

ITEM

Application Reference	DC/083397
Location:	57 Dialstone Lane Offerton Stockport SK2 6AF
PROPOSAL:	Proposed single storey rear extension
Type Of Application:	Householder
Registration Date:	15.11.2021
Expiry Date:	10.01.2022
Case Officer:	Anthony Smith
Applicant:	Mr Wild
Agent:	PLG Design Ltd

COMMITTEE STATUS

At the 25/1/22 meeting of the Stepping Hill Area Committee, members resolved to refer this application for site visit and determination by the Planning and Highways Regulation Committee (PHRC).

The application has received one representation of objection and was called up to Stepping Hill Area Committee by Cllr. Meikle.

DESCRIPTION OF DEVELOPMENT

This application seeks planning permission for a single storey rear extension to create a dining space, utility and WC with shower room, within additional floor space of circa 30 square metres.

The proposed single storey rear extension would be sited adjacent to the boundary with adjoining property No.55 Dialstone Lane (150mm gap to the boundary), would project across the rear elevation and project 5.7m out from the original rear wall. The overall height of the extension would be 3.2m with a flat roof. A roof lantern would also be incorporated (the top of the roof lantern would be 3.55m above ground level).

Patio doors and a window are proposed to be installed within the rear elevation of the extension, with a window provided within the side elevation adjacent to 59 Dialstone Lane. The elevation adjacent to adjoining property 55 Dialstone Lane would be blank.

SITE AND SURROUNDINGS

The application site comprises a traditional, semi-detached, red brick and tile house, set within a sizable curtilage to the front, side and rear. Vehicular access is gained from Dialstone Lane and there is adequate parking for vehicles off the highway. The site is fairly level with no significant change of the gradient in any direction. The property has not been previously extended.

The surrounding properties are of a similar age and design from the same era. There are differences in the sense some are semi-detached whilst others are terraced. Furthermore, some dwellings are primarily finished with red brick and others have white render to their front elevations.

The area is a predominantly residential area, with a variety of visible extensions in the public realm. The site is not within a Conservation Area.

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

LDF Core Strategy/Development Management policies

SD-2: MAKING IMPROVEMENTS TO EXISTING DWELLINGS

SIE-1: Quality Places

Saved UDP policy CDH1.8 "Residential Extensions"

UDP policy CDH1.8 states that the Council will grant permission for an extension provided that the proposal, amongst other issues, does not cause damage to the amenity of neighbouring properties by reason of overlooking, overshadowing, visual intrusion or loss of privacy.

Core Strategy Policy SIE-1 "Quality Places"

This states that specific account should be had of a number of issues, including provision, maintenance and enhancement of satisfactory levels of privacy and amenity for future, existing and neighbouring users and residents.

Core Strategy Policy SD-2 "Making Improvements to Existing Dwellings"

This policy requires the applicant to submit an "Energy Efficiency Checklist". Policy SD 2 requests that applicants undertaking extensions to residential properties should take reasonable steps, where possible and practical, to improve the energy performance of the existing dwelling.

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 replaced the previous revisions. 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 applied¹. It provides a framework within which locally-prepared plans for housing and other development can be produced”*

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. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection”.*

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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

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 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 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.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.

NEIGHBOURS VIEWS

The owners/occupiers of 5 surrounding properties were notified in writing of the application. The neighbour notification period expired on the 10th December 2021. To date, one representation has been received and it is an objection from a neighbouring property. Points raised can be summarised as;

- The overall size of the extension in terms of length and height would have a detrimental impact
- The size of the extension is out of character and proportion compared with other extensions in the road
- Its overbearing effect would have an adverse impact on amenity
- Loss of light to rooms and garden
- The downstairs area would be doubled in size

ANALYSIS

Residential Amenity

Earlier sections of the report have summarised the key policies for the consideration of a householder planning application. The Extensions and Alterations to Dwellings Supplementary Planning Document (SPD) provides further guidance.

Extensions SPD- key points:

The Extensions and Alterations to Dwellings SPD states, “The issue of design is a highly important factor when the Council assessed proposals for extensions 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. Unsympathetically designed

extensions can progressively change the character and appearance of a street or area as a whole.”

“The Council wishes to protect the borough's buildings and residential areas from unsympathetic changes by ensuring that new extensions are designed in context with their surroundings. This does not mean that a new extension 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 spaces. Any extension or alteration to a property should:-

- Respect the form, shape, symmetry and proportions of the existing dwelling and compliment the character of the surrounding area (DESIGN)
- Generally appear subordinate in relation to the existing dwelling in terms of massing, scale and overall appearance (SCALE)
- Respect the architectural integrity of the existing dwelling. External materials and finishes should be durable and of good quality. They should be visually appropriate for their surroundings and sympathetic in terms of colour, texture and detail in relation to the existing dwelling (MATERIALS).”

Regarding “Daylighting and Outlook,” the SPD advises, “An extension which 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.”

“Most extensions are likely to cause some degree of shadowing, it is the position of the extension relative to the path of the sun (orientation), combined with its height, shape and massing which, will determine the amount of shadow that will be cast.”

“An extension to a property should not harm a neighbouring occupiers’ daylight to an unacceptable degree. When assessing this, the impact of the proposal on the amenity of the dwelling as a whole will be considered. Particular attention will be given to protecting principal habitable room windows.”

SPD - 6.3 - Rear Extensions:

The SPD advises, “In determining planning applications for rear extensions (including conservatories) the most common problem is the affect on the amenities of neighbouring properties. Poorly designed or overly large extensions can cause a loss of outlook, overshadowing or an overbearing impact to neighbouring properties.”

“To avoid such an impact (on a terrace or semi detached properties) a single storey rear extension should take account of the following:

- Project no further than 3 metres along a party boundary close to a habitable room window of a neighbouring property.”

Impact of proposed single-storey extension upon neighbouring properties:

The proposed single storey rear extension would be well separated from the majority of the surrounding neighbouring properties, including No.59 Dialstone Lane and the properties to the rear of the site, due to the scale and siting of the extension, the location of neighbouring properties and the size of the application property's curtilage. The impact upon these properties is judged to be acceptable due to the levels of separation.

It is considered that the dining room window within the proposed side elevation adjacent to 59 Dialstone Lane should be obscure glazed, in the interests of amenity, pursuant to saved UDP policy CDH1.8 and Core Strategy policy SIE-1, which can be imposed by way of condition.

To the north of the proposed extension is the rear elevation of No.55 Dialstone Lane (the adjoining semi-detached property). This property has been previously extended with a single storey rear extension, which includes window openings within the rear elevation of the extension.

The existing rear extension at 55 Dialstone Lane is located adjacent to the common boundary with the applicant's property and projects out approximately 2.7m from the rear wall. It has a lean to roof. There would be a gap of approximately 475mm between the two side walls. The proposed single storey rear extension to 57 Dialstone Lane would project 3m past the existing extension at No.55 to the south.

It is assessed that the proposed single-storey rear extension to 57 Dialstone Lane would not result in unduly harmful impacts upon the amenities of the occupiers of 55 Dialstone Lane, including in terms of overshadowing and outlook to habitable room windows and the garden area, by reason of the height, design and scale of the proposed extension and in the context of the scale of the curtilages.

It is acknowledged that the proposed single-storey rear extension would be sited to the south of 55 Dialstone Lane, however, as explained above in the SPD regarding rear extensions, single-storey rear extensions incorporating 3 metres of projection along a party boundary close to a habitable room window, are assessed to result in acceptable impacts, due to the scale and height. The proposed extension would project 3 metres at single-storey beyond the rear building line of the extension at 55 Dialstone Lane, (total projection of 5.7 metres from the rear building line) with a flat roof, to a height of 3.2 metres.

Furthermore, the government legislation regarding Permitted Development (development not requiring consent) for rear extensions provides, in brief and not exhaustive, that such rear extensions are permitted development, provided, and subject to prior approval, they do not exceed criteria including more than 50% of the garden area, are no more than 6 metres in length, 4 metres in height and 3 metres in height to the eaves level.

It is assessed that the proposed extension would not unduly impact upon the privacy of the occupiers of 55 Dialstone Lane, due to the lack of openings within the side elevation and the presence of boundary treatments.

Sufficient usable amenity space would remain within the curtilage of 57 Dialstone Lane, due to the scale of the extension and the curtilage.

It is assessed that the proposed extension would comply with amenity policies, as advised above (UDP policy CDH1.8 and Core Strategy policy SIE-1 as well as the NPPF and Extensions SPD), and would enable the occupiers of 57 Dialstone Lane to adapt their home to meet their needs.

Design:

Policies contained within the Core Strategy and the Saved UDP are clear when they state that proposed developments should be of good, high-quality design and not adversely affect the character of the streetscene.

It is assessed that the proposed single-storey rear extension, although sizable, would not appear out of keeping with the character and appearance of the houses or the street scene, due to the scale in the context of the scale of the curtilage and the main dwellinghouse, the design of the extension, including the use of materials to match the existing house, and as the extension would not be visible from public vantage points.

In summary, the extension would be sympathetic to the existing house, in compliance to saved UDP policy CDH1.8, Core Strategy DPD policy SIE-1 and the SPD.

Energy Efficiency

Core Strategy DPD policy SD-2 states that the Council recognises the importance of improving the energy performance of Stockport's existing building stock. Therefore, energy efficiency measures and low carbon and renewable technologies are encouraged. Planning applications for changes to existing domestic dwellings will be required to undertake reasonable improvements to the energy performance of the dwelling. Improvements will include, but not be restricted to: loft and cavity wall insulation, draught-proofing, improved heating controls and replacement boilers. Applicants will be asked to complete a checklist to identify which measures are appropriate to their home.

A checklist has been received by the local planning authority. Therefore, Policy SD-2 is complied with.

OTHER MATTERS

The content of the neighbour objection has been noted and fully considered. The scheme has been assessed on relevant planning considerations (including impact on residential amenity and design) and is acceptable.

The applicant's property does possess permitted development rights and could erect a single storey rear extension up to 3m from the original rear wall without any planning consent being required. The height would have to be reduced to 3m (from the 3.2m proposed in this application).

Under a Prior Approval planning application, it is theoretically possible, as advised above, to gain consent for a 6m rearwards projection on a semi-detached property. This does represent a realistic fall back position.

SUMMARY

The proposal would not unduly impact on the residential amenity and privacy of the surrounding properties, in compliance 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 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 SPD and the NPPF have also been considered and it is judged the proposal also does comply with the content of these documents.

Conclusion

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

Recommendation

Grant

The consideration of the application at the Stepping Hill Area Committee meeting 25/1/22 can be reported as follows: (The webcast of the meeting is available via the Council's website)

The Planning Officer (P.O.) introduced the application, highlighting the key issues, and providing a context in terms of the site, the locality and planning policy.

One of the key issues is the impact of the proposed single-storey rear extension upon the amenities of the occupiers of adjoining property 55 Dialstone Lane, specifically as regards their existing single storey rear extension, with windows within the rear elevation, along with their garden area.

The P.O. advised it is assessed that the proposal would have an acceptable impact upon the character and appearance of the house and street scene; would not cause undue harm to the amenity of neighbouring properties, including by reason of overlooking, overshadowing, visual intrusion or loss of privacy, and does not deprive the property of garden and parking space; and would not prejudice similar development by the occupants of neighbouring properties.

In summary, the scheme would be a sustainable form of development and does comply with Stockport development policy (and the NPPF) and the application should be granted (with conditions).

Questions from the committee

Cllr Johnstone enquired on the permitted development fall back and clarified a height of 3m would be needed for a permitted development extension. He also enquired as to whether there are any minimum legal gaps between the proposed extension and the existing rear extension at No.55.

The P.O. confirmed that a max height of 3m would be needed for a permitted development scheme, rather than the 3.2m height as currently applied for. A Larger Home Extension could be applied for by submitting an application for Prior Approval for an extension of up to a 6m rearward projection and height of 3m.

It was also confirmed that there is no planning legislation or guidance for maximum gaps between the side walls of two extensions such as these. It is possible to build to the boundary, however, no part of an extension would be permitted to encroach/overhang into the neighbouring property.

Cllr Meikle asked for the size in square metres of the proposed extension and the P.O. answered it is 30 sqm.

Cllr Meikle commented that the proposed extension was large in the context of the existing dwelling and the impact upon No.55 would be harmful. Cllr Meikle also asked why the proposed toilet and utility room was adjoining the boundary with No.55 and how this would align with the drains? The P.O. answered that we do not control the internal layout. The applicant would have to build wholly upon their land and comply with relevant Building Control requirements.

Cllr Meikle commented the property already has a downstairs toilet and why is the proposed toilet on the boundary with No.55? The P.O. advised the layout may be in order to provide a side window to the dining area, however, the applicant may be able to answer this point later and the layout is not within the remit of planning.

Cllr Meikle expressed a need for aerial imaging to assess the proposed extension in the context of the site and area in the absence of satisfactory plans. The P.O. advised that the 1:200 scale block plan ref. PL03 rev. 5 shows the extension within the site layout and within the context of neighbouring properties, including their respective extensions. The extension is sizeable, but it is within the SPD guidance. There would not be undue impacts.

Cllr Baynham enquired about legislation/requirements for specific distances between a kitchen and an exit in case of fire? The P.O. answered that this matter would be under Building Control's remit. We cannot consider other areas of legislation. If the applicant cannot build it, the applicant would need to re-apply for planning permission.

Public speaking- objector

No one spoke against the application.

Public speaking-applicant

- The applicant wishes to gain additional space for growing family needs
- Amenity space would remain if granted
- Permitted development fall back exists
- The current roof is desired to ensure the ceiling height matches the existing house and for space for adequate roof insulation.
- The design is high-quality and in accordance with the SPD

Cllr Meikle asked the applicant about the existing downstairs toilet and the applicant answered that it is under the stairs. Cllr Meikle queried as to why the proposed utility room and toilet was next to No.55's extension given the drains would be in the centre of the drive. The applicant answered that they did not want to overlook No.55's garden from the dining room window and No.59 has already been extended, meaning the dining room window would look at No.59's blank elevation.

Cllr Wright queried building issues and future maintenance implications of building close to the common boundary. The applicant answered that they would comply with Building Regulations and hopefully alleviate those concerns.

Comments and discussion

Cllr Meikle stated concern for the size of the extension in relation to the size of the existing houses, it would be huge in the garden and it would overshadow the rear elevation of No.55., reducing natural daylight. As such, it cannot be supported.

Cllr Leonard asked is it under the remit of the Committee to consider the gap between the two elevations as regards future maintenance? The P.O confirmed it would essentially be a Civil matter and for the owners to resolve if applicable.

Cllr Johnstone stated that the existing extension to No.55 is not small and reiterates the applicant's needs for the extension. The proposed extension to 57 is large, but we are advised that it is policy compliant. Does not consider therefore, that this application should be rejected. If there is sufficient concern, it could be referred for a site visit to see the context of the extension before making a decision.

Cllr Meikle supported a site visit.

Cllr Leonard would support an approval.

Cllr Baynham supported a site visit or aerial drone footage.

Decision:

Six voted in favour of a site visit, two against and one abstention.

Cllr. Meikle requested that the proposed extension be 'pegged out' on the site for the site visit.