

ITEM

Application Reference	DC/081729
Location:	31 Bradgate Avenue Heald Green Cheadle SK8 3AQ
PROPOSAL:	Proposed two-storey side extension with internal garage and proposed single storey front and rear extension with a 45-degree chamfered corner to the southern corner.
Type Of Application:	Householder
Registration Date:	19.08.2021
Expiry Date:	14.10.2021
Extension of Time:	25.01.2022
Case Officer:	Mr. Callum Coyne
Applicant:	Mr. Alex Newgrosh
Agent:	Mr. Alex Newgrosh

DELEGATION/COMMITTEE STATUS

Six letters of representation have been received during the neighbour notification period. This application was not called up by local ward members however due to the number of objections received, this application shall be referred to the Cheadle Area Committee for decision.

DESCRIPTION OF DEVELOPMENT

This application seeks permission to construct a two-storey side extension with internal garage and proposed single storey rear extension with a 45-degree chamfered corner to the southern corner.

- The proposed two-storey side extension would maintain a pitched roof design to match that of the main dwellinghouse. The proposal would project approximately 2.8 metres wide, be set back 130mm from the front elevation and match the length of the existing dwellinghouse.
- The proposed single storey rear extension would have a pitched roof design, be set back 170mm from the southern side boundary and a maximum rear projection of approximately 5.4 metres.
- Based upon plans submitted, the proposed single storey rear extension project a maximum depth of 2.9 metres along the common boundary with the adjoining semi, no. 29 Bradgate Avenue. The proposal would have a chamfered corner at 45-degree angle and project an additional 3.7 metres.
- The proposed single storey front extension infill to the south eastern corner would maintain a lean-to roof design and match the materials of the existing house. The proposal would be set in 330mm from the common boundary with the adjoining semi and have a maximum front projection of 1150mm, to align with the front elevation of the existing front porch.

- The applicant also proposes the installation of 2.no front and 2.no rear rooflight windows within the existing roofslope of the main house and the conversion of the attic to storage space. The ground floor garage is also proposed to be used as a family stage area with access through to the open plan kitchen.

It should be noted that a change in description of development has occurred to reflect the actual plans submitted. Due to the inaccuracies noted within the proposed description of development, neighbouring properties were re-consulted prior to the completion of this offer report. The application form failed to list the proposed single storey front and rear extensions as part of the proposed development, which are clearly detailed on the proposed plans. Neighbouring occupiers were updated, many of which submitted additional comments highlight the fact that their original objections to the proposal remain.

SITE AND SURROUNDINGS

The application site relates to no. 31 Bradgate Avenue, a two-storey semi-detached property located within a residential area in Heald Green. The host dwelling is situated south of the junction where Bradgate Avenue meets Branksome Drive.

The application site is situated in an area which consists mainly of semi-detached houses with hipped roof designs. The host dwelling and the adjoining neighbour, no. 29 Bradgate Avenue are located to the western side of the road and consist of a pitched roof design. The application site shares its northern side boundary with the rear gardens of neighbouring plots, no's 45 and 47 Branksome Drive (to the north). The application site also shares a rear and side garden boundary with no. 49 Branksome Drive (to the north west).

The separation distance between the northern side elevation of the host dwelling and the first floor rear elevation of no's 45 and 47 Branksome Drive is approximately 19 metres. It is also noted that at present there is a 3.4 metre gap between the side elevation of the main house and the northern side boundary of the application site.

The applicant has submitted a 'Proposed Tree Location Plan' which details there are no trees located within the curtilage of the application site. The southern side boundary consists of mature hedging and part 1.8 metre tall close boarded timber fencing. The rear and north western corner boundary consists of 1.8 metre tall close boarded timber fencing adjacent large conifer trees located within the curtilage of no. 49 Branksome Drive.

Furthermore, based upon Council records it is noted that the site is not protected by a Tree Preservation Order (TPO) and not located within a Conservation Area. There are no TPO protected trees located adjacent to or within the curtilage of the application site. Therefore, any trees or hedging which falls within the ownership of the applicant or neighbouring landowners could be removed at any time without the need for permission from the Council.

It is noted that the applicant has also submitted a Flood Risk Supporting Document, which confirms that the application site is located within Flood Zone 1 and concludes that the proposal is located in an area, which is at minimal, or no risk of flooding.

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

EP 1.7: DEVELOPMENT AND FLOOD RISK

EP 1.9: SAFEGUARDING OF AERODROMES AND AIR NAVIGATION FACILITIES

<https://www.stockport.gov.uk/topic/current-planning-policies>

LDF Core Strategy/Development Management policies

SD-2: MAKING IMPROVEMENTS TO EXISTING DWELLINGS

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

SIE-5: AVIATION FACILITIES, TELECOMMUNICATIONS AND OTHER BROADCAST INFRASTRUCTURE

<https://www.stockport.gov.uk/topic/current-planning-policies>

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.

<https://www.stockport.gov.uk/topic/current-planning-policies>

The Council's Extensions and Alterations to Dwellings' Supplementary Planning Document states that the issue of design is a highly important factor when the Council assessed proposals for extensions and alterations to a dwelling.

An extension that is sited close to a window belonging to a habitable room of a neighbouring dwelling or its private garden area, can create a poor living environment for the occupier in terms of overshadowing and intrusiveness. Extensions which cause an unacceptable loss of privacy or outlook to neighbouring properties, or look out of keeping with the character of the street, will be refused.

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 2021). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF represents the Government's most up-to-date planning policy position, and should be taken into account in plan making and decision taking. In respect of decision taking the revised NPPF constitutes a "material consideration".

[National Planning Policy Framework.](#)

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 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.127 “Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics”.

Para.128... “all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.

Para.130... “Planning policies and decisions should ensure that developments:
(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

Para.134 “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.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.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.

<https://www.gov.uk/government/collections/planning-practice-guidance>

RELEVANT PLANNING HISTORY

- Reference: DC/048434; Type: FUL; Address: 49 Branksome Drive, Heald Green, Cheadle, SK8 3AL; Proposal: Conversion of garage to form additional living accommodation; Decision Date: 13-DEC-11; Decision: GRANTED
- Reference: DC/080364; Type: GPDE; Address: 31 Bradgate Avenue, Heald Green, Cheadle, Stockport, SK8 3AQ; Proposal: Proposed single-storey rear extension, (i) The projection of the proposed extension beyond the rear wall of the original house is 6.0, (ii) The maximum height of the proposed extension is 3.5, (iii) The height of the eaves of the proposed extension is 3.0; Decision Date: 27-APR-21; Decision: REFUSED

Reason

The proposed development, by reason of its size, scale, massing, height, rear projection and siting along the common boundary would have a detrimental overbearing impact upon the nearest rear habitable window of no. 29 Bradgate Avenue resulting in loss of outlook, daylight and an unacceptable sense of enclosure. The proposal is therefore contrary to Policy SIE-1 'Quality Places' of the adopted Core Strategy DPD and Saved Policy CDH1.8 'Residential Extensions' of the Stockport Unitary Development Plan Review, the Council's Supplementary Planning Document 'Extensions and Alterations to Dwellings' and the National Planning Policy Framework.

As part of this submission (ref: DC/081729), the applicant states that following the refusal of the larger homes prior approval application, they sought advice from a planning professional and consulted with local neighbours. Subsequently, the applicant made significant changes to the proposal to ensure the proposal takes neighbours views into account and meets policy requirements whilst also adding in new elements to be assessed.

Such background information is noted, however, each application must be assessed on its own merits against the relevant local and national planning policy and the views of local residents must also be taken into consideration as part of this assessment. As detailed above, given the number of objections received, this application shall be referred to the Cheadle Area Committee for decision.

NEIGHBOUR'S VIEWS

Six letters of objection have been received during the neighbour notification period. Following a neighbour re-consultation, a number of additional comments were received which highlighted and clarified concerns raised previously. All of the concerns raised can be summarised as follows;

- Neighbour Amenity;
 - Loss of privacy
 - Overlooking
 - Overshadowing
 - Loss of daylight and sunlight
 - Reducing size applicants rear garden
 - Size, scale and massing imposing
 - Overbearing development
 - Encroachment towards common boundary
 - Sense of enclosure

- Design and Appearance;
 - Unsympathetic designed extension
 - Does not replicate existing/neighbouring houses
 - Not in keeping with character area
 - Potential breezeblock appearance
 - Materials must match existing house
 - Terracing Impact
 - Over development of the site
 - Unsightly and insensitive to neighbourhood
 - Destruction of the green space

- Other Issues;
 - Accuracy and quality of plans submitted
 - Accuracy of application form
 - Drainage – Downpipes and manholes
 - Party Wall Act
 - Impact on neighbouring trees and hedging
 - Impact upon site security
 - Devaluation of neighbouring properties
 - Building Control Issues

- Future maintenance issues
- Construction along common boundary
- Access onto neighbouring land
- Loss of garden views and openness
- Noise and disturbance during construction
- Potential damage to fencing
- Potential damage to private property
- Potential damage to neighbouring properties
- Proposal would affect the mental health of neighbouring occupiers
- Right of Light Act

CONSULTEE RESPONSES

Manchester Airport

The Safeguarding Authority for Manchester Airport have no aerodrome safeguarding objections to the proposal subject to conditions and informatives relating to exterior lighting, solar panels, cranes and dust and smoke clouds in order to prevent distraction of pilots and flight safety.

ANALYSIS

Proposals for development in the predominantly residential areas should adopt high standards of design in order to safeguard aspects of good character and residential amenity. Neighbouring occupiers raised strong and specific objections with regards design, amenity and other issues, which shall be assessed within the analysis section below.

Design, Character and Appearance

It is noted that concerns have been raised in terms of the size of the proposal in comparison to the previously refused prior notification application (ref: DC/080364) and members are reminded that each application must be assessed independently on its own merits. Furthermore, concerns relating to potential impacts on house prices shall be discussed within the 'Other Issues' section of this report (see below).

Two-storey side extension

Neighbour concerns have been raised requesting a 100mm setback to avoid terracing impact. Given there are no houses situated directly to the north of the pair of semi's, the Council's terracing policy is not relevant in this instance. The semi-detached housing character could not be lost through extensions on this side. Furthermore, it is noted that the plans submitted detail a set back 130mm at first floor level.

Based upon the plans submitted, it is considered that the proposed two-storey side extension would not have any detrimental impact upon the character of the host dwelling or the wider visual amenity of the area. The proposal would not result in an unsympathetically designed extension that would progressively change the character and appearance of a street or area as a whole and is therefore considered acceptable on design grounds.

Single storey rear extension

The proposed single storey rear extension would be screened behind the resultant dwellinghouse, would not be widely visible within the streetscene and is considered acceptable on design grounds.

Single storey front extension

The proposed front extension would be set back approximately 330mm from the common boundary with the adjoining neighbour. This setback is as per the plans submitted and not a design request on behalf of the Council and may be a consequence of dialogue between neighbours. It is considered that the proposed single storey front infill extension and rooflights to the front and rear roofslope would not result in any detrimental harm to the character and appearance of the existing streetscene.

Materials

It is important to note that concerns raised with regards the external finish of no. 22 Bradgate Avenue (ref: DC/081729) are not relevant in terms of assessing the proposal at no. 31 Bradgate Avenue.

The planning case officer is sympathetic to the concerns raised by neighbours with regards a potential breeze block finish, which without a render finish could adversely affect the character of the street scene. However, it is also important to note that this is a hypothetical situation about a potential future event.

Taking into consideration the objection letters received, most of which raise this specific point, if permission is to be granted, the case officer recommends a condition be attached to any subsequent decision notice to ensure materials of external construction shall be identical in appearance to those used on the existing building, or such alternative materials, samples of which have first been submitted to and approved in writing by the local planning authority.

For the reasons above, it is considered that the proposed single storey front and rear extensions and two-storey side extension and rooflights to the front and rear roofslope would not result in an obtrusive or prominent feature within the streetscene. On this basis, the proposed development is considered acceptable in design terms and accords with policy SIE-1 of the adopted Stockport Core Strategy DPD, saved policy CDH1.8 of the Stockport Unitary Development Plan Review, the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the National Planning Policy Framework.

Neighbour Amenity

A number of objections have been received suggesting that the proposed part two storey, part single storey side and rear extension would have an imposing impact upon neighbouring occupiers and result in a loss of outlook, visual intrusion and sense of enclosure. All such concerns shall be carefully taken into consideration as part of this assessment.

Two-storey side extension

The proposed two storey side extension would extend approximately 2.8 metres towards the northern side boundary, however the proposal would maintain a separation distance of approximately 16 metres between the resultant dwellinghouse

and the first floor rear elevation of no's 45 and 47 Branksome Drive (to the north). On this basis, the proposal would maintain a separation distance of more than 12 metres between habitable room windows and a blank elevation and therefore complies with the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD.

The proposed extension is likely to cause some degree of shadowing, given its position relative to the path of the sun (orientation), combined with its height and massing which, will determine the amount of shadow that will be cast. However, given the separation distance between the proposal and the rear elevations no's 45 and 47 Branksome Drive, it is considered that the proposal would not result in significant harm in terms of overshadowing or sense of enclosure to adjacent neighbouring houses or rear gardens such that it would warrant a refusal of planning permission.

Specific amenity concerns have been raised with regards overlooking and loss of privacy to the rear garden and rear elevations of neighbouring properties. It is considered that the proposal, including the proposed front and rear rooflights, would not cause significant detrimental impact to the amenity of surrounding residential properties or worsen existing relationships, including any potential opportunity for overlooking and loss of privacy. Furthermore, the proposal would not result in any significant harm to the occupiers of no. 49 Branksome Drive, or any other neighbouring houses or rear gardens. Notwithstanding this, if permission is to be granted a condition is recommended to ensure that no additional windows, doors or openings of any kind shall be inserted in the side elevations of the proposed development.

A neighbouring occupier has requested the Council ensure that any windows facing towards the rear boundary be removed, however the request for such an amendment to the scheme is considered unreasonable in this instance. Notwithstanding this, the windows to the rear elevation are to be an upstairs family bathroom and en-suite WC, and therefore it is considered reasonable to impose a condition to ensure both first floor rear windows are fitted with obscure glazing.

Single storey rear extension

Concerns have been raised that the proposed extension would result in detrimental harm to the occupants of the adjoining neighbour. Based upon the plans submitted and the proposed chamfered corner positioned along the southern side boundary, the planning case officer considers that the proposal would comply with the Council's 45-degree rule and therefore complies with the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD. On this basis, the proposal would not be considered to result in significant overbearing impact or loss of light or overshadowing to the nearest habitable room ground floor windows (open plan kitchen and dining room) of no. 29 Bradgate Avenue or have any significant negative amenity impact upon occupiers of any neighbouring occupiers.

The proposed two-storey side and single storey rear extension would not result in any detrimental harm to any adjacent neighbours, including no's 45 and 47 Branksome Drive (to the north) and the adjoining semi, no. 29 Bradgate Avenue (to the south). Furthermore, in response to the concerns raised during the neighbour notification period, it is considered that adequate garden space remains to the rear of

the property to facilitate the future enjoyment of the property as a residential dwellinghouse.

Single storey front extension and rooflights

For clarity, it is considered that the proposed single storey front extension and rooflights to the front and rear roofslope would not result in any amenity impact to any properties located opposite the application site, including no's 36, 38 and 40 Bradgate Avenue or indeed the occupiers of the adjoining dwelling.

The concerns received during the neighbour consultation period have been carefully considered as part of this assessment, however the planning case officer concludes that the proposed part two-storey, part single storey extensions would not cause significant harm to the amenity of neighbouring properties due to overshadowing, loss of outlook, overlooking or visual intrusion. On this basis, the proposed development therefore accords with saved policy CDH1.8 of the Stockport Unitary Development Plan Review, policy SIE-1 the adopted Stockport Core Strategy DPD the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the National Planning Policy Framework.

Manchester Airport

The Safeguarding Authority for Manchester Airport has been formally consulted on the application and has raised no aerodrome safeguarding objections to the proposal subject to conditions and informatives. The planning case officer recommended to ensure the applicant takes robust measures to control dust and smoke clouds and no solar panels to be used without prior consultation with the aerodrome safeguarding authority for Manchester Airport. Furthermore, if permission is to be granted planning conditions and informatives are recommended to ensure no exterior lighting creating upward light spill shall be installed without the express consent of the local planning authority. In addition, no solar photovoltaics should be used without planning permission.

On this basis, it is considered that the proposal does not have any potential to conflict aerodrome Safeguarding criteria. The proposal therefore complies with circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002.

Flood Risk

The application site and its full curtilage is located within Flood Zone 1 which can be summarised as an area with a low probability of flooding, as (i.e. an area which is not affected by sources of flooding including surface water drainage) and therefore the proposed development is not considered likely to increase flooding risks to neighbouring properties. Concerns have been raised within the objecting letters that hidden gutters would result in overflow into neighbouring gardens.

In this instance, the proposal is a modest sized extension to an existing home, which is less than 1ha in size and located outside of a Flood Zone area. Notwithstanding this, a flood risk informative is recommended to be attached to any decision notice to inform the applicant that it is their responsibility to ensure any such minor household

extensions shall be designed to be flood resistant and/or flood resilient and to seek further advice online via <https://www.gov.uk/guidance>.

On this basis, the proposal would not result in any additional flood risk and therefore accords with policy SIE-3 and SD-6 of the adopted Stockport Core Strategy DPD, Policy EP1.7 of the Saved Unitary Development Plan Review, the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the National Planning Policy Framework.

Trees

Based upon current Council records available, there are no trees located on or adjacent to the application site protected by a Tree Preservation Order and the application site is not located within a Conservation Area. It must be noted that any potential harm to unprotected trees located in close proximity to the proposed development would be the responsibility of the applicant and any resultant damage to neighbouring trees or personal injury to neighbouring residents would be a private issue between landowners.

Notwithstanding the above, a tree protection condition is recommended to ensure that during construction, all existing trees and hedges on the site shall be fenced off in accordance with British Standards. 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.

On this basis, it is considered that the proposed development would not result in any detrimental impact upon any trees located within or adjacent the curtilage of no. 31 Bradgate Avenue or any other trees within or adjacent to the site that would warrant a refusal of this application. The proposal therefore accords with policy SIE-1 and SIE-3 of the adopted Stockport Core Strategy DPD and the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the National Planning Policy Framework.

Other Issues

Concerns have been raised via neighbouring residents with regards the poor design or finish materials of no. 22 Bradgate Avenue (ref: DC/081729) which may or not be in the same ownership as the applicant. This applicant relates to a previous permission granted in 2015 and cannot be assessed as part of this application. Any such complaints must be re-directed towards the Council's Planning Enforcement team as per recent correspondence with a local resident.

Given the plans submitted are to a recognisable scale, there is sufficient detail available to complete an officer assessment and determine the proposed application against both local and nation planning policy and guidance. The proposed floor plans and elevations (received 19/08/21) and the application form adequately detail the height the structure, the roof design and the materials proposed.

A number of letters of objection raised specific concerns with regards access to construct such an extension along the common boundary, erection of scaffolds on neighbours land and/or potential damage to adjoining walls or hedges, which are within the ownership of neighbouring landowners. Given this, interested stakeholder

attention is drawn to land registry records and the provisions of the 'Party Wall Act 1996'.

The Party Wall Act 1996 sets out the rights and responsibilities of adjoining landowners in respect of the construction or alterations of any party walls, excavations and other construction works adjacent to the boundary line and professional advice on the provision of the Act should be sought. Furthermore, the 'Access to Neighbouring Land Act 1992' provides a legal means by which you may gain access to adjoining land where this is "reasonably necessary to carry out any basic preservation works" by obtaining a Court Order.

Concerns have also been raised with regards the potential disruption due to a manhole in the centre of the proposed plans. Such details are not required at the planning permission stage, however plans for re-direction of drains or position of downpipes may be included within a separate Building Control application. Such concern have been noted, however rainwater downpipes are controlled via building regulations 'Approved document H – Drainage and Waste Disposal (2015), rather than assessed as part of an application for planning permission.

Most building works need to comply with building regulations even if planning permission is not required. The Building Regulations set standards for the design and construction of buildings to ensure the safety and health for people in or about those buildings and such details must comply with the relevant and necessary building regulations.

Building work should normally only take place on weekdays between 7.30am and 6pm and on Saturdays between 8.30am and 2pm however this is not normally controlled via planning condition. Whilst it is usual to expect some noise, dust and other disturbance from a building site, if it is excessive and causing a problem you can contact the site manager in the first instance to discuss your concerns. If this has not resolved the problem, you can report any such concerns to the Council's enforcement officers who can investigate and respond to any complaints about harmful noise and/or pollution from construction.

Planning policy CDH1.8 'Residential Extensions' of the saved Unitary Development Plan Review states that extensions to dwelling must not cause damage to the amenity of neighbouring properties by reason of overshadowing, visual intrusion. However, it is important to note that any potential impact upon visual impact (i.e. loss of views or open green areas), the personal circumstances of the applicant or neighbouring residents, or indeed any potential negative impact on future house prices (i.e. loss of value) to neighbouring houses due to an alleged poor design within the existing streetscene are not material planning considerations or indeed reasons to refuse permission.

A right to light will come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act 1959. The applicant may therefore need to get the agreement with any relevant neighbouring landowners if it is considered that the proposed extension would block light to their windows (as stated within a letter of objection received). Where a right to light is

claimed, this is a matter of property law, rather than planning law. The local planning authority will have no role or interest in any private dispute arising.

Conclusion

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 guidelines set out in the 'Extensions and Alterations to Dwellings' SPD, and the National Planning Policy Framework.

The proposal would not unduly impact upon the residential amenity of the surrounding properties in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1, the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the National Planning Policy Framework.

Other material considerations such as the Extensions and Alterations to Dwellings SPD and the NPPF have also been considered and it is considered that the proposal also complies with the content of these documents. There are no other material considerations that warrant refusal of this application

RECOMMENDATION GRANT subject to conditions

CHEADLE AREA COMMITTEE 25TH JANUARY 2022

The Planning Officer introduced the application. Cllr Nottingham asked the planning officer to clarify what the difference is between the proposed application and the previously refused permission?

The Planning Officer stated that the 45-degree chamfered corner has been introduced to ensure that the proposal does not extend more than 3 metres along the common boundary, which allows for more light.

Cllr Greenhalgh introduces a member of the public, Tracy Kingsley to speak against the proposal.

Cllr Nottingham asks the speaker to clarify that, as he understands it, a single storey side extension is considered acceptable however, local residents are objecting specifically to the proposed first floor side extension? Tracey Kingsley confirms that this is correct. Yes, we would consider a single storey to the side; however, we strongly oppose a double storey side extension.

The planning agent / applicant, Alex Newgrosh speaks in support of the application.

Cllr Greenhalgh introduces asks the applicant if the proposal is for people with difficulty accessing upstairs. The applicant states that the proposal is to future proof the house for his family for when the time comes that they will not as mobile.

The Planning Officer makes no additional comments.

Cllr McCann raises general concerns with regards numerous large extensions being granted permission within the local area. Cllr Mc Cann acknowledges that the

proposal complies with planning policy however raises concerns with regards loss of light to adjacent neighbours no. 45 and no. 47 (Branksome Drive).

Cllr Roberts states that the applicant made reference to a sunlight / daylight assessment and asks if the Council have had sight of such information. The planning Officer confirms that the Council have not received a sunlight / daylight assessment as part of the application.

Cllr Greenhalgh questions to what extent does the Council have control to ensure the finish of the proposed development results in a finish, which is acceptable to the local community and environment.

The Planning Officer states that the officer report makes reference to a request for a condition be attached to any permission granted, to ensure that the finished materials match the existing dwelling. Furthermore, in such a scenario that the approved materials have not been implemented correctly; the Council's planning enforcement team can investigate.

Cllr Greenhalgh asks the Planning Officer if there are any policies with regards access to the rear garden and specifically bin storage. The Planning Officer states that there is no specific policies or guidance, however if such an issue were to arise in the future, this issue could be addressed by the provision of a bin store in the future, if required.

Cllr Nottingham states that the main issue is the potential for the proposed extension to cause loss of light and recommends a site visit.

Cllr Charles Jones seconds the need for a site visit and requests that the application attend the Planning and Highways Regulation Committee.

Cllr Roberts states he is happy to support the request and subsequently Cllr Greenhalgh formally requests that the application attend PHR Committee with a specific request for a site visit.