

ITEM

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

HEATON'S & REDDISH AREA COMMITTEE 19TH JUNE 2023

The Planning Officer introduced the application advising Members that should they agree the recommendation to grant planning permission, a condition would be required to ensure the completion of the development within a specific period of time. This condition is considered necessary to ensure that the harm which is currently being caused to the occupiers of the adjoining property is rectified by the development proposed in this planning application.

Cllr Taylor noted that the development does not accord with the approved plans. It is quite clear that this bungalow has been modified without regard to the permission that has been approved. He spent time with the neighbour over the weekend and it is clear that she has no objections to some of the unauthorised development as it doesn't cause harm (such as the front dormer). What the neighbour and Cllr Taylor find unacceptable is the ground floor extension which is too wide and oversized and should not be allowed to remain under any circumstances. If Planning in Stockport is to maintain any degree of credibility, then this extension which affects light and visibility and is not appropriate, should not be allowed to remain. The 45 degree splay proposed is a baby step in terms of what was approved but does not deliver what was approved and stops light from entering the adjoining property. Quite difficult to read the room which will be formed. The kitchen has been extended sideways and results in a room that is only accessible through a bedroom. The

proposal represents overdevelopment. The property started off life as a modest bungalow and has been extended in all directions.

The Planning Officer responded to Cllr Taylor noting that we can't refuse permission because what has been built does not accord with the approved plans. What has to be demonstrated is that what has been built causes such harm that it warrants the refusal of the application and instigation of enforcement action to secure the removal of the unauthorised works and reverted to what they have permission for. In this instance the applicant has sought advice from Officers before submitting this application and the amendments they propose in terms of the projection of 3.1m along the boundary and the incorporation of a 45 degree splay away are exactly what the Council advises in their SPD will be acceptable. If Members are minded to refuse permission then they need to demonstrate why the development which is in accordance with the SPD causes such harm that it warrants taking a course of action contrary to what we state is appropriate in our SPD.

Cllr Taylor cited the example of RBS where unauthorised works were undertaken and where the Council pushed back on every aspect of those unauthorised works. He asked the Planning Officer to explain what the difference is between the unauthorised works on Chandos Road and that at RBS. If it is acknowledged that the works do not accord with the planning permission and then Officers recommend approval he questioned why he is even on the Planning Committee.

The Planning Officer responded to Cllr Taylor by advising that she is not familiar with the unauthorised works at RBS but if the Council pushed back on all elements of that work then clearly there was considered to be unacceptable harm arising. Because a development deviates from what was approved is not sufficient to in itself to justify the refusal of planning permission. The proposal must be determined on its own merits having regard to advice in our planning guidelines and the fact that these proposals accord with that guidance. Cllr Taylor clarified that planning permission was never applied for in the case of RBS and the works were simply carried out without planning permission.

Cllr Taylor moved for refusal.

Cllr Wilson asked if this application were refused, would there be an appeal and could it be expensive for this Committee if the applicant won the appeal. The Planning Officer advised that Members refused the application, which they are entitled to do so if they consider they have sufficient grounds, then the applicant would probably lodge an appeal as the extension is already built. In determining that appeal the Inspector will have regard to our SPD and will also consider whether the proposal causes such harm as to justify a deviation away from that guidance. If we refuse the application and don't have sufficient grounds to justify a departure from that guidance then we could open ourselves up to an award of costs if the appeal is allowed. The Council would then have to pay the appellants costs.

Cllr Fitzpatrick asked for clarity on what Members were being asked to vote on.

Cllr Wise noted that in planning training they were told that they cannot let a possible award of costs at appeal influence the determination of a planning application.

Cllr Sedgwick noted that he is torn on the application and expressed his disappointment that the planning system has been made a mockery of not just in terms of what they have built but also in the failure of the applicant to attend the meeting. He noted the comments of Cllr Taylor in relation to the neighbour but was undecided as to how to proceed. As such he proposed that this application be referred to Planning & Highways with a site visit being carried out to assess the impact on the neighbour and to allow Members to view the proposals from the neighbouring garden.

The Planning Officer responded advising that this is a good example of an application to refer to Planning & Highways so that Members can assess the impact of the proposed amendments from the garden of the adjoining semi. Officers also share the frustration of situations like this when having spent time considering and negotiating planning applications, the applicant simply builds something else.

Cllr Foster wanted clarification as to whether anyone seconded the motion by Cllr Taylor to refuse planning permission. Members did not agree this recommendation. In relation to the motion that this application be referred to Planning & Highways, this was seconded by another Member.

Cllr Frizzell commented that this is action without consequence, the neighbour is clearly very upset when nothing has been adhered to and what has been done is in a wild west style. It doesn't seem right.

Cllr Ryness commented that this situation doesn't bode well for the future and it is horrifying that this can happen. People need to adhere to guidelines.

Cllr Foster commented that a site visit is the best way forward. In the past when Members go against the recommendation of Officers, Members need to be aware that if costs are awarded on appeal that this will be borne by Members. Retrospective applications are on the increase and he would like to see a report to Members about how many retrospective applications have been submitted over the past 3 to 4 years.

Cllr Sedgwick commented that it important to view the site from no.47 and agreed with the suggestion of Cllr Foster regarding a report on retrospective applications. Given house prices and the lack of properties in the area he can understand why extending a property is an option. He commented however that this needs to be done in the correct way.

Members did not agree the recommendation to grant planning permission but agreed the motion by Cllr Sedgwick that the application be referred to Planning & Highways for a site visit from the garden of 47 Chandos Road.