruction or development within its setting.

The Extensions and Alterations to Dwellings SPD also states that extensions should be designed to specifically preserve or enhance the character of the Conservation Area. All extensions should respect and complement the architectural and historic character of the original house. Special attention should be given to matters such as siting, scale, height, massing, detailed design and the appropriate use of materials. 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.

Para. 190 of the NPPF states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal." Para. 193 continues by advising that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the

asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Finally in relation to the impact of the proposals on this Locally Listed Building, Para. 197 states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

The proposal consists of a replacement bi-fold door to the first floor level of the rear elevation of this existing property. The proposed bi-fold door is to replace an existing patio door that is already in situ on the rear elevation. The proposed new bi-fold door would be the same in height as the existing doors at 2.1m, but would be approximately 700mm wider than the existing patio doors, increasing from 1.1m wide up to 1.8m wide.

From a detailed assessment of the site, there are already a significant number of properties that have already undertaken similar works in a variety of materials and with differing header styles, prior to the making of the Article 4 Direction. Therefore, it is considered that the proposal will mirror the design and appearance of these other existing patio door alterations. Matching materials to the existing windows and doors on the rear elevations of this property are proposed and the Conservation Officer has further confirmed that the aluminium material would afford a frame with a more preferable slender section and profile than upvc. As such, it is felt that appropriate mitigation in this instance would be to ensure conditional control of the details of the door header, to replicate the original brick arch header (albeit of extended width), along with further conditional control of the placement of the doors within the external reveal.

Therefore, Conservation raise no objection to the proposed installation, subject to the inclusion of an appropriately worded condition. The bi-fold doors will replicate existing designs already seen within the immediate context and it is considered that in line with the tests of the NPPF, the proposed development would only constitute a less than substantial harm to the significance of this designated heritage asset with the asset's conservation being protected.

The proposal would not detract from the character and appearance of the existing property, the locally listed building or the Heaton Mersey Conservation Area and as such, it would comply with Saved UDP Review policy HC1.3, Core Strategy policy SIE-3, the Extensions and Alterations to Dwellings SPD and Paragraphs 189 – 197 of the NPPF.

Visual and Residential Amenity

In relation to extending or altering an existing residential property, saved UDP Policy CDH1.8 '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. Core Strategy Policy SD-2 'Making Improvements to Existing Dwellings' compliments this by stating that 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.

The Extensions and Alterations to Dwellings Supplementary Planning Document also advises that any extensions or alterations to a property should respect the form, shape, symmetry and proportions of the existing dwelling and complement the character of the surrounding area, and 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. 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.

Of particular importance with this case, is that there is already an existing 1.1m wide patio door in this location that serves an existing balcony, and the proposals only include a 700mm increase in the width of this existing door. This is not a new opening that would create a new level of potential overlooking or loss of privacy, simply a minor widening of an existing opening.

The proposed bi-fold door is located to the south and would serve the existing balcony, which is approximately 100mm from the adjoining neighbouring property at No.60 Vale Close and approximately 500mm from the adjoining neighbour at No.58 Vale Close. The proposed bi-fold door is located approximately 21m away at an angle from the nearest neighbouring property to the rear at No.28 Park Place. Whilst the separation distance to the neighbouring property at No.28 Park Place is below the minimum separation distance of 25m, it is considered acceptable given that the existing separation distance is already substandard and the relationship between the new and existing doors and this property remains exactly the same as the existing situation.

There is an open relationship between the properties along Vale Close that would mean there would be some degree overlooking. However, this is no worse than the overlooking into each other's properties and rear gardens than is already occurring between the neighbouring properties along Vale Close.

As such, it is considered that the proposal would not have a materially harmful impact on the amenity of the aforementioned neighbouring properties to justify refusal of this planning application. The proposed development 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. As such the proposal is in accordance with Policy SIE1 of the adopted Stockport Core Strategy Development Plan Document and UDP Saved Policy CDH1.8 and the SPD.

SUMMARY

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 an acceptable design and no impact upon residential amenity and the Heaton Mersey Conservation Area.

The proposal will respect the design, materials, character and appearance of the existing dwelling, the locally listed building and the Heaton Mersey Conservation Area and 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. As such the proposal is in accordance with Policies SIE1, SD2 and SIE-3 of the adopted Stockport Core Strategy Development Plan Document, UDP Saved Policies CDH1.8 and HC1.3 and the SPD.

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