

ITEM

Application Reference	DC/078612
Location:	20 Hill Top Avenue Cheadle Hulme Cheadle SK8 7HY
PROPOSAL:	Single storey ancillary accommodation (detached) to form storage outbuilding and a garden room
Type Of Application:	Householder
Registration Date:	03.11.2020
Expiry Date:	29.12.2020 Extension of time agreed to 08.02.2021
Case Officer:	James Appleton
Applicant:	Mr and Mrs Jim Manekshaw
Agent:	The Wright Design Partnership Ltd

COMMITTEE STATUS

Bramhall and Cheadle Hulme South Area Committee. The application has been referred to Committee due to the number of objections received.

DESCRIPTION OF DEVELOPMENT

This application relates to the erection of a single storey detached building forming a storage and garden room at no.20 Hill Top Avenue, Cheadle Hulme.

The proposal will form an 'L' shape measuring at a maximum 11.8m in length with a maximum width of 4.1m. It will have a dual pitched roof with a ridge and eaves height of 3.6m and 2.2m respectively. The rear element of the building forms a garden room and contains a higher ridge height of 4.4m. The proposed outbuilding will replace an existing shed.

The external walls to the public and private views will be feature red engineering brick detail with reclaimed brick to the main body of the outbuilding. There will be large openings to the private garden and terrace elevations, the building will introduce large powder coated aluminium composite windows and sliding doors to match those associated with the more recent contemporary rear extension to the main dwelling. The doors to the storage outbuilding will be painted timber with one to the front elevation and two to the side. The roof will be red clay tile to match the roof of the dwellings to both Hill Top Avenue and Upton Avenue.

The proposal is to provide essential outbuilding storage for the family bikes, fitness equipment, gardening equipment, BBQ and associated terrace furniture including storage over winter months. The proposed garden room will take views of the mature gardens and aspects.

Other works include a new fence panel adjacent to the outbuilding and the boundary fence with no.22 Hill Top Avenue to provide a bin store area. Permission is also sought for a terrace area to the rear of the existing terrace that will be approximately 50mm lower than the existing ground level constructed of a porous material and will mirror the existing patio arrangement at no.22 Hill Top Avenue.

A Design & Access Statement has been submitted accompanying the application.

SITE AND SURROUNDINGS

The application property relates to no. 20 Hill Top Avenue, Cheadle Hulme which sits on the corner of Hill Top Avenue and Upton Avenue located within the Swann Lane/Hulme Hall Road/Hill Top Avenue Conservation Area and is subject to an Article 4(1) Direction.

The property is faced with red brick, red clay tiles and white Upvc window frames. The site is a rural suburb the significance of which arises from the range of harmonious housing styles from different periods. It contains a large residential garden. The site is currently bound to the front, side and rear by a large hedge.

Houses along Hill Top Avenue include good examples of detached and semi-detached Edwardian villas with notable fine architectural detailing and features. Here the buildings are set back behind large front gardens with mature landscaping resulting in a spacious and verdant character to its streetscene. The properties on this section of the road benefit from consistent deep plots.

The majority of properties on Upton Avenue lie outside the Conservation Area. The sizeable rear garden of No.20 ensures a generous space between developments on the different frontages and its greened side and rear boundaries reflect the higher degree of landscaping and hedged frontages characteristic within the Conservation Area. The large plots and landscaped surroundings are noted characteristics of the area within the Council's Conservation Area Character Appraisal (2011) (CACA).

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

HC 1.3 'Special Control of Development in Conservation Areas'

LDF Core Strategy/Development Management policies

SD-2: MAKING IMPROVEMENTS TO EXISTING DWELLINGS

SD-2: ADAPTING TO THE IMPACTS OF CLIMATE CHANGE

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.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. 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

DC/077412 **Address: 22 Hill Top Avenue, Cheadle Hulme, Cheadle, Stockport, SK8 7HY** - Please refer to attached drawing KL2568 / SK100, - Rowan to garden of 22 Hill Top Avenue but growing on angle and all canopy is over 20 Hill Top Avenue., Works required are to cut back all of the limb which is growing over 20 Hill Top Avenue and within striking distance and potential damage to the applicants building leaving vertical trunk intact. The angle of the tree and its proximity to 20 Hill Top Avenue is considered unbalanced. The applicant wishes to use his common law rights to remove branches over sailing their property. T2 Damson tree to 20 Hill Top Avenue. This tree has suffered significant storm damage to its central core and

needs to be removed., See full details and photos of both trees on attached detailed drawing. Granted. 24.08.2020

Planning History at no.20 Hill Top Avenue, Cheadle Hulme,SK8 7HY

DC/076546 - Detached garage with ancillary accommodation to 20 Hill Top Avenue with access formed direct off Upton Avenue. Refused. 06.07.2020

DC/075821 - Discharge of Condition 5 of DC/054762. Discharge of conditions. 28.02.2020

APP/C4235/W/19/3242440 – Planning Appeal against DC/073419. Appeal dismissed. 16.03.2020.

DC/073419 - Erection of single infill dwelling with associated infrastructure to the rear of 20 Hill Top Avenue. Refused 09.07.2019.

DC/056670 - Fell 1 x apple tree. Cut down/coppice 2 x groups of overgrown hazel stools. Cut back/clear other shrubbery. Fell 1 x cherry laurel hedge & grub out roots. Light crown lift on common ash. Fell 1 x hawthorn & 2 x apple trees.Cons 26. Granted. 28.11.2014

DC/056225 - Amendments to DC054762 - Amendments to the fenestration to the window detail of the rear double storey extension including proposed windows: W8, W10, W11, W18 and W19. Introduction of a simple glass balustrade (no handrail) fixed between the reveals to W19 which features a sliding door and fixed side panel. Granted. 01.09.2014

DC/054762 - Two storey side and rear extensions, single storey rear extension, solar panels to side elevation and other minor alterations. Granted. 22.04.2014

J/69429 - Various tree works. (CONS DS 18/10). Granted. 20.03.1998

NEIGHBOUR'S VIEWS

The owners/occupiers of nine surrounding properties were notified in writing of the application. As a result of the site being located within the Swann Lane/Hulme Hall Road/Hill Top Avenue Conservation Area, a site notice was displayed in the area and a press notice advertised the proposed development and invited representations. The neighbour notification period expired on the 17th December 2020 and ten letters of representations were received citing objections to the proposal including a 10-page 'Conservation Residents Group Objection Report' prepared by Appleton Deeley Planning and Landscape on behalf of local residents.

The representations received have been reviewed and summarised below. The following concerns were raised:

- Impact and Loss of Residential amenity and privacy
- Impacts Upon the Character and appearance of the Hulme Hall Road, Swann Lane and Hill Top Avenue Conservation Area
- Sense of open space being lost
- Dramatically detract from the spacious character of the Conservation Area

- Materials out of character with the Conservation Area.
- Will set a dangerous precedent of in-fill building and detached ancillary accommodation
- Building does not represent what would typically be used for an outbuilding for storage
- Proposal is for the construction of a separate dwelling
- Application excessive for the purpose that it is intended for
- If the application is approved a change of use will be applied for to classify the building as a separate bungalow or "granny flat".
- Proposed development is an attempt to create a building that will later be converted into a separate house from 20 Hill Top Avenue
- Plot will be split into two plots
- Large windows and incongruous materials face towards houses on Upton Avenue rather than ancillary to the main house and facing along the garden.
- It should not have windows and doors facing into the Conservation area
- Applicant's altering the garden
- Homeowners have removed trees and hedgerow without consent from SMBC
- Not in keeping with characteristic of the Conservation Area
- There is already sufficient space on the plot for storage
- The application is a way of getting round the past two refusal applications
- Flood Risk and Infrastructure Issues
- Proposals Fail to Constitute Sustainable Development
- Un-interrupted views across the long gardens of Hill Top Avenue houses will be lost
- The 'garden room' has no link with the principles set out of a conservation area
- Proposal fails to preserve or enhance the general character of the area
- No plan provided of the internal structure or services within the building
- Site unsuitable for residential development

CONSULTEE RESPONSES

Conservation and Heritage Team - This site is located within the Swann Lane/Hulme Hall Road/Hill Top Avenue Conservation Area and is subject to an Article 4(1) Direction that provides for special planning controls to assist the preservation and enhancement the special character and appearance of the conservation area.

The current proposals for a detached outbuilding have been prepared subsequent to a number of previous schemes that have explored alternative ways of introducing additional ancillary accommodation within the rear of the plot.

The scale, form and external materials of the current proposal are compatible with the character and appearance of the wider conservation area. The siting of the outbuilding - close to the existing dwelling, set well back from the frontage and along the southern boundary - helps to preserve a sense of openness and spaciousness both of the rear garden plot and visual separation between houses as viewed from Hill Top Avenue, qualities that are identified within the Council's Conservation Area Character Appraisal as a key to defining the special interest of the conservation area. The proposed alignment of the rear elevation is comparable to the rearward projection of existing outbuildings and extensions within nearby rear gardens of houses fronting Hill Top Avenue.

The proposal will have a neutral impact upon the significance of the Conservation Area and therefore would accord with Paragraphs 193 and 194 in the National Planning Policy Framework and Policy SIE-3 of the Stockport Local Development Framework Core Strategy 2011 (SCS) which seeks to preserve and enhance the Borough's heritage assets including its conservation areas. The siting, scale and design of the outbuilding would not conflict with saved Policy HC1.3 of the Stockport Unitary Development Plan Review (2006) which requires these matters to be sympathetic to the site and surroundings.

Subject to approval, I would recommend the application of a condition requiring samples of all external materials to be submitted for approval to ensure compatibility with the special character and appearance of the conservation area.

Arboriculture & Habitat Officer – The construction site footprint predominantly sits within the existing residential property and formal grounds of the site and the proposed new development will not impact on the trees and hedges on site, however the proposed site plan shows the pruning of one ornamental Rowan tree in the neighbouring property and subject to the owner's permission this can be easily pruned without detrimental effect to the tree. A full tree survey has not been supplied as part of the planning application to show the condition and amenity levels of the existing trees and where applicable which trees could be retained to increase the amenity levels of the site with retained mature trees, but due to the limited impact its felt not required as long as all protected trees are clearly fenced off prior to commencing on site.

The only concern over the proposed scheme is the potential damage to the amenity of the area by the construction vehicles & deliveries and the potential damage to the remaining trees on site.

Protective fencing will need to be erected prior to any works commence on site to prevent any accidental damage from the building and delivery material vehicles to the residential property and any encroachment into the root zones of the potentially retained trees to facilitate the scheme as well as working to the method statement of low impact digging as shown on the layout plan to prevent further impact.

Any tree loss along the side/rear of the site would be a fairly considerable amenity loss to the area and this would not be acceptable, but as it's not proposed as shown on the plan as the tree and hedge in this property will be retained and so not have an effect on the local amenity with the potential exception of the neighbours Rowan tree if owner approval is given.

The site would need to enhance the local tree cover and improve the biodiversity with species proposed such as something more structurally imposing and benefit the long term amenity of the area such as *Quercus robur Fastigiata* or *Fagus sylvatica Dawyck* and *Tilia cordata*. In addition some fruit trees should be considered throughout the site.

In principle the design will not have a negative impact on the trees on site, but its shown to prune one tree within neighbouring property as long as their permission is consented, therefore it could be accepted in its current format with some improved landscaping design to increase the number of trees along the side and front, to

further enhance the site to the species as detailed above, temporary protective fencing and signage along all retained trees root zones to prevent encroachment, compaction or spillage to protect the existing trees on site.

The following conditions would be relevant to any planning application relating to the site;

Condition Tree 1

No existing tree within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise on the approved plan. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.

Condition Tree 2

No development shall take place until all existing trees on the site except those shown to be removed on the approved plans, have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction - Recommendations". The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

Condition Tree 3

No development shall take place until details of all proposed tree planting, including the intended dates of planting, have been submitted to and approved in writing by the local planning authority. All tree planting shall be carried out in accordance with the approved details prior to the development being brought into use.

In response to the no dig details and drawing submitted by the agent the Arboricultural Officer stated that the details and drawing looks comprehensive and well considered for the neighbouring tree so there are no issues with the proposal.

ANALYSIS

The site lies within the Swann Lane/Hulme Hall Road/Hill Top Avenue 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 proposal in relation to the existing house, the character and appearance of the area, impact on the Swann Lane/Hulme Hall Road/Hill Top Avenue Conservation area, the impact on trees and the potential harm to the amenity of the neighbouring properties.

Conservation Area & Heritage Asset

Policy HC 1.3 'Special Control of Development in Conservation Areas' of the UDP 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.

Policy SIE-3 (Protecting, Safeguarding and Enhancing the Environment) of the Core Strategy requires clear and convincing justification 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.

Para.190 states that Local Planning authorities should 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. The impact of a proposal on a heritage asset should be taken into account.

Para. 193 states that when considering the impact of a proposed development great weight should be given to the assets conservation.

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.

This site is located within the Swann Lane/Hulme Hall Road/Hill Top Avenue Conservation Area and is subject to an Article 4(1) Direction that provides for special planning controls to assist the preservation and enhancement the special character and appearance of the conservation area.

The current proposals for a detached outbuilding have been prepared subsequent to a number of previous schemes that have explored alternative ways of introducing additional ancillary accommodation within the rear of the plot.

The scale, form and external materials of the current proposal are compatible with the character and appearance of the wider conservation area. The siting of the outbuilding - close to the existing dwelling, set well back from the frontage and along the southern boundary - helps to preserve a sense of openness and spaciousness both of the rear garden plot and visual separation between houses as viewed from Hill Top Avenue, qualities that are identified within the Council's Conservation Area Character Appraisal as a key to defining the special interest of the conservation area.

It is noted that there was an original garage to 20 Hill Top Avenue. In addition, the proposed alignment of the rear elevation is comparable to the rearward projection of existing outbuildings and extensions within nearby rear gardens of houses fronting Hill Top Avenue. It should also be noted that the following properties no.22, 24, 26,28,30,32,34,36,38, 40, 42, 44, 46, 50, and no.52 located along this stretch of Hill Top Avenue contain rear outbuildings/garages. Some of which are original features and others which have been granted planning permission, such as the outbuildings to the adjacent neighbouring properties at 22 Hill Top Avenue in 2008 (DC/040333) and 24 Hill Top Avenue in 1983 (J/28429).

Based on the above, it is considered that the proposal will have a neutral impact upon the significance of the Conservation Area and the proposal would therefore accord with Paragraphs 190, 193 and 194 in the National Planning Policy Framework and Policy SIE-3 of the Stockport Local Development Framework Core Strategy 2011 (SCS) which seeks to preserve and enhance the Borough's heritage assets including its conservation areas. The siting, scale and design of the outbuilding would not conflict with saved Policy HC1.3 of the Stockport Unitary Development Plan Review (2006) which requires these matters to be sympathetic to the site and surroundings.

The majority of properties on Upton Avenue lie outside the CA. The sizeable rear garden of No.20 ensures a generous space between development on the different frontages and its large plots and landscaped surroundings are noted characteristics of the area within the Council's Conservation Area Character Appraisal (2011) (CACA). Together, therefore, the landscaping and large spacing make a significant positive contribution to the character of the Conservation Area. Whilst an element of rear garden space, would be lost as a result of the proposal. The outbuilding is sited within the existing southeast area of garden and driveway to 20 Hill Top Avenue. As such a large amount of rear garden will remain therefore it is considered that the built development would not cause of a loss in the sense of spaciousness of the Conservation Area, as a gap would remain between the Hill Top Avenue properties and those in Upton Avenue (located outside the Conservation Area).

The Conservation Officer has no objections to the proposal subject to a recommended condition requiring samples of all external materials to be submitted for approval to ensure compatibility with the special character and appearance of the conservation area.

Design & Streetscene

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 response to this position Members are advised that the property comprises of a large plot and is located at the junction of Hill Top Avenue and Upton Avenue, the streetscape along this stretch of Hill Top Avenue is characterised by detached outbuildings/garages. Noting that there was an original garage to no.20 Hill Top Avenue along the southern boundary of the plot, close to the house and accessed from the existing vehicular access from Hill Top Avenue. In addition the adjacent properties at no.22 & no.24 Hill Top Avenue contain rear outbuildings/garages of which planning permission was granted in 2008 (DC/040333) and in 1983 (J/28429) respectively.

The proposed outbuilding is positioned 1m away from the boundary of the site and the outbuilding is setback from the front elevation of the property by 12.9m as such there will not be any negative impacts upon the character of the immediate streetscene.

The proposed alignment of the outbuilding is comparable to the rearward projection of existing outbuildings and extensions within nearby rear gardens of houses fronting Hill Top Avenue. Noting that the following properties no.22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 50, and no. 52 located along this stretch of Hill Top Avenue contain rear outbuildings/garages. As such, the proposed detached outbuilding is considered acceptable and will not be harmful to the character or visual amenities of the streetscene.

The proposed outbuilding is single storey in nature approximately 3.5m lower than the ridge height of the dwelling. The proposal comprises of a subservient development to the existing property and large garden to 20 Hill Top Avenue. The external walls to the public and private views will be feature red engineering brick detail with reclaimed brick to the main body of the build. There will be large powder coated aluminium composite windows and sliding doors to the private garden and terrace elevations, matching those associated with the more recent contemporary rear house extension. The doors to the storage outbuilding will be painted timber. The roof will be red clay tile to match the roofs to both Hill Top and Upton Avenue. It is considered that the materials as proposed are considered acceptable.

It is considered that the development 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.

In view of the above, it is considered that the development 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.

Nature Development/Trees

The proposed site plan shows the removal of the overhanging limb and branches onto no.20 Hill Top Avenue. An application (DC/077412) was granted in August 2020 for the cutting back of the overhanging limbs and branches

Protective fencing will need to be erected prior to any works commence on site to prevent any accidental damage from the building and delivery material vehicles to the residential property and any encroachment into the root zones of the potentially retained trees to facilitate the scheme.

The trees and hedging to no.20 Hill Top Avenue will be retained and so not have an effect on the local amenity. The proposed development will be located over the root protection area of the adjacent Rowan Tree sited within the garden at no.22 Hill Top Avenue located along the boundary. The agent has supplied 'no dig' construction details and drawings. The Arboriculture Officer has reviewed the details and confirmed the construction details are suitable.

As such in principle it is considered that the design will not have a negative impact on the trees on site. In addition, the Arboriculture Officer has stated that the impact on nature development and trees is considered acceptable subject to the proposal being constructed in accordance with the 'no dig' details & drawings. In addition, subject to conditional control of improved landscaping to increase the number of trees along the side and rear, the temporary protective fencing and signage along all retained trees root zones to prevent encroachment, compaction or spillage to protect the existing trees on site.

With regard to the comments from the neighbouring properties in relation to the removal of trees on site. An enforcement case (19/00330/BRE) relating to a breach of planning condition was reviewed in 2019. Subsequently a Discharge of condition application (DC/075821) rectifying the situation ensuring full compliance with condition 5 of DC/075821 relating to tree removal and a replant was approved in February 2020.

It is noted that planning permission (DC/077412) granted in August 2020 was also for the removal of a Damson Tree to the northern side boundary, which has no bearing on this application.

Neighbour Amenity

Comprising an outbuilding, the development is not strictly speaking an extension to the dwelling. There are no policies in the UDP Review or Core Strategy that 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.

The application site is located within a predominantly residential area being bounded to the north, south and east by residential properties.

The outbuilding will be located to the north and approximately 5.2m away from the side elevation of the existing rear extension at no.20 Hill Top Avenue and approximately 1metre away from the boundary. There are no windows proposed to the side elevation facing the neighbouring property and garden, therefore there will be no adverse impact on privacy and overlooking.

Whilst it is noted, there will be an impact on outlook and views afforded from the neighbour's rear extension towards the north. The councils Extensions and Alterations to Dwellings SPD states that the council will not normally protect amenity non-original windows, noting that the rear extension was built following planning approval in 2008 (DC/040333). In addition to this, there is an existing 2m boundary hedge along the common boundary. As such it is considered that there would be no significant loss of amenity currently enjoyed by the occupier of no.22 Hill Top Avenue that would warrant refusal of the application.

The neighbouring properties to the opposite side of Upton Avenue to the north would be located approximately 28metres away and therefore significantly in excess of the 21m across a public street suggested as appropriate by the SPD.

There will be a sliding door proposed in the western elevation facing the side elevation of no.26 Upton Avenue to the west which will be located approximately 31metres away, therefore in excess of the 25m between habitable room windows on the private or rear side of dwellings across a public street suggested as appropriate by the SPD.

The comments from the neighbouring properties are noted, however the proposal complies with and exceeds the Council's SPD and as a result the proposal will not have an impact on amenities afforded from the neighbouring properties to justify the refusal of planning permission.

Flood Risk and Drainage

Core Strategy policy SD-6 Adapting to the Impacts of Climate Change states that development should be designed in such a way as to avoid, mitigate or reduce the impacts of climate change. In particular, all development will be required to incorporate Sustainable Drainage Systems (SuDS) so as to manage the run-off of water from the site. The comments from the neighbouring properties in relation to drainage and flooding are noted, however 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.

Notwithstanding that, in order to comply with policy SD-6 and to address neighbour concerns, a condition can be imposed to ensure the submission, approval and implementation of a SUDS scheme so as to address any impact arising from the development in terms of drainage.

The agent has also confirmed that any built development will be no lower than the existing ground level and the proposal is required to meet part H – Drainage and Waste Disposal of Building Regulation.

Parking & Highway Safety

The Council's adopted parking standards allows for a maximum of 2 parking spaces per dwelling. The proposed development will not impact on the existing provision which accommodates 4 vehicles. As such it is considered that there will be no impact upon highway safety nor is there any requirement for additional car parking.

Other Matters

The proposed terrace area is considered acceptable.

The objections by the neighbouring properties are noted, however the application is determined on the plans submitted and cannot have regard to any other future proposals that the applicant may choose to make. On that basis, the application seeks permission for accommodation ancillary to the main dwelling and that is considered acceptable. Notwithstanding the use of the rooms shown on the plans, these could be changed at a future date without the need for planning permission so long as they remain ancillary to the main dwelling. To use the building as a separate dwelling completely self contained from that existing would require planning permission that is not approved by the granting of this application. Notwithstanding this a condition can be applied to ensure that the outbuilding will be used for purposes incidental to the enjoyment of the host dwelling and will not be used as self contained living accommodation.

It is noted that Section 5 of the Design & Access Statement states that the remaining garden to Hill Top Avenue will be developed however the applicant wishes. In this respect Members are advised that planning permission will be required for any future building work.

There will be approximately 595 sq metres of private amenity space following development thus greatly exceeding the 100m² suggested as appropriate by the Council's 'Design of Residential Development' SPD, therefore maintaining the existing spaciousness of the rear garden.

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

Conclusion

Overall the proposal is in compliance with adopted planning policy and guidance. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking.

Paragraph 7 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 indicates that these should be sought jointly and simultaneously through the planning system. It is considered that the application will deliver all three elements of sustainable development and this weighs in support of the proposal.

In this instance there are several benefits that weigh in support of the proposal, in particular a neutral impact on the Conservation Area, acceptable design, acceptable impact upon residential amenity and trees.

The proposal would not unduly impact on the residential amenity of the surrounding properties by reason of overshadowing, over-dominance, visual intrusion, loss of outlook, overlooking or loss of privacy. The proposal would not prejudice a similar development by a neighbour and the general design of the proposed development is considered acceptable in terms of its relationship to the existing dwelling and the character of the street scene in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1.

Other material considerations such as the Extensions and Alterations to Dwellings SPD and the NPPF have also been considered and it is judged the proposal also complies with the content of these documents.

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

RECOMMENDATION GRANT SUBJECT TO CONDITIONS.

**BRAMHALL AND CHEADLE HULME SOUTH AREA COMMITTEE 4TH
FEBRUARY 2021**

The Planning Officer introduced the application.

Cllr Hunter sought clarification that the report author, James Appleton, was not related to the Appleton Deely company referred to in the report who provided comments on behalf of objectors. The Planning Officer confirmed that there was no relationship.

Cllr Hunter asked for an explanation as the difference a conservation area status makes to an application. The Planning Officer advised that this raises the bar in terms of design of a development. The policy position is that development should preserve or enhance the conservation area. Can only refuse permission in a conservation area if you can demonstrate harm to the conservation area.

Cllr Wyatt asked if the plans indicate that there may be some later conversion of the building to a separate dwelling and if that was what was intended would they not need to apply for planning permission. The Planning Officer advised that the proposed ground floor plan showed that the building was indicated as a store with a garden room adjacent (with no internal connection between the two). No indication as to use as a separate dwelling and planning permission would be required for such a use. Cannot determine this application on the basis of something that may or may not happen in the future.

Cllr Foster Grime asked how many other outbuildings are there in the conservation areas of the borough of 4.4m in height that are used for the storage of bikes? The Planning Officer advised that this information is not available. Notwithstanding that the building needs to be of a design in keeping with the host dwelling.

Cllr Foster Grime asked if it is a common occurrence in the Borough to approve outbuildings of this size? The Planning Officer advised that this may well be the first application but the important issue is whether the development is acceptable in terms of its impact on the conservation area.

Cllr Bagnall referred to an outbuilding at Church Lane considered at the previous meeting. The Planning Officer noted also in that case that a pitched roof was proposed and possibly access internally to the roofspace.

Cllr Hurleston asked for clarification that the applicant's motives are not a material consideration. The Planning Officer advised that this is correct.

Cllr Holt referred to the size of the building and asked if it would be of a size to convert to a dwelling in the future. The Planning Officer questioned its suitability for such a use noting the access to the building down the side of the house, the presence of doors and windows opening out and looking out onto the garden of the house. That being the case the occupiers of that building if completely unrelated to the family in the main dwelling would have access to and views straight out onto the garden of the main dwelling. We cannot in any event take this into account and must determine the application on the basis of that as submitted.

Cllr Holt asked if the materials would be the subject of a condition and was advised that there would be a condition in this respect as well as that relating to landscaping to include replacement tree planting.

Cllr Foster Grime refers to the 10 objections in the report but noted that Members have received a huge number of objection as well as 69 objections to previous applications. Why have the Council not consulted further afield. The Planning Officer advised that neighbour notification had been carried out in accordance with the Council's Statement of Community Involvement. This ensures that neighbours who may be affected by the development are notified together with the erection of a site notice. Whilst a lot of people have commented on previous applications including that for a house at the end of the garden, it does not follow that we would notify all of those objectors regarding an outbuilding close to the rear of the house. It may well be the case that the house at the end would impact on a larger number of residents than an outbuilding close to the rear of the house. We would therefore not notify them on all on alternative proposals. Clearly the notification carried out in respect of this application has generated a lot of discussion in the community and the residents who are most directly affected by the proposed development have been notified and have commented.

Cllr Foster Grime noted that the Tree Officer has serious concerns about the impact on trees which may be addressed by condition and asked for reassurance that any of the landscaping measures will take place as Stockport Council have a small enforcement team and are sometimes not interested in harm to trees. The Planning Officer disputed the comment regarding enforcement officers nor shared the view

that the Tree Officer has concerns with regard to the impact of the development upon the trees. Members were reminded that the Tree Officer has confirmed that the proposed development will not impact on the trees and hedges in the site and that his only concern is the potential for damage to trees from the storage of building materials and deliveries. He advises that protective fencing will be required to safeguard the trees during construction and notes that no tree loss is proposed. That being the case it cannot be agreed that the Tree Officer has concerns. He has requested replacement tree planting and that can be secured by condition. If there is any breach then we will investigate and take the appropriate action.

Cllr McGahan commented that it is not the role of the committee to comment on the ability of Officers to carry out their roles.

A resident spoke in opposition to the application representing neighbours on Hill Top Avenue and Upton Avenue expressing their frustration, anger and disgust about the various applications and actions of the applicants who moved in 6 years ago in the full knowledge of the conservation area status. They have received permission to demolish their garage, extend their patio and erect an extension with large aluminium windows and a large garden room fully visible from Upton Avenue. The conservation area status and article 4 direction protects the area however it feels as though the Council have abandoned their post in this matter leaving the neighbours alone to fight. The applicants have attracted many objections to their scheme and why it should be rejected. The proposal is in contravention of the article 4 direction which prevents any building in excess of 4m in height within 2m of the boundary. On that point alone the application should be rejected. This is a 39 foot structure in length with a steel frame and piles to support its weight, it runs its entire length down the garden boundary with 22 Hill Top Avenue and will be fully visible from Upton Avenue. To say it won't interrupt the streetscene is ridiculous. The garden room will rise to 4.4m in height with aluminium windows and 3 sets of double doors on a building supposedly for the storage of bikes and a bbq. The patio will result in the loss of a further 20m² of garden all of which was completely flooded 2 weeks ago. Most of us have respect for our neighbours and the conservation area status, neither of which this application secures. It is requested that this application be rejected.

Cllr Hunter asked the resident of his understanding that the Council has to formally consider an application made to them. The resident confirmed that this is understood.

Cllr Foster Grime commented that she was not questioning the ability of Officers earlier but rather questioning the Council's resources and priorities. Cllr McGahan noted however that she had commented that they appear not to be interested. Cllr Foster Grime asked the neighbour about the materials and how they are out of character with the conservation area. The resident commented that the original large extension to the rear includes large aluminium windows/doors to the rear and this seems to be the logic for allowing these to continue in the new building. Cllr Foster Grime asked if he felt the materials are the main issue in terms of the detrimental impact and was advised that the height is an issue and the nature of the construction which is completely out of proportion to the proposed use. All concerned about a future change of use.

The Planning Officer advised Officers that in relation to materials, the plans indicate those to be used which is acceptable and to be accepted but they don't give specific

details such as the manufacturer, range and colour. We would expect this on an application of this nature and in this location and can be secured by condition. There is also a lot of discussion about the height of the building at 4.4m which is correct however the height of the building is stepped such that the part closest to the house and Hill Top Avenue measures 3.7m to the ridge, it is the element at the far end of the outbuilding, the last third of the construction that is 4.4m high.

Cllr Wyatt asked the resident to repeat his comment about the height of the building contravening the article 4 direction. The resident reiterated this comment noting that the article 4 direction makes it clear that if you are building a structure within 2m of the boundary you can't exceed 4m in height. The Planning Officer responded to this by advising Members that this reference is to permitted development rights which given the location of the site within a conservation area have been withdrawn by way of an article 4 direction. Ordinarily an outbuilding within 2m of the boundary can be erected up to 4m in height without planning permission and over that height permission will be required. That does not mean that permission will be refused but simply that it is required. It is incorrect to suggest that a planning application should be refused because the development exceeds the parameters set out under permitted development.

Cllr Bagnall asked clarification about the plans and asked the resident about the notation referring to the adjacent outbuilding in his garden and whether that proposed is in line with that building in his rear garden, whether it is a garage and what height it is compared with that proposed? The resident could not confirm the height of his garage but confirmed that it is a traditional garage with timber windows. If no.20 were applying to erect a garage then this discussion would not be taking place. He agreed that it is a similar depth into the plot as his garage which sits in line with his neighbours garage at 24 Hill Top Avenue.

The agent spoke in favour of the application. This is a straightforward application for an outbuilding in a moderate size garden to secure storage on site together with space for the family to enjoy the garden, nothing more, nothing less. Since the refusal of earlier applications discussions with the planning authority has established that no proposal interrupting the extended depth of the garden would be supported. The applicant has therefore reassessed their need and has accepted that this has to be in a smaller building. The conservation area is at the forefront of the submission and the proposal will complement the existing house and conservation area. The proposal replaces a garage and outbuildings that were previously on this site and will avoid sporadic shed development. Will cause no harm to the area or neighbouring amenity being positioned close to the house. The objections have been ongoing and the applicant is aware of the leafleting that has been carried out in the locality together with calls to friends and family to secure opposition to the proposal. The application has been forced upon the committee and the applicant trusts that the committee will follow the advice of their officers.

Cllr Hunter commented that the application has not been forced upon Members and it is the role of this committee is to observe due process in the determination of the application.

Cllr Vine asked if this is a modest extension then why have so many people objected? The agent felt that there is a lot of concern that this a stepping stone to deliver something else which is not the case. Any different use would require

planning permission. The heights and material finishes are designed to complement the existing buildings and anything else would be out of character. A building in this location has to have a massing and presence and anything smaller would do a disservice to the conservation area.

The Planning Officer commented that looking at the planning history for the garage at 22 Hill Top Avenue in response to questions about the height of it, the plans approved for that garage shows that the ridge height extends up to above the eill height of the first floor windows. Looking at the plans it looks to be of a similar height to the height of the garden room now proposed by this application. The plans approved also show a pitched roof with double bi fold doors opening out onto the rear garden, not dissimilar to that proposed by this application.

Cllr Wyatt asked if the property has a garage and was advised that there is no other garage or storage building.

Cllr Bagnall asked about the notation on the plan about the precedent set by the projection of the outbuildings in neighbouring gardens. The agent advised that this notation was in response to discussions with Officers who had advised of the importance of this build line and the need to accord with it.

Cllr Bganall asked about the previous garage, where it was and when it was removed? The agent advised that she could not recall when it was removed but there is still a concrete slab that shows the shed position. There certainly was a garage, shed and summerhouse along the boundary line.

Cllr Hunter commented that this has been a controversial application that has stirred up feelings. Perhaps some dialogue with the neighbours might have helped in this respect. He confirmed that he is not happy to support the Officers recommendation, whilst he holds the Officers in high regard he noted that all 4 recommendations on the agenda once again were for the grant of planning permission. The conservation area status does raise the bar and the proposed development does not preserve or enhance the area. Were it not for Covid he would have invited Members of the Planning & Highways Committee to visit the site to assess for a second opinion. That can't be done as site visits are suspended during lockdown however there is sense in referring it to Planning & Highways to further the discussion.

Cllr Bagnall commented on the contentious nature of the application. He has visited the site to see it for himself as have other Members individually. He would like to think that this committee has the ability and experience to decide applications however he happy to second the proposal of Cllr Hunter that this be referred to Planning & Highways.

Cllr Foster Grime was not satisfied that there will not be detrimental impact on the neighbours. She also questioned whether we as an authority adhere to the principles of the conservation area status. She expressed her concerns about the application and agrees with the motion to refer the application to Planning & Highways committee. Details of the materials should be submitted with this application and could not approve the application as it stands.

The Planning Officer clarified that we do expect full details of materials but we would not expect the precise details at this stage but rather just an indication. We can deal with this by condition.

Cllr Wyatt commented that when the previous applications were submitted she was in agreement with the refusal of planning permission. With regard to the current application however she cannot find a good planning reason to support a refusal. As such she is keen for the application to be referred to Planning & Highways Committee.

Members agreed the motion to refer the application to the Planning & Highways Committee.