

Heatons and Reddish Area Committee

19th June 2023

DEVELOPMENT APPLICATIONS

**Report of the Deputy Chief Executive and Corporate Director
(Corporate & Support Services)**

ITEM 1

DC/088271

SITE ADDRESS

45 Chandos Road, Heaton Chapel, Stockport, SK4 5AN

PROPOSAL

Part retrospective application for the retention / amendment of a single storey rear extension and retention of a front dormer

INFORMATION

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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ITEM 1

Application Reference	DC/088271
Location:	45 Chandos Road Heaton Chapel Stockport SK4 5AN
PROPOSAL:	Part retrospective application for the retention / amendment of a single storey rear extension and retention of a front dormer
Type Of Application:	Householder
Registration Date:	30.03.2023
Expiry Date:	25.05.2023
Case Officer:	Aisling Monaghan
Applicant:	Mr A Akhtar
Agent:	Mr Niamat Ali, NA Design

BACKGROUND:

Householder application DC/074607 was granted in October 2019 for a hip to gable conversion, dormer loft conversion and single storey rear extension. Members should note that this application was granted under delegated powers and was not presented to Committee for a decision.

In September 2022, the Planning Enforcement team received a complaint to state that the extensions granted under DC/074607 were not built in accordance with the approved plans. After investigating, the Enforcement Team confirmed that the development was not in accordance with the approved plans. It was also discovered that the Applicant had replaced the two existing small front dormers with one larger new front dormer without the necessary planning permission.

Therefore, the Enforcement Team advised the Applicant that this was the case, and that the single storey rear extension as built did not comply with the relevant Development Plan policies. Therefore, if an application was submitted for the extension as it stood, permission would be most likely refused. However, guidance was provided as to how the extension could be amended to comply with the relevant policies and that permission could be sought for these proposed changes.

Therefore, this application is submitted to assess whether the proposed changes to the retrospective rear extension and the single larger front dormer extension built without permission are acceptable.

DELEGATION/COMMITTEE STATUS

Heatons and Reddish Area Committee. The application has been referred to Committee as a result of the 3 Councillors calling the application up.

DESCRIPTION OF DEVELOPMENT

This planning application involves the alteration and extension of 45 Chandos Road, comprising of a single storey rear extension and a front dormer roof extension. This application is retrospective.

The application proposes a change to the unauthorised single storey rear extension to project 3.1m from the existing rear elevation, where it includes a 45 degree splay and extends a further 1.1m. It is set at a width of 5m. This extension incorporates a flat roof at a height of 3m and two windows on the rear elevation.

The second unauthorised extension to the dwelling is the front dormer roof extension which replaced two smaller existing dormer extensions. It is set at a height of 2m, a length of 5.4m and projects 2.8m from the roof plane. It is set above the eaves by 1.2m, set below the ridge by 0.2m and set in from both sides by 0.7m and 3m. Two windows are located on the front elevation.

The unauthorised works can be seen in the plans attached to this report.

SITE AND SURROUNDINGS

The application property is a bungalow semi-detached house with a gable roof. Chandos Road consists of a mix of bungalows and two storey semi-detached and detached dwellings.

To the North side of the house is No. 43 Chandos Road and to the south is No. 47 Chandos Road. To the west is the highway and to the east is a railway line.

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

H-1: DESIGN OF RESIDENTIAL DEVELOPMENT

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

SIE-3: Protecting, Safeguarding and enhancing the Environment

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 and replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019). 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. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed. In respect of decision-taking the revised NPPF constitutes a "material consideration".

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.

RELEVANT PLANNING HISTORY

- DC/074607 | Hip to gable conversion, dormer loft conversion and single storey rear extension – Granted – 31/10/2019
- DC/041363 | Front and rear dormer extensions, new boundary fencing and gate to car port.(Resubmission of DC40085) – Granted – 26/03/2009
- DC/040085 | Loft conversion with dormers to front and flat roof extension to rear, new gate and new fencing to boundary wall with No 43 Chandos Road – Refused – 02/12/2008

NEIGHBOUR'S VIEWS

The owners/occupiers of 3 surrounding properties were notified in writing of the original application. Letters of objection were received to the application from 1 neighbouring property. The grounds of objection are summarised below:

- No objections to the front dormer
- In the original application the rear extension had a length of approximately 3.1m with a width of 4.7m, tying into the existing single storey rear outrigger. The rear extension which has been built has a length of approximately 4.8 metres and does not tie in with the existing single storey outrigger.
- The proposed 45 degree splay will not make any appreciable difference to its overbearing and intrusive nature.
- If the application is granted it will give the impression that applicants can ignore their responsibilities with impunity

CONSULTEE RESPONSE

None in this case.

ANALYSIS

This application is a retrospective application involving a single storey rear extension and a front dormer. The application proposes a change to the unauthorised rear extension.

Dormer extension

The retrospective flat roof front dormer measures 5.4m wide and matches the existing roof material colours. It replaced the two smaller existing flat roofed dormers to the front elevation and therefore, the precedent of the front dormers was already existing. The application property is not listed, nor is it adjoining a listed building, is not within or adjoining a conservation area.

Given that it replaced two existing dormers, and it does not dominate the roof plane in size and appearance and will not be an unsightly or unduly obtrusive feature within the street scene, where it will primarily be viewed side on, the proposals are considered to be acceptable in this case. This element of the application is now considered to be acceptable as it would be very difficult to defend a position of resisting any dormer extension, in principle.

With regards to privacy, the two new windows have replaced the two existing windows on the previous dormers and the separation distances have remained the same. The proposals are therefore, considered to be acceptable, policy compliant and not considered to be a matter that would warrant refusal of the application.

Rear extension

A single storey rear extension was approved under application DC/074607 in October 2019. It was proposed to measure 4.7m in width and project 3.1m from the rear elevation to run flush with an existing rear outrigger. It would also have a flat roof.

However, the rear extension that was built projected further than 3.1m along the common boundary with No. 47 Chandos Road, therefore this further projection was unauthorised and did not have planning permission.

This subsequent retrospective application proposes to change the design of the unauthorised rear extension projection to extend 3.1m along the common boundary with No. 47, before splaying at a 45 degree angle and then extending a further 1.1m.

The application does not propose any other changes to the approved rear extension including the materials and roof design. Therefore, this report is assessing whether this proposed change in projection would be acceptable in principle.

The Extensions and Alterations to Dwellings SPD states that single storey rear extensions 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.
- Not allow unrestricted views of neighbouring properties. Any side windows, particularly on conservatories should either be obscure glazed, high level or screened by a fence of appropriate height

The proposed change in projection would mean that the rear extension would extend 3.1m (which was previously approved) and then exhibit a 45 degree splay which then allows a slightly great projection of 1.1m. No side elevation windows are proposed, and an existing boundary fence will remain.

Therefore, on this basis, the proposed change in the rear extension as shown on the submitted plans is considered to be acceptable and compliant with the SPD policy.

SUMMARY

The proposal would not unduly impact on the residential amenity of the surrounding properties or prejudice a similar development by a neighbour, in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1.

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.

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 with conditions