

ITEM

Application Reference	DC/077061
Location:	3 Oak Meadow Bramhall Stockport SK7 1AR
PROPOSAL:	Erection of garden room creating home office and covered amenity space along with associated external works.
Type Of Application:	Householder
Registration Date:	08.07.2020
Expiry Date:	02.09.2020 - Extension of time agreed to 27 th November 2020
Case Officer:	James Appleton
Applicant:	Mr Paul Sparkes
Agent:	Grays Architecture Ltd

COMMITTEE STATUS

Should the Bramhall & Cheadle Hulme South Area Committee be minded to grant permission under the Delegation Agreement the application should be referred to the Planning & Highways Regulations Committee as the application relates to a Departure from the Statutory Development Plan.

DESCRIPTION OF DEVELOPMENT

This application proposes to construct a single storey detached outbuilding forming a garden room/home office to the eastern side of the dwelling.

The proposed outbuilding would have a flat roof design containing a maximum height of 2.95m, a maximum width of 14.4m and a maximum length of 9.4m. There are no windows proposed to the northern facing front elevation, there is one window proposed to the western facing side elevation and glazing to the southern facing rear elevation.

The proposed extensions would be constructed using timber cladding. A Planning Support Statement has been submitted accompanying the application.

SITE AND SURROUNDINGS

The application site comprises a detached bungalow located in Bramhall within the Green Belt. The property is sited on a contemporary housing development built in 2015 (DC/058427).

The property is faced with red brickwork, a grey tiled roof with black UPVC windows. There is an existing timber shed to the rear of the site for which retrospective planning permission is required.

The host dwelling is situated to the southern side of Oak Meadow. Oak Meadow is a cul-de-sac accessed off Hall Moss Lane. To the south-east (side) of the site is no.14 & no.16 Hall Moss Lane and there is a stables building along the boundary. To the rear of the site (west) is open farmland.

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

LCR1.1: LANDSCAPE CHARACTER AREAS

GBA1.1: EXTENT OF GREEN BELT

GBA1.2: CONTROL OF DEVELOPMENT IN GREEN BELT

GBA1.5: RESIDENTIAL DEVELOPMENT IN GREEN BELT

CDH1.8: RESIDENTIAL EXTENSIONS

LDF Core Strategy/Development Management policies

SD-2: MAKING IMPROVEMENTS TO EXISTING DWELLINGS

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

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

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

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

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”.

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

DC/066381 - Hall Moss Lane - Discharge of Condition 2 (materials) of planning permission DC/058427. Granted 24.08.2017

DC/062645 - Former Plant Nursery, Hall Moss Lane - Discharge of condition 2 of DC/058427. Granted 16.08.2016

DC/060911 - Hall Moss Lane - Discharge of conditions 6 (access road), 7 (footway), 8 (visibility splays), 9 (cycle parking) and 10 (drainage and surfacing) of DC/058427 – Granted 31.03.2016

DC/060530 - Nursery, Hall Moss Lane - Discharge of conditions 2 (materials) 3 (landscaping), 11 (protected species), 14 (replacement tree planting) & 15 (means of enclosure) of DC058427. Granted 10.03.2016

DC/059968 - Nursery, Hall Moss Lane - Variation of condition 1 of planning permission DC058427 to facilitate the introduction of rooflights and bi fold doors to house types A and B (minor material amendment). Granted 25.11.2015

DC/058427 - Nursery, Hall Moss Lane - Demolition of existing buildings and erection of 8 no. 3 bedroom bungalows with associated landscaping and external works. Granted 13.08.2015

NEIGHBOUR'S VIEWS

The owners/occupiers of four surrounding properties were notified in writing of the application. The neighbour notification period expired on the 1st August 2020. Due to the application being a departure from the development plan, the application has also been advertised by way of site and press notices that expires on the 25th November 2020. Thus far, no letter of representation have been received.

ANALYSIS

Residential Amenity

Comprising an outbuilding, the proposed development is not strictly speaking an extension to the dwelling. There are no policies in the UDP Review or Core Strategy which directly relate to the erection of outbuildings however saved policy CDH 1.8: RESIDENTIAL EXTENSIONS offers some general guidance. This policy advises of the need to ensure that development does not cause damage to the amenity of neighbouring properties by reason of overlooking, overshadowing, visual intrusion or loss of privacy. Core Strategy policy SIE1 also advises of the need to provide, maintain and where suitable, enhance the levels of privacy and amenity for neighbouring residents.

The Councils 'Extensions and Alterations' SPD states that outbuildings can have a similar effect on the amenities of neighbours as other extensions. Where planning permission is required for this form of development, detached buildings should in general:

- Be sited as so as not to affect neighbouring amenity and

- Be of an appropriate scale and appear clearly subordinate in relation to the main house.

In this respect Members are advised that the closest neighbours to the proposed development are the pair of semi detached properties at no.14 & no.16 Hall Moss Lane located to the east. These houses are sited approximately 14metres away from the proposed outbuilding and there are no windows proposed to the front elevation of the outbuilding facing the properties. The separation distances comply with and exceed the privacy distances as set out in the Council's SPD for 'Extensions and Alterations to Dwellings'. In addition, the outbuilding will be screened from the neighbouring properties as there is a stables outbuilding spanning most of the rear boundary to no.14 & no.16 Hall Moss Lane, it is therefore not considered that the proposed development will be overbearing or unneighbourly.

The proposed outbuilding will be screened from the adjacent neighbour to the north at no.4 Oak Meadow. To the south of the site is the A555 Woodford By-pass beyond which is another nursery comprising glasshouses and associated infrastructure. To the rear of the site is open farmland. As such, it is considered that the proposed outbuilding would not unduly impact on the residential privacy or amenity of any surrounding property in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1.

Design

Policy SIE-1: Quality Place of the Core Strategy recognises that specific regard should be had to the sites' context in relation to surrounding buildings and spaces.

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.

The Councils 'Extensions and Alterations' SPD advises that detached buildings should in general:

- Be sited as so as not to affect the street scene. Buildings between a house and a road in most cases are likely to appear as prominent features and should generally be avoided.
- Be of an appropriate scale and appear clearly subordinate in relation to the main house.
- Be appropriately designed, pitched roofs will be encouraged on all buildings, flat roofs should generally be avoided, an exception to this may be the provision of a green roof.
- Respect the type, colour and texture of materials used in the original house.

In this respect Members are advised that the outbuilding will sited approximately 1.62 metres away from the eastern side elevation of the property and approximately 1metre away from the side boundary with the adjacent properties at no.14 and no.16 Hall Moss Lane.

The front corner of the proposal would project approximately 0.43m beyond the front elevation of the existing property, however there is not a dominant or defined building line within the streetscene and due to the angled location of the plot there will not be any negative impacts upon the character of the immediate streetscene.

The proposal would be subservient the existing dwelling as the proposal is set down from the property ridgeline by 4metres. It is acknowledged that the proposal would have a flat roof design however; given the angled nature of the site and the positioning of the plot on the cul-de-sac. i.e. tucked away from the most prominent public vantage point, it is considered that the proposal would not be an obtrusive, prominent feature within the street scene. Therefore, the proposed outbuilding would generally respect the size and proportions of the existing house and the character of the area.

It is considered that the proposed materials of timber cladding and a felt roof giving a traditional barn style feel with a modern twist is considered acceptable.

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

Green Belt/Landscape Character Area

Saved UDP Policy GBA1.2 states that there is a presumption against the construction of new buildings within the Green Belt unless it is for certain purposes, including limited extension and alterations to existing dwellings. Saved UDP policy GBA1.5 states that proposals relating to existing residential uses may be permitted in certain cases, including alterations and extensions where the scale, character and appearance of the property would not be significantly changed.

The NPPF confirms that inappropriate development is harmful to the Green Belt and should not be approved other than in 'very special circumstances' (para 143). A local planning authority should regard the construction of new buildings as 'inappropriate' in the Green Belt; exceptions to this are set out at para 145 and 146.

The erection of an outbuilding fails to fall within any of the excepted forms of development set out in saved policies GBA1.2 and GBA1.5 nor para's 145 and 146 of the NPPF. As such the development is considered to be inappropriate in the Green Belt and in accordance with para 143 of the NPPF can only be approved in very special circumstances.

Para 144 confirms that in considering any planning application, substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In support of their application, the following points have been presented by the applicant as comprising very special circumstances:

- The proposed development would usually comprise permitted development. It is only the case that planning permission is required because such rights have been arbitrarily withdrawn by the Council in a way that is not compliant with national planning policy guidance.

- It is entirely reasonable for an occupier to expect an ancillary outbuilding within their garden.
- The proposed would provide the flexibility for some essential storage space e.g. maintenance equipment (there is flexibility to use the existing ground floor study for alternative purposes).
- The proposed garden room is of a very modest scale and massing.
- It is small, subservient to the main house and sited against a significantly larger stable building on the adjacent property.
- The proposed outbuilding would result in no perceptible visual change given its relationship to the main dwelling house at no. 3 Oak Meadow and the adjacent stable building. Furthermore, the site is heavily influenced by existing urban features such as :
 - The A555 Manchester Airport Bypass to the southern boundary, which is a major dual carriageway.
 - The ribbon of built development that extends along Hall Moss Lane through Woodford and Bramhall.

In response to this Members are advised accordingly:

- Permitted development rights for this development were removed specifically to ensure that any future proposals could be assessed against their impact on amenity, the character of the area and the Green Belt. Whilst acknowledging that it may be possible for some dwellings to be extended in the Green Belt under permitted development, this does not apply to the application property.
- Whilst it is appreciated that a homeowner may wish to be provided with external storage to free up space within the main dwelling, given the location of the site within the Green Belt such proposals must be assessed against the impact that this would have on the openness of the Green Belt. As such, it should not be expected that permission will automatically forthcoming.

Neither of the above constitute the very special circumstances required to justify otherwise inappropriate development in the Green Belt.

In assessing harm to the openness of the Green Belt, consideration must be given to the spatial and visual impacts of the development. Clearly in spatial terms, the existence of the outbuilding will cause harm as it will occupy a space that is currently open at present. In visual terms however, it is consider that there will be limited harm as outlined below.

The applicant in seeking to demonstrate very special circumstances has made reference to the modest scale of the proposed building, its' siting between the existing bungalow and adjacent much larger outbuilding to the neighbouring house. In this respect Members are advised that the application site is located within a ribbon of development off Hall Moss Lane through Woodford and Bramhall and there is built development around the site. It is also noted that the application property is positioned in the corner of the Oak Meadow sited adjacent to a stables building to the east. The siting of the existing bungalow is such that to the front there is only a very small gap between it and the adjacent, much larger stable building to the rear of 14/16 Hall Moss Lane. The relationship of these existing buildings does not provide for any views through the development to the open, undeveloped Green Belt to the rear of the site. Being of a low height and with a flat roof, it is therefore considered that the proposed building will not be visually prominent from the front of 3 Oak Meadow. When viewed from the open, undeveloped Green Belt to the rear of the site the proposed building will be seen in the context of the existing bungalow and adjacent stable building. Being of a low height and having a flat roof, the building will not be visually prominent nor will interrupt any views through the site from this

adjacent farmland. Accordingly it is considered that the proposed development will not have an unacceptable visual impact upon the openness of the Green Belt.

Having regard to the above, it is concluded that whilst there will be some spatial impact upon the openness of the Green Belt, any visual impact will be very limited. In this respect it is concluded that very special circumstances have been demonstrated and whilst the development remains inappropriate in the Green Belt, in accordance with para's 143 and 144 of the NPPF, the development can be approved.

Policy LCR1.1 of the UDP review confirms that development in the countryside will be strictly controlled and will not be permitted unless it protects and enhances the quality and character of the rural area. Development should be sensitively sited, design and constructed of materials appropriate to the locality. For the reasons stated above it is considered that the proposal is in compliance with the policy and will not cause harm to the Landscape Character Area.

Highways

The proposed development would not have any negative impact upon parking or highway safety as parking space for at least two cars would remain to the front driveway.

The proposal is considered acceptable in relation to 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.

Flood Risk and Drainage

The application site falls within Environment Agency Flood Zone 1, which is assessed as having the lowest possibility of flooding; as such a Flood Risk Assessment is not required.

The agent has confirmed that a retrospective planning application will be submitted for the existing shed.

SUMMARY

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

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

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.

By definition the proposal constitutes inappropriate development, however it is considered that the case for very special circumstances is sufficient to outweigh harm by reason of inappropriateness. On balance the proposal amounts to Sustainable Development, consequently it is recommended that permission be granted subject to appropriate planning conditions.

RECOMMENDATION GRANT SUBJECT TO CONDITIONS

**BRAMHALL AND CHEADLE HULME SOUTH AREA COMMITTEE 13TH
NOVEMBER 2020**

The Planning Officer introduced the application. Members considered the proposal and agreed the recommendation.