

ITEM 3

Application Reference	DC/087687
Location:	130 Moor Lane Stockport SK7 1PJ
PROPOSAL:	Two storey side and rear extension and a single storey rear extension
Type Of Application:	Householder
Registration Date:	26.01.2023
Expiry Date:	03.05.2023
Case Officer:	Sophie Anderson
Applicant:	Ms Julie Andrews
Agent:	N/A

COMMITTEE STATUS

The application has been called up to Bramhall & Cheadle Hulme South Area Committee by Cllr Bagnall. 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 the erection of a two storey side and rear extension and a single storey rear extension.

The proposed two-storey side and rear extension would be level with the existing front elevation. It would project out to the side by 4.2m and would leave a gap of approximately 1.1m to the property boundary with No.132 Moor Lane. It would measure approximately 11.4m in length. The roof would be hipped to the front and match the ridge height of the existing property and to the rear would have a gable end set approximately 0.7m below the existing ridge height. There would be a canopy to the front elevation at ground floor level to tie in with the existing front bay window.

The proposed single storey rear extension would measure approximately 4.3m in depth, approximately 7.0m in width and approximately 3.6m in height with a flat roof with three roof lights. It would leave a gap of approximately 0.2m to the property boundary with the adjoining property No. 128 Moor Lane.

The proposed extensions would be constructed using materials matching the existing dwelling. An existing detached garage, entrance porch (to the side elevation) and single storey rear extension would be demolished. A Planning Support Statement has been submitted accompanying the application.

SITE AND SURROUNDINGS

The applicant's property is a semi-detached two-storey property on the north eastern side of Moor Lane, close to the junction with Jenny Lane. The site is located within an established ribbon of development within the Green Belt. The property, which dates from the mid-20th century, has pebble dash render at first floor level, red brick at ground floor level, white uPVC windows and rosemary clay roof tiles. There is an existing tree preservation order along the front boundary and a protected tree to the front garden. The property boundaries comprise of hedging and timber fencing and there is a large rear garden. There is an existing detached garage and vehicular access is gained from Moor Lane.

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
LCR1.1A The urban fringe including the river valleys
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

Application Number(s)	Issues Raised
DC/084978	Single storey front extension, single storey side extension, two storey rear extension, rear dormer, erection of outbuilding (Certificate of Lawfulness of proposed use or development). Granted. 29/07/2022.
DC/084948	Erection of a greenhouse. New sunken patio areas (Retrospective application). Granted. 19/12/2022
DC/077949	Two storey side extension & single storey rear extensions & demolition of existing garage. Granted. 15/01/2021.
DC/079649	Proposed Garden room 10m x 4m, sunken patio 7mx2.5m near stream, proposed sunken patio 5m x 4.3m & proposed greenhouse 3.2m x 2.8m. Refused. 09/03/2022.

NEIGHBOURS VIEWS

The owners/occupiers of 7 surrounding properties were notified in writing of the application. The neighbour notification period expired on the 23rd February 2023. The application was also advertised by a site notice (expiry 1st March 2023) and a press notice.

No letters of representation have been received regarding the application

CONSULTEE RESPONSES

Arboricultural Officer: No objections subject to conditions.

Woodford Neighbourhood Forum: No comments.

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 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 considered acceptable; noting the use of the respectful roof form to the two storey side and rear extension. The proposed single-storey rear extension would utilise a flat roof which is noted, however, it would be sited to the rear elevation and not readily visible from public vantage points. The proposed two-storey side and rear extension would be set in approximately 1.1m from the property boundary with No. 132 Moor Lane and as such no terracing would occur. The materials would match those of the existing dwelling. There would be no incongruous additions to the street scene.

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 policy 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 – Aerial photograph of the site
(Source: Google Earth)*

As shown in photograph 1, the property has a large rear garden with fencing and hedges and on the property boundaries. There are no facing properties to the rear.

The proposed two storey side and rear extension would be located to the east and approximately 5.2m away from the side elevation of No. 132 Moor Lane. No. 132 has been extended with a two storey side extension, two storey rear extension, single storey front extension and new boundary wall and gates to front (DC/058096) and the extension would not extend beyond the extended rear elevation of this neighbouring property. There are no windows in the facing side elevation of No. 132. Two windows are proposed in the facing (west) side elevation of the extension facing no. 132 at ground level and one window is proposed at first floor level, these are obscure glazed and this would be required by condition. As such, it is considered that the proposed works would not result in any unacceptable loss of light, outlook or privacy to No. 132.

The single storey rear extension would be located to the west and approximately 0.2m from the No. 128 Moor Lane. No. 128 has been extended with a single storey rear extension (DC/073159) and the proposed single-storey rear extension would not project more than 3m past this existing extension which is in full compliance with the guideline for extensions in such locations as found in the Council's Extensions and Alterations to Dwellings Supplementary Planning Document. No windows are proposed in the facing (east) side of the extension facing No. 128. The impact on No. 128 would be acceptable.

The neighbouring properties to the front are approximately 28m away which exceeds the Council's required separation distance. There are no facing properties to the rear.

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 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).

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.

The following volume calculations have been provided from the applicant:

Original dwelling = 392m³

Proposed dwelling = 780m³ (including original dwelling, proposed works and minus proposed demolitions)

Proposed volume = 99% 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 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. 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.

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 and this provides a fallback position for development. Permitted development rights are intact and represent a realistic fall back position.

The applicant has recently obtained a Lawful Development Certificate (Planning Ref: DC/084978) for the erection of a single storey front extension, single storey side extension, two storey rear extension, rear dormer, erection of outbuilding. This permission was granted on 29th July 2022 but has not yet been built.

The applicant states that the volume under the proposed Lawful Development Certificate DC/084978 is 874m³ compared to 780m³ under this planning application.

The applicant has submitted a planning statement with “very special circumstances” to justify the proposed scheme, the conclusions are provided below:

- The proposed extensions under this application would have an improved design and visual appearance compared to the permitted development proposals and less impact on the openness of the Green Belt.
- The property is located in ribbon development, it is not an isolated dwelling, and other neighbouring houses have been extended.
- The proposed height would be no higher than the existing property or the adjoining dwellings.
- The proposal would respect the design, scale, materials, character, appearance and proportions of the existing dwelling and surrounding area.
- The proposal would not unduly impact on the residential privacy or amenity of any surrounding property.
- The proposed extensions do not significantly harm the openness of the Green Belt due to the above factors.

As explained above, the property benefits from full permitted development rights and has been granted permission under permitted development for sizeable extensions with a proposed volume of 123% (Planning Ref: DC/084978). The works proposed under the Lawful Development Certificate are more significant in volume compared to this current application and would have a greater impact on the Green Belt than that proposed by this application. It is also considered that the works proposed under the Lawful Development Certificate would not demonstrate as good design as under the current application. This PD fallback position is material to the consideration of this application.

The proposed scheme in this planning application is preferable in terms of scale and design to the works proposed under permitted development. Furthermore, if this application were approved, the Local Planning Authority could use this opportunity withdraw permitted development rights (Class A) so any potential future extensions to the property can be assessed by the Local Planning Authority.

It is noted that there are no objections from the Woodford Neighbourhood Forum.

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. For the reasons stated above it is considered that the proposal is in compliance with policy LCR1.1 and will not cause harm to the Landscape Character Area.

Having regard to the above, it is concluded that whilst there would be some spatial impact upon the openness of the Green Belt, any visual impact would be limited and not unacceptable. It is considered that very special circumstances have been demonstrated and whilst the development remain inappropriate in the Green Belt, in accordance with para's 157 and 148 of the NPPF, the development is recommended for approval.

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.

Trees

There is a protected tree to the front garden of the application site which will remain. The Council's Arboricultural Officer has no objections to the proposal subject to conditions to protect existing trees. A condition was also recommended requiring details of all proposed tree planting, however, this is not considered necessary as no tree planting is proposed as part of the application. Therefore, the impact on trees is acceptable subject to conditions to protect existing trees.

Highways

The existing detached garage would be demolished, however, parking spaces for at least two cars would remain to the front of the driveway. A condition would be required in relation to the driveway surfacing and drainage. Therefore the proposal is considered acceptable in terms of highways and parking.

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 policy 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.

By definition the proposal constitutes inappropriate development, however, it is considered that the case for very special circumstances is sufficient to outweigh harm by reason of inappropriateness. On balance the proposal amounts to Sustainable Development, consequently it is recommended that permission be granted subject to appropriate planning conditions.

RECOMMENDATION

Grant