

ITEM 1

Application Reference	DC/083335
Location:	14 Jenny Lane Woodford Stockport SK7 1PE
PROPOSAL:	Side and front extension, side and rear extension, front extension and external alterations
Type Of Application:	Householder
Registration Date:	02.12.2021
Expiry Date:	14.03.2022
Case Officer:	Sophie Anderson
Applicant:	Mrs Marcia Pariser
Agent:	Mr Simon Plowman

COMMITTEE STATUS

Should the Bramhall & Cheadle Hulme South Area Committee be minded to grant permission under the Delegation Agreement the application should be referred to the Planning & Highways Regulations Committee as the application relates to a Departure from the Statutory Development Plan.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for a side and front extension, a side and rear extension, a front extension and external alterations.

The proposed single storey side and front extension to the west of the property would project forward approximately 1.1m of the front elevation. It would project out to the side by up to 3.5m and would leave a gap of approximately 5.0m to the western side boundary. The gap does increase towards the rear to 6.0m due to a slanting boundary. The extension would finish approximately 3.8m beyond the main rear elevation of the existing. The roof would be pitched with a front facing gable end, it would measure approximately 4.9m to the front of the extension increasing to approximately 5.5m to the rear.

The proposed single storey side and rear extension to the east of the site would begin level with the existing front elevation. It would project out to the side by approximately 3.8m and would leave a gap of approximately 6.0m to the eastern side boundary. The gap does increase towards the rear to 10.0m due to a slanting boundary. The extension would finish approximately 3.8m beyond the main rear elevation of the existing property, it would have a pitched roof up to the height of the existing ridge height (approximately 5.8m).

The front extension / porch would project out approximately 2.3m in depth, measure 2.8m in width and 3.5m in height with a dual pitched roof.

Other external alterations would include:

- inserting an additional garage door to the front elevation;
- replacing a window to the front elevation with full height glass doors;
- inserting three windows in the rear elevation and full height glass doors;
- erecting a canopy with a roof light to the rear elevation;
- erecting three roof lights in the rear roof slope;
- installing a window in the eastern side elevation;
- removing an existing chimney from the eastern side elevation; and
- installing two windows and a door to the western side elevation.

SITE AND SURROUNDINGS

The applicant's property is a detached single storey property with an integral garage and dates from the mid-20th century. The site is located within an established ribbon of development within the Green Belt. The property currently comprises of brick, white uPVC windows and concrete tiles to the roof. On the property boundaries to the side and rear of the property are mature hedges and planting.

To the west of the property is 16 Jenny Lane, a detached bungalow similar in design to this property. To the east of the property is 12 Jenny Lane, a detached two storey property. To the rear / north of the property is agricultural land and the A555 Manchester Airport Eastern Link Road. To the front / south of the property on the opposite side of Jenny Lane is the garden of Jenny Lane and agricultural land.

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

LCR1.1 Landscape character areas

GBA1.2: Control of development in Green Belt

GBA1.5: Residential development in Green Belt

CDH 1.8: Residential extension

LDF Core Strategy/Development Management policies

SD-2: Making improvements to existing dwellings

SIE-1: Quality places

Woodford Neighbourhood Plan 2018-2033 (adopted in 2019)

WNP DEV3: Extensions to existing dwellings

WNP DEV4: Design of new development
WNP ENV3: Protecting Woodford's natural features
WNP ENV4: Supporting biodiversity

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 applied. 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 needs. 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.137 *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.*

Para.147 *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.*

Para.148 *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.*

Para.149 *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.”

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.

PLANNING HISTORY

DC/083180 – Lawful Development Certificate Proposed - Erection of single storey extensions to the side and rear, the erection of a single storey detached garage and erection of a single storey detached summer house – Granted (but not yet built) – 23/12/2021

NEIGHBOURS VIEWS

The owners/occupiers of 3 surrounding properties were notified in writing of the application. The neighbour notification period expired on the 30th December 2021.

The application was also advertised by a site notice (expiry 4th January 2022) and a press notice.

No letters of representation have been received regarding the application

CONSULTEE RESPONSES

Woodford Neighbourhood Forum - We note that the applicant has applied for a Certificate of Lawful Development and the reference number quoted is DC/083180, but we could not find anything on the planning website under this number, so were unable to check the size comparisons. We question whether “the applicant needs additional floor space” can be legitimately included under Very Special Circumstances among the items listed under that heading in the Planning Statement.

We believe that the following policies of the Woodford Neighbourhood Plan are relevant to this application:

- WNP DEV3: Extensions to existing dwellings
- WNP DEV4: Design of new development
- WNP ENV3: Protecting Woodford’s natural features
- WNP ENV4: Supporting biodiversity

We have no objections to this planning application, provided that the extension is well-designed, in keeping with the host property and the character of the area, would not create a cramming effect, and that privacy and residential amenity for neighbouring properties are not impaired. Proximity to 12 Jenny Lane should be carefully assessed.

Satellite images indicate mature trees in the garden, which should be retained if possible to comply with WNP ENV3 and WNP ENV4 and to retain privacy for neighbouring properties. There should be mitigation for any loss of vegetation and biodiversity arising from the proposal.

ANALYSIS

Design

CDH 1.8: Residential Extensions of the UDP Review states that extensions to residential properties are only permissible where they complement the existing dwelling in terms of design, scale and materials and do not adversely affect the character of the street scene.

Policy LCR1.1 of the UDP review confirms that development in the countryside will be strictly controlled and will not be permitted unless it protects and enhances the quality and character of the rural area. Development should be sensitively sited, design and constructed of materials appropriate to the locality.

Policy SIE-1 of the Core Strategy recognises that specific regard should be had to the sites’ context in relation to surrounding buildings and spaces.

The 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.

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).

Special attention should be given to matters such as siting, scale, height, massing, detailed design and appropriate use of materials. The Council wishes to protect the boroughs buildings and residential areas from unsympathetic changes by ensuring that new extensions are designed in context with their surroundings.

Policy DEV3 'Extensions to existing dwellings' of the Woodford Neighbourhood Plan states "Residential extensions should be in keeping with the host property and its surroundings."

Policy DEV4: 'Design of New Development' of the Woodford Neighbourhood Plan states 'All new development in Woodford Neighbourhood Area should achieve a high standard of design. New residential development proposals should demonstrate how they respect and respond to the Neighbourhood Area's rural character, to its ecology and to its landscape. Where appropriate and viable, the development of sustainable drainage systems, the retention and enhancement of landscape, wildlife and ecological networks and the achievement of high environmental and energy standards will be supported.'

The design of the proposed extensions is judged to be acceptable. The extensions and external alterations would respect the architecture of the existing dwelling and the wider locality. The roof forms would be respectful of the host dwelling. The materials would match those of the existing dwelling.

In view of the above, it is considered that the development would respect the design, scale, materials, character, appearance and proportions of the existing dwelling and surrounding area and would not result in harm to the character of the street scene, the visual amenity of the area in accordance with UDP policies LCR1.1 and CDH1.8, Core Strategy policy SIE-1 and policies DEV3 and DEV4 of the WNP.

Residential Amenity

CDH 1.8: Residential Extensions of the saved UDP states that extensions to residential properties are only permissible where they do not adversely cause damage to the amenity of neighbours by reason of overlooking, overshadowing, visual intrusion or loss of privacy. 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.

New extensions should not impose an unacceptable loss of privacy on the occupants of neighbouring dwellings. An unreasonable loss of privacy will often occur when windows of habitable room windows look into or overlook a principal window belonging to a habitable room of a neighbouring dwelling. A loss of privacy can also occur when windows look into or overlook private gardens belonging to a neighbouring dwelling.



Photograph 1 – The existing property and gardens are show on this aerial image edged in red

The property is set in a large garden with good levels of separation from neighbouring properties. There are no facing properties to the rear and there are large mature hedgerows to the sides.

The front and side extension would be located approximately 5.0m away from the property boundary with 16 Jenny Lane to the west. Two windows and a door are proposed in the side elevation facing this neighbour however these would be required by condition to be obscure glazed. There are two windows within the side elevation of 16 Jenny Lane however these do not appear to be principal habitable rooms. Furthermore, there is existing timber fencing approximately 1.8m high and hedging on the property boundary would prevent loss of privacy and overlooking to this property. Given the large separation distance, the existing boundary treatments and the proposed condition, the impact on this property would be acceptable.

The side and rear extension would be located approximately 6.0m away from the property boundary with 12 Jenny Lane to the east. A window is proposed in the side elevation facing this neighbour however this would be required by condition to be obscure glazed. 12 Jenny Lane is set further forward than the application property and there is mature hedging on the property boundary which would prevent loss of privacy and overlooking to this property. Given the large separation distance, the staggered siting of the properties, the existing boundary treatments and the proposed condition, the impact on this property would be acceptable.

In view of the above, it is considered that the proposal would not unduly impact on the residential amenity of the surrounding properties in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1.

Green Belt / Landscape Character Area

The NPPF confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (para 139). Inappropriate development is harmful to the Green Belt and should not be approved other than in 'very special circumstances' (para 147). A local planning authority should regard the construction of new buildings as 'inappropriate' in the Green Belt; exceptions to this include amongst others, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (para 149c). There is no definition in the NPPF as what a 'disproportionate addition' comprises so regard is paid to the corresponding policies in the UDP Review set out below.

Saved UDP Policy GBA1.2 states that there is a presumption against the construction of new buildings within the Green Belt unless it is for certain purposes, including limited extension and alterations to existing dwellings.

Saved UDP policy GBA1.5 states that proposals relating to existing residential uses may be permitted in certain cases, including alterations and extensions where the scale, character and appearance of the property would not be significantly changed. The interpretation of significant change will vary according to the character of the property but as a general guideline, extensions which increase the volume of the original dwelling by more than about one third are unlikely to be acceptable.

The material test to the acceptability of proposals within the Green Belt is the impact of the siting, size and scale of the proposal on the character and appearance of the dwelling and on the overall openness of the Green Belt.

There are no policies in the Woodford Neighbourhood Plan that specifically relate to the extension of existing dwellings in Green Belt noting that DEV1 relates to limited infilling comprising new dwellings, DEV2 to replacement of existing dwellings and DEV4 to the design of development (with DEV2 and DEV4 applying across the whole Neighbourhood Plan area irrespective of whether the site is in the Green Belt or not).

Having regard to the above, Members are advised that the volume of the original dwelling is circa 479m³. The dwelling as extended would have a volume of 990m³ which represents a 107% increase in the volume of the original house. In this respect, the volume of the proposed extensions would clearly exceed the one-third increase in volume referenced in policy GBA1.5. The proposal would therefore represent inappropriate development within the Green Belt by virtue of a disproportionate addition. Where development is considered inappropriate, it should only be granted where 'Very Special Circumstances' exist.

It is considered there are 'Very Special Circumstances' to justify the scheme, the conclusions of which are provided below;

The property has permitted development rights which allow it to be extended without the need for planning permission. A Lawful Development Certificate (LDC) for the erection of single storey extensions to the side and rear, the erection of a single storey detached garage and the erection of a single storey detached summer house has recently been approved, confirming that such extensions are permitted development and do not require planning permission. This permission was granted on 23/12/2021 but has not yet been built. The plans forming this LDC are appended to this agenda and labelled 'Permitted Development Fallback'.

The agent states that the volume of the proposed extensions approved by the LDC is 1048m³ compared to 990m³ by this planning application. The agent goes on to state that the proposed extension under this application would have less impact on the openness of the Green Belt compared to the recently approved LDC and an improved visual appearance.

Furthermore:

- There would be adequate levels of separation between the proposed extensions and the neighbouring properties. The property is located in a spacious plot with good levels of separation on all sides. There are no facing properties to the rear and there are large mature hedgerows to the sides that will remain.
- The property is located in ribbon development, it is not an isolated dwelling, and most neighbouring houses have been extended.
- The proposed height would be no higher than the existing bungalow or the adjoining dwellings.
- The proposal would respect the design, scale, materials, character, appearance and proportions of the existing dwelling and surrounding area and would not result in harm to the character of the street scene or the visual amenity of the area.
- The proposed extensions do not significantly harm the openness of the Green Belt due to the above factors.

In response to this Members are advised that the fallback position afforded by permitted development rights is material to the consideration of this application. If this planning application were refused then the extensions which are the subject of the LDC could in any event be constructed. The works proposed under the LDC are greater in volume compared to this current application and are in a less concentrated form in terms of their siting. Furthermore, it is considered that the works proposed under the proposed Lawful Development Certificate would not demonstrate good design and would appear as awkward additions to the dwelling/site.

In contrast to the permitted development scheme, that proposed by this application is of a smaller volume, a more appropriate design having regard to the character of the existing dwelling and are more concentrated in terms of their siting within the site. As such it is considered that the scheme which is the subject of this application will have a reduced impact on the openness of the Green Belt than the permitted development fallback. In this respect it is considered that 'very special circumstances' have been demonstrated to justify the otherwise inappropriate development. Noting however the significant increase in the volume of the existing dwelling and avoid any further impact on the Green Belt, it is considered reasonable to impose a condition removing permitted development rights in relation to the erection of further extensions and outbuildings. This condition would come into force upon the implementation of this application if approved.

As the proposal represents a departure to the Development Plan in relation to saved UDP Review policies GBA1.2 and GBA1.5, in the event that Members agree the recommendation to

grant planning permission, the application must be referred to the Planning & Highways Committee for a decision.

Other Matters

Comments were made that there should be mitigation for any loss of vegetation and biodiversity arising from the proposals. No works are proposed to the trees on site and the mature hedges on the property boundaries would also be retained. As such there is no need for mitigation.

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 policies LCR1.1 and CDH1.8, Core Strategy policy SIE-1 and policies DEV 3 and DEV4 of the WNP.

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.

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.

Notwithstanding the conflict with saved policies GBA1.2 and GBA1.5 of the UDP Review and para 149 of the NPPF, the applicant has demonstrated very special circumstances to justify this otherwise inappropriate development in accordance with para 147 of the NPPF.

RECOMMENDATION GRANT SUBJECT TO CONDITIONS