

Heatons and Reddish Area Committee

2nd August 2021

DEVELOPMENT APPLICATIONS

Report of the Corporate Director for Place Management and Regeneration

ITEM 1

DC/080873

SITE ADDRESS

35 Warwick Road, Heaton Norris, Stockport, SK4 4HE

PROPOSAL

Erection of single storey structure to the rear garden in order to provide a home office space

INFORMATION

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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ITEM 1

Application Reference	DC/080873
Location:	35 Warwick Road Heaton Norris Stockport SK4 4HE
PROPOSAL:	Erection of single storey structure to the rear garden in order to provide a home office space
Type Of Application:	Full Application
Registration Date:	26.04.2021
Expiry Date:	21.06.2021
Case Officer:	Rachel Bottomley
Applicant:	Mr J Heyes
Agent:	N/A

COMMITTEE STATUS

Heatons and Reddish Area Committee. Application referred due to receipt of 5 letters of objection, contrary to the officer recommendation to grant.

DESCRIPTION OF DEVELOPMENT

This householder application seeks planning permission for a single storey detached structure within the rear garden of an existing semi-detached residential dwellinghouse.

The proposed outbuilding would have a width of 6.5 metres and a maximum depth of 6.5 metres. The outbuilding would have a flat roof and a maximum height of 2.7 metres. The outbuilding would be constructed externally using blackened and natural larch cladding with a dark grey flat roof.

The purpose of the outbuilding is to provide a home working space for the occupants of the main dwellinghouse.

SITE AND SURROUNDINGS

The application site is a semi-detached residential property located on the south eastern side of Warwick Road in Heaton Norris. The property is two storey with additional accommodation within the roof space. It has existing single storey extensions to the side and rear and a rear dormer extension.

The north eastern side boundary of the application site adjoins the rear elevations of properties along Parsonage Road (Nos. 72 to 78). It should be noted that all of these properties have existing detached outbuildings within their rear gardens.

To the rear of the site, the property adjoins the rear garden of No. 2 Ashdown Road. This property has existing garden outbuildings at the bottom of the garden immediately adjacent to the shared boundary with the application site.

The south western boundary side of the application site is shared with the adjoining semi-detached property at No. 37 Warwick Road. This property also has a detached outbuilding within the rear garden.

The application site is located within a Predominantly Residential Area as allocated within the UDP and is not located within a Conservation Area or close to any listed buildings.

POLICY BACKGROUND

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

The Statutory Development Plan for Stockport comprises :-

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

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

Saved policies of the SUDP Review

CDH1.8: RESIDENTIAL EXTENSIONS

LDF Core Strategy/Development Management policies

SD-2: MAKING IMPROVEMENTS TO EXISTING DWELLINGS

SIE-1: QUALITY PLACES

Supplementary Planning Guidance

Supplementary Planning Document 'Extensions and Alterations to Dwellings' adopted February 2011 following public consultation.

Supplementary Planning Guidance (Saved SPG's & SPD's) does not form part of the Statutory Development Plan; nevertheless it provides non-statutory Council approved guidance that is a material consideration when determining planning applications.

National Planning Policy Framework (NPPF)

The NPPF, initially published on 27th March 2012 and subsequently revised and published on 19th February 2019 by the Ministry of Housing, Communities and Local Government, sets out the Government's planning policies for England and how these are expected to be applied. The NPPF will be a vital tool in 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.

In respect of decision-taking, the revised NPPF constitutes a 'material consideration'. Paragraph 1 states *'The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied'*.

Paragraph 2 states *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'*.

Paragraph 7 states *'The purpose of the planning system is to contribute to the achievement of sustainable development'*.

Paragraph 8 states *'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'*

Paragraph 11 states *'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'.

Paragraph 12 states *'.....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’.

Paragraph 38 states ‘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’.

Paragraph 47 states ‘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’.

Paragraph 213 states ‘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)’.

National Planning Practice Guidance (NPPG)

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.

PLANNING HISTORY

- DC059353 – Single storey side extension and single storey rear extension. Granted 18/09/2015
- DC055355 – Detached outbuilding to rear. Refused 29/07/2014
- DC055352 – Two storey side, single storey rear extension. Front porch. Loft conversion with dormer window to rear. Granted 29/07/2014

NEIGHBOURS VIEWS

The owners/occupiers of 10 surrounding properties were notified in writing of the application. The neighbour notification period expired on the 6th June 2021.

Letters of objection have been received to the application from 5 properties. The main causes for concern raised are summarised below :-

- The finish of the building is not in keeping with the brick built environment of the neighbourhood. Black cladding will be visually intrusive.
- Size is inappropriate for a suburban garden. Will take up almost entire width of garden.
- The structure will be dominating and reduce sight lines.

- The building is larger than necessary for a home office and is likely to be used for leisure purposes or parties, resulting in noise issues.
- Use as home office will create more footfall and traffic and increase parking.
- Loss of privacy due to proximity to boundaries.
- If permission is granted there should be restrictions on hours of use.
- Building should not be used for overnight stays, guest accommodation or parties.
- A previous outbuilding was refused due to scale and massing and detrimental impact on neighbours amenity. Current plans have reduced the size but it would still be overbearing.
- The scale of the office could constitute a change of use.
- The building contravenes permitted development guidelines.
- The development should be restricted to that allowed under permitted development.
- Applicant has previously breached planning conditions.

CONSULTEE RESPONSES

None were required in this case.

ANALYSIS

The application site lies within a Predominately Residential Area as identified on the Proposals Map of the SUDP Review. In assessment of the application, it is considered that the main issues of contention are the visual impact of the proposed outbuilding in relation to the existing house, the character and appearance of the area, and the potential harm to the amenity of the neighbouring properties.

Residential Amenity

Policy CDH 1.8: Residential Extensions of the saved UDP, states that detached outbuildings should be sited so as not affect neighbouring amenity or street scene. Outbuildings should be of an appropriate scale and be subordinate to the main dwellinghouse.

Objections from neighbouring properties have raised a number of concerns with regard to residential amenity. The objections state that the structure will be dominating and reduce sight lines and there would be loss of privacy, due to the proximity of the building to neighbouring boundaries. Concern is also raised that the proposals would be too large and would not be in keeping with the surrounding properties and area.

The objections have also pointed out that a previous application for an outbuilding was refused at the application site due to scale and massing and the resulting detrimental impact on neighbours amenity. It is acknowledged that the current plans have been reduced the size, but it is still considered to be overbearing.

A statement has been submitted by the applicant to accompany the proposal, to provide additional information about the proposed use of the building and the

reasoning behind the size and height of the structure. The statement outlines that the reason behind the proposed outbuilding is that both homeowners have a requirement to enable homeworking following changes imposed by the COVID pandemic. It is explained that the reasoning for the 2.7 metre in height, is twofold. One is to provide a comfortable space to work in. However, the main reason is due to the high levels of insulation being proposed to the building, in order to meet current and future building regulations and be as environmentally efficient as possible. If the height of the outbuilding were to be reduced, then the amount of insulation included would in turn need to be reduced, which would result in an increase in the CO2 footprint of the building.

Members should note that there is a permitted development fallback position in this case. Outbuildings are considered to be permitted development, not needing planning permission, subject to a number of limits and conditions. The following conditions are applicable to this case:

- No outbuilding on land forward of a wall forming the principal elevation.
- Outbuildings and garages to be single storey with maximum eaves height of 2.5 metres and maximum overall height of four metres with a dual pitched roof or three metres for any other roof.
- Maximum height of 2.5 metres in the case of a building, enclosure or container within *two* metres of a boundary of the curtilage of the dwellinghouse.
- No more than half the area of land around the "original house"* would be covered by additions or other buildings.

In terms of footprint, the proposed outbuilding would have an area that would be well below half of the available space within the curtilage of the property. The application property has a sizeable rear garden, with ample space that would be left remaining for amenity space if the outbuilding was constructed.

In terms of height, the building is proposed to be 2.7m in height, which is the reason that planning permission is being sought through this householder application. However, if the building was reduced in height by only 200mm, then it could be classed as permitted development on the basis of the conditions above and built without any permission. As explained above, if the building were reduced in height, the insulation levels would be reduced, and the building would therefore have a greater impact on the environment in terms of heating and energy requirements. Therefore, it is on this basis that the applicants have decided to retain the height at 2.7m and apply for planning permission.

The context of the site is also important in this case. The boundary treatment to the rear and north eastern side is provided by hedges and shrubs, most of which are greater in height than the proposed outbuilding. This existing planting would provide a sufficient screen along the boundaries, limiting views and reducing any overbearing impact from neighbouring properties.

Furthermore, the outbuilding would be sited a minimum of 17 metres from the habitable room windows of any of the surrounding neighbouring properties. As such,

it would comply with the required guidance for there to be 12 metres between any existing habitable rooms and a blank elevation of a new structure.

Therefore, it is considered that the 200mm increase over the permitted development fall back position, would not have a significant impact in relation to visibility or an overbearing nature on neighbouring properties. Even at this marginally taller height, it still complies with the required separation distances. The reduction in the height of the outbuilding to 2.5m would however, result in an increased impact on the environment.

The siting of the outbuilding would retain distances of just over 1.9 metres to either side and 1.5 metres to the rear. Members should also note that if the outbuilding were to be sited slightly further away from these boundaries and had a pitched roof, then permitted development rights dictate that the overall height could be increased to 4.0 metres to the ridge, and still be classed as permitted development. It is considered that this would have a much greater impact on the visual amenity of the neighbouring properties than the current proposal.

It is acknowledged that a previous application was refused in 2015 under reference DC/055355 for a detached outbuilding in the rear garden of the application site. However, the proposed outbuilding under this application had a width of 7.3 metres, a depth of 7.2 metres and an overall height of 2.8 metres. The outbuilding now proposed under this current application would have measure 6.5 metres wide and a maximum depth of 6.5 metres. The height of the outbuilding has also been reduced from 2.8 metres to 2.7 metres. Therefore, it should be recognised that the applicant has made an attempt to address the concerns raised previously by local residents under application DC/055355, with the current proposal including a reduction in size from the previously refused application.

Finally, no windows are proposed in the rear or side elevations of the proposed outbuilding. As such, there are no concerns with regard to a loss of privacy in this case. A condition can be imposed to ensure that no windows are inserted within these elevations in the future in order to retain these existing privacy levels.

Therefore, to conclude, due to the separation distances and overall height of the structure, it is considered that the proposal would not result in any undue loss of outlook or overshadowing to any of the neighbouring properties. At 2.7m high, the proposed outbuilding would not have a demonstrably greater impact on neighbours than a 200mm shorter outbuilding that could be constructed under permitted development and without the need for any planning permission.

In view of the above, 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

With regard to the design of the proposed outbuilding, the adopted SPD states that flat roofs should generally be avoided and that materials should respect the materials used in the original house. Policy SIE-1 of the Core Strategy recognises that specific

regard should be had to the sites' context in relation to surrounding buildings and spaces.

The objections from neighbouring properties have raised concern that the finish of the building is not in keeping with the brick built environment of the neighbourhood and that black cladding will be visually intrusive.

It is noted that the outbuilding would have a flat roof and would be constructed using dark timber cladding, which is not a material found currently on the existing main dwellinghouse. However, it is important to note that the outbuilding would be sited at the bottom end of the rear garden and would not be visible from public vantage points outside of the site. The property is not sited within a conservation area nor is it located close to any listed buildings.

The timber cladding is considered to be a material typical of many sheds and outbuildings within a residential area. It is also noted that there are a number of outbuildings to the rear of properties within the vicinity, of various materials. Many of the existing outbuildings within the rear gardens of the surrounding properties also have flat roof designs. Therefore, it is considered that the dark timber cladding would not result in the outbuilding being an incongruous addition to the area nor would the provision of a flat roof be out of keeping in this location.

Additionally, Members should again note the permitted development fall back position in the case. Should the outbuilding be reduced in height to comply with permitted development rights, there would be no restrictions on the external materials used in the structure.

Furthermore, with regard to the roof, the use of a flat roof design reduces the overall bulk and massing of the structure and therefore minimises any potential visual or overbearing / overshadowing impact on the neighbouring properties.

In view of the above, it is considered that the proposal would not result in harm to the character of the street scene or the visual amenity of the area in accordance with UDP policies CDH1.8 and Core Strategy policy SIE-1.

Other Matters Raised by Objectors

A number of other matters were raised within the objections received from neighbours.

The objections state that the building is larger than necessary for a home office and is likely to be used for leisure purposes or parties, resulting in noise issues. Furthermore, that the use as home office will create more footfall and traffic and increase parking. The neighbours have requested that should permission be granted there should be restrictions on hours of use, the building should not be used for overnight stays, guest accommodation or parties. The objections also state that the scale of the office could constitute a change of use and that the building contravenes permitted development guidelines. Concern is also raised that the applicant has previously breached planning conditions.

With regard to concerns raised to the use of the outbuilding as a business and any potential impact on traffic, the statement has outlined that the building would be used for homeworking purposes only. Therefore, there would be no increase in visitors to the property nor any increases to the traffic would be expected. To ensure that this position continues in the future, a condition can be imposed which states that the outbuilding can only be used for purposes ancillary to the use of the existing main dwellinghouse. Therefore, the outbuilding could not be used in the future as a separate dwelling or a commercial office. If the outbuilding should be used as a separate business premises or separate dwellinghouse in the future, planning permission would be required for any such change of use.

With regard to any noise issues, it should be noted that the case is being considered on its merits based on the information submitted to accompany the application. This is that the building would be used for purposes ancillary to the existing main dwellinghouse in the same way as any other residential outbuilding. Noise issues are not a material planning consideration for a householder planning application and applications cannot be refused on this basis. However, should any noise issues arise in the future, this would need to be reported to Environmental Health at the time and would be dealt with under separate legislation as a statutory nuisance.

It is not considered appropriate or lawful to impose any conditions in this case, relating to hours of use or limitations on what the outbuilding can be used for within an ancillary use for the same reasons outlined above.

It is accepted that the outbuilding would not be within permitted development guidance due to the size of the structure, hence the submission and consideration of the current planning application. However, it is not considered that planning permission is required in this case for the use, as a home office would be ancillary to the main dwellinghouse.

Any historic breaches of previous planning conditions are not relevant in this case, and are not a matter to be dealt with under the current proposal.

SUMMARY

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.

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.

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

RECOMMENDATION

Grant