

ITEM

Application Reference	DC/083548
Location:	92 Heathbank Road Cheadle Hulme Cheadle SK8 6HX
PROPOSAL:	Retention of summerhouse
Type Of Application:	Householder
Registration Date:	30.11.2021
Expiry Date:	25.01.2021 Extension of time agreed to 31.01.2022
Case Officer:	Sophie Anderson
Applicant:	Mr Barry Lowe
Agent:	Pettifer Architecture

COMMITTEE STATUS

The application has been referred to Area Committee due to the number of objections received contrary to the Officer recommendation.

DESCRIPTION OF DEVELOPMENT

This application relates to the retention and completion of a detached summerhouse within the rear garden at 92 Heathbank Road, Cheadle Hulme.

The summerhouse is positioned in the north west, left hand corner of the rear garden. It measures approximately 7.2m in length and 5.7m in width. It has a dual pitched roof with a ridge and eaves height of approximately 3.1m and 2.0m respectively.

At the time of writing this report, the summerhouse is partially completed. The external walls to the rear and sides are comprised of red brickwork and the summerhouse is open to the front elevation. There is a timber frame and wooden posts to the front elevation. Upon completion there would be rosemary clay roof tiles to the roof and two rooflights in the side roofslopes.

The purpose of the summerhouse is to provide a recreational space for the personal use of the occupiers.

SITE AND SURROUNDINGS

The application site is located on the north side of Heathbank Road and comprises a residential property with a landscaped rear garden. Similar properties are positioned to either side on Heathbank Road. The rear garden of the application property adjoins those of houses on Southdown Crescent to the north of the site with the boundary being formed by a variety of conifers and large garden shrubs.

The summerhouse is positioned in the north west, left hand corner of the rear garden adjacent to an open ditch that forms part of a watercourse running along the rear boundary of the application site.

To the rear of the summer house, in the garden of 9 Southdown Crescent is an oak tree which has an application pending for a Tree Preservation Order.

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

EP1.7 Development and Flood Risk

LDF Core Strategy/Development Management policies

SD-6 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 20th July 2021 and replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019). 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.126 “The creation of high quality, beautiful and sustainable 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. 131 “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.”

Para.134 “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design , taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

*(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or
(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

Para.157 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.167 “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in

areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

Para.219 “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/078355 - Relocation of existing culvert head with section of existing culvert tunnel replaced with open ditch; Decision Date: 23 APR – 21; Decision: Refused due to the failure to provide easements to either side of the watercourse and impact on the adjacent oak tree.

DC/074343 - Proposed outbuilding (already constructed) situated towards the north western corner of the rear garden over an existing culvert adjacent the side and rear boundary of the application site (retrospective application).; Decision Date: 20-JAN-20; Decision: Withdrawn

NEIGHBOUR'S VIEWS

The owners/occupiers of five surrounding properties were notified in writing of the application. Thirty-four representations were received including 10 letters of objection and 20 letters of support. The representations received have been reviewed and summarised below.

The following objections were raised:

Drainage and Flood Risk

- Flooding has got worse in the last few years in the gardens of neighbouring properties and it is believed the summerhouse is the cause of this.
- The new ditch [completed in September 2021] is at a higher level than the previous ditch, water is no longer flowing downstream creating standing water, drainage and flooding problems for the gardens of neighbouring properties. There is virtually no

gap between the summerhouse and the new ditch is in contravention of the Council's Culvert Policy Guidance. The watercourse has collapsed in parts. Maintenance and viability of culverts is a concern. The amount of water flowing down this watercourse during storm conditions is significant.

Oak Tree

- The creation of a new relatively shallow water channel to the rear of the building, only 40cm away from the Oak tree, has caused superficial damage to Oak tree roots. Taking the channel deeper will cause more serious damage.
- The outbuilding foundation is built over the Root Protection Area.
- The large pizza oven will have a negative impact on the tree.

Drawings

- The hedge line indicated is incorrect.
- There is a pizza oven not indicated on the proposed drawings.
- The illustrated building representation is not sited in the correct position in relation to boundary location. The building foundation is between 73cm and 65cm from the boundary at its nearest point, and is only 1m radial distance from the Oak tree.

The following comments of support were received:

Drainage and Flood Risk

- There have never been any flooding issues on Heathbank Road.
- The culvert was situated on the boundary of 92 and 100 Heathbank Road and the pipe ran directly behind the summerhouse [not underneath it].
- Concerns regarding potential flooding have been addressed by renewing the culvert to improve drainage for the whole community. Works have consent from the flood authority and the applicants have paid for a drainage company to ensure the works were adequate.

Design

The design and the appearance of the summer house is in keeping with the surroundings.

Amenity

- There is no loss of privacy for neighbours.
- Trees have been planted to provide screening for the neighbours.

CONSULTEE RESPONSES

Drainage Engineer (LLFA) – No objections as the previous works to open up the watercourse have mitigated the issues of surface water and flood risk and the drainage for the building is no longer a concern.

Arboricultural Officer – The development has not and will not have a negative impact on the existing trees/hedge to the rear of the property given the distance of it from them and the use of low level foundations. There is no requirement for the application to be accompanied by an Arboricultural Report. On this basis there are no objections subject to conditions to ensure:

- the retention of trees within the site other than those shown for removal on the plans and

- that no further 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. 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.

ANALYSIS

The planning history on the application site has informed the submission and content of this current planning application. In this respect Members are advised that the summerhouse has been built in the north west corner of the rear garden without the benefit of planning permission. It was originally believed that the structure benefitted from Permitted Development however, following an enforcement investigation the height was found to be above that which is allowed under Permitted Development (which is 2.5m as the structure is within 2m of the boundary). As such the applicant was advised that he should seek planning permission for the retention of the summerhouse.

A planning application was subsequently submitted in September 2019 seeking the retention of the summerhouse (DC/074343). However, the Council's Drainage Engineer (the LLFA) objected to that application due to the construction of the outbuilding over the culvert that existed at that time (with the prospect of increased flood risk through lack of access to maintain). As such and on the advice of the Planning Officer, that application was withdrawn to allow the applicant the opportunity to resolve the drainage issues with the LLFA and then separately apply for planning permission to retain the summer house with the works to the culvert being implemented.

An application was submitted in October 2020 for the relocation of the existing culvert head with section of existing culvert tunnel replaced with open ditch (DC/078355). This application was refused in April 2021 by Members contrary to Officer recommendation due to the failure to provide 3m easements to either side of the drainage channel and failure to adequately protect the adjacent oak tree.

Following the refusal of this previous planning application, discussions have taken place between the applicant and the LLFA to agree how drainage issues could best be resolved. Following advice from the LLFA and with their consent, the culverted watercourse within the site was replaced with an open ditch dug along the rear of the property boundary; this was completed in September 2021. As the works undertaken did not amount to development they did not require planning permission. It is proposed that the rainwater from the summerhouse will run off and soakaway into the adjacent ground and newly constructed ditch as shown on the plan appended to this report ('Proposed Plans & Elevations, drawing number 302 Rev A') and as set out in the drainage strategy submitted with the application. The LLFA have confirmed that they are satisfied that the surface water drains away in an acceptable manner and that there are no adverse impacts on the adjoining watercourse.

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.

The summerhouse which remains unfinished is positioned in the north west, left hand corner of the rear garden as shown in photograph 1 and 2 below.



Photograph 1: View from the applicant's garden of the partially completed summerhouse



Photograph 2: Close up view of the partially completed summerhouse

The summerhouse is single storey in nature and reads as a subservient development to the existing property and large garden of 92 Heathbank Road. The design has a pitched roof and the materials of construction including red brickwork with timber posts to the front elevation and proposed rosemary clay roof tiles are considered suitable for the structure and its location. Once completed it is considered that the summerhouse will respect the size and proportions of the existing house and the character of the area. It is not visible from the public vantage points and does not have any negative impacts upon the character of the immediate streetscene

In view of the above, it is considered that the development respects the design, scale, materials, character, appearance and proportions of the existing dwelling and surrounding area in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1.

Neighbour Amenity

Saved UDP Review policy CDH 1.8: Residential Extensions 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 west by residential properties. The summerhouse is positioned at the far end of the rear garden, is surrounded by the gardens of other neighbouring houses and is positioned well away from the neighbouring dwellings.

It is not considered that the summerhouse adversely affects the amenities of properties to the rear on Southdown Crescent. The summerhouse is sited approximately 1m away from the rear boundary, approximately 25m away from the closest residential property to the rear, 9 Southdown Crescent and approximately 29m away from 7 Southdown Crescent. As such, it significantly exceeds the required 12 metres to a blank elevation of a structure. There are no windows in the rear elevations facing the properties and gardens on Southdown Crescent. Furthermore, there is hedging and mature trees along the property boundary with gardens of houses on Southdown Crescent. Given the relatively low height and small size of the outbuilding it is not considered that there is any impact on the amenities of the neighbouring occupiers on Southdown Crescent that would justify the refusal of planning permission.

The closest neighbouring dwellings on Heathbank Road (100 Heathbank Road and 90 Heathbank Road), are positioned approximately 25m away and 41m away respectively from the summerhouse. Given the relatively low height and small size of the outbuilding together

with the large separation distance, hedging and mature planting on the property boundaries, the summerhouse is not considered to have any adverse impacts on the amenities afforded by these neighbouring occupiers.

In view of the above, it is considered that the impact upon residential amenity is acceptable in accordance with policies with UDP policy CDH1.8, Core Strategy policy SIE-1 and the SPD.

Flood Risk and Drainage

As explained above, discussions have taken place between the applicant and the LLFA to agree how the previously identified drainage issues could best be resolved. Following advice from the LLFA, an open ditch was dug along the rear of the property boundary (see photograph 3 below) into a soakaway which was consented by the LLFA. This was completed in September 2021 and the works did not require planning permission.



Photograph 3: View showing the ditch to the rear of the summerhouse completed in September 2021.

Rainwater run-off runs off the roof of the summerhouse into the existing ditch to the rear of the summerhouse and into the surrounding ground as shown on the plan appended to this report 'Proposed Plans & Elevations, drawing number 302 Rev A' and as set out in the submitted drainage strategy.

The comments from the neighbouring properties in relation to drainage and flooding are noted, however, the LLFA have confirmed that they are satisfied that the surface water drains away in an appropriate manner and that there are no adverse impacts on the adjoining watercourse. As such, the summerhouse is considered acceptable with regards to flood risk and drainage and accords with saved UDP Review EP1.7 Development and Flood Risk and CS policy SD6 Adapting to the Impacts of Climate Change.

Trees

Objections from neighbours as to the possible harm to the oak tree (which is approximately 1m away from the summerhouse in the rear garden of 9 Southdown Crescent) are noted. At the time of writing this report, an application seeking the imposition of a tree preservation order upon this oak tree remains under consideration by the Council.

Notwithstanding the absence of a decision in relation to the application to legally protect the oak tree, the Council's Arboricultural Officer has considered this planning application and has advised that given the small scale of construction and minimal foundations, the construction of the summer house has had no adverse impact on the adjacent oak tree nor will do so in its completion. It should be noted that no works to deepen the open watercourse are proposed by this application; as such objections in relation to such works impacting on the oak tree should be discounted.

The Arboricultural Officer has recommended the imposition of the 2 following conditions:

- 1. No existing tree within the site shall be cut down, topped, lopped, uprooted, willfully damaged or willfully 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.*

In this respect Members are advised that no trees are indicated for removal by this application. In addition to this, none of the planting within the application site is legally protected nor worthy of such protection. As such it is unreasonable to impose a condition that in effect would restrict the applicant from removing any garden planting within the entire application site at all without replacing it irrespective of whether it was required for removal in relation to the summerhouse or not.

- 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.*

In this respect Members are advised that the only remaining works proposed by this application are the tiling of the roof, the insertion of rooflights and works to the front elevation of the summerhouse. As such any potential impact on existing trees arising from works will to be carried out within the site will be limited. Notwithstanding this, protective fencing should be installed to either side of the summerhouse to prevent the storage of materials in these areas during these construction works. This condition can be imposed.

On this basis and subject to the imposition of the above condition the proposed development is acceptable in relation to its impact on trees and is compliant with CS policies CS8, SIE1 and SIE3 together with advice in the NPPF.

Other Matters

It is noted that objectors refer to incorrect and missing details on the submitted drawings. A site visit was undertaken by the Case Officer and it is considered that the submitted drawings provide an accurate representation of the proposal. Reference to a pizza oven not being shown on the plans is noted however the applicant is not obliged to detail the internal fittings within the outbuilding noting that such a feature would not impact on the external size or appearance of the building.

Objectors comment that water is no longer flowing downstream. Members are advised that there are elongated periods of time when there will be no water flowing in the ditch as it is understood that it only carries water in times of heavy rainfall and flooding events further afield. Comments regarding drainage and flooding problems to the gardens of neighbouring properties are noted however there is no evidence that these can be attributed to the proposed development.

Objectors note that there is virtually no gap between the summerhouse and the new ditch (which they argue is in contravention of the Council's Culvert Policy Guidance). Members are reminded that the construction of this ditch has been undertaken as a direct response to advice given by the LLFA (who are the authority on drainage and flood matters) and with their consent. The LLFA advise that the proposed development has no adverse impact on the adjacent drainage ditch nor will have an adverse impact on flooding. As such the Council would have no evidence to present to support a refusal of planning permission on the grounds that the siting of the summerhouse impacts on the operation of the watercourse.

Objections have been made that the watercourse has collapsed in parts and that maintenance of it is a concern. Members are advised that the maintenance of the watercourse is the responsibility of the applicant and that any concerns in this respect should be directed to the LLFA who will investigate. There is however no evidence nor suggestion from the LLFA that the proposed development adversely impacts on the watercourse and therefore such objections cannot be sustained.

Members will recall that the previous application submitted in respect of this site (DC078355) was refused contrary to Officer recommendation due to the failure to provide easements to either side of the watercourse. This refusal was in reference to the desirability of providing 3m wide easements to either side of a watercourse as set out in guidance issued by the LLFA. Members are advised that whilst it is desirable to provide such easements so as to allow for maintenance, it is rare that they can be applied to existing watercourses (where formal permission from the LLFA may be required for new works to the watercourse) due to the presence of existing buildings, landscaping and other infrastructure. This advice is therefore more relevant to large scale new developments (such as that at the former Woodford Aerodrome) where a site of significant size is being redeveloped and there is scope to design the drainage such that easements are incorporated.

In addition to this it should be noted that this watercourse, which in this locality runs along the rear garden boundary of houses on Heathbank Road and Southdown Crescent, has existed for many years in an open form without any easement to either side. To now require new development to be sited such that it provides easement would not be justified given this historic situation. It should also be noted that in order to provide such easement (which would be 6m wide), the removal of

trees, shrubs and other garden planting would be required which would not only impact on biodiversity but also the character of the relevant area by the clearance of such a large area.

Most relevant to the determination of this application is the fact that since the withdrawal of the first application to retain this summer house, the applicant has worked with the LLFA to find a drainage solution. In this respect the LLFA has recommended the opening up of the watercourse through the application site which has been undertaken by the applicant. The LLFA also advise now this watercourse has been opened up, that the retention and completion of the summer house will have no adverse impact upon it. On this basis there are no grounds in relation to drainage and flooding that would justify the refusal of planning permission.

Finally, Members are advised that the application site benefits from Permitted Development rights. These rights enable the erection of an outbuilding covering up to 50% of the garden. If that building is more than 2m from any boundary of the site then it can rise to 4m high with a dual pitched roof (3m with any other type of roof) and an eaves of 2.5m without the need for planning permission. If the building is within 2m of the boundary (like that which is the subject of this application) then it can only be constructed under Permitted Development if it is no higher than 2.5m.

These Permitted Development rights constitute a fallback position which is material to the consideration of this application. If permission were refused for the development sought (which in any event is not recommended by Officers) then the applicant could replace the building which is the subject of this application by one which is significantly larger and higher, over which the Council would have no control nor ability to impose conditions. Such a Permitted Development outbuilding would have the potential to have a significantly greater impact upon the character of the area and the amenities of the neighbouring occupiers than that proposed for retention by this application. As such, whilst the development proposed by this application is considered acceptable and compliant with the Development Plan, this fallback position should be afforded significant weight in the consideration of this application.

The summerhouse has an open front and no insulation / heating. There is electricity however a supply was present to the shed that was previously there. As such, a household energy checklist is not required in this instance.

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 and privacy of the surrounding properties and would comply with UDP policy CDH1.8 and Core Strategy policy SIE-1.

As confirmed by those consulted on the application there are not considered to be any adverse impacts in relation to flood risk, drainage nor trees. In this respect the

proposal is compliant with saved UDP Review policy EP1.7 and CS policies SD6, CS8, SIE1 and SIE3.

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. The fallback position afforded by Permitted Rights is a material consideration that weighs significantly in favour of the proposed development.

RECOMMENDATION Grant subject to conditions.