

## **ITEM 2**

<b>Application Reference</b>	<b>DC/090550</b>
<b>Location:</b>	32 Eskdale Avenue Bramhall Stockport SK7 1DU
<b>PROPOSAL:</b>	Demolition of single-storey conservatory and construction of two-storey rear and side extensions and balcony to the rear with elevational alterations (Re-submission of DC/089930).
<b>Type Of Application:</b>	Householder
<b>Registration Date:</b>	05.12.2023
<b>Expiry Date:</b>	13.02.2024
<b>Case Officer:</b>	Sophie Anderson
<b>Applicant:</b>	Miss Sarah Carroll
<b>Agent:</b>	N/A

### **COMMITTEE STATUS**

Bramhall & Cheadle Hulme South Area Committee. The application has been referred to Area Committee due to 6 representations contrary to the officer recommendation to grant.

### **DESCRIPTION OF DEVELOPMENT**

The application seeks planning permission for the demolition of a single-storey conservatory and construction of two-storey rear and side extensions and balcony to the rear with elevational alterations (Re-submission of DC/089930).

To the east, the part two storey and part single storey side and rear extension would be set back approximately 3.0m from the front elevation at first floor level. It would measure approximately 4.4m in width, project up to approximately 4.4m in depth beyond the existing rear elevation and leave a gap of approximately 0.4m to the boundary with No. 34 Eskdale Avenue. It would measure approximately 6.8m in height. The existing conservatory to the rear would be demolished.

To the west, the part two storey and part single storey side and rear extension would be set back approximately 3.0m from the front elevation at first floor level. It would measure up to approximately 3.6m in width, project up to approximately 2.2m in depth beyond the existing rear elevation at ground floor level and continue along the rear of the existing property. It would leave a gap of approximately 0.5m to the boundary with No. 30 Eskdale Avenue and measure approximately 6.8m in height.

Materials would include red brick, white render, white uPVC windows and clay tiles on the pitched roofs to match existing.

### **SITE AND SURROUNDINGS**

The applicant's property is a detached property dating from the mid-20<sup>th</sup> century, located on a bend in Eskdale Avenue. Vehicular access is gained from Eskdale Avenue and there is

adequate parking for vehicles away from the highway. The site is fairly level with no significant change in the gradient in any direction. The property currently comprises of red brick and white render, white uPVC windows and clay tiles to the roof.

The neighbouring properties are two storey detached and link detached properties of a similar age to the application property. Some of the neighbouring properties have been extended and there are a mix of materials (brick, render, stone and timber cladding) and roof forms (pitched, flat, hipped and gable end). It is not a Conservation Area.



Figure 1: Aerial view of the site and neighbouring properties (Source: Google Earth)

### **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 31<sup>st</sup> 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 17<sup>th</sup> 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

### SIE-1: QUALITY PLACES

## **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 20<sup>th</sup> December 2023 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.131 *“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.139 *“. 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.162 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.225 *“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.

### **PLANNING HISTORY**

DC/089930 - Proposal: Demolition of single-storey conservatory and construction of two-storey rear and side extensions and balcony to the rear and side together with elevational alterations - Decision: Withdrawn, Decision Date: 17-NOV-23

DC/015665 - Proposal: Rear conservatory. Decision: Granted, Decision Date: 26-JUL-04

J/8316 - Proposal: Extension to lounge in form of bay window. Decision: Granted, Decision Date: 16- MAR-77

### **NEIGHBOURS VIEWS**

The owners/occupiers of 6 surrounding properties were notified in writing of the application.

The neighbour notification period expired on the 4<sup>th</sup> January 2023. Six objections were received from stated addresses. The main causes of concern are summarised below as;

- Loss of privacy from proposed bay window to the rear at first floor level, replace with a flat window

- There would only be a gap of approximately 400m from the proposed first floor extension to the plot boundary – concerns re terracing
- Drawings not true to scale
- Loss of daylight/sunlight
- Concerns re hedgerow to west (on boundary with no. 30)
- Loss of carport and already limited off-road parking is made smaller by the proposal, concerns regarding more vehicles needing to be parked on the road and danger to school children.
- Overdevelopment of plot – the property has a limited frontage, the design is out of character with the properties in the area and too wide, concerns re terracing effect.
- Loss of light
- Overlooking/overshadowing garden from large balcony
- Concerns re removal/damage to hedgerow (on boundary with No. 30)
- Small gap to boundary with No. 34 - Loss of light to side windows, general loss of light, 'Right to Light' legislation.
- Boundary and maintenance – Boundary line between the property and No. 34 is not correct – drawings show greater separation than what would be the case. A gap of at least 2m should be maintained.
- Overdevelopment – Extreme closeness, not subordinate, terracing
- Drawings not accurate - Floor plan shows two windows to bedroom 2 which are not shown on the proposed elevations – which is accurate? / the existing layout appears to show a full cavity wall on the East side of the kitchen, this is incorrect / the east boundary is shown too far to the east.
- 3D images not accurate
- Use of the property as a business – the handling of stock is not appropriate in a residential estate. Time spent loading and unloading parcels exacerbates problems of parking and danger to children.

Amended plans were submitted on 5<sup>th</sup> January to provide clarification with regards to the windows to bedroom two and include the erection of a 1.8m high obscure glass privacy panel to the proposed first floor rear balcony. Surrounding properties were not formally re-consulted on these amended plans as they provided further details and clarification rather than making significant amendments to the proposal.

## **ANALYSIS**

The site lies within a Predominately Residential Area as identified on the Proposals Map of the SUDP Review. In assessment of the application, it is considered that the main issues of contention are the visual impact of the proposed extension in relation to the existing property, the character and appearance of the area and the potential harm to the amenity of the neighbouring properties.

### **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.

Two storey side extensions

A two storey side extension should:

- Respect the form and design of the existing dwelling with a roof design that complements the existing appearance.
- Ideally appear subservient to the main dwelling with the ridge level of extensions set below the main ridge line of the original house.
- A linked or infill effect between neighbouring dwellings should be avoided by leaving a visibly adequate gap between the boundary and the side wall of the extension.

Whilst it is necessary to consider each situation individually, the Council is concerned that where two storey side extensions are proposed to homes in areas of mainly detached or semi-detached housing the character should not be lost through terracing extensions. In such areas houses should not be physically or visually linked, particularly at first floor level.

In these instances:

Two storey side extensions should be set back from the front of the property by a minimum of one metre behind the front main wall of the house, or by 1 metre from the side boundary. The joining up of detached or semi detached properties can also result in future maintenance difficulties.

Rear extensions

In relation to rear extensions, 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.”*

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, particularly on conservatories should either be obscure glazed, high level or screened by a fence of appropriate height.

Where a two storey rear extension is proposed, these should be avoided where they would be site adjacent to a party boundary, particularly on the south facing side. Individual circumstances will influence the acceptability of such extensions but ideally they should be sited away from the boundary to ensure the outlook of neighbouring properties is not overly harmed and an unacceptable loss of daylight is not experienced.

### Separation distances

The SPD states that there should be 21m between habitable room windows on the public or street side of dwellings.

The design of the proposed extensions is considered acceptable; noting the use of respectful roof forms to the first floor elements of the extensions and materials to match the existing dwelling. The flat roofs to the single storey elements of the extensions are noted, however, these would not look incongruous given the existing flat roofs to the property and the flat roofs to neighbouring properties in the street scene. The ridge line of the first floor elements of the extensions would be set down by approximately 1.5m from the ridge line of the main dwelling making them appear subservient. The first floor elements of the extensions would be setback by approximately 3m from the front elevation which also makes them subservient in appearance and complies with adopted planning guidance designed to avoid a potential terracing effect in the future. The scheme would not prejudice a similar development in the future by either No. 34 Eskdale Avenue or No. 30 Eskdale Avenue. The extensions would maintain a distance of approximately 0.4m to the boundary with No. 34 and approximately 0.5m to the boundary with No. 30 to ensure a clear visual break between the extensions and the neighbouring properties. The balcony would be sited to the rear elevation and would not be visible from public vantage points.

In summary, whilst it is accepted that the proposal would result in a fairly substantial transformation to the appearance of the property, it is considered that the proposed extensions and balcony would be appropriate additions to the existing dwelling and would not adversely affect the character and appearance of the street scene and surrounding locality. As such, the scheme is in compliance with saved UDP policy CDH1.8, Core Strategy DPD policy SIE-1 and the SPD.

### Residential 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.

#### No. 34 Eskdale Avenue

No. 34 has been extended with a two storey side and rear extension, as the extension is not original it is not afforded amenity protection as per the Council's 'Extensions and Alterations to Dwellings' Supplementary Planning Document.

The side elevation of No. 34 Eskdale Avenue does not appear to feature any principal habitable room windows, just windows serving non-habitable rooms/secondary habitable room windows. Two windows are proposed in the east elevation at ground floor level facing this neighbouring property and these would be conditioned to be obscure glazed to reduce opportunities for any overlooking and loss of privacy to this neighbouring property.

The part two storey and part single storey side and rear extension would maintain a distance of approximately 0.4m to the boundary with No. 34 and the extension is to the west of the neighbouring property rather than to the south side. The single storey elements of the extension would not project more 3m past the existing extension of No. 34 which is in full compliance with the guidelines for extensions in such locations as found in the SPD. As such, the extension would not cause any undue loss of light or outlook to this property.

The impact on this property is acceptable.

#### No. 30 Eskdale Avenue

No. 30 Eskdale Avenue has been extended with a two storey side extension, as the extension is not original it is not afforded amenity protection as per the Council's 'Extensions and Alterations to Dwellings' Supplementary Planning Document.

The side elevation of No. 30 Eskdale Avenue does not appear to feature any principal habitable room windows, just windows serving non-habitable rooms/secondary habitable room windows. Windows and doors are proposed in the west elevation of the proposal at ground floor level facing this neighbouring property, however, it is not considered necessary to require these to be obscure glazed given the distances to the property boundary and the existing hedge on the property boundary (which the applicant has advised would be trimmed back on the side of the application property but not removed or reduced in height). To protect the privacy of this neighbouring property from the proposed balcony, an obscure glazed screen approximately 1.8m high would be erected to the west elevation of the rear balcony at first floor level as shown on the amended plans (Proposed elevations, drawing no. 23\_039\_104 Rev 6) and this would be required by condition.

The part two storey and part single storey side and rear extension would maintain a distance of approximately 0.5m to the boundary with No. 30, it is to the east of the neighbouring property

rather than to the south side and the properties are angled away from each other. The single storey elements of the extension would not project more 3m past the existing extension of No. 30 which is in full compliance with the guidelines for extensions in such locations as found in the SPD. As such, the extension would not cause any undue loss of light or outlook to this neighbouring property.

The impact on this property is acceptable.

Front of site – No. 43 Eskdale Avenue

The proposed first floor elements would maintain a distance of approximately 25 metres from the habitable room windows to the front elevation and the facing habitable room window of the facing property No. 43 Eskdale Avenue, this exceeds the Council's required separation distance of 21 metres between habitable room windows on the public or street side of dwellings.

The impact on this property is acceptable.

Rear of site

There are no facing properties to the rear.

In summary, it is considered that the proposal would not unduly impact on the residential privacy or amenity of any surrounding property in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1.

### Highways

The proposal involves the loss of the carport, however, the proposed site plan indicates that sufficient off-road parking would be retained for two vehicles and this complies with the Council's adopted parking standards. The proposal is considered acceptable in terms of highways and highway safety.

### Other Matters

The neighbour consultation responses raised several points that require clarification.

The proposed bay windows are not considered to result in an undue loss of privacy to neighbouring properties or gardens.

Comments regarding inaccuracies with the drawings were raised with the planning agent. The agent confirmed that the red line boundary was taken from the 2024 Ordnance Survey drawing and the building was set out from this using dimensions taken on site. The agent has advised that all dimensions shown on the drawings would be verified by others prior to works taking place. Amended plans were also submitted to clarify the windows to bedroom two. The submitted 3D images are only intended to be representative and are not to scale. Concerns regarding the cavity wall are not a material planning consideration.

Possible maintenance issues because of an extension close to a party boundary are not a material planning consideration.

The agent has confirmed that whilst the hedge on the property boundary with No. 30 would be trimmed back on the side of the application property, the hedge would not be removed or reduced in height. It is not considered necessary or reasonable to impose a condition to protect the hedge and any concerns would be a civil matter. The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

There would not be over development of the plot. The rear garden would be approximately 22m in length if the rear extensions were built. Plentiful amenity space would remain (far exceeding the recommendations for private amenity space for a new built 4-bedroom dwelling).

The Right to Light is a civil matter and is not a matter to be considered as part of the planning application.

Concerns regarding the use of the property as a business are noted, however, the application property is in use as a dwellinghouse for a single household and the current application is to facilitate this use. If the property was to be converted to a business use as defined by Town and County Planning (Use Classes) Order 1987 (as amended), a planning application would be required.

### **SUMMARY**

The proposal would not unduly impact on the residential amenity and privacy of the surrounding properties and would comply 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 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 SPD and the NPPF have also been considered and it is judged the proposal also does comply with the content of these documents.

The application is considered to amount to sustainable development in accordance with paragraph 11 of the Government's National Planning Policy Framework and is recommended for approval.

### **RECOMMENDATION**

Grant subject to conditions