

ITEM 3

Application Reference	DC/075549
Location:	45 Buttermere Road Gatley Cheadle Stockport SK8 4RH
PROPOSAL:	Proposed single storey side and rear extension to infill the north eastern corner of the existing bungalow. Proposed first floor extension to resultant dwelling to create a two-storey detached property to include loft space, rooflights and projecting front gable with modern glazed apex fenestration, red brick and white render finish.
Type Of Application:	Householder
Registration Date:	20.12.2019
Expiry Date:	07.08.2020
Case Officer:	Callum Coyne
Applicant:	Mrs Rizwana Naru
Agent:	Ms Ozma Khan

DELEGATION/COMMITTEE STATUS

The application is referred to the Cheadle Area Committee as four or more objections to the proposal have been received, contrary to the Case Officer's recommendation.

DESCRIPTION OF DEVELOPMENT

This application proposes to demolish the existing carport and single storey outbuilding positioned along the northern side boundary of the site and seeks planning permission to construct a single storey side extension and a single storey rear extension to infill the north-eastern corner of the existing bungalow.

This application also seeks permission to construct a first floor extension onto the existing bungalow to create a two-storey detached property. The proposal includes a loft space (for storage only), 4no. rooflights to the rear, a projecting front gable with modern glazed apex fenestration with a red brick and white render finish. The ridge height of the resultant dwelling would match the ridge height of both neighbours on either side (No's 43 and 47 Buttermere Road). The proposed first floor side extension to the southern side would maintain a set back from the front elevation of the main house.

Officers raised concerns regarding neighbour amenity, and in response, a revised scheme was submitted which proposes to remove two bedrooms and an en-suite bathroom at first floor level adjacent the northern side boundary. A key outcome of discussions has been to ensure that the proposal would maintain a single storey side extension adjacent the northern site boundary, with an eaves height of 2.1 metres and a maximum height of 3.5 metres. Revised drawings also include an updated block plan, an additional streetscene elevation, an updated floor plan, and the overall the design of the proposal.

SITE AND SURROUNDINGS

The application site relates to No.45 Buttermere, a detached bungalow located within a residential area in Gatley. The application site is positioned to the eastern side of Buttermere Road and is screened by mature trees and vegetation to the rear (eastern) boundary.

With the exception of the host dwelling, the houses positioned on the eastern side of Buttermere Road consist of two-storey detached dwellings. Buttermere Road sweeps from north to south at an angle therefore No's 37 to 51 have a staggered relationship with each other. The front elevation of the host dwelling is positioned forward of No. 47 Buttermere Road to the south, whilst the front elevation of No.43 Buttermere Road projects forward of the host dwelling.

The original dwellinghouse has been previously extended in a piecemeal fashion over the years, with the erection of numerous single storey side and rear extensions which have increased the overall footprint of the original dwellinghouse.

The neighbouring properties situated opposite the application site (on the western side of Buttermere Road) consist of a mixture of two-storey dwelling types and bungalows and maintain a similar staggered relationship.

A number of properties within the local area have been previously extended with modest sized single storey side and rear extensions. The immediate neighbour, No. 47 Buttermere Road has constructed a single storey front and side extension to provide a front porch and garage, whilst No.43 Buttermere Road has not been previously extended.

It is also noted that No.35 Buttermere Road has constructed a similar sized part two storey, part single storey side and rear extension (ref: DC/003320, granted 14/05/01), albeit the original house, as constructed, was two storey in height.

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 31st 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 17th March 2011.

Saved policies of the SUDP Review

CDH 1.8: RESIDENTIAL EXTENSIONS

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) states that the issue of design is a highly important factor when the Council assesses 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.

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 represents the Government's most up-to-date planning policy position, and should be taken into account in plan making and decision taking. 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

Reference: DC/015477; Proposed single storey side extension and front porch;
Decision: GRANTED 25-JUN-04;

Reference: J/26668; Proposed lounge and kitchen extension. Decision: GRANTED 01-NOV-82;

NEIGHBOUR'S VIEWS

The owners/occupiers of surrounding properties were notified in writing of the proposed application. Four letters of representation were received during the neighbour consultation period, all of which raised objections to the proposed development.

Following the receipt of amended plans, neighbouring were re-consulted on the basis of the revised drawings. The consultation period expired on the 6th of July and at the time of writing; 4 revised letters of objection were received.

In summary, none of the initial concerns raised were overcome by the revised drawings, therefore the original objections still stand. The concerns raised can be summarised as follows;

- Parking
- Design – Not in keeping, overdevelopment
- Loss of privacy
- Loss of outlook
- Overlooking (neighbouring house and gardens)
- Overshadowing (neighbouring house and gardens)
- Loss of view
- The timescales to construct and disruption caused during construction
- Loss of value of neighbouring properties

CONSULTEE RESPONSES

Highways Engineer

The proposal is to increase the size of an existing single residential property. There appears to be no proposal to alter the existing off street parking spaces though it is noted that the hard paved area in the front garden cannot be fully accessed using dropped kerbs and pavement crossing. As a part of the development the existing dropped kerb should be extended to afford full legal access. This may be secured by condition.

The development will not result in any significant change in vehicle number or type and will result in no significant impact on the highway network.

Recommendation: No objection subject to condition.

Nature Development Officer

The proposed works are considered to be of low risk to roosting bats and I would therefore not consider it reasonable to require a bat survey as part of the current planning application. As a precautionary measure I would recommend that an informative is used so that the applicant is aware of the potential for buildings to support bats. It should also include information stating that the granting of planning permission does not negate the need to abide by the laws in place to protect biodiversity. Should at any time bats, or any other protected species be discovered on site, work should cease immediately and a suitably experienced ecologist/Natural England should be contacted for advice.

If any roof works are proposed during the nesting bird season (which is typically March-August, inclusive), then the following informative should be used [BS42020 D.3.2.2]: Structures are likely to contain nesting birds between 1st March and 31st August inclusive. These features are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and it is absolutely certain that nesting birds are not present.

It is recommended that opportunities for biodiversity enhancements are sought within the development in line with national and local planning policy. Suitable measures include the provision of bat and/or bird roosting/nesting facilities within/on the building.

Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance).

ANALYSIS

Design

The proposed front gable projection would not extend beyond a defined building line given the existing staggered relationship towards the front of the houses. The proposed extensions to the rear of the property would not be widely visible from along Buttermere Road, as they would be screened behind the resultant dwelling.

The proposed demolition of the existing single storey outbuilding and flat roof carport, and the erection of a new pitched roof single storey side extension would remain subservient to the main dwelling and improve the appearance of this part of the site, introducing a lean to roof design.

Notwithstanding this, it is acknowledged that the proposed first floor addition would result in a significant impact upon the character and appearance of the existing bungalow. Concerns have been raised within the letters of objection stating that the proposal would not be in keeping with the surrounding area (i.e. would result in an unsympathetically designed extension that can progressively change the character and appearance of a street or area as a whole).

Policy CDH1.1 'New Residential Development in Predominantly Residential Areas' states that residential extensions will be permitted provided that the layout and design of the proposal respects the character of the particular area, as reflected in the layout, massing, scale, height, style and materials of buildings and spaces.

The Council wishes to protect the Borough's buildings and residential areas from unsympathetic changes by ensuring that new extensions are designed in context with their surroundings. However, this does not mean that a new extension has to exactly replicate the style and character of the existing dwelling or its locality, but it should be harmonious with what is already there.

Following an Officer site visit, it was noted that the majority of the houses within the immediate streetscene are two storey dwellings. The proposed development would match the ridge height of the two storey dwellings on either side of the application site. The proposal would retain a gabled roof form, which is prevalent within the existing streetscene and would respect the character of the wider area. It is also noted that a number of bungalows on the western side of Buttermere Road have gables fronting the highway. On this basis, it is considered that the proposal, including the front gable projection, would not result in significant harm to the character of the area.

It is noted that the proposed window fenestration on the southern side of the resultant front elevation facing onto Buttermere Road would not align with the fenestration to the northern side; however, there are many examples of asymmetric window detailing with the wider streetscene. A number of houses have white cladding panels (or alternative materials) in between the windows which create separate feature panel.

On this basis, it is considered that the proposed development, inclusive of the single storey side extension, front gable projection, part render finish and fenestration detailing, would add interest to the front elevation, complement the immediate streetscene in terms of design, scale and materials, and would not adversely affect the wider character along Buttermere Road.

The proposed development is considered acceptable in design terms and accords with saved policy SIE-1 of the adopted Stockport Core Strategy DPD, saved policy CDH1.8 of the Stockport Unitary Development Plan Review, the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the National Planning Policy Framework.

Amenity

Following an Officer site visit in January 2020, initial concerns were raised with regard to the overall size, scale and massing of the proposed development and in particular the relationship with the adjacent neighbour to the north, No.43 Buttermere Road and the potential impact upon the amenity of neighbouring occupiers.

As detailed within the 'Neighbour's Views' section of this report, 4 objection letters were received during the initial neighbour consultation. Concerns were raised with regards the impact the proposed development would have upon the outlook of windows located within the side and rear elevations of neighbouring properties.

Given the above and subject to COVID-19 restrictions with regard to site visits, the occupier of the adjacent property has provided additional photographs and provided information with regards the internal layout of the accommodation at No.43 Buttermere Road.

For clarity, Members should be made aware that windows positioned within the rear elevation of No.43 Buttermere Road serve a primary habitable bedroom window at first floor level and a primary habitable living room at ground floor level. The high level windows within the southern side elevation of No.43 Buttermere Road, facing the application site, are obscure glazed and currently face on to a 1.8 metre tall close boarded timber fencing and the existing flat roof carport which the Applicant proposes to demolish and replace with a single storey side extension. Furthermore, it is noted that the ground floor living room is an open plan room with an additional window positioned within the front elevation which provides daylight.

As stated within the 'Description of Development' section of this report, amended plans have removed two bedrooms and an en-suite bathroom at first floor level adjacent the northern side boundary.

No.43 Buttermere Road has no primary habitable room windows positioned within the southern side elevation facing the application site. Furthermore, the ground floor window located within the rear elevation nearest the common boundary serves a large open plan living room with windows to both the front and rear elevations which provide daylight.

Based upon the amended plans received, the proposal would maintain a maximum height of 3.5 metres nearest the common boundary with No.43 Buttermere Road. It is acknowledged that the proposal would result in an additional storey to the existing bungalow, however it is considered that the additional size, scale and massing would not cause significant harm to the amenity of neighbouring properties due to overshadowing, loss of light or loss of outlook to the occupiers of No.43 Buttermere Road.

With regards, the adjacent neighbour to the south, given the natural step in the building line, the resultant dwelling would not project beyond the rear elevation of No.47 Buttermere Road. Furthermore, it is noted that No.47 has no habitable windows situated within the northern side elevation facing the application site.

Following an Officer site visit and based upon additional photographs provided by the Planning Agent and neighbouring occupiers, it is considered that the proposed part two storey, part single storey side and rear extension, would comply with the Council's 45-degree rule of thumb on both sides, and would not result in significant harm to the occupiers of the surrounding dwellings in terms of overbearance or create a sense of enclosure such that it would warrant the refusal of planning permission. The proposal would not result in a significant loss of outlook or daylight to neighbouring occupiers or cause detrimental harm to the enjoyment of the rear garden areas of neighbouring plots.

With regard to overlooking it is considered that the additional windows at ground and first floor level of the resultant dwellinghouse, and the rooflights within the single storey side extension element, would not result in a detrimental loss of privacy of surrounding occupiers or the rear gardens of surrounding properties, including Nos.43 and 47 Buttermere Close.

Notwithstanding this, if planning permission is to be granted, a planning condition is recommended to require that all windows within the side elevations of the proposed development be fitted with obscure glass and permanently fixed shut up to a height of 1.7 metres above internal ground level of the room that they serve. A

further condition is recommended to ensure that no additional windows be inserted in the northern or southern side elevations of the resultant dwellinghouse without prior consent of the Local Planning Authority.

The additional first floor windows to the front elevation and glazed frontage to the proposed front gable projection would not result in any detrimental harm to the amenity of surrounding residents as the neighbouring bungalows to the west, situated opposite the application site (i.e. Nos.28, 30 and 32 Buttermere Road) would maintain a distance of between 25 and 29 metres from the resultant dwellinghouse (given the staggered building line).

The proposed development would maintain a separation distance greater than 21 metres between habitable room windows on the public or street side of dwellings, in excess of that required by the 'Privacy Standards and Amenity' section of the Council's 'Extensions and Alterations to Dwellings' SPD.

As highlighted within the 'Neighbour's Views' section of this report, all of the concerns raised with regard to neighbour amenity have been carefully considered, however, based upon the assessment above, it is considered that the proposed development would not have a materially harmful impact upon neighbouring occupiers such that it would justify the refusal of the application.

On this basis, the proposed development accords with saved policy CDH1.8 of the Stockport Unitary Development Plan Review, policy SIE-1 the adopted Stockport Core Strategy DPD the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the National Planning Policy Framework.

Highways

The Council's Highways Engineer was formally consulted as part of this assessment and has raised no objections to the proposal, subject to conditions.

As stated within the 'Consultee Responses' section of this report, this application is for extension and alterations to an existing dwelling and does not propose to alter the existing off street parking provision. Following an assessment of the proposal by the Council's Highways Engineer it is considered that the proposal would not result in any significant change in vehicle numbers or types visiting the site, and would not result in a significant impact on the highway network.

Notwithstanding this, based upon the advice of the Highways Engineer, if planning permission is to be granted, a planning condition is recommended to ensure the existing dropped kerb be extended to afford full legal access to the hard paved area in the front garden.

Based upon the above assessment, the proposal is considered acceptable in relation to highway safety and parking provision and therefore accords with policy CS9, T-1, T-2 and T-3 of the adopted Stockport Core Strategy DPD the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the National Planning Policy Framework.

Ecology

The Council's Nature Development Officer was formally consulted as part of this assessment and has raised no objections to the proposal, subject to informatives being attached to any permission granted, for the attention of the Applicant.

Many buildings have the potential to support roosting bats. In addition, the application site is located amid suitable bat foraging habitat, which increases the likelihood of bats being present within the application site.

As summarised within the 'Consultee Responses' section of this report, the Council's Nature Development Officer has recommended that informatives be attached to any decision notice with regards potential for bat roosting, protected species, wild birds and biodiversity.

On this basis, the proposal accords with policy SIE-3 the adopted Stockport Core Strategy DPD the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the revised National Planning Policy Framework.

Other Issues

Officers note that the objection letters received raised concerns with regard to loss of views of surrounding skyline. This is not a material planning consideration and therefore cannot be assessed as part of this application. Similarly, any potential loss of value or negative impact upon the house prices within the immediate area are not valid reasons to refuse permission.

The proposed block plan has been updated to ensure that the proposal does not include land to the rear of the application site which does not appear to currently be in residential use. Covenants or disputes with regards the curtilage of an application site may require separate consent or agreement in addition to planning permission. This is a private matter and not one that the Council would ordinarily be party to. This will not affect the need to or otherwise to obtain planning permission for any development. The granting of planning permission also would not override any covenants.

Most building works need to comply with Building Regulations even if Planning Permission is not required. The Building Regulations set standards for the design and construction of buildings to ensure the safety and health for people in or about those buildings.

The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A Right to Light will come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act 1959. Where a right to light is claimed, this is a matter of property law, rather than planning law. The Local Planning Authority will have no role or interest in any private dispute arising.

Furthermore, if planning permission is to be granted, it is reasonable to expect a certain amount of noise and disturbance will occur during the construction of an extension to a residential property. The onus would be on the Applicant's building contractor to ensure the proposed development would be conducted in a professional and timely manner with minimum disruption to surround residents.

Conclusion

Four letters of representation were received during the neighbour consultation period all of which raised objections to the proposed development. All of the concerns raised have been carefully taken into consideration as part of this assessment. There are no other material considerations that warrant refusal of this scheme.

RECOMMENDATION GRANT subject to conditions