

Heatons and Reddish Area Committee

31st July 2023

DEVELOPMENT APPLICATIONS

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

ITEM 1

DC/088470

SITE ADDRESS

20 Fullerton Road, Heaton Norris, Stockport, SK4 4EN

PROPOSAL

Single storey rear extension to bungalow. Internal alterations and replacement windows and doors

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/088470
Location:	20 Fullerton Road Heaton Norris Stockport SK4 4EN
PROPOSAL:	Single storey rear extension to bungalow. Internal alterations and replacement windows and doors.
Type Of Application:	Householder
Registration Date:	11.05.2023
Expiry Date:	06.07.2023 (EOT requested for 14.08.2023 but Agent stated he did not agree to it)
Case Officer:	Aisling Monaghan
Applicant:	Martin Kay and Valerie King
Agent:	Mr Danny Slater at CAS Extensions LTD

TO NOTE:

In February 2023, a complaint was received to the Enforcement Team at Stockport Council regarding an unauthorised development (23/00057/UND and 23/00064/UND). After the Enforcement Officers investigated the unauthorised development, they advised the Applicant that they had the option to apply for retrospective planning permission for the unauthorised development.

Irrespective of whether or not an application is prospective or retrospective, all planning applications are assessed in the same way against local and national policy and determined based upon their own merits.

DELEGATION/COMMITTEE STATUS

Heatons and Reddish Area Committee.

The application has been referred to Committee as a result of 7 letters of objection.

DESCRIPTION OF DEVELOPMENT

This planning application involves the alteration and extension of No. 20 Fullerton Road comprising of a single storey rear extension. This application is retrospective.

The unauthorised extension comprises a single storey rear extension which can be split into two elements due to its staggered nature. The first of the two elements is located to

the eastern side of the rear, with the second element being located to the western side on the rear of the property.

The first element measures approximately 3.26m in length and projects 1.85m in width to run flush with an existing garage. It measures approximately 5.1m to the ridge height and 2.7m to the eaves (to match the existing dwellings ridge and eaves height). On the rear elevation there will be a large floor to ceiling height window containing 3 large panes.

The second element measures approximately 3.76m in length and projects 4.84m in width. It measures approximately 5.1m to the ridge height and 2.7m to the eaves (to match the existing dwellings ridge and eaves height). On the rear elevation there will be one large window and on the side elevation facing the side boundary with No. 18 Fullerton Road, there would be a set of bi-fold doors and a high level thin horizontal window.

On the existing east side elevation facing No. 22 Fullerton Road an existing door is proposed to be removed and partially blocked up, and a new opaquely glazed window will replace it. Two rooflights are also proposed.

On the existing west side elevation facing No. 18 Fullerton Road an existing window is proposed to be removed and blocked up and an existing door is proposed to be replaced with a new door.

On the existing rear elevation of the garage, an existing window is proposed to be replaced with a new door.

SITE AND SURROUNDINGS

The application property is a detached bungalow house on Fullerton Road.

Fullerton Road consists of a mix of detached bungalows, semi-detached and terraced two storey dwellings.

To the east side of the house is No. 22 Fullerton Road and to the west is No. 18 Fullerton Road. To the North is the highway and to the South is No. 58 Wittenbury Road.

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".

Para.1 “The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.

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”.

Para.11 “Plans and decisions should apply a presumption in favour of sustainable development.

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. 130 “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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.”

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

None

NEIGHBOUR'S VIEWS

The owners/occupiers of 6 surrounding properties were notified in writing of the original application. Letters of objection were received to the application from 7 neighbouring properties (more than one letter of objection was received from some of the neighbouring properties). The grounds of objection are summarised below:

- The extension would impact the neighbours health and wellbeing.
- The extension is different to the locality and has caused the neighbours property and private rear garden a great level of harm, resulting in stress and anxiety to the neighbours. (Assessed in the report)
- The extension would result in overlooking, overbearing impact, loss of daylight/outlook (Assessed in the report)
- An increase in noise and disturbance (this is not considered a planning matter and therefore, has not been included in this report)
- The development is poorly designed, not subordinate to the existing dwelling and will have an adverse impact on the character and appearance of the property and the surrounding area. (Assessed in the report)
- Allowing the extension could set a dangerous precedent. (Assessed in the report)
- The extension is too large in relation to the original building. (Assessed in the report)
- The extension is two storey not single storey as proposed, the description is misleading as the extension extends to the height of the existing dwellings ridge line. (the extension is considered single storey with a ridge height that extends from the existing and therefore, is assessed on this basis)
- The submitted drawings do not convey accurately the overall effect of the windows and doors which have already affected the amenity and privacy of the neighbours. (Assessed in the report)
- The development is not in keeping with the neighbouring bungalows. (Assessed in the report)
- Rubble has been found on neighbours land blocking drains which could result in flooding if neighbour had not noticed. (This is not considered a planning matter and therefore, has not been included in this report)

CONSULTEE RESPONSE

None in this case.

ANALYSIS

As previously stated, this application is a retrospective application involving a single storey rear extension.

Rear extension

The Extensions and Alterations to dwellings SPD states the single storey rear extensions should have wall and roof materials which 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.

The retrospective rear extension was constructed using wall and roof materials which match the existing dwellings materials. Furthermore, the roof design is in keeping with the existing dwellings roof design, therefore it is deemed acceptable in terms of its impact on the character of the dwelling and the surrounding area.

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

In terms of the assessment of the potential impact of the proposals on No. 22 Fullerton Road, the following comments can be made. The first element of the rear extension is screened by the second element to the neighbour at No. 22 Fullerton Road, therefore it is deemed it will not have a negative impact on this neighbour's amenity.

The second element of the rear extension extends 4.84m and is set off the side boundary with No.22 Fullerton Road by approximately 1 metre. No. 22 Fullerton Road has an existing rear extension conservatory that also extends rearwards by approximately 4.267m. Therefore, the rear extension only projects 0.573m further than No. 22 Fullerton Road conservatory's rear elevation.

As the conservatory is an extension, its windows do not reserve the same rights as the original dwelling's windows in terms of loss of daylight impact. Therefore, the rear

extension is located approximately 9.3m from No. 22's closest primary habitable window, creating a 61 degrees splay. The existing boundary fence will also remain, which will provide screening.

Although, the extension roof is the same height as the main dwelling at both eaves and ridge there would remain sufficient distance to the closest habitable window of No. 22 from the extensions. Therefore, it is considered that the impact on this neighbour's amenity would not result in a detrimental impact and as such is considered to be acceptable in this case.

On the existing side elevation of the property facing No. 22 Fullerton Road, a new window is proposed to replace an existing door. As the close relationship between the dwellings is already existing, with side elevation windows already facing each other, the new additional window is deemed acceptable in this case. This is as no further impact on residential amenity is expected over than what is existing. It should also be noted that this new window is to serve an en-suite bathroom and as such, the glass in the window would be opaque. Two rooflights are also proposed on the existing roof plane, and as these would not result in any detriment to residential amenity, these are deemed to be acceptable.

In terms of the assessment of the potential impact of the proposals on No. 18 Fullerton Road, the following comments can be made. The first element of the rear extension runs flush with the rear elevation of the existing garage; therefore it is deemed it will not have a negative impact on the residential amenity of the occupants of No. 18 Fullerton Road.

The second element of the rear extension extends 4.84m and is set away from the shared boundary with No.18 Fullerton Road by approximately 6.31m. On the side elevation of the second element of the rear extension there are new bi-fold doors and a high level window. Within the application form, the Applicant states that this high level window will be fitted with frosted glass (which will be secured by a condition).

No. 18 Fullerton Road has an existing rear extension conservatory that also extends rearwards by approximately 4m. As the conservatory is an extension, its windows do not benefit from the same rights as the original dwelling's windows in terms of loss of daylight impact. Therefore, the rear extension is located approximately 15.18m from No. 18's closest primary habitable window, creating a 63 degree splay. An existing boundary fence will also remain.

Although, the extension roof is the same height as the main dwelling at both eaves and ridge, there would remain sufficient distance to the closest habitable windows of No. 18 Fullerton Road. Therefore, it is considered that the extensions would not result in a detrimental impact on residential amenity and as such is considered to be acceptable in this case. On the existing side elevation facing No. 18 Fullerton Road, no new windows are proposed.

In terms of the assessment of the potential impact of the proposals on the properties to the rear of the application site located on Wittenbury Road, the following comments can be made. The first element of the rear extension is located approximately 14.34m from the shared boundary with No. 58 Wittenbury Road. The second element of the rear extension is located approximately 10.7m from the shared boundary with No. 58 Wittenbury Road. On the rear elevation, new windows are proposed to face the rear garden and shared boundary/side elevation with No. 58 Wittenbury Road.

No. 58 Wittenbury Road has a single story side extension containing one window and one window at first floor level within the original property which faces the shared boundary. It is unclear whether these windows are for habitable rooms.

Nevertheless, as the windows in the rear extension are at ground floor level and an existing hedge and fence will remain on the shared boundary, due to the sufficient distance to this existing side elevation at No. 58 Wittenbury Road, it is deemed that the proposed extension would not result in detrimental harm to amenity or privacy of this existing property and as such is considered to be acceptable in this case. On the existing garage rear elevation, a door is proposed to replace a window. This is also deemed to be acceptable.

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