

ITEM

Application Reference	DC/075414
Location:	132 Ack Lane East Bramhall Stockport SK7 2AB
PROPOSAL:	Demolition of existing conservatory and detached garage. Proposed two-storey side extension including a hip to gable roof extension on both sides to facilitate a loft conversion and creation of 3 rd storey. The roof alterations include an increase in ridge height, additional windows to side and rear elevation and rooflights to the rear roofslope. Proposed single storey rear extension and a single storey porch to front elevation. Proposed additional vehicular parking with additional presscrete driveway.
Type Of Application:	Householder
Registration Date:	10.12.2019
Expiry Date:	28.08.2020 (Extension of Time agreed)
Case Officer:	Callum Coyne
Applicant:	Mr Edward Daber
Agent:	Peter Littlewood Associates Ltd

DELEGATION/COMMITTEE STATUS

The application is referred to the Bramhall & Cheadle Hulme South 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 both the existing rear conservatory and detached outbuilding and seeks planning permission to erect a two-storey side extension and a hip-to-gable roof extension to create additional accommodation via the introduction of a 3rd storey within the roofspace. This application also proposes a single storey rear extension, a new front porch and an additional presscrete driveway to accommodate additional parking spaces to the front drive, encroaching towards the north eastern corner of the plot.

The proposed two-storey side extension would extend 3.3 metres wide, remain flush with both the front and rear elevations of the existing dwelling. Given the plot narrows towards the front of the site, the proposal would be set back between 350mm and 1.4 metres from the western side boundary of the site.

The roof of the existing dwelling measures 2.5 metres in height from the eaves to the ridge of the double pitched roof and is hipped to either side elevation. The application proposes the removal of this existing roof and the erection of a pitched roof with gable ends to either side elevation and projecting gables to the front elevation. As originally proposed the ridge would have been 2.4m higher than that existing however further to negotiations with the Planning Officer, this increase has been reduced to 0.6m. The newly created accommodation within the roofspace will be served by rooflights to the rear elevation and a window to either side elevation.

The proposed front porch would project 975mm forward of the front elevation, whilst the proposed single storey rear extension would span the full width of the resultant dwelling and have a maximum rear projection of 4.5 metres. The proposed rear extension would remain aligned with the eastern side elevation of the existing dwelling and given the angled relationship, would be set back a minimum of 2.6 metres from the eastern side boundary with 134 Ack Lane East.

The application is accompanied by a Bat Survey of the existing property.

SITE AND SURROUNDINGS

The application site relates to 132 Ack Lane East, a two-storey detached house in located in a residential area in Bramhall. The surrounding area consists of mainly two storey detached houses with large plots and varied roof designs. Many houses within the local area have been extended with the construction of two-storey side and rear extensions.

The adjacent neighbour to the west, 130 Ack Lane East has constructed a rear conservatory towards the south eastern corner of the house which is set back approximately approx. 2.8 metres from the common boundary with the application site.

The host dwelling is situated on the southern side of Ack Lane East on a generous sized plot with a large rear garden. The site narrows towards the front curtilage and is well screened along the rear boundary.

The host dwelling has a double pitched roof design with two projecting front gables and a flat roof garage positioned to the south west of the main house, adjacent the common boundary with 130 Ack Lane East.

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 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.

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/004888; Proposal: Rear conservatory; Decision: GRANTED 29/08/01
Reference: J/20169; Proposal: Garage; Decision: GRANTED 08/07/80

NEIGHBOUR'S VIEWS

The owners/occupiers of surrounding properties were notified in writing of the proposed application. In total nine letters of representation were received (from 6 different postal addresses) during the neighbour consultation period, all of which raised objections to the proposed development.

The concerns raised can be summarised as follows;

- **Design** – The proposal would not be in keeping with the original house due to the increase in roof height, size, scale, bulk, and massing. The proposal would appear excessive, unsympathetic and out of character with the existing streetscene and adjacent properties.
- **Neighbour amenity** – The proposal does not comply with the Council’s space standards and therefore would appear cramped within the site and considered to have an overbearing impact upon neighbouring residents;
 - Loss of daylight, outlook and overshadowing (due to the height and massing of the proposal)
 - Overlooking and loss of privacy (neighbouring house and gardens)
- **Other Issues** – Due to the constraints of the existing roofs’ construction, the roof could not be altered to accommodate the internal accommodation proposed, to meet the required height head proposed.
 - The proposal would cause disruption during construction and has potential to harm foundations of neighbouring properties (party wall act).
 - Given the alterations to the existing roof and the context of the site the applicant should complete a preliminary bat survey investigation.

Neighbours were notified of the receipt of amended plans and an additional existing and proposed streetscene elevation plan. Additional comments received noted a significant reduction in the planned height of the roof of the proposal, for which some residents were pleased. Other residents stated that they would have no objection in principle to the single storey extension on the rear nor a future application for a two-storey side extension of sympathetic design.

Notwithstanding the above, strong concerns remained with regards the size, scale and massing of the proposed development and the proposed spacing between neighbouring properties.

In conclusion, the letters of representation received considered the lowering of the ridge height to be a significant improvement. However, it was considered that the

proposed hip to gable roof extension and two-storey side extension to be neither complimentary nor subservient addition to the main building. Furthermore, local residents stated that the proposed reduction in roof height would not mitigate the objections raised as the proposal would still have an overbearing and oppressive impact upon the amenity of surrounding properties given its proximity to the side boundaries with neighbouring properties and therefore should be refused on the basis of both design and neighbour amenity.

CONSULTEE RESPONSES

Highways Engineer - The proposed development is for domestic extension with extension to existing hardstanding area. This hardstanding will need to be constructed to comply with SUDS policies. Details of drainage and construction may be secured by condition.

Recommendation: No objection subject to conditions

Nature Development Officer - No evidence of roosting bats was recorded during the surveys and so the proposed works are considered to be of low risk to roosting bats. Bats are highly mobile and can frequently switch roosting sites however and so the precautionary working measures detailed in section 6.4 of the bat survey report should be followed. Such measure could be secured via condition.

It is recommended that an informative is used as part of any planning permission granted so that the applicant is aware of the potential for roosting bats to be present. It should also state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If at any time during works evidence of bats is found on site, works must stop and a suitably experienced ecologist be contacted for advice.

Recommendation: No objection subject to conditions

ANALYSIS

Design

The Council's Design Guidance SPD states that extensions to dwellings in residential areas must ensure they are designed in context with their surroundings. 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 its surrounding within both the immediate streetscene and the character of the wider area.

During an officer site visit it was noted that 180 Ack Lane East has been previously extended in the past and has significantly increased the ridge height of the original house. This property is located further to the south of the application site (positioned directly opposite the junction with Oak Drive).

Notwithstanding this, based upon the original plans submitted concerns were raised by the Planning Officer with regards the proposed increase in ridge height and the visual impact the resultant dwellinghouse would have upon the on the individual character of the property and neighbouring properties within the immediate streetscene, given such a significance increase in ridge height. Amended plans received reduced the ridge height of the proposal by 1.8 metres as per the images below.

Submitted Plans



Amended Plans



The host dwelling is located within an area which consists of mainly detached dwellinghouses with varied roof designs. Gable roof designs are common within both the immediate streetscene; therefore, the proposed hip to gable roof extension would not appear as a prominent feature within the streetscene or cause any detrimental harm to the overall visual amenity of the wider area.

Based upon the amended plans received it is considered that the proposed hip to gable roof extension with an upwards extension 600mm higher than the ridge of the existing dwelling would not look out of keeping within the character of the streetscene.

Proposed Streetscene Elevation Plans



The proposal would result in additional size, scale and massing to both side of the roofslope however based upon the additional 'Proposed Streetscene Plan' submitted, the resultant dwellinghouse would have an eaves height level with those to either side. The proposed ridgeline is only marginally higher than those either side being 0.4m higher than that of 130 Ack Lane East and 0.5m higher than that of 134 Ack Lane East. Given that houses in the locality are varied in their height and design, it is not considered that the replacement roof to this dwelling would appear visually obtrusive or out of character with the locality.

The proposed porch and two-storey side extension are of an acceptable scale and design in keeping with the character of the property and locality. A condition can be imposed to ensure that materials of external construction match those existing or if are different, are approved prior to the commencement of the development. The proposed single storey rear extension would be screened behind the resultant dwelling and would not result be widely visible from along Ack Lane East.

Given the above, 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

With regards overlooking and loss of privacy it is considered that the windows proposed within the gable ends of the proposed roof extension could create an opportunity for angled views downwards towards habitable room windows of neighbouring occupiers and private rear garden areas along both side boundaries.

For this reason, if planning permission were to be approved, a condition is recommended to ensure that all windows within the side elevation of the proposed development at first floor level and above will be fitted with obscure glass and remain permanently fixed shut up to a height of 1.7 metres above the internal floor level of the room they serve.

Furthermore, a condition is recommended to part remove permitted development rights to ensure no additional windows or openings of any kind shall be inserted within the western side elevation (facing 130 Ack Lane East) or the eastern side elevation (facing 134 Ack Lane East) without the submission of a planning application.

It is noted that French windows are proposed to the first floor rear elevation of resulting house however the floor plans show that access from these rooms to the flat roof of the single storey rear extension would be prevented by guard rails. A condition can also be imposed to ensure that this is the case and that there is no access to the flat roof.

On this basis, it is considered that the proposed development, including the proposed front and rear extensions would not result in any overlooking or loss of privacy to surrounding occupiers.

The proposed side extension would bring the resulting house 3.3m closer to the side elevation of 130 Ack Lane East such that the resulting side elevation will be 2.6m from that of this neighbouring house measured at the front corner. The presence of a side facing reception room window in the side elevation of 130 Ack Lane East is noted. This window is however a small secondary window with the room being served by a larger window to the front elevation which provides the main aspect. On this basis it is not considered that the proposed side extension will result in an unacceptable impact on the amenities afforded by this neighbouring occupier.

With regards the relationship with 134 Ack Lane East, given the degree of separation to the side, which due to the angled siting ranges from 5.8m to 7.4m, it is not considered that the proposed gable end at roof level would appear unduly overbearing or unneighbourly when viewed from this neighbouring house.

Furthermore, for completeness, it is considered that the proposed front extension and single storey rear extension set off the common boundary would comply with the 45-degree rule and guidance outlined within the Council's 'Extensions and

Alterations to Dwellings' SPD and would not cause any harm to surrounding properties.

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 raised no objection to the proposal, including the proposed additional presscrete driveway to accommodate additional parking spaces to the front drive.

Based upon the advice of the Council's Highways Engineer, 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

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.

The application is accompanied by a Bat Survey undertaken by a suitably experienced ecologist and follows best practice survey guidance. An internal and external inspection was undertaken to search for signs of bats and assess the potential for bats to be present. No signs indicative of bat presence were observed during the survey.

Overall, the house was assessed as offering moderate bat roost potential whilst the garage was considered to offer negligible potential to support roosting bats. Two dusk/dawn activity surveys were carried out in May 2020.

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.

No evidence of roosting bats was recorded during the surveys and so the proposed works are considered to be of low risk to roosting bats. Bats are highly mobile and can frequently switch roosting sites however and so the precautionary working measures detailed in section 6.4 of the bat survey report should be followed. If planning permission is granted a planning condition is recommended to ensure best practice working measures on site.

As summarised within the 'Consultee Responses' section of this report, the

Council's Nature Development Officer has recommended that an informative be attached to any decision notice with regards potential for bat roosting, protected species, wild birds and biodiversity. Furthermore, an informative is recommended to ensure the applicant is aware of the potential for roosting bats on site.

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

Other Issues

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

In total nine letters of representation were received during the neighbour consultation period all of which raised objection 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