

ITEM

Application Reference	DC/087683
Location:	75 Newlands Avenue Cheadle Hulme Cheadle SK8 6NE
PROPOSAL:	Single storey rear extension, external alterations including modifications to front porch, conversion of garage, pitched roof over existing two storey side extension, alterations to driveway and boundary treatments
Type Of Application:	Householder
Registration Date:	20.01.2023
Expiry Date:	03.05.2023
Case Officer:	Sophie Anderson
Applicant:	Mr Shahdoth Ali Shah
Agent:	Mr Richard Shuttleworth

DELEGATION/COMMITTEE STATUS

The application has been called up to Bramhall & Cheadle Hulme South Area Committee by Cllr Wyatt and due to 4 letters of objection from neighbours contrary to the officer recommendation to grant.

PROPOSED DEVELOPMENT

This application is for a single storey rear extension, external alterations including modifications to front porch, conversion of garage, pitched roof over the existing two storey side extension and alterations to the driveway and boundary treatments.

Since the initial submission, following officer concern and neighbour objections, the scheme has been amended to remove a proposed rear extension at first floor level, reduce the width of the proposed single storey rear extension and amend the proposed boundary treatments to the front elevation.

Therefore the amended scheme, now being presented to Members is as follows:

The proposed single storey rear extension would measure approximately 3.0m in depth, approximately 5.8m in width, approximately 3.4m in height and approximately 2.5m to the eaves height with a lean to pitched roof.

The proposal also involves external alterations including amendments to the front porch area, the conversion of the existing garage to a habitable room, the addition of a pitched roof over the existing two storey side extension, alterations to the driveway including resurfacing the existing front garden to create parking for two vehicles and a new dropped kerb and amendments to boundary treatments including the erection of two boundary walls with railings to the side elevations at the front of the property.

Materials would include brick to match existing, concrete roof tiles to match existing, uPVC windows to match existing and composite doors.

SITE AND SURROUNDINGS

The application property is a two-storey semi-detached house dating from the mid-20th Century and located within a residential area in Cheadle Hulme. The property has been previously extended to the side with a two storey flat roof extension. Materials include brick, stone effect render, concrete roof tiles, uPVC windows and timber doors. Vehicular access is gained from Newlands Avenue and there is an existing integrated garage. Existing boundary treatments include hedging to the front elevation and hedging and post and wire fencing to the rear elevation. The site is fairly level with no significant change in the gradient in any direction.

The adjoining neighbouring property to the north east, No. 73 Newlands Avenue, has been extended at the rear with a conservatory abutting the common boundary.

The neighbouring property to the south west, No. 77 is angled at 45 degrees so that the rear elevation faces across the rear garden of the application property.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications/appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan includes:-

- Policies set out in the Stockport Unitary Development Plan Review (SUDP) 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 (CS) adopted 17th March 2011.

Saved policies of the SUDP Review

CDH1.8 Residential Extensions

LDF Core Strategy/Development Management policies

SD-2 – Making Improvements to Existing Dwellings

SIE-1: Quality Places

CS9: Transport and Development

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

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.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.

Supplementary Planning Guidance

Supplementary Planning Guidance (Saved SPG's & SPD's) 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.

The following guidance is considered to be relevant:
Stockport Extensions and Alterations to Dwellings SPD

PLANNING HISTORY

DC/084114 - Proposal: Erection of part single/ part two storey rear extension and modifications to front porch area including conversion of garage to office space plus addition of pitched roof over flat roofed bedroom over garage. Decision: Refused. Decision Date: 18-JUL-22

DC/082446 - Proposal: Part single/ part two storey rear extension and modifications to front porch area including conversion of garage to office space plus addition of pitched roof over flat roofed bedroom over garage. Decision: Refused. Decision Date: 29-OCT-21

NEIGHBOUR'S VIEWS

The owner/occupiers of six neighbouring properties were notified in writing of the application.

The first neighbour notification period expired on the 18th February 2023 and 4 letters of objection were received. The main causes of concern are summarised below as:

- The design and scale would be out of keeping with the surrounding residential properties – it would be overly large, especially considering the existing two storey side extension, it would form town cramming / overdevelopment and it would be out of context with the surrounding buildings;
- It would exceed the 45-degree angle alignment and cause a loss of daylight, outlook, overshadowing, privacy, be overbearing and create a feeling of being hemmed in for neighbouring properties and gardens;
- Concerns regarding the impact on boundary hedges;
- Proximity of works to neighbouring properties and the need to retain access to neighbouring properties for maintenance purposes;
- Concerns regarding construction hours and disruption;
- Concerns regarding parking on the road; and
- Query regarding why the property needs 5 toilets, whether the property is to be rented out to multiple families and if this is the case, whether it would need special permission.

Amended plans were submitted on 2nd March, the surrounding properties were re-notified in writing and the re-notification period expired on 16th March. One further letter of objection was received from one of the same properties as the original objections, citing the same concerns as previously mentioned particularly in relation to:

- Exceeding the 45-degree angle alignment, non-compliance with the 45-degree rule and the existing two storey side extension leading to the proposal being overly large, visually intrusive and causing a loss of outlook, overshadowing and having an overbearing impact.

CONSULTEE RESPONSES

Highways – No objections subject to a condition requiring details of visibility splays and the dropped kerb footway crossing.

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.

Para. 6.3 of the SPD states:

“Rear extensions are sometimes visible from public areas and may be prominent for neighbours to the side and rear. Wall and roof materials should match those of the existing property. Rear extensions should respect the shape and form of the existing dwelling with a roof design that complements the existing appearance.”

Letters of objections from neighbouring properties have raised concerns that the proposals would be over-bearing and out of scale with the surrounding properties, especially considering the existing two storey side extension.

The proposals have been amended since the previously refused applications (DC/084114 and DC/082446). Amendments have also been made to the proposal since the initial submission of this application, including the removal of a proposed rear extension at first floor level, the reduction in the width of the proposed single storey rear extension from approximately 7.7m to approximately 5.8m in width and amendments to the boundary treatments to facilitate the retention of the existing hedging on the property boundaries to the front elevation.

The proposed single storey rear extension would have an acceptable design; noting the use of a lean to roof and the materials of construction which would be conditioned to match the existing dwelling. The extension would also be sited to the rear elevation and not readily visible from public vantage points. The extension would be confined to behind the original property and the scale would be acceptable.

Other modifications including the pitched roof over the existing two storey side extension, the new roof over the front porch, the conversion of the garage and

amendments to the driveway and boundary treatments are acceptable in terms of design.

The proposal would not have a negative impact on the character and appearance of the property or the wider street scene.

The proposal is considered acceptable in design terms and accords with saved policy SIE-1 of the adopted Stockport Core Strategy DPD, saved policy CDH1.8 of the Stockport Unitary Development Plan Review, the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the National Planning Policy Framework.

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.

The SPD states that a single storey rear extension should project no further than 3 metres along a party boundary close to a habitable room window of a neighbouring property. At the point of 3 metres it may be possible to introduce a 45 degree splay to allow a slightly greater projection. A rear extension must not allow unrestricted views of neighbouring properties. Any side windows, should either be obscure glazed, high level or screened by a fence of appropriate height.

Letters of objections from neighbouring properties have raised concerns that the proposal would not comply with the 45-degree rule and on account of the existing two storey side extension, would be overly large, visually intrusive and cause a loss of outlook, overshadowing and have an overbearing impact.

In relation to the impact on No. 77 Newlands Avenue, it is acknowledged that on account of the proximity and tight angling of No. 77 towards the application property that the proposed single storey rear extension would not allow for a 45 degree splay from the mid-point of the closest habitable room (bay window to a lounge) at No. 77. Please refer to photograph 1 below showing the rear of No. 75 and the neighbouring properties and figure 1 showing the proposed site plan.



Photograph 1 – The rear of the application property and neighbouring properties

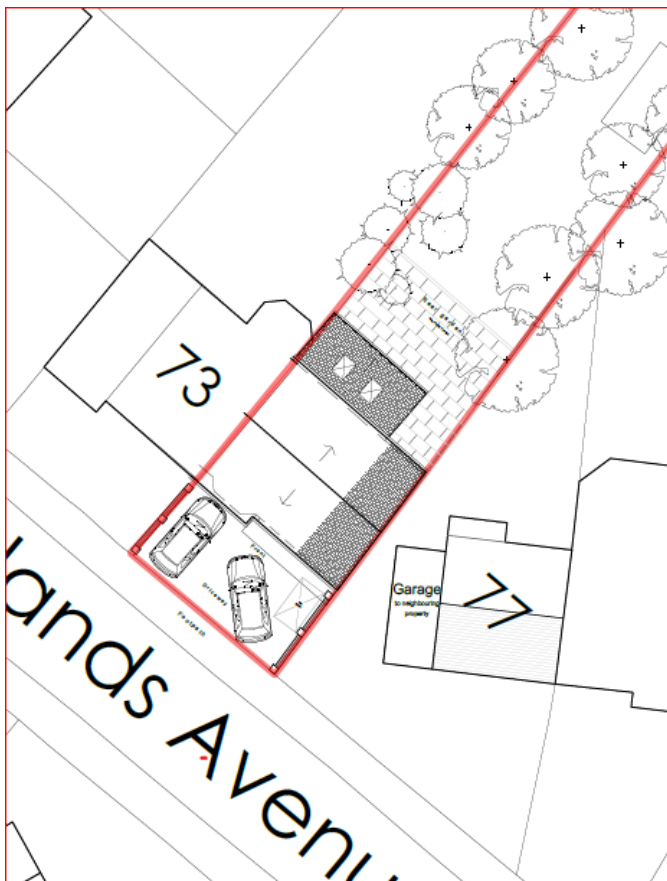


Figure 1: Proposed site plan

However, as the single storey extension would not exceed 3 metres in depth, it would be in compliance with the guidelines for single storey extensions in such locations as found in the Council's SPD. In addition, the extension would be sited approximately 1.9m away from the property boundary with No.77 and

amendments have been made to reduce the width of the proposed single storey rear extension so that it would be confined to behind the original property, rather than also behind the existing two storey rear extension. As such, the extension is considered to have an acceptable impact on No. 77 in terms of overshadowing and visual intrusion. There would be no windows in the facing south east (side) elevation of the extension facing No. 77 and therefore the extension would also not significantly reduce privacy to this property. As such, the single storey rear extension is considered to have an acceptable impact on the residential amenity of No. 77 Newlands Avenue.

In relation to the impact on the adjoining property No. 73 Newlands Avenue, the rear elevation of No. 73 has been extended with a conservatory on the common boundary with the applicant's property. The proposed single storey rear extension would not project more than 3m past this existing conservatory, which is in full compliance with the guideline for extensions in such locations as found in the SPD. A gap of approximately 0.2m would be maintained between the conservatory at No. 73 and the proposed extension. There would be no windows in the facing north west (side) elevation of the extension facing this neighbouring property. As such, the single storey rear extension is considered to have an acceptable impact on the residential amenity of No. 73 Newlands Avenue.

In consideration of the application, it is worth noting that the application site benefits from Permitted Development rights. These Permitted Development rights constitute a fallback position which is material to the consideration of this application. For example, subject to meeting certain criteria, these rights would enable the erection of a single storey rear extension measuring up to 3m in depth, 4m in height and with an eaves height up to 3m in height on the application property without the need to obtain planning permission. If permission were refused for the single storey rear extension sought (which in any event is not recommended by Officers) then subject to the proposal meeting all the Permitted Development criteria, the applicant could therefore erect a single storey rear extension which is slightly taller than that proposed under this application, over which the Council would have no control nor ability to impose conditions. Such a Permitted Development extension would have the potential to have a greater impact upon the amenities of the neighbouring occupiers than that proposed by this application. As such, whilst the single storey rear extension proposed by this application is considered acceptable and compliant with the Development Plan, this fallback position should be afforded significant weight in the consideration of this application.

Other elements of the proposal including the pitched roof over the existing two storey side extension, the new roof over the front porch, the conversion of the garage and amendments to the driveway and boundary treatments would have an acceptable impact on amenity.

The proposal would have an acceptable impact on the residential amenity of other neighbouring properties.

Given the above, it is considered that the proposed development would have an acceptable impact on the amenities of neighbouring properties and therefore

accords with saved policy CDH1.8 of the Stockport Unitary Development Plan Review, policy SIE-1 the adopted Stockport Core Strategy DPD the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the National Planning Policy Framework.

Highway Safety & Parking

The Council's adopted parking standards allows for a maximum of 2 parking spaces per dwelling. The following comments were received from the Council's Highway Officer:

"The development will not result in any material change in the volume or character of traffic to the site.

"Whilst the conversion of the garage would seem to remove some off-street parking, the garage is of such a size to be unusable for the parking of current vehicles. The existing driveway length is also shorter than would now be desired.

The surfacing of the existing front garden would create additional usable off-street parking, though the limited depth of the area from back of footway may result in vehicles parked at right angle to the carriageway overhanging the footway and causing an obstruction. I am however mindful of the fact that the current garage and drive arrangement may lead to the same issue. Increased surfacing to the front would enable diagonal parking avoiding overhanging the footway and I am therefore accepting of the proposal in this instance.

Full details of the dropped kerb/footway crossing are required together with details of the hardstanding construction and drainage to ensure compliance with sustainable drainage policies.

Applicant should be aware that additional approvals for works on the highway are required outside anything granted through the planning process. Alterations to vehicular access require the provision of adequate pedestrian visibility splays to avoid conflict between users of the driveway and pedestrians on the footway. 1m x 1m visibility splays are required at each side of the drive where meeting the back of footway within which nothing obstructs visibility above 600mm from the footway. Submission indicates wall and railings to both sides of driveway. The initial 1m length of each from back of footway will be required to comply with the visibility requirements. Details required to demonstrate this."

Given the above, subject to conditions regarding details of visibility splays, the dropped kerb footway crossing and driveway surfacing and drainage, the proposal is considered acceptable in relation to highway safety and parking provision and therefore accords with policy CS9, T-1, T-2 and T-3 of the adopted Stockport Core Strategy DPD the guidelines set out in the 'Extensions and Alterations to Dwellings' SPD and the National Planning Policy Framework.

Other Matters

Other matters raised within the objections received from neighbours are addressed below:

Concerns regarding the impact of the proposal on boundary hedges have been addressed through the provision of amended plans revising the proposed boundary treatments and enabling the retention of existing hedges on the property boundaries.

Concerns regarding traffic disruption during construction and construction working hours are applicable to any building works and are not a justification for refusal of the application.

A query was raised in relation to the provision of 5 toilets, whether the property is to be rented out to multiple families and if this is the case, whether it would need special permission. In response, the increase in the number of toilets and potential increase in the number of occupants is not considered above and beyond what is expected for a normal dwelling house. Planning permission would be required if the property was to be converted to a House of Multiple Occupation.

Conclusion

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 and Core Strategy policy SIE-1.

The proposal would have an acceptable impact on the residential amenity and privacy of the neighbouring 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 complies with the content of these documents. The fallback position afforded by Permitted Rights is a material consideration that weighs significantly in favour of the proposed development.

RECOMMENDATION

Grant subject to conditions.

UPDATE Bramhall & Cheadle Hulme South Area Committee 20/04/2023

The Officer introduced the application to members.

Cllr Wyatt asked when the current two-storey side extension was granted planning permission. The Officer informed her that whilst he did not have the date for this, he understood that it had been in situ prior to 2009 and as such would be immune from enforcement action.

Cllr Wyatt subsequently asked if it needed planning permission and if it did, why permitted development rights weren't removed. The Officer explained that it would

need planning permission and it may have not been considered necessary to remove permitted development rights at the time it was approved.

Cllr Wyatt asked within what parameters an extension would need to be built to be considered permitted development. The Officer explained that a single storey rear extension could be built which is 4 metres in height and 3 metres in depth under permitted development rights and that such an extension would be larger than that currently proposed.

A neighbour spoke against the proposal. He raised concern, that in his view the report did not contain all relevant information needed for the committee to make a decision. He also raised concern that, in his view, the report contained factual inaccuracies. The third concern raised was that the report lacked clarity in certain areas. He requested that the report is amended and resubmitted to a future Area Committee for further consideration.

He highlighted that the neighbouring property (no.77 Newlands Avenue) is positioned at a 45 degree angle to the application property and the existing two storey side extension adjoining the application property extends 2 metres beyond the rear elevation of this neighbouring property and extending 3 metres beyond this would result in the property extending 5 metres beyond the neighbouring property. He highlighted that the extension proposed would not accord with the 45 degree rule and in his view the site context had not been taken into consideration. He raised concern that the reasons previously refused applications on the site were refused, which reference the close proximity and angle between the application property and the neighbouring property, weren't discussed in the report for the current application. He also requested further clarity regarding permitted development rights.

Cllr Wyatt asked the objector to clarify what information he felt had been left out of the report. The objector stated that the reports for two previously refused applications take the site context and the adverse amenity impact the previously proposed developments would have on the neighbouring property into consideration, but felt this hadn't been considered in the report for the current application. He also reiterated that the current report does not state that the existing two storey extension extends 2 metres beyond the rear elevation of no.77 Newlands Avenue.

The Planning Officer stated that the previously refused applications included a second storey to the rear of the application property and the current application does not propose a second storey and that he felt that this is an important difference between these applications.

Cllr Hunter stated that he wasn't persuaded by the planning report, the objector made reasonable points and he is disappointed that the report, in his view, doesn't make reference to the angle of the neighbouring property and that this relevant. He proposed a referral to Planning and Highways Regulation Committee and a site visit.

Cllr Foster-Grimes stated that she recognised that changes had been made following the previous applications but felt that the development would be overdominant and the development will have a detrimental impact on residential amenity of neighbours. She indicated that she would be reluctant to grant permission and seconded Cllr

Hunter's proposal for the application to go to the Planning and Highways Regulation Committee and for a site visit to take place.

Cllr Wyatt expressed she was appalled by what she had already seen on site and a further extension would be too much. She supported the proposal to refer the application to the Planning and Highways Regulation Committee. This motion was supported by other members.