

ITEM: 4

Application Reference	DC/084487
Location:	18 Lumb Lane Bramhall Stockport SK7 2BA
PROPOSAL:	Erection of a garden office
Type Of Application:	Householder
Registration Date:	07.04.2022
Expiry Date:	27.06.2022
Case Officer:	Sophie Anderson
Applicant:	Mr Bryn Davies
Agent:	N/A

COMMITTEE STATUS

Area Committee – Called Up by Cllr Bagnall, 4 objections

DESCRIPTION OF DEVELOPMENT

This application seeks planning permission for “*Erection of a garden office*”.

The detached outbuilding measuring 3.95m long 3.95m wide and 2.5m high would be sited to the front and side of the existing dwelling, between an existing garage and a hedge that runs along the common boundary with Lumb Lane. The outbuilding would have a mono pitched roof design which would overhang by 0.2m to the sides and 0.7m to the front elevation and would be constructed from weatherboarding incorporating a glazed door and two full height windows to the front (east) elevation. The outbuilding would incorporate a home office and would be used ancillary to No.18 Lumb Lane.

SITE AND SURROUNDINGS

The applicant’s property is a semi-detached two-storey residential property on the corner of Lumb Lane and Gawsworth Close. The front gable of the property faces Gawsworth Close and the elevation facing Lumb Lane appears secondary in appearance, however, as the main entrance and driveway to the property is from Lumb Lane and the address of the property is No. 18 Lumb Lane, this elevation is considered to be the principal elevation. The property has an existing flat roof single-storey extension and comprises of brick with uPVC windows and doors and concrete roof tiles. There is an existing detached garage and shed within the garden.

The property has a large garden which extends between the front elevation of the property and Lumb Lane and to both sides of the dwelling. A mature hedge runs along the property boundaries with Lumb Lane and Gawsworth Close and to the west side of the driveway and timber fencing runs along the property boundary with No.12 Lumb Lane to the west. There are grass verges between the property boundary with Lumb Lane and either side of the junction of Lumb Lane and Gawsworth Close. The site is fairly level with no significant change in the gradient and is served by a vehicular access off Lumb Lane.

The immediate neighbouring properties are a mix of property types. The attached neighbouring property No.2 Gawsworth Close and other properties on Gawsworth Close are two storey semi-detached and terraced houses from the mid-20th century. Immediately to the west, No.12 Lumb Lane lies a two-storey semi-detached house

dating from the early 20th century. Opposite and positioned at an angle to Lumb Lane are Lumb Cottage, a two storey detached house dating from the mid-19th century and Lumb House, a large two-storey L-shaped building accommodating sheltered housing.

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, 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.

LDF Core Strategy/Development Management policies

SD-2: MAKING IMPROVEMENTS TO EXISTING DWELLINGS 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.

SIE-1: Quality Places, 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.

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.

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.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 HISTORY

DC/075865: Erection of one detached dwelling and amendments to vehicular access points, refused and dismissed on appeal 09-APR-20.

DC/076696: Erection of one detached dwelling and amendments to vehicular access points (revision of DC075865), refused 01-JUL-20.

DC/077856: Erection of a proposed home office/studio outbuilding, refused 24-NOV-20.

DC/080372: Removal of existing detached garage and erection of replacement single-storey double garage and garden office, refused and dismissed on appeal 10-JUN-21.

NEIGHBOURS VIEWS

The owners/occupiers of 24 surrounding properties were notified in writing of the application. The neighbour notification period expired on the 1st May 2022. Within the consultation period, 4 objections were received. The main causes of concern are summarised below as;

- Poor drawings and lack of information. Unclear if a flat or sloping roof is proposed and discrepancies over the height.
- Positioning of the structure close to the Lumb Lane and ignoring the 'Lumb, Gawsworth, Morton' building line.
- The structure would be visible from the side garden and public highway and would be out of character with the street scene.
- With the existing extension and garage, the structures are not subordinate in relation to the original house.
- Weatherboarding would be out of character.
- Concerns regarding the use of the structure as a residential room.
- Concerns it would be replaced with a larger structure.
- Queries regarding the use of the existing garage. Will it be converted for residential use?
- Fire risk.
- Loss of garden / green area.
- Effect on residential amenity.

ANALYSIS

The site lies within a Predominately Residential Area as identified on the Proposals Map of the SUDP Review. In assessment of the application, it is considered that the main issues of contention are the position of the structure and its impact on the street scene, the scale and the materials, the proposed use of the outbuilding and potential harm to the amenity of the neighbouring properties.

Design

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.

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 Councils 'Extensions and Alterations' SPD advises that detached buildings should in general:

- Be sited as so as not to affect the street scene. Buildings between a house and a road in most cases are likely to appear as prominent features and should generally be avoided.
- Be of an appropriate scale and appear clearly subordinate in relation to the main house.
- Be appropriately designed, pitched roofs will be encouraged on all buildings, flat roofs should generally be avoided, an exception to this may be the provision of a green roof.
- Respect the type, colour and texture of materials used in the original house.

Objections from neighbouring properties have raised a number of concerns with regard to the design including the position of the structure, its impact on the street scene and the scale and the materials.

Concerns were raised regarding the position of the structure close to Lumb Lane and its impact on the street scene. The outbuilding would be positioned at least 4m away from the property boundary with Lumb Lane, as such it would be appropriately set back from the street and would reflect the building line of the neighbouring property No.12 Lumb Lane. Furthermore, the outbuilding, which would measure 2.5m high, would be partially screened by the existing evergreen hedge (approximately 2.0m high) which runs along the property boundary. It is recognised that the hedge provides an important screening function and a condition would be attached to any grant of permission requiring its protection. Given the distance to the property boundary, the height of the outbuilding and the boundary treatments, the impact on the street scene is acceptable.

The scale bulk and massing of the outbuilding in measuring 3.95m long, 3.95m wide and 2.5m in high has been reduced significantly from the scale of the double garage and garden office refused permission (Ref.DC/080372) and dismissed at appeal (Appeal Ref: APP/C4235/D/21/3279348) which measured 12.3m long, 6.1m wide, 3m and 6.4m high to eaves and ridge respectively. The proposed outbuilding would appear subordinate in relation to the main house, it would be modest in size and fairly typical in appearance of what one would reasonably expect to see in a domestic garden. The outbuilding would be subordinate to the main house and when considered with together with previous extensions, is not considered to represent an overdevelopment of the plot. Whilst weatherboarding isn't prevalent within the immediate locality the outbuildings visual impact would be softened with external finishes being of stained with a fittingly restrained colour and this matter could be reasonable secured through conditional control.

In view of the above, it is considered that the outbuilding is an appropriate design that would not result in harm to the character of the street scene, the visual amenity of the area in accordance with Policies CDH1.8 and SIE-1.

Residential Amenity

Comprising an outbuilding, the proposed development is not an extension and consequently there are no specific policies which directly relate to outbuildings. Nonetheless Policy CDH 1.8 offers some general guidance advising of the need to ensure that development does not cause damage to the amenity of neighbouring properties by reason of overlooking, overshadowing, visual intrusion or loss of privacy. Additionally it is noted that Policy SIE-1 also advises of the need to provide, maintain and where suitable, enhance the levels of privacy and amenity for neighbouring residents.

The Councils 'Extensions and Alterations' SPD states that outbuildings can have a similar effect on the amenities of neighbours as other extensions. Where planning permission is required for this form of development, detached buildings should in general:

- Be sited so as not to affect neighbouring amenity; and
- Be of an appropriate scale and appear clearly subordinate in relation to the main house.

Objections from neighbouring properties raised concerns with regard to the impact of the outbuilding on residential amenity.

The outbuilding would be located approximately 2.2m away from the property boundary with No.12 Lumb Lane to the side (west) of the site. The side elevation of No.12 Lumb Lane Meadway does not feature any principal habitable room windows. No windows are proposed in the rear elevation of the outbuilding facing this property. Furthermore, there is a timber fence and some planting along the property boundary which provides screening. The impact on this property is considered acceptable.

The outbuilding would be adequately separated from other surrounding residential properties. It would not cause any undue loss of light, outlook or general amenity.

The impact upon residential amenity is acceptable.

In view of the above, it is considered that the proposal would not unduly impact on the residential privacy or amenity of any surrounding property in accordance with Policies CDH1.8 and SIE-1.

Highways

Policy T2 requires parking in accordance with the maximum standards and Policy T3 confirms that development which will have an adverse impact on highway safety and/or the capacity of the highway network will only be permitted if mitigation measures are proposed to address such impacts. Developments shall be of a safe and practical design. The site would continue to retain sufficient parking to serve the existing dwelling to meet the maximum parking standards (2 spaces). In response to concerns expressed regarding the use of the existing garage, the applicant has confirmed that the existing garage is currently utilised for storage purposes and that it would continue to be used for this purpose.

The proposal is considered acceptable in terms of highways.

Other Matters

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

Comments regarding poor drawings and lack of information with the submitted application have been noted, information has been checked and amended drawings obtained.

Concerns were raised regarding the potential use of the outbuilding, in particular, its potential use as a residential room. The proposed use of the outbuilding is as a home office and the applicant has confirmed that the outbuilding would be used for homeworking purposes. A condition would be imposed which states that the outbuilding is used solely for purposes ancillary to the use of the existing main dwellinghouse.

Concerns were made that the outbuilding would be replaced with a larger structure. The application must be assessed as submitted. The replacement with a larger structure would require submission of another householder planning application.

Concerns regarding fire risk are not a material planning consideration.

SUMMARY

The proposal would not unduly impact on the residential amenity of the surrounding properties or prejudice a similar development by a neighbour, the details of design are acceptable in terms of its relationship to the existing dwelling, the character of the street scene in accordance with Policies CDH1.8 and SIE-1. Other material considerations such as the Extensions and Alterations to Dwellings and the NPPF have also been considered and it is judged the proposal also complies with the content of these documents.

RECOMMENDATION

Grant