

ITEM 1

Application Reference	DC/084766
Location:	30 Hampstead Lane Great Moor Stockport SK2 7QQ
PROPOSAL:	Part single, part two storey rear extension with associated works and front car port conversion
Type Of Application:	Householder
Registration Date:	27.03.2022
Expiry Date:	22.05.2022
Case Officer:	Anthony Smith
Applicant:	Sara Sotoudemehr
Agent:	TD Design and Planning

COMMITTEE STATUS

This application is before Stepping Hill Area Committee, as Cllr. Baynham has called the application up to Committee, and as 4 representations of objection have been received, which are contrary to the recommended decision to approve planning permission.

Stepping Hill Area Committee can make a decision upon this planning application.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for a *“Part single, part two storey rear extension with associated works and front car port conversion.”*

Beginning at the front of the property is a frontwards projecting flat roofed outrigger, which is a common feature within this particular streetscene. It has a garage door to the front (facing the highway) but the southern side elevation is open. It is proposed to infill the walls/garage door with brickwork and convert this garage space into a home office, utility room and downstairs toilet. There would be no extensions towards the highway or towards any other property. The structure would have a flat roof with a height of 2.6m (same as existing). The roof form would change from the existing parapet design to a complete flat roof. However, the overall height of the structure would remain at 2.6m.

The proposed works, as described above, did initially include a pitched roof with a greater height. The applicant has, however, removed this roof and retained a flat roof design akin to the existing built form.

To the rear of the property, it is proposed to construct a part two storey, part single storey rear extension. Starting at the southern part of the rear elevation (adjacent to the vehicular access to the industrial units at the rear of the site) would be a two storey rear extension. It would be set in from the boundary with the highway by 0.15m and project out 3m from the rear elevation. It would have a width of 3.2m and leave a gap of 2.6m to the common boundary with No.28. The overall height would be 6.15m with a pitched roof.

The remainder of the 2.6m gap (from the side of the two storey rear extension to the boundary with No.28) would be a single storey rear extension. It would finish close to the boundary with No.28 (0.15m gap). The overall height would be 3.4m with a lean to roof.

The applicant has stated that the proposed materials would match that of the existing dwelling (walls, roof, windows etc).

SITE AND SURROUNDINGS

The applicant's property is an end terrace, with front and rear curtilage areas, and was constructed in the 1970s (approximate age). Vehicular access is gained to the front from Hampstead Lane and there is adequate parking for vehicles off the highway within the front curtilage. The site is fairly level with no significant change in the gradient in any direction. The property currently comprises of red brickwork and areas of white UPVC cladding. The windows are white UPVC.

The site is located in a predominately residential area (not a Conservation Area). The surrounding properties are very similar in their age and design (terraced, with the front projecting garage area and front and rear curtilage areas). To the rear of the site are industrial units.

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 10 surrounding properties were notified in writing of the original application. The initial neighbour notification period expired on the 24th April 2022. Objections to the application have been received from the occupiers of 4 properties.

The representations received can be summarised as follows:

- The works represent an over development of the site
- The two storey rear extension is too high and will block light to neighbouring gardens and rear elevations
- It will de-value properties

- The loss of garage space will result in extra on road parking
- Loss of view
- The development is out of character
- Noise issues
- Party wall issues

Following the receipt of amended plans, including the exclusion of the previously proposed pitched roof to the carport to be converted to the front elevation, and the setting in of the rear extension from the property boundaries, the owners/occupiers of the surrounding properties have been re-consulted.

The re-consultation period commenced on 1st June and ran until 15th June 2022.

Two representations have been received to date (both further objections), which can be summarised as follows:

- All properties north of no 30 will be impacted by overshadowing from the proposed extension, which would deprive rear rooms of any sight of sun, which they only have in early evening.
- A site visit is recommended to see the impacts.
- The view from the adjacent garden environment and living accommodation would be a brick wall, with detrimental effects on the living environment of property and value.
- Concerned as regards Building Regulations because the proposed extension will straddle the main foul and surface water drainage system, which runs at the rear of said properties. The foundations could disturb sewers.
- Residents need to be represented in our resistance to the development.
- The revised scheme will still result in major loss of light and outlook to neighbouring properties and their garden areas. This will make it difficult to enjoy garden spaces and for practical reasons such as growing plants
- The rising of the flat roof to the front would lead to a loss of daylight and amenity.
- Loss of property value.
- Could set a precedent for others to undertake similar in the future.

ANALYSIS

Residential Amenity

Key sections of the Extensions and Alterations to Dwellings SPD (relating to privacy and amenity) state:

“Neighbouring occupiers are entitled to a reasonable level of privacy, both within their homes and outside in their private gardens. In determining planning applications, the Council will ensure that new extensions do 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.

The Council will not normally protect privacy to windows to non habitable rooms, secondary, high level and obscure windows or where windows have been added to the original dwelling under permitted development rights. In assessing the effect of an extension on privacy and overlooking, the individual circumstances of the property will be taken into account.”

“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. The Council will not normally protect daylight to secondary, high level and obscure windows or where windows have been added to the dwelling under permitted development rights.

The following general guidelines will be considered when assessing the effect on daylight and outlook:

Overshadowing should be minimised. Extensions should not unduly reduce the amount of daylight or natural sunlight entering the original, principal habitable room windows of neighbouring dwellings.

The bulk, height and overall massing of an extension along or adjacent to common boundaries should be kept to a minimum. Original principal habitable room windows should not be made to look out directly onto two storey side elevations of extensions.”

Single storey rear extensions (6.3 of the SPD)

“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.”

Two storey rear extensions

“Where a two storey rear extension or first floor rear extension is proposed, these should be avoided where they would be sited adjacent to a party boundary, particularly on the south facing side. Individual circumstances will influence the acceptability of such extensions but ideally they should be sited away from the boundary to ensure the outlook of neighbouring properties is not overly harmed and an unacceptable loss of daylight is not experienced.”

Adjoining house 28 Hampstead Lane and houses to the northeast

The front elevation of No.28 Hampstead Lane includes a principal habitable room window adjacent to the existing garage at No.30. As the built structure of the garage already exists, it is considered that the proposed garage conversion and flat roof would not cause an undue loss of amenity (natural daylight and outlook). The overall height would remain the same at 2.6m. The scheme has been amended to remove the pitched roof that was initially proposed to this part of the scheme.

The rear elevation of No.28 includes openings, including a kitchen window that is located approximately 1.5m away from the common boundary with the applicant's site, along with first floor bedroom windows. As noted above, two storey rear extensions should be sited away from party boundaries, particularly on the south facing side.

In this case, the two storey part of the extension would be located to the southwest, would be set down from the ridge height of the main dwelling, would be sited 2.6m away from the party boundary with No.28 and would project by 3 metres. It is considered that this would be more than ample separation from 28, along with the other houses to the northeast of the extension, and, as such, the scale, siting and design of the extension would not result in an undue loss of daylight within 28 Hampstead Lane and houses to the northeast. It should be noted that it is possible to undertake a two storey rear extension under permitted development with, amongst other criteria, a 2m gap to a common boundary.

The single storey part of the rear extension would project 3m close to the common boundary with No.28 and this is fully in line with adopted guidance in the SPD for single storey rear extensions on semi-detached and terraced properties.

It is also not considered that the extensions would have an undue impact upon the garden environments of 28 and the other houses to the northeast of the extension, due to the scale, siting and design of the extensions within this built form context.

Windows are not proposed within the side elevations of the extensions facing 28 Hampstead Lane and a condition would be required to be imposed to prohibit the insertion of openings into these side elevations, in the interests of amenity, pursuant to policies including saved UDP policy CDH1.8.

Windows are already located within the rear elevation of 30 Hampstead Lane, and, as such, the provision of windows/openings within the rear elevation of the extension would not introduce overlooking and undue privacy impacts upon neighbouring properties.

The impact on the residential amenities of the occupiers of No.28 Hampstead Lane and houses to the northeast is considered acceptable.

No.32 Hampstead Lane

32 Hampstead Lane is located on the southern side of the industrial unit vehicular access that runs between 30 and 32 Hampstead Lane. The dwelling adopts the same design as the neighbouring properties, including a garden area to the front and rear. There are principal habitable room windows to the front and rear elevations, but no windows within the side elevation.

As noted above, two storey rear extensions should be sited away from party boundaries, particularly on the south facing side.

In this case, the two storey part of the extension would be located to the northeast of 32 Hampstead Lane, would be set down from the ridge height of the main dwelling, would be sited across the road from the party boundary with No.30 and would project by 3 metres. It is considered that this would be more than ample separation from 30, and, as such, the scale, siting and design of the extension would not result in an undue loss of daylight within 32 Hampstead Lane.

It is also not considered that the extensions would have an undue impact upon the garden environment of 32, due to the scale, siting and design of the extensions within this built form context.

A window is proposed within the side elevation of the converted garage, which would serve a proposed shower room. It is not considered that this window would unduly impact upon privacy/overlooking, as regards the amenities of the occupiers of neighbouring properties, including 32 Hampstead Lane. This is given this window would be within an elevation that is currently open sided, would be to the public facing front side of the house, and as there is boundary treatment and separation between the proposed window and 32. A condition would be required to be imposed to restrict the window to obscure glazing, in the interests of amenity, pursuant to policies including saved UDP policy CDH1.8.

A further window is proposed at first floor level within the existing side elevation of 30 Hampstead Lane to serve a bathroom. The drawings state that this window would be obscure glazed and not opening below 1.7 metres above floor level. This window constitutes permitted development not requiring planning permission.

Windows are already located within the rear elevation of 30 Hampstead Lane, and, as such, the provision of windows/openings within the rear elevation of the extension would not introduce overlooking and undue privacy impacts upon neighbouring properties.

The impact on the residential amenities of the occupiers of 32 Hampstead Lane is considered acceptable.

Other properties

The proposed extensions would be adequately separated from all other neighbouring properties. The proposed window within the front elevation of 30 Hampstead Lane would be located within the public elevation of the property that already contains openings and would be opposite the blank gable of 23 Hampstead Lane. There would be no undue loss of amenity and the impact is considered acceptable.

In conclusion, it is considered that the proposal would be in compliance with amenity policies as advised above (UDP policy CDH1.8 and Core Strategy policy SIE-1 as well as the NPPF and Extensions SPD).

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.

These policies (SIE-1 in the Core Strategy and CDH 1.8 in the Saved UDP) are further supported by the Extensions and Alterations to Dwellings SPD. The following extract from the SPD are relevant to the application;

“Any extensions or alterations to a property should:

- ***Respect the form, shape, symmetry and proportions of the existing dwelling and complement 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).”***

The proposed front garage conversion works would utilise appropriate materials. The roof form would also respect the prevailing character of the area (with flat roofs to the front garage spaces). The principal of converting the garage space and using brick walls is not considered to be an incongruous change with the streetscene. Such a change has already taken place at No.25 Hampstead Lane and includes a pitched roof (DC/027038- approved 24/08/2007) and also No.15 Hampstead Lane. As noted before, the area is residential area (not a Conservation Area).

The proposed two storey rear extension would be subservient to the host dwelling, noting the use of a pitched roof that would be set below that of the main roof ridge line.

Similarly, the single storey rear extension would utilise a lean to roof and would be in proportion to the host dwelling.

The applicant has indicated that all parts of their scheme would use matching brick work, roof tiles and windows to the existing dwelling.

The site would not be over developed as a result of the proposed extensions. It would retain at least 56 square metres of amenity space, exceeding the recommended 50 square metres for terraced properties (as recommended in the Design of Residential Development SPD). Space for off-street parking would be retained to the driveway frontage of the property.

In summary, the extended house would be subservient to the existing dwelling and would also respect the character and appearance of the street scene and surrounding locality. The extensions would be sympathetic. As such, the proposal would be 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.

The local planning authority has received a checklist and Policy SD-2 is complied with.

OTHER CONSIDERATIONS

It is noted that the proposal does involve the loss of the garage for vehicular parking. However, the property would still benefit from one parking space on the driveway and this does comply with adopted highway standards. The loss of the garage for parking is not considered to be contentious as there is no requirement for occupiers to use the garage for vehicles.

The neighbour consultation responses did include several points that are not material planning considerations. For example, loss of property value and loss of view from windows are not material planning considerations.

Another point of objection included noise. However, the property is a residential property and would continue to be so, of a similar scale, with a commensurate level of noise and character of use, pursuant to amenity policies. Disruption during construction could occur under permitted development extensions and would be a matter for Environmental Health, as appropriate (hours of construction etc).

The Party Wall Act sits outside the planning system and any Local Authority involvement. Any issues arising would be a civil matter. Building Regulations compliance, including as regards drains, would be appropriately managed under the separate Building Control regime.

SUMMARY

The proposal would not unduly impact upon the residential amenity, including privacy of the surrounding properties, and would comply with saved UDP policy CDH1.8 and Core Strategy policy SIE-1.

The content of all neighbour submissions have been reviewed and examined. To conclude, the proposed extensions and works would not cause undue loss of light or outlook to any original, principal habitable room windows on any neighbouring property due to acceptable projections, siting and separation.

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.

The application is recommended for approval - with conditions.