

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

DELEGATION/COMMITTEE STATUS

Heatons and Reddish Area Committee considered the application on Monday 31st July. The application was deferred by Members to the Planning and Highways Committee for a site visit to be completed and for a final decision to be made.

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

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.

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.
- The extension would result in overlooking, overbearing impact, loss of daylight/outlook
- An increase in noise and disturbance (this is not considered a planning matter and therefore, has not been included in this report)
- The proposals are contrary to policy.
- 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.
- A daylight/sunlight and shadowing assessment should be provided in support of the application.
- The high level window could cause glare to the adjacent property.
- Allowing the extension could set a dangerous precedent.
- The extension is too large in relation to the original building.
- 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.
- The proposals are unneighbourly and will inflict a great level of harm.
- The development is not in keeping with the neighbouring bungalows.

- 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

HEATONS AND REDDISH AREA COMMITTEE 31.07.2023

The Planning Officer introduced the application and highlighted the pertinent issues of the proposal.

Questions were asked of the planning officer at this stage including:

- Clarify what would be permitted development in this case as opposed to this application?

The planning officer confirmed that the permitted development allowance for single storey rear extensions is 4m from the rear wall of the original dwellinghouse and 4m in height. As this was exceeded for both the length and the height, this is why planning permission was required.

The planning officer also outlined that prior approval could have been sought on this detached property for an extension up to 8m from the rear wall, however this would have been subject to neighbour notifications and if concerns are raised, a householder application would need to have been submitted.

- From the site edge red plan, clarify which is the rear wall of the original property?

The planning officer clarified that the rear wall of the main property was used and not that of the garage.

A member of the public then spoke against the application and made the following points:

- Proposal is totally against the public interest;
- Undertaken in blatant disregard of national and local planning policies in respect of height, length and overbearing character;
- Severe impact on privacy, amenity and well-being of adjacent neighbours;
- Enforcement officer advised that continuation of building works would be at the developers own risk and work continued;
- There was no local consultation except with the residents of No. 18 who were told the work would start next week;
- The developer has done other previous projects in Stockport and so it is impossible to conclude this was done by mistake;
- Roof height and shape are against planning portal policies and is not necessary for the floor layout proposed;
- Will be more environmentally harmful due to increased energy for heating and lighting;
- Officers have not provided the complete disclosure of information concerning all objections – report is heavily edited;
- Development does not comply with the Planning Portal

- Does not comply due to its unlawful height and length, overbearing nature and considerable harmful affect on privacy and amenity.

Members then asked the member of public if he could clarify what is meant by overbearing and what the harmful effects would be. The objector stated that if a building is built higher than local and national planning portal it will have an overbearing impact. The high level window will be very unsettling for people using the garden of No. 18. Also overbearing impact on No. 58 Wittenbury Avenue. Totally unusual shape that is nothing like anything else in the area. Would be totally happy to support a single storey extension but this is not single storey due to the high level window.

The applicant then spoke in support of the application and made the following points:

- Application is for a single storey rear extension to a bungalow;
- There is no mezzanine floor proposed;
- Verbal check with SMBC confirmed that permission was not required;
- This was followed by a visit from the Enforcement officer who informed that planning permission was required and advised that work should stop;
- Advice was also given that work could continue but at owners risk;
- At this point there was no rear wall on the house, so building work continued until the building was watertight and then stopped;
- There was no intention to deliberately flaunt any planning or building regulations;
- Design considers energy efficiency – windows and doors are south and west facing to benefit from solar energy, new energy efficient boiler and modern insulation installed;
- Living accommodation will move to the rear of the building for the south facing aspect and sleeping accommodation will move to the front;
- The proposed height of the extension is no higher than the existing bungalow or any of the adjacent dwellings;
- Other neighbouring properties have also been extended – out of the 15 dwellings on the street, 12 have been extended;
- The proposal would respect the scale, design, materials, character and appearance and proportions of the existing dwelling and surrounding area;
- Proposal would not unduly impact on the privacy or amenity of any surrounding properties;
- This extension is no different to those already constructed in the Heaton area and feel no precedent would be set through granting planning permission for this extension.

Members then asked the planning officer if there was still a mechanism for getting a letter that confirms if planning permission is required?

The planning officer confirmed that it was called a Lawful Development Certificate for proposed works, which provides written confirmation as to whether an extension fall under the relevant permitted development rights. It is not something that an officer would confirm over the phone or via an email.

Members then asked the applicant if anyone in the Council has suggested this approach to him and what were his thoughts. The applicant confirmed that it was his builder who spoke to the Council so was unaware if this was suggested to him. But at no point did the builder suggest that it was necessary to get a certificate.

In terms of debate, Members asked the following further questions of the planning officer:

- Clarification requested over the advice given by the enforcement officer in terms of work stopping or progressing at applicants risk – is this normal?

The planning officer confirmed that the Council do have the powers to issue a Stop Notice but this is usually only used where there is significant harm being caused. Applicants are well within their rights to apply for planning permission once it is realised that permission is in fact required. It appears in this case that the enforcement officer advised the applicant that any further work completed was done at their own risk and if the application was subsequently refused, the building work would have to be rectified. Its all taken on a case by case basis and in this case, it was not seen as requiring a formal stop notice.

- Asked to comment on the allegation by the objector that officers have not provided the Committee with complete disclosure of information concerning objections;

The planning officer responded to outlined that it is usual for objection comments to be summarised within reports and very unusual for comments to be included verbatim, particularly where there are a significant number of comments made. The comments have been reported in bullet point form, however these do cover all of the objections raised by neighbours.

- Advice on if this had not been built and was a new application for a proposed extension, what would be the officer recommendation be then – would it be the same?

The planning officer advised that the application would be assessed in exactly the same way, whether it was retrospective or proposed. Proposals are assessed on the basis of the policies within the development plan. This assessment of policies does not differ whether it is for retrospective or a new development. In this case, the assessment has concluded that the proposals are policy compliant hence the recommendation of approve. This recommendation would have been the same if it was a new application.

Is this application one where even though there is a firm recommendation by officers, it is on the line in terms of acceptability?

The officer responded to say that planning is subjective generally and where one person may think the development is wholly unacceptable, this view differs from the planning officer assessing it on the basis of planning policy. It was advised in this case that it is for Members to decide on acceptability due to the number of objections received. If less than 4 objections had been received then it would have been delegated for approval as it is deemed to be acceptable by the Case Officer.

Certain members then expressed concerns about acceptability and invited the rest of Committee to comment on this. It was suggested that maybe it might be helpful to ask the PHR Committee to go out and have a look at the extension and see what they think.

The suggestion for a site visit was seconded and stated that seeing it on site is the surest way of gaining an opinion of what it is really like. It was suggested that the visiting team should be asked to view the extension from the gardens of No. 18 Fullerton Road and No. 58 Wittenbury Avenue.

Members then asked the planning officer for clarification over the recommendation being subject to conditions and what these conditions might be.

The planning officer responded to say that it was likely these would include materials and potentially a condition requiring the high level window to be opaquely glazed. The applicant has confirmed that they are happy for this to be conditioned if members wish, even though it would not be possible to see through it due to the height of the window.

Other Members then confirmed that if the vote to defer the application to the Planning and Highways Committee for a site visit was not carried, there would be support to move for the application to be approved subject to the conditions suggested. This is a clear case for approval and he was in favour of it.

Therefore, a vote was taken and due to a majority in favour of a site visit, this motion was carried.

In relation to the request for a site visit, the Committee wishes for the visiting team to view the site and consider the development from the following locations:

- From within the garden of No. 18 Fullerton Road;
- From within the garden of No. 58 Wittenbury Avenue

[Agenda for Heatons & Reddish Area Committee on Monday, 31st July, 2023, 6.00 pm - Stockport Council](#)