

ITEM 2

Application Reference	DC/088058
Location:	410 Didsbury Road Heaton Mersey Stockport SK4 3BY
PROPOSAL:	New dwelling to the garden at the rear of 410 Didsbury Road, Stockport SK4 3BY
Type Of Application:	Full Application
Registration Date:	30.11.2023
Expiry Date:	Extension of Time agreed to 31 st July 2024
Case Officer:	Jeni Regan
Applicant:	Mr Mohsin & Mrs Anna Munif
Agent:	Goodchild Design Partnership (GDP)

DELEGATION/COMMITTEE STATUS

Heatons and Reddish Area Committee.

The application has been referred to Committee as a result of 5 letters of objection.

Members should note that the objections received against this application pre-date the changes to the current Scheme of Delegation and therefore, it is still required for the application to be presented to Committee for a final decision, even though there are less than 6 letters of objection.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the demolition of the existing garage and other outbuildings and the erection of a new dwelling within the garden at the rear of 410 Didsbury Road. The proposed dwelling would be two storeys in height, with car parking to the front and a private garden area to the rear. The property would measure 8.5m to the tallest part of the ridge, 3.6m to the eaves of the single storey outrigger (flat roof) and 2.6m to the eaves of the sun room (flat roof) from the newly created ground level, following excavation works to sink the site (200mm) and property (350mm) below the existing ground level.

The existing vehicular access from Cavendish Road would be used and adapted to provide the necessary visibility splays. Boundary treatments would include the retention of the existing brick walls to the north, east and west and a new hedge to be planted to the southern boundary with the existing dwelling.

The proposed materials are traditional and would include a red/brown brick with a clay roof tile. The front elevation would have a large bay window gable feature that would include a painted vertical timber and render feature at the top just below the eaves and clay hanging tiles between the ground and first floor windows. There would be painted timber casement windows throughout with headers and sills being in feature bricks. A small pitched roof dormer window is proposed on the southern

side elevation that will be covered in clay hung tiles. Each elevation would have a double plinth at the base of the wall will run along each elevation.

The main two storey part of the dwelling would be a pitch roof, with a single storey flat roof extension to the rear and a summer room with roof lantern feature beyond this.

SITE AND SURROUNDINGS

The application site comprises the large detached Victorian villa and gardens at No 410 Didsbury Road. The property is two storeys plus an attic and basement, constructed in traditional materials of red brick and slate, with a symmetrical façade and a central battlemented porch flanked by generous gabled two-storey bay windows. The property has a prominent slate roof and tall well detailed chimney stacks. The garden of 410 Didsbury road is approximately 0.17ha in size.

The site is located on the corner of Didsbury Road and Cavendish Road, with the main façade of the property being to Didsbury Road. The gardens are substantial on three sides with two existing vehicular access points onto Didsbury Road. The site is bounded by a brick wall with Terracotta coping along with a number of mature trees.

Under a previous planning approval, the Garage at the bottom of the garden, was to be demolished and a bungalow built to take its place. (App No DC\070275. Approved 13 Nov 2018). Planning permission has also more recently been granted under application DC/076443 for the subdivision of the existing dwellinghouse at No. 410 Didsbury Road into two separate dwellinghouses. This would have created 2 no. 4 bedroom properties, with a separate entrance, garden and parking area. Approval was granted on 26th March 2021.

As neither of the above permissions were implemented through a material start on site, both have now expired.

The application site is bounded on all sides by other existing residential properties. To the north is the semi-detached property and rear garden of No. 66 Cavendish Road. To the east is Cavendish Road and the residential apartments in Wesley Court across the road. To the south is the host property at 410 Didsbury Road and to the west are the properties on Ash Mount Court.

The application site is within a Predominantly Residential Area as allocated by the UDP. The site is located within the Heaton Mersey Conservation Area and is in close proximity to Heaton Mersey Methodist Church, which is a non-designated Locally Listed Building. There are no TPO's present at the site nor the adjoining sites.

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

Saved policies of the SUDP Review

<https://www.stockport.gov.uk/topic/current-planning-policies>

- L1.1 : LAND FOR ACTIVE RECREATION
- L1.2 : CHILDRENS PLAY
- EP1.7 : DEVELOPMENT AND FLOOD RISK
- MW1.5 : CONTROL OF WASTE FROM DEVELOPMENT
- HC1.3 : SPECIAL CONTROL OF DEVELOPMENT IN CONSERVATION AREA

LDF Core Strategy/Development Management policies

<https://www.stockport.gov.uk/topic/current-planning-policies>

- CS1 : OVERARCHING PRINCIPLES : SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGES
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- SD-6 : ADAPTING TO THE IMPACTS OF CLIMATE CHANGE
- CS2 : HOUSING PROVISION
- CS3 : MIX OF HOUSING
- CS4 : DISTRIBUTION OF HOUSING
- H-1 : DESIGN OF RESIDENTIAL DEVELOPMENT
- H-3 : AFFORDABLE HOUSING
- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-2 : PROVISION OF RECREATION AND AMENITY OPEN SPACE IN NEW DEVELOPMENTS
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT
- CS9 : TRANSPORT AND DEVELOPMENT
- T-1 : TRANSPORT AND DEVELOPMENT
- T-2 : PARKING IN DEVELOPMENTS
- T-3 : SAFETY AND CAPACITY ON THE HIGHWAY NETWORK

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.

<https://www.stockport.gov.uk/topic/current-planning-policies>

- Design of Residential Development SPD
- Affordable Housing SPD
- Open Space Provision and Commuted Payments SPD

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 the 19th December 2023 replaced the previous NPPF (originally issued 2012 & revised July

2018, February 2019, July 2021 and September 2023). 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”.

The relevant paragraphs in this case are as follows:

Introduction: 1, 2

Achieving sustainable development: 7, 8, 11, 12

Decision Making: 38, 47

Delivering a sufficient supply of homes: 60 - 63

Achieving well-designed places: 131, 135, 139

Conserving and enhancing the historic environment: 195 - 209

Para.219 “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.

<https://www.gov.uk/government/collections/planning-practice-guidance>

RELEVANT PLANNING HISTORY

Reference: DC/076443; Type: Full; Address: 410 Didsbury Road, Heaton Mersey, Stockport, SK4 3BY, ; Proposal: Proposed subdivision of existing 8 bedroom family dwellinghouse (Class C3) into 2 no. family dwellinghouses (Class C3) including the installation a new vehicular access off Cavendish Road, a new car parking area and additional boundary treatments. Decision Date: 26-MAR-21; Decision: GTD

Reference: DC/070275; Type: FUL; Address: 410 Didsbury Road, Heaton Mersey, Stockport, SK4 3BY; Proposal: Demolition of existing garage and erection of a detached dwellinghouse, with associated access, parking and landscaping; Decision Date: 07-NOV-18; Decision: GTD

Reference: J/23056; Type: XHS; Address: 410 Didsbury Road, Heaton Mersey.; Proposal: 14 no two storey flats.; Decision Date: 23-JUN-81; Decision: GTD

Reference: J/9734; Type: XHS; Address: 410, Didsbury Road And 68, Cavendish Road, Heaton Mersey, Stockport.; Proposal: Change of use to private hotel and restaurant.; Decision Date: 14-SEP-77; Decision: REF

Reference: J/9539; Type: XHS; Address: Land At Rear Of 410 Didsbury Road, Heaton Mersey, Stockport.; Proposal: Detached dwelling.; Decision Date: 16-AUG-77; Decision: GTD

Reference: J/3259; Type: XHS; Address: 410, Didsbury Road, Stockport.; Proposal: 12 two storey flats.; Decision Date: 10-SEP-75; Decision: GTD

NEIGHBOUR'S VIEWS

The owners/occupiers of 28 surrounding properties were notified in writing of the application. Due to the location of the site within a Conservation Area, a site notice was posted adjacent to the site and a press notice was published in the Stockport Express.

In response to the original neighbour notification exercise, letters of objections were received from 5 addresses in response to the application. There have been a number of amendments to the proposals since submission and several re-notifications have taken place with residents.

Members should note that a re-notification / reconsultation exercise was completed following the submission of the final amended plans and information on the 13th June 2024. Following this, further objections have been received from 3 addresses, all of which objected to the original application.

The comments received are summarised below:

Original Submission

- Site had the benefit of a permission (2018) for a much smaller property, this lapsed some time ago.
- Site located in the Heaton Mersey Conservation Area
- Residents were reassured by officers that a new property on the site of the single storey garage would be subservient to the main house at No. 410 and to No. 66 Cavendish Road to respect the existing character and quality of the conservation area including the importance of the frontage onto Cavendish Road.
- The proposed oversized detached property achieves neither respect for the conservation area or a sympathetic aspect to the Cavendish Road frontage.
- The previous elevations approved in 2018 included silhouettes of the existing garage to be considered in the context of No. 66 Cavendish Road.
- These details are absent from the submitted package of drawings.
- These details would assess the impact of the proposed height and massing on the amenity / sunlight and daylight on their property.
- Sunlight and daylight would be severely restricted despite the rather awkward architectural cutback, and this will have a damaging effect on No. 66.
- This is a direct result of trying to squeeze too much development into the application site.
- Ask that a sunlight / daylight assessment is requested from the applicant.

- Significant and substantial addition to the scale, height, and massing of the building which was approved in 2018, and there is insufficient detail within the application on which to make a robust and safe decision.
- The absence of any consultation and engagement by the applicant is both poor practice and uncourteous.
- The design of the proposed building has no relationship with the conservation area, no design relationship with the existing houses fronting onto Cavendish Road within the conservation area and would have an overbearing and dominating impact on the street scene and the setting of the adjoining properties including No. 66 Cavendish Road and No. 410 Didsbury Road.
- Proposed development is overwhelming and isn't in keeping with any of the existing buildings.
- A small design would be much more sympathetic and in keeping, like the previous one that lapsed.
- We would like to draw attention to the parking and traffic issues, especially during the school run.
- Scheme proposes works on land outside the control of the applicant. As a result, Certificate B is required which necessitates that a formal notice is served on the owners of No. 66 Cavendish Road.
- Application includes two different versions of the redline boundary.
- Clarification on which redline the applicant is relying on should be sought.
- Amended scheme seeks to change the ground level across the site and on land owned by No. 66 Cavendish Road.
- Scheme seeks to significantly change the ground levels across the site, which currently sits above the level of No.66 (c. 150mm) to 150mm below the level of No. 66. Given the proximity of these proposed ground works to the southern flank of No.66 which is a semi-detached house, this could have serious and long-term damaging effects on the structural integrity of this house.
- No information within the submitted application document as to how the structural integrity of No.66 would be safeguarded and whether any retaining structures would be required. This is a serious and worrying omission.
- The application contains no information about the implications and possible mitigation which might be required given the various proposed changes in ground levels across the site in relation to the water table, drainage and surface water.
- The applicant has left very little usable garden space available for the occupants of the house to use and enjoy.
- The introduction of an extensive flat roof needs to be carefully controlled. If consented, there may be a future temptation to turn this flat roof into an accessible terrace. This would create overlooking and detrimentally impact on the levels of privacy in adjoining gardens and properties. An informative on any future permission which states that any flat roof(s) are not used as terraces would be important.
- The Window heights look very low and out of place. A flat roof lantern is totally out of place and visible.
- Although the proposed application includes a 45-degree restricted zone from the corner of the first-floor proposed dwelling at the rear, the ground floor dwelling footprint now extends much further west into the existing garden, which given the properties are in the Conservation area, shows an over development of the area to the detriment of garden space for a 4-bedroom detached house of this size.

Amended Scheme

Objection 1

- Considerably larger detached house than originally consented, fails to recognise that this is garden land in a conservation area.
- Adverse impact of this larger built structure on the appearance and well-being of the conservation area is considerable.
- Not in keeping with the principles established by the planning permission granted some time ago which has now lapsed.
- Principles established via the previous permission including mass and height were specific and precise, and were set and recognised as the maximum permissible within this conservation area setting.
- Current proposals seek to extend well beyond these established principles and should be rejected.
- Would set a dangerous and unwelcomed precedent in the conservation area.
- Local planning authority is under a legal duty via Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that "special attention shall be paid to the desirability of preserving or enhancing the character of the area".
- Decision to grant planning permission for the current proposals for this over-bearing house would be in breach of that duty and would set a dangerous precedent for further breaches of that duty.
- Extra width and length of the proposed detached property would create a built structure which would leave very little usable garden space in comparison to the proposed occupation of this substantial four bed property.
- Applicant places great weight and emphasis on their unique set of personal circumstances to justify the enlarged detached proposals.
- Applicant clearly recognises that the current enlarged proposals require special justification beyond the planning norms of good design and associated adequate amenity provision.
- Council is faced with a decision as to whether this special justification is sufficient to warrant putting planning norms to one side if minded to support an enlarged built form on this sensitive site.
- Given the significant weight placed by the applicant on their special circumstances it would not be unreasonable for the Council to issue a personalised planning permission.
- Proposals are out of balance between the excessive size of the detached house, the proposed residential occupation of the property and the provision of important external space in the form of garden land which is further reduced by the increased footprint of the enlarged property.
- Insufficient external space to service a detached property of this size.
- Amended proposals further extend into the existing land garden to the east creating a form of development which is inconsistent with the existing configuration of the conservation area.
- Proposed footprint creates a jarring and stark relationship with the form of the existing houses within this part of the conservation area, which are characterised with elongated gardens extending from the footprint of a typically square property. Unwelcome impacts are a direct result of the proposed overdevelopment of this garden site.
- To clarify we are not objecting to the principle of a dwelling on this site, but the current extended proposals represent clear overdevelopment with resulting adverse impacts.

Objection 2

- We have previously consented to plans submitted in 2018 for a smaller and less sizeable dwelling so we are not objecting to the concept, merely to the massing in the Conservation area.
- A suitable dwelling would be far preferable to the current dilapidated garage and the unsightly appearance both in front of the garage and at the end of the garden of 410 Didsbury Road.
- We believe that the permission granted previously, stated that this was the maximum allowed height and width of the proposed dwelling.
- The new submission extends in height, length and width making it a far greater mass in the same plot.
- The newly submitted proposal increases the length of the dwelling on the ground floor further by an unidentified length, ie the proposed sunroom. This then reduces the garden space further which is not in keeping with a four-bedroom detached property. There will be insufficient garden space for a dwelling of this proposed size.
- The new proposal of the extra length at the western end of the property is overdevelopment and is out of sync with all properties on this road.
- We are also concerned that there is still excavation proposed, even if the depth is reduced. This could still have an impact of possible subsidence on the neighbouring property, number 66 Cavendish Road.
- Dialogue has not taken place in relation to the party wall act, contrary to what was written in response to previous objections.
- This would set an alarming precedent for further submissions of this type.
- Section 72 of the Planning Act 1990 states "special attention shall be paid to the desirability of preserving or enhancing the character of the area." This amended proposal neither preserves nor enhances the character of this conservation area as it is overdevelopment of the plot with overbearing massing.

Objection 3

- The proposed building is oversized for the plot.
- The Scheme isn't sympathetic to the surrounding buildings and doesn't protect the visual charm of the conservation area, due to its size.
- The proximity of proposed structure is very close to number 66, this isn't in keeping with the area.
- If applicant is intending to relocate there, and will divide number 410 Didsbury Road into two separate dwellings previously proposed, this scheme will have a bearing on 410 Didsbury Road.
- There seems to be very little room for a garden, this isn't in character with the area, also impacting drainage.
- This is already a congested area especially during school times. Four bedrooms could attract four cars.
- The whole scheme is opaque, in its size, and motive. Permission was granted for a smaller dwelling which was more sympathetic.

CONSULTEE RESPONSES

All consultation responses can be viewed in full on the online application file via the Council's public website. Due to the number of amendments to the scheme and multiple consultation responses received, it is only the final set of comments that are provided below. Therefore, for the purposes of this report, the final set of comments from each consultee are provided below:

Conservation

Following receipt of amended drawings and supplementary material dated 13th June 2024, it is considered that the revised scheme is acceptable for the purposes of Development Management Policy SIE-3 (Protecting, safeguarding and enhancing the environment) of the adopted Stockport Core Strategy, and saved UDP Review Policy HC1.3, "Special Control of Development in Conservation Areas".

Whilst the massing and footprint of the proposed new house represent an increase upon the previously approved scheme (DC/070275), the supporting statement provides sufficient justification to address previous concerns and the revised design is of a suitable quality to avoid harm to the special architectural and historic interest of the Heaton Mersey Conservation Area.

The following conditions will be required in order to ensure that due attention is paid to the selection of external materials and detailed design of architectural features through the construction process as well as the removal of permitted developments rights consistent with the level of protection in operation elsewhere in the Conservation Area through the Article 4(2) Direction:

- *Notwithstanding the information shown on the submitted drawings, no external construction shall take place until a detailed schedule of all of the proposed materials of external construction has been submitted to and approved in writing by the local planning authority and samples have been made available on site. Samples of brick and slate shall comprise at least 1 square metre in area and a sample panel of brickwork including mortar jointing shall be made available. The schedule shall also include details of design, materials and finish of verges, eaves and bargeboards. Development shall not be carried out except in accordance with the agreed schedule and samples.*
- *Notwithstanding the information shown on the submitted drawings no installation of windows shall take place until details have been submitted to and approved in writing by the local planning authority. All windows shall be timber casements with a painted exterior finish. Exterior glazing beads and bars shall be fully chamfered at 45 degrees to replicate a putty profile and no externally mounted trickle vents shall be fitted to the windows. Details shall include elevations drawn at a scale of 1:20, and vertical and horizontal sections drawn at a scale of 1:5. All windows shall accord with the approved details and shall be fitted with an exterior reveal of not less than 100mm.*
- *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development falling within classes A-H of Part 1 of Schedule 2 and classes A & C of Part 2 of Schedule 2 and Class C of Part 11 of Schedule 2 of that Order shall be carried out.*
- *The existing garage shall not be demolished in part or in whole before a contract for the carrying out of works of redevelopment of the site has been let and planning permission has been granted for the redevelopment for which the contract provides.*

Reason - In order to preserve or enhance the special architectural, artistic, historic or archaeological significance of the heritage asset, in accordance with Development Management Policy SIE-3 (Protecting, safeguarding and enhancing the environment) of the adopted Stockport Core Strategy, and in order to preserve or enhance the character or appearance of the Heaton Mersey Conservation Area in

accordance with saved UDP Review Policy HC1.3, "Special Control of Development in Conservation Areas".

Highways

The site has planning history and an expired permission for the construction of a new dwelling. This proposal is for a new dwelling and includes the closure of the existing plot entrance and the creation of a new entrance. The site is in an accessible location and is considered appropriate for residential development. I have no concerns with the proposed new access point, although I note that the Conservation Officer may have a different view so should any changes to the submission arise then please advise me.

Matters of detail can be covered by conditional control, including appropriate visibility splays, driveway details, electric vehicle charging point, and cycle parking.

Arboriculture

Conservation Area Designations: The proposed development is within or affected by a conservation Area (Heaton Mersey).

Legally Protected Trees: There are no legally protected trees within this site or affected by this development.

The proposed development footprint is shown or indicated at this time within the informal grounds of the existing site and it is assumed the proposed new developments will potentially not impact on the trees and hedges within the site or neighbouring site.

The layout plan and landscape plan show consideration has been given to tree planting throughout the site to increase the amenity levels of the site with replanting of semi- mature trees or fruit trees. Specific consideration has been given to the potential benefit urban tree planting throughout the site to enhance the biodiversity, the amenity and the SUDs capacity through hard landscaped tree pits.

A detailed landscaping scheme has been considered/drawn up as part of the planning application submitted, which clearly shows enhancements of the site and surrounding environment to improve the local biodiversity and amenity of the area, with just further consideration to the species for the hedge. In principle, the main works and design will have a negative impact on the trees on neighbouring properties on all the boundaries. However, in its current format, the proposals could be considered favourable based on the delivery of the detailed landscaping plan to show the tree planting to enhance the sites front and rear boundaries.

Conditions are recommended in relation to the retention of trees, the protection of these retained trees and the submission of tree planting details.

Nature Development

The site has no nature conservation designations, legal or otherwise as listed in Stockport's current Local Plan (e.g. Site of Biological Importance, Local Nature Reserve, Green Chain).

The following ecological reports have been reviewed with this application to date;
1) Bat Roost Assessment, Bagshaw Ecology, 2018.

- 2) Preliminary Ecological Appraisal, JCA Consultants (February 2022) including BNG assessment.
- 3) Bat Emergence Survey report, JCA Consultants (May 2024).

The application was submitted prior to statutory BNG requirements. However, a BNG assessment was undertaken by JCA Consultants (PEA 2022) using a UK Hab survey completed on 25/01/2023 to establish the baseline for the BNG assessment using Biodiversity Metric 3.1. Although the landscape plans have been revised since the completion of the BNG calculation there is an approximate 200% net gain. Therefore, overall the application reasonably shows a significant, measurable biodiversity net gain in both habitat and hedgerow units.

The PEA report was JCA Consultants in February 2022 which provided an acceptable description of the habitats on site, and the likelihood of impact on protected species. Although this is slightly outside the expected survey “shelf-life” the site comprises a domestic garden which has continued to be managed as such and therefore it is unlikely that the baseline has altered significantly in the elapsed time. No further ecological surveys are required.

Bats

Two outbuildings were assigned low potential and a third building negligible potential (JCA Consultants in February 2022) for roosting bats. All buildings are to be demolished. An emergence bat survey was undertaken by JCA Consultants in May 2024 adhering to BCT bat survey guidelines with no bats observed emerging. Adequate survey effort has now been completed, no additional bat survey effort is required, and the feature will be protected by the lighting condition detailed below.

Lighting

During the emergence surveys in May 2024 a moderate level of bat commuting activity was observed. A sensitive lighting plan should therefore be incorporated into the site design in accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK).

Hedgehog

The PEA Report (JCA Consultants, Feb 2022) makes recommendations for the avoidance of impacts from the proposals on hedgehog. This includes possible ECoW if vegetation removal is timed within hedgehog hibernation period. Please apply a condition requiring adherence to these recommendations.

Birds

In relation to breeding birds, a condition restricting demolition or vegetation clearance works between 1st March and 31st August inclusive should be imposed.

Biodiversity Net Gain

Although the current application pre-dates the requirement for mandatory min. 10% BNG under the Environment Act 2021, measurable gains for biodiversity are expected within development in accordance with national and local planning policy (NPPF and paragraph 3.345 of the LDF). The BNG Assessment and Metric calculations that have been submitted with the application indicate that an overall BNG can be delivered on site.

To secure delivery of the required BNG a landscaping scheme or Landscape and Biodiversity Enhancements Plan condition can be attached to any planning consent, see below.

Biodiversity Enhancements

A Biodiversity Net Gain assessment (BNG) was submitted with this application with baseline conditions. The updated landscape plan "Land Adjacent to 410 Didsbury Road Site Plan" produced by Agathoclis & Beckmann Landscape Architects ref. 847/01/01, indicates there is likely to be a reasonable net gain in biodiversity whereas previous plans indicated a 0.07 habitat unit net loss. This is likely to be down to the creation of additional hedgerow and the number of trees proposed, which is welcomed. However, all trees are non-native which is disappointing in terms of benefits for local wildlife.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). The tree planting appears to have been maximised within the site but should comprise wildlife-friendly species with at least some locally native species to be selected to provide a nectar/berry resource across the seasons. Enhancement measures should be detailed on a Landscape and Biodiversity Enhancements Plan and submitted to the LPA for review.

Please refer to the PEA for further details on recommended biodiversity enhancements (JCA Consultants, 2022). Details of these features including specifications and quantities locations should be submitted to the LPA on a plan for review. The proposals should be permanently installed in accordance with approved details.

Ecological survey shelf-life

Ecological conditions can change over time. If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 18 months from the submitted Bat Emergence Survey report (undertaken in May 2024), the approved ecological measures secured through the above conditions shall be reviewed and, where necessary, amended and updated (including metric calculations for BNG).

Contaminated Land

Whilst the existing garden will remain, the garage which is to be demolished is dilapidated and could be a source of contamination such as hydrocarbons. This will be mainly within the footprint of the proposed house, as such the developer will need to keep a watching brief for any unexpected contamination, if any is found or suspected then work should cease and reported to the LPA. Therefore, an appropriately worded informative is recommend.

Planning Policy (Energy)

I have reviewed the Energy Statement submitted in support of the application. This sets out the following approach to the development:

- 1) Enhanced building fabric to meet Building Regulation ADL1A 2013
- 2) Enhanced air tightness and thermal bridging
- 3) Efficient extract ventilation system
- 5) Efficient lighting strategy using LED type fittings
- 6) PV panels to southern facing roof plane

In broad terms I am satisfied with the proposed approach for this minor residential scheme, as described by the ES. However, no information is provided on the proposed heating scheme for the development and I am concerned about the lack of

information. Whilst the cost of installing an air source heat pump (ASHP) system is considered in the energy statement which accompanies the application, there is no mention of what heating system is actually proposed or what its installation cost would be.

To enable proper consideration, the cost of an ASHP system should be compared with the cost of alternatives (i.e. a gas boiler if this is considered), with the potential difference in cost between them weighed up, rather than simply the total cost of installing an ASHP system.

In addition, I have reviewed drawing ref N1279-5(P) which indicates that there will solar PV panels installed on the proposed south elevation of the dwelling, and this approach is supported, although checks should be made to see whether this modest installation requires a glint and glare assessment.

ANALYSIS

Principle

The application site is allocated within a Predominantly Residential Area, as defined on the UDP Proposals Map. Core Strategy DPD policy CS4 directs new housing towards three spatial priority areas (The Town Centre, District and Large Local Centres and, finally, other accessible locations). Core Strategy DPD policy H-2 states that the delivery and supply of new housing will be monitored and managed to ensure that provision is in line with the local trajectory, the local previously developed land target is being applied and a continuous 5 year deliverable supply of housing is maintained and notes that the local previously developed land target is 90%.

Members are advised that at the heart of the NPPF is a presumption in favour of sustainable development (para10). Para 11 of the NPPF reconfirms this position and advises that for decision making this means:-

- approving developments that accord with an up to date development plan or
- where the policies which are most important for the determination of the application are out of date (this includes for applications involving the provision of housing, situations where the LPA cannot demonstrate a 5 year supply of housing), granting planning permission unless:
 - the application of policies in the Framework that protect areas or assets of importance (that is those specifically relating to designated heritage assets (conservation areas and listed buildings)) provides a clear reason for refusing planning permission or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In this respect, given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2 which seek to deliver housing supply that are considered to be out of date. Stockport is currently in a position of housing under-supply, with 3.78 years of supply against the minimum requirement of 5 years + 20%, as set out in paragraphs 47 of the NPPF. In situations of housing under-supply, Core Strategy DPD policy CS4 allows Core Strategy DPD policy H-2 to come into effect, bringing housing developments on sites which meet the Councils reduced accessibility criteria. Having regard to the continued position of housing under-

supply within the Borough, the current minimum accessibility score is set at 'zero'.

That being the case, the tilted balance as referred to in para 11 of the NPPF directs that permission should be approved unless:

- there are compelling reasons in relation to the impact of the development upon the Conservation Area and the setting of adjacent listed buildings to refuse planning permission or
- the adverse impacts of approving planning permission (such as the loss of the community facility, local open space or sports pitch or impact on residential amenity, highway safety etc) would significantly and demonstrably outweigh the benefits.

The main issues for consideration are as follows:-

- Principle of residential accommodation
- Impact on the character of the Conservation Area
- Impact on residential amenity
- Highway impacts
- Other matters such as ecology, trees and drainage.

Having regard to this presumption in favour of residential development, Members are advised accordingly within the report below.

Principle of Residential Accommodation

The application site predominantly comprises a brownfield site in an accessible area close to Didsbury Road and close to the Heaton Mersey local shopping centre on Didsbury Road. Didsbury Road is well served by public transport and located close to the East Didsbury tram station, so the proposal is therefore in compliance with policies CS4 and H2 of the Core Strategy. The application site is located within a Predominantly Residential Area as allocated in the saved UDP review and the redevelopment of the site for residential purposes is also in accordance with para 118 of the NPPF, which places substantial weight upon the use of brownfield land within settlements for homes and supporting opportunities to remediate derelict land.

The planning history for the site must also be acknowledged. Application DC/070275 was approved on the 13th November 2018, and was for a similar proposal to demolish the existing garage at the bottom of the garden and build a replacement two storey dwelling. Therefore, the principle of a new dwelling in this location has been previously deemed to be acceptable.

With regard to the density of the proposed development, policy CS3 of the Core Strategy confirms that for sites close to or within Town Centres/District Centres, housing densities of 70 dwellings per hectare (dph) and above are commonplace. Moving away from these central locations, densities should gradually decrease, first to around 50 dph then to around 40 dph, as the proportion of houses increases. Developments in accessible suburban locations may be expected to provide the full range of house types, from low-cost 2 bed terraces to larger detached properties. However, they should still achieve a density of 30 dph.

Para 123 of the NPPF confirms that when there is a shortage of housing, decisions should avoid homes being built at low densities and LPA's should

refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. The drive to secure the efficient use of urban land set out at para 122 of the NPPF however acknowledges that account must also be taken of the desirability of maintaining an area's prevailing character. The proposed development will achieve a density of 50 dph, which is in accordance with what the site is expected to deliver having regard to Core Strategy policy CS3.

In view of the above factors, the principle of 1 residential unit at this site, within a Predominantly Residential Area, in an accessible and sustainable location, is welcomed and considered acceptable at the current time of housing under-supply within the Borough. On this basis, the proposal is considered to comply with Core Strategy DPD policies CS2, CS4 and H-2.

Impact on Character of Conservation Area

The application site is located within the Heaton Mersey Conservation Area and close to the Locally Listed Building of Heaton Mersey Methodist Church on Cavendish Road. This building is a non-designated heritage asset and is locally listed for its architectural and historic interest. No. 410 Didsbury Road is subject to special planning controls (an Article 4(2) Direction) that are in place to support the ongoing preservation and enhancement of the Conservation Area. The character of the original large garden plot makes a positive contribution to the special interest of the wider area.

Core Strategy Policy SIE-3 states that development which preserves or enhances the special architectural, artistic, historic or archaeological significance of heritage assets will be welcomed, and defines heritage assets as buildings, sites, places, areas or landscapes, which are positively identified as having a degree of significance, meriting consideration in planning decisions.

Saved UDP policy HC1.3 (special control of development in Conservation Areas) states that development proposals within a conservation area (or those which would affect its setting or views into or out of the area) will not be permitted unless siting, scale, design, materials and landscaping of the development are sympathetic to the site and surroundings, the proposal safeguards important open spaces, views, skylines, and other features which contribute to the character and appearance of the Conservation Area; and the application is accompanied by sufficient details to show the proposals within their setting and the likely impact on the Conservation Area.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

Paragraph 200 of the NPPF requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The application has been accompanied by a Heritage Impact Assessment and a Design and Access Statement, which provides a detailed assessment of the development proposals in the context of the designated and non-designated heritage assets. It is considered that the proposal has been informed and developed on the basis of an initial assessment of the character of the wider conservation area in order to inform the design and take account of the significance of heritage assets, their townscape context and setting.

The application has been assessed in detail by the Council's Conservation officer who has confirmed that from a conservation perspective, there are now no objections to the principle of the development of a new dwelling at the rear of the site to No 410, facing Cavendish Road.

The application has involved detailed discussions and negotiations with the Council's Conservation officer. The scheme as originally submitted was for a much more substantial new dwelling, and the applicant was advised that the harm from such a proposal was significant on the Conservation Area. Therefore, the proposals have now been substantially reduced to a scale and mass much more similar to the previously approved new dwelling.

The existing garage/store is circa 100 years old. Despite its dilapidated state, its scale, massing, materials and design make a positive contribution to the character and appearance of the conservation area, and it is desirable to retain these characteristics in any new development. The other outbuildings to the rear of the garage are much more recent in addition and have no architectural or historic interest and make no positive contribution to the quality of the street scene.

It has to be acknowledged that a previous proposal was approved in 2018 (DC/070275) involving the demolition of the garage and its replacement with a detached 2 storey 4 bedroom dwellinghouse. In the determination of that application, it was considered that the replacement of the existing dilapidated garage with a house of a suitably high quality design and materials would not result in harm to the special character and appearance of the Heaton Mersey Conservation Area. The approved scheme was consistent with the following design principles, which remain relevant in informing the current proposals:

- Siting – alignment with the existing front elevation of the garage/No.66 Cavendish Road, and located towards the northern boundary of the site.
- Scale – development to be of a scale commensurate with a garage/coach-house, i.e. 1 ½ storeys or 2 storeys, of low overall height so that it does not compete in scale with the adjacent house (No.66 Cavendish Rd).
- The new house should not be significantly wider than the existing building.
- The rearward extension of development along the northern boundary may be acceptable subject to compliance with the Council's standards for protecting the amenity and privacy of neighbours.

- Massing – the form of the elevation to the road to follow the existing gabled form. Any dormers to be of traditional proportions similar to the existing south dormer. Either a traditional or contemporary form may be acceptable away from the road.
- Design & materials – as with massing, towards the road these should be traditional, reflecting the Arts & Crafts style of the existing garage displayed in its deep roof, overhanging eaves, half timbered gable, decorative timberwork, natural clay Rosemary tiles, wetcast render (harling), and sprocketed roof form (i.e. the pitch shallows at the eaves).
- Away from the road, design and materials of either traditional or contemporary style would be acceptable.
- Landscaping – existing trees should be protected and the green aspect towards Cavendish Road protected, avoiding a significant increase in hard surfacing.

On the basis of, and compliance with the above design principles, it is considered that the revised scheme is now acceptable for the purposes of Development Management Policy SIE-3 (Protecting, safeguarding and enhancing the environment) of the adopted Stockport Core Strategy, and saved UDP Review Policy HC1.3, "Special Control of Development in Conservation Areas".

Whilst it is acknowledged that the massing and footprint of the proposed new house represent an increase upon the previously approved scheme (DC/070275), the Conservation officer has confirmed that the supporting statement provides sufficient justification to address previous concerns and the revised design is of a suitable quality to avoid harm to the special architectural and historic interest of the Heaton Mersey Conservation Area. The increases in footprint and mass over the previously approved scheme, cannot be considered to be substantial to the overall development and would not result in an increased level of harm that would warrant refusal of this application.

It is considered that the new house would address Cavendish Road, and a streetscape elevation has been prepared to indicate how the form, mass and height of proposed development would sit within the context of the adjacent residential properties and Conservation Area. Both the proposed eaves and ridge heights sit below those of the adjacent property at No. 66 Cavendish Road, with the new dwelling ridge being 700mm below the ridge of the existing adjacent property.

It is considered that the design of the proposal is likely to have a neutral impact upon the special character and appearance of the Conservation Area or the locally listed building, and this is due to the use of appropriate traditional external materials and architectural detailing on the front and side elevations. The proposals include the use of a double height bay window to the front elevation, brick band details, a painted vertical timber and render feature at the top just below the eaves and clay hanging tiles between the ground and first floor windows. There would be painted timber casement windows throughout with headers and sills being in feature bricks. A small pitched roof dormer window is proposed on the southern side elevation that will be covered in clay hung tiles. Each elevation would have a double plinth at the base of the wall will run along each elevation.

This approach has been amended following the advice and guidance by the Council's Conservation officer to ensure the character of the new property did not adversely affect the Conservation Area. Indicative information has been provided

in relation to the proposed soft and hard landscaping for the rest of the site, and it has been confirmed that further details can be secured and approved via appropriately worded conditions.

Notwithstanding all of the above, it is recommended that conditions are included to secure the submission of external material samples including window and door designs / specifications to ensure the best quality materials are used. Conditions have also been recommended in relation to the removal of permitted development rights and that the existing garage shall not be demolished in part or in whole before a contract for carrying out the redevelopment works is secured.

The design shown on the submitted plans, with pitched roofs and traditional materials, is considered to be a suitable response to the character of the Heaton Mersey Conservation Area and to the constraints of the site, mainly in response to the advice given by the Council's Conservation officer. Therefore, subject to conditional control in relation to the final palette of materials, it is not considered that the development would have a harmful impact upon the special character and appearance of the Heaton Mersey Conservation Area or on the adjacent Locally Listed Building.

Therefore, on the basis of all the above factors, the proposals are not considered to impede or cause a detrimental impact on any key views within the conservation area. As such, the defined character and appearance of the Heaton Mersey Conservation Area will be sustained. Overall, it is considered that the proposed works will preserve the special character and appearance of the Heaton Mersey Conservation Area, thereby complying with Section 72 of the 1990 Act, the relevant paragraphs of the NPPF and Policy CSS of the Stockport Core Strategy and HC1.3 of the Stockport UDP.

In response to the tests of the NPPF within Chapter 16, this area within the historic asset and the adjacent Locally Listed Building are considered to have significance within the historic environment. However, it is also considered that the location of the site, the design and appearance of the proposed dwelling, the improvements to the landscape and overall visual appearance of this existing garage site and the appropriate use of materials will ensure there is a less than substantial harm created to the significance of this asset. The proposals will protect the character and appearance of the Heaton Mersey Conservation Area and the architectural and historic interest of the adjacent Locally Listed building.

Design and Siting

No concerns are raised to the design of the proposed development, of 2 storey scale, traditional roof design and incorporating a single storey outrigger to the rear. The proposed design provides glazed areas to improve the natural light within the new dwelling, whilst protecting the privacy of the existing dwellings around the site. The scale and height of surrounding existing properties are either 2 or 3 storeys, which means the scale of the new development is similar if not reduced to the other residential buildings on the surrounding plots.

The proposed dwelling has been sited on the footprint of the existing built form in the garden (garage, potting shed and greenhouse), specifically towards the northern part of the site to ensure the existing building lines along Cavendish Road are respected and to ensure there is adequate space for the 2 required car parking spaces to the front. The siting of the property in this location also ensures

that there is more than sufficient private amenity space for the existing dwelling at No. 410 Didsbury and that a good sized space is provided for the new proposed dwelling. The design of the property and location of windows is to ensure that the necessary privacy distances outlined within the Design of Residential Development SPD are also respected. It is acknowledged that the new property will be close to the existing residential dwellings on Cavendish Road and as such, the impact of the siting of the new dwelling on existing residential amenity will be covered in the next section of the report.

Private amenity spaces would be provided to serve both the proposed new dwelling and retained for the existing dwelling at No. 410 Didsbury Road. The new dwelling would have ample space both down the side of the property beyond the front entrance porch and to the rear, which would exceed the 100sqm guidance standard as recommended by the Design of Residential Development for the new dwelling. The existing garden area retained for No. 410 Didsbury would be substantial and would be significantly beyond the guidance advice. The size of the garden for the new dwelling is considered to be comparable to the levels of private amenity space provision of dwellings within the surrounding area.

In terms of the amount of built development on the plot and the length of built form back into the plot, again this is comparable to other nearby properties. For example, the property at No. 62 Cavendish Road has been extended to the rear at both single and two storey levels, with the addition of both pitched roof and flat roofed outbuildings filling almost the full length of the rear garden. The single storey flat roof outrigger and sunroom to the rear of the proposed dwelling would extend a similar distance into the rear garden area and as such, are not considered to be excessive or unacceptable with respect to the character of the area. No objections have been raised by the Conservation officer in this regard either.

Therefore, in view of the above, it is considered that the quantum, siting, scale, height and design of the proposed development could be successfully accommodated on the site without causing harm to the character and the visual amenity of the area. As such, the proposal is considered to comply with Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Impact on Residential Amenity

The proposed dwelling is orientated with the principle front elevation and habitable rooms facing Cavendish Road, the main entrance porch being to the side facing the rear garden of No. 410 and the private enclosed garden to rear. The application site is bounded by existing residential properties, No. 66 Cavendish Road to the north, the apartments at Wesley Court across the road to the east, No. 410 Didsbury Road to the south and No. 5 Ash Mount Court to the west. The assessment on each of these properties will be assessed below.

General concerns have been raised in relation to the use of the flat roof of the single storey outrigger as a balcony in the future. However, this flat roof area is shown on the plans as having 4 roof lights to provide natural light to the internal living spaces and to have a green sedum roof to improve the insulation, reduce the energy consumption of the property and improve the biodiversity at the site. Therefore, this is not an area conducive of being used as a first floor balcony.

Furthermore, if this area was to be converted to a balcony in the future, the elevational alterations required to provide this area, including changing existing windows to patio doors and the installation of a balustrade for safety reasons, would require further formal planning permission. Therefore, the impact of such a proposal would have to be fully considered through a formal planning application.

No. 66 Cavendish Road (and Nos. 62 and 64 beyond)

The northern side boundary of the site is shared with the existing side boundary of No. 66 Cavendish Road. This is the closest relationship between an existing residential property and the proposed new dwelling. The boundary is shared with the side elevation of this existing property and therefore, the relationship is side to side elevations.

It should be noted that there is existing built form in this area of the garden to No. 410 Didsbury Road, including the garage, potting shed and greenhouse. It should also be noted that planning permission has been granted on this site previously for a new dwelling, and the footprint of this permission extended the same distance into the rear of the site as the current proposals, apart from the inclusion now of the small sunroom, which is located 1.76m away from the site boundary and only 2.6m high with a flat roof.

There are no habitable room windows in the side elevation of the existing property at No. 66 Cavendish Road. There are 3 windows proposed at ground floor level in the side elevation of the new dwelling facing the site boundary, however the plans submitted indicate that 2 windows of these windows serving an ensuite bathroom and a wc would be fitted with opaque glazing, and the further window is a high-level window (1.7m to internal sill level) serving the utility room. There are no clear glazed habitable room windows proposed in this side elevation in order to protect the privacy of the adjacent existing property. Therefore, it is considered that there would be no detrimental relationship between the new dwelling and the habitable room windows of the existing dwelling.

In terms of overbearing and overshadowing, the main two storey element of the new dwelling has been designed to respect the 45 degree angle from the existing habitable room windows on the first floor of No. 66. The windows at the ground floor level are not original and are on the rear of an extension. The proposed single storey outrigger is approx. 0.86m away from the site boundary and has a flat roof to reduce the potential overbearing and overshadowing impacts. The height of the single storey outrigger would also be 500mm less than the single storey outrigger previously approved under permission DC/076443. As outlined above, the property would be slightly sunken by 150mm to again reduce the impacts of the built form on the adjacent property and to ensure the property is below the eaves and ridge height of the existing property. There is also an existing 2m high close boarded fence along the site boundary between No. 410 Didsbury Road and No. 66 Cavendish Road, which would screen a large proportion of the single storey outrigger and sunroom.

Due to the orientation of the site to the south of the existing dwelling at No. 66, there may be some element of overshadowing created. However, for the reasons outlined above in terms of comparison to the previously approved scheme, and the design, height and siting, it is not considered that there would be a significant detrimental impact from overshadowing caused by the proposed development on this existing dwelling and the accommodation within it or the garden area.

Therefore, it is considered that the proposed development could be successfully accommodated on the site without causing significant harm to the residential amenity of the occupants of No. 66 Cavendish Road and Nos. 62 and 64 beyond that) by reason of overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

As such, the proposal is considered to comply with Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Wesley Court across Cavendish Road

The eastern or front boundary of the site is comprised of Cavendish Road and the block of apartments at Wesley Court. The boundary is shared with the public highway and therefore, the relationship is the public or street side of the dwellings. The front of the new property is in line with the existing properties on this side of Cavendish Road, and therefore the relationship between the windows of the new property and the properties on the opposite side is the same as the existing situation of this street. As shown on the submitted site layout plan, the distance between the proposed windows in the front elevation of the new dwelling are approximately 26m from the existing windows in the properties over the road, which is compliant with the privacy distances defined within the SPD.

In terms of overbearing and overshadowing, the new dwelling is located a sufficient distance (26m) away from the existing properties across Cavendish Road for this not to cause any significant detriment. The proposed dwelling is only 2 storeys in height and lower than the heights of the adjacent properties. The existing built form at Wesley Court is 3 storeys high and therefore, is much higher than the proposed dwelling at the site. On this basis, it is not considered that the proposed development would cause any significant overshadowing.

Due to the nature of the existing use as a garage and that part of the existing vehicular access point into the site would be used for this single dwelling, it is not anticipated that there would be any additional comings and goings associated with the proposed development than is currently the case with the existing garage.

Therefore, it is considered that the proposed development could be successfully accommodated on the site without causing undue harm to the residential amenity of Nos. 1 to 20 Wesley Court by reason of general disturbance, overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

No. 5 Ash Mount Court

The western boundary of the application site is shared with the existing side elevation and rear garden of No. 5 Ash Mount Court. There is one existing window in the side elevation of No. 5 at the second floor level, however this is to serve a landing and is not a habitable room window. The two storey element of the proposed dwelling would be 20.4m from the site boundary with No. 5, the single storey outrigger would be 12.5m from the site boundary and the sun room would be 8.6m away. Therefore, there is a good distance between the proposed new property and the existing dwelling and garden at No. 5. There are 2 bedroom windows at the first floor level of the new dwelling on the rear elevation, however these are located 20.4m away from the site boundary, which far exceeds the 12m required by the privacy standards.

In terms of overbearing and overshadowing, the garden is located to the west of the application site, and therefore, there could be the potential for some impact from overshadowing in the early morning. However, as outlined above, the two storey element of the new property is 20.4m away from the site boundary with the existing rear garden at No. 5 and this should be sufficient enough to not result in any overshadowing or overbearing impacts.

Therefore, it is considered that the proposed development could be successfully accommodated on the site without causing undue harm to the residential amenity of No. 5 Ash Mount Court by reason of overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

No. 410 Didsbury Road

The south or rear boundary of the site is shared with the site of the residential dwelling at No. 410 Didsbury Road. The boundary is shared with the rear garden area of this existing property and therefore, the relationship is rear elevation to proposed side elevation. The main element of the new dwelling would, at the closest point, be approx. 5m away from the site boundary, with the entrance porch being 3.9m away from the site boundary. There is only 1 window in the proposed side elevation at first floor level and this serves the landing area and not any habitable rooms. All other windows in this side elevation are at ground floor level. As the property is being slightly sunken by 150mm, and that a new hedge and multiple trees are proposed to be planted along the southern boundary, it is not considered that there would be any loss of privacy created by these new windows.

Therefore, there would be no overlooking or loss of privacy caused from the siting of the development and it is considered that there is no detrimental relationship between the windows of the new dwelling and the habitable room windows of the existing dwelling.

In terms of overshadowing, the application site is located to the north of the property and garden of No. 410 Didsbury Road and due to this orientation, there would be no overshadowing created as a result of the development.

Therefore, it is considered that the proposed development could be successfully accommodated on the site without causing undue harm to the residential amenity of No. 410 Didsbury Road by reason of overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

Further objections

Objections have been received against the proposed development in relation to party wall issues and the potential structural impacts from the proposed excavation on the adjacent property. Since the original submission, the site edge red has been amended to pull the application site boundary away from the gable end wall of No. 66 Cavendish Road and more information has been provided in relation to the proposed excavation and the resulting retaining wall structure that would be required.

In response to the objections received, the applicant has advised that the purpose of the change of level is to bring the overall height of the new dwelling down, so that the building does not compete in scale with No. 66 Cavendish

Road. It is confirmed that the application site is currently approximately 200mm higher than the ground level at No. 66, thus there is scope to reduce the levels on site. The proposals are not to reduce the level immediately adjacent to No. 66, the excavation and resulting reduced level would take place exclusively within the application site (within the red line boundary). A small 0.15m high retaining wall is proposed to be introduced near to the boundary to facilitate the change in levels.

As outlined in the applicant's statement, the formation of foundations near to the boundary with No.66 falls within the scope of the Party Wall Act legislation and is not a material consideration when determining a planning application. This legislation provides a framework to ensure all parties are satisfied that work will be safe and structurally sound with regard to both the new work and the existing nearby structures. This is a civil matter that is resolved outside of the planning process and works cannot proceed if the party wall agreement is not signed up to by both parties. The applicant has confirmed that the design details of the retaining walls, foundations and any safeguarding works, if necessary, would be presented to the owners of No. 66 before work commences as per the procedures found within Act. Furthermore, the owners of the proposed development would be legally responsible to ensure all work is safe and compliant with the Party Wall Act, Building Regulations and any other necessary legislation.

Therefore, on this basis, as the matter of the party wall act and potential structural impacts from excavation works fall outside of the usual planning remit, this would not be a ground for refusal in this case. Furthermore, it is considered that the applicant has submitted sufficient information to accompany the application with regards to this matter.

Comments have also been made by objectors in relation to the applicants claims that the size of the proposed dwelling is based on unique family circumstances, and that if the application has been assessed on this basis, and deemed to be acceptable due to these special circumstances, then only a personalised planning permission should be granted. It can be confirmed that the application has not been deemed to be acceptable only on the basis of these unique family circumstances or any special circumstances. This case has been assessed on its own merits on the basis of the plans and heritage assessment submitted to accompany the application. Following the amendments made to the scheme on the advice of the Planning officer and the Conservation officer, and as outlined the in the sections above and below, the proposed development is now deemed to be acceptable and compliant with local and national planning policies and guidance.

Traffic Generation, Access, Parking and Highway Safety

The application has been fully considered by the Council's Highways engineer. The Highway Engineer considers the principle of a proposed dwelling on the site to be acceptable, having regard to the relative accessibility of the site and the potential for occupants to enjoy convenient access to public transport, service and amenities. There is no reason to see why such a development would be dominated by car travel to the detriment of the immediate area. The level and nature of additional traffic generated by a single dwelling will not result in any severe impact on the operation or safety of the highway providing the adequate parking provision shown is implemented and appropriate visibility splays are provided at the interface of the development with the highway.

There are no objections to the loss of the existing garage, as the main property at No.410 is served by a long driveway to the front off Didsbury Road, which has ample parking for many cars. It must also be acknowledged that the garage does not appear to be used for the parking of vehicles and is mostly used for storage purposes. The provision of 2 spaces for the new dwelling is considered to be acceptable and in line with Council standards. It is not considered that the proposed development of one dwelling would give rise to any material intensification in use of the site access, when compared to the current lawful use as a garage.

Full details of the proposed vehicle hardstanding and access including provision of visibility splays, driveway surfacing and drainage, and details of any alterations to dropped kerbs and footway crossing are required to be submitted via an appropriately worded condition. Drainage should be designed such as to prevent discharge of surface water onto the highway. Any works on existing highway would require separate approval outside any approval which may be granted through the planning process. It appears that suitable dropped kerbed access to property is already in place.

Further conditions are then recommended with respect to securing appropriate cycle parking and electric vehicle parking facilities.

In view of the above, on the basis of the submitted amended scheme, in the absence of objections from the Highway Engineer and subject to conditional control, the proposal is considered acceptable with regard to the issues of traffic generation, parking and highway safety. As such, the proposal is considered to comply with Core Strategy DPD policies SD-6, SIE-1, CS9, T-1, T-2 and T-3.

Impact on Trees and Landscaping

Existing trees in and around the site are protected by virtue of the location of the site within the Heaton Mersey Conservation Area. The detailed comments received to the application from the Council Arboricultural Officer are contained within the Consultee Responses section above.

It is noted that a Tree Survey has not been submitted in support of the application, however it is not proposed for any trees to be removed as part of the development. Subject to the imposition of a condition to require the submission, approval and implementation of an appropriate landscaping scheme, to secure appropriate levels of enhanced planting and improved biodiversity at the site, no objections are raised by the Arboricultural Officer. Additional conditions are recommended to ensure that no existing retained tree is worked to and to require the provision of protective fencing to existing retained trees during construction.

In view of the above, in the absence of objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable with regard to its impact on trees on the site, in accordance with saved UDP policy HC1.1 and Core Strategy DPD policies SIE-1 and SIE3.

Impact on Protected Species and Ecology

The Council's Nature Development Officer has assessed the proposals in detail and has confirmed that there are no objections in principle to the development. The site itself has no nature conservation designations, legal or otherwise. The

application is accompanied by a Roost Assessment (2018), a Preliminary Ecological Appraisal including a BNG assessment (February 2022), and a Bat Emergence Survey report (May 2024).

In the reports above, two outbuildings were assigned low potential and a third building negligible potential for roosting bats, with no bats observed emerging from the buildings to be demolished. On this basis, it is considered that adequate survey effort has now been completed, and no additional bat survey effort is required.

Further to this, the applicant will be advised of the need to avoid building, demolition and vegetation clearance during the bird nesting season, unless it can be confirmed that nesting birds are not present by way of informative. Any proposed lighting should be also sensitively designed so as to minimise impacts on wildlife associated with light disturbance.

A landscaping plan has been submitted to accompany the application. Tree and hedge planting is proposed, which is welcomed. However, all trees are non-native which is disappointing in terms of benefits for local wildlife. It is advised that locally native species and/or fruit trees are selected to maximise biodiversity benefits. This can be secured via a suitably worded landscape condition and by following the advice of the council's Arboriculture Officer.

The application was submitted prior to statutory BNG requirements. However, a BNG assessment was undertaken by JCA Consultants (PEA 2022) using a UK Hab survey completed on the 25th January 2023 to establish the baseline for the BNG assessment using Biodiversity Metric 3.1. Although the landscape plans have been revised since the completion of the BNG calculation, there is an approximate 200% net gain. Therefore, overall the application reasonably shows a significant, measurable biodiversity net gain in both habitat and hedgerow units.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). In addition to the tree planting proposed, further enhancement measures can be secured by condition and should include a minimum of one bat and/or bird box within/mounted on the new building, the provision of mixed species native hedgerows at site boundaries where possible, and any close board boundary fencing should incorporate gaps at the base to maintain habitat connectivity for wildlife (e.g. hedgehogs). The requirement for biodiversity enhancements and landscaping can be secured by the inclusion of a suitably worded planning condition.

In view of the above, in the absence of objections from the Nature Development Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on protected species, biodiversity and the ecological interest of the site, in accordance with Core Strategy DPD policy SIE-3.

Energy Efficiency and Climate Change

Although the proposed development for less than 10 residential units does not trigger the Council's carbon reduction targets, as defined by Core Strategy DPD policy SD-3, an Energy Statement has been submitted in support of the application. The application has been assessed by the Council's Energy officer in the Policy team.

The UK has set into law a target to bring all its greenhouse gas emissions to net zero by 2050. In March 2019, Stockport Council declared a climate emergency, and agreed that Stockport should become carbon neutral by 2038, in advance of the UK 2050 target. The Stockport CAN strategy was developed to underpin this agreement and was approved by full council in October 2020. The strategy sets out to ensure that Stockport achieves carbon neutrality by 2038, in order to support global efforts to prevent global warming going above 1.5°C. The Environmental Law Foundation has suggested that climate emergency declarations should be regarded as material considerations in the determination of planning matters.

Meeting our 2038 carbon neutrality target will require new development to achieve net zero carbon in advance of then, and we should not be building homes, workplaces, community uses or schools which will require retrofitting in the near future. The definition of net zero carbon development has been established by the UK Green Building Council. It is important to note that most microgeneration technologies (e.g. solar panels), and other climate change mitigation / adaptation measures are significantly easier to install at the time of building rather than retrofitting later. Paragraph 8 of the NPPF places mitigating/adapting to climate change as an overarching objective for the planning system, to ensure sustainable development.

The submitted Energy Statement outlines that the chosen approach for the proposed development is to implement the fabric first approach and install PV panels, in order to meet the requirements of current building regulations standards and energy related policies. This would include an enhanced building fabric to meet Building Regulations, an enhanced air tightness and thermal bridging, an efficient extract ventilation system, an efficient lighting strategy using LED type fittings and solar PV panels to southern facing roof plane. The statement also confirms that further information regarding the carbon savings from the proposed technology will be provided in response to a planning condition.

The Policy officer has noted that no information has been provided in relation to the proposed heating system, noting that an ASHP has been discounted due to costs. As the use of gas boilers for a central heating system are soon to be restricted, an alternative form of heating will have to be explored.

Notwithstanding this, the Council's Planning Policy Energy officer has now confirmed that the energy statement is now broadly compliant with Core Strategy Policy SD3, and subject to the inclusion of an appropriately worded condition to require the submission of more detailed information about the solar panels and proposed heating system, the scheme is considered to be acceptable from an energy perspective.

Flood Risk and Drainage

The application site falls within Environment Agency Flood Zone 1, which is assessed as having the lowest possibility of flooding from fluvial and pluvial sources. The site is in an area with less than 0.1% risk of fluvial flooding (Flood Zone 1) and based on NPPF 2021 the development proposal is wholly suitable in terms of flood risk.

Details in relation to drainage are provided on the submitted plans in relation to the treatment of surface water. However, as this is limited, it is considered necessary for additional information to be provided to ensure that surface water is drained in accordance with the hierarchy of drainage options within National Planning Practice Guidance and to restrict discharge to the lowest possible rate should surface water require discharge to the public sewer. However, it is considered that for a single dwelling on a site with existing built form, it is possible for this to be dealt with via an appropriately worded condition.

As such and on the basis of the above, it is considered that an appropriate drainage solution can be found for the development and this could be secured by way of suitably worded condition. Subject to compliance with such a condition, it is considered that the proposed development could be drained in a sustainable manner without the risk of flooding elsewhere, in accordance with saved UDP policy EP1.7 and Core Strategy DPD policies SD-6 and SIE-3.

Land Contamination

No objections are raised from the Council Environment Team and, as such, the proposal is not considered to result in any land contamination issues, in accordance with Core Strategy DPD policy SIE-3. The applicant will be advised of relevant procedures should contamination be suspected, found or caused when carrying out the development by way of informative.

Developer Contributions

With regards to affordable housing, notwithstanding the requirements of Core Strategy DPD policy H-3 and the Provision of Affordable Housing SPG, the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments. As such, on the basis of the proposal for 1 dwelling, there is no requirement for affordable housing provision within the development.

In accordance with saved UDP policy L1.2, Core Strategy DPD policy SIE-2, the Open Space Provision and Commuted Payments SPD and the NPPG, there is a requirement to ensure the provision and maintenance of formal recreation and children's play space and facilities within the Borough to meet the needs of the residents of the development.

The applicant has confirmed that they are happy to enter into a S106 agreement with the Council to secure the payment of this contribution, should the recommendation of Committee be to grant planning permission.

CONCLUSION

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 of the NPPF indicates that these should be sought jointly and simultaneously through the planning system.

The location of the site is within a Predominantly Residential Area and as referred to at the start of this analysis, the fact that the Council cannot demonstrate a 5 year supply of housing means that elements of Core Strategy policies CS4 and H2 are considered to be out of date. As such the tilted balance

in favour of the residential redevelopment of the site as set out in para 11 of the NPPF is engaged. The application site comprises a brownfield site in an accessible area and the redevelopment of the site for residential purposes is also in accordance with para 118 of the NPPF which places substantial weight upon the use of brownfield land within settlements for homes and supporting opportunities to remediate derelict land.

It is considered that the siting, scale and design of the proposed development could be successfully accommodated on the site without causing undue harm to the visual amenity of the area, the character and appearance of the Heaton Mersey Conservation Area and adjacent Locally Listed Building or the residential amenity of surrounding properties. In the absence of objections from relevant consultees and subject to conditional control, the proposal is considered acceptable with regard to the issues of traffic generation, parking and highway safety; impact on trees; impact on protected species and ecology; land contamination; and energy efficiency.

In view of the above, notwithstanding the fact that approval of the development would constitute a departure from the development plan, the proposal is considered to represent sustainable development. On this basis, notwithstanding the objection raised to the proposal, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

RECOMMENDATION

Grant subject to Conditions and S106 Agreement