

ITEM

Application Reference:	DC/091222
Location:	50 Windsor Avenue Gatley Cheadle Stockport SK8 4DU
Proposal:	Two storey extension to side and rear and part single storey rear extension. Attic conversion with dormer. Porch.
Type of Application:	Householder
Registration Date:	21.02.2024
Expiry Date:	31.07.2024
Case Officer:	Rob Farris
Applicant:	Mr Bajwa
Agent:	Mr Philip Holmes- PHA Architects Ltd

DELEGATION / COMMITTEE STATUS

Members will be aware that this application was presented to the Area Committee in April 2024, and the application was referred to the Planning and Highways Regulation Committee with no recommendation, and a request for a site visit for Members to assess the scale and aesthetics of the proposed development, and to view the rear of the site. Members of the Planning and Highways Regulation Committee Members visited the site on 22nd April 2024.

Amended plans were received on 24th April, which were considered to more accurately present the as-built position of the on-site development. As these plans required further consideration and consultation with neighbours, the Planning and Highways Regulation Committee resolved to defer the application back to Cheadle Area Committee.

The application is being presented to the Committee for consideration for a second time as a result, with neighbours consulted on the most recent proposal.

The application was originally referred to the Cheadle Area Committee as more than 4 objections have been received, contrary to the Case Officer's recommendation for approval.

DESCRIPTION OF DEVELOPMENT

This application seeks planning permission for a two storey side extension, a part single storey, part two storey rear extension, a front porch extension, and a rear roof dormer extension, with associated external alterations including the installation of rooflights to the principal elevation of the dwelling.

This application is a resubmission of a previous application (DC/089300) granted

planning permission in September 2023. The notable alterations between this application and DC/089300 include:

- an increase in the size of the single storey and two storey rear extension;
- alterations to the front elevation of the dwelling, including an increase to the height of the approved porch and the introduction of a secondary apex gable to the roof of the two storey side extension;
- an increase in the size of the rear dormer and floorspace within the roof of the two storey rear extension, and;
- additional ground floor windows to the side extension and the additional and removal of rooflights to the front and rear elevations.

The proposed two storey side extension projects 3.205m beyond the north side wall of the existing dwelling, facing 52 Windsor Avenue, running flush with the front (west) elevation. The extension would not encroach onto the strip of land within the north side of the property, remaining undeveloped to allow 24-hour access to an Electrical Substation located to the rear of the applicant property. The two storey extension includes a hip-to-gable alteration of the main roof design of the dwelling; the only alteration to the two storey side extension from DC/089300 is the erection of a roof apex to the front elevation, above the approved / proposed front bay windows, and the proposed permitted development installation of three additional ground floor windows to the north side elevation, totalling five windows within the ground floor level, and seven windows total across the elevation, with two proposed on first floor level, both approved in DC/089300.

The single storey front porch extension would project 1.5m beyond the front main wall of the dwelling, measuring 3.65m in height and 2.15m across the principal elevation. The porch approved under application DC/089300 would be 3.2m in height, signifying the only alteration to the porch extension.



Approved Side Elevation from Planning Application DC/089300



Proposed Side Elevation in Planning Application DC/091222



Approved Front Elevation in Planning Application DC/089300



Proposed Front Elevation in Planning Application DC/091222

The proposed rear roof dormer, approved under application DC/089300 would be 5.6m in length and 2.0m height, located 0.2m off the southern side boundary, shared with 48 Windsor Avenue, and 0.3m below the ridge line. The dormer proposed in this application would measure 9.15m in length, across the whole of the approved and proposed roof plane, maintaining a 0.2m distance from the northern side wall and 0.07m from the southern side boundary line, and increasing to 2.29m in height.

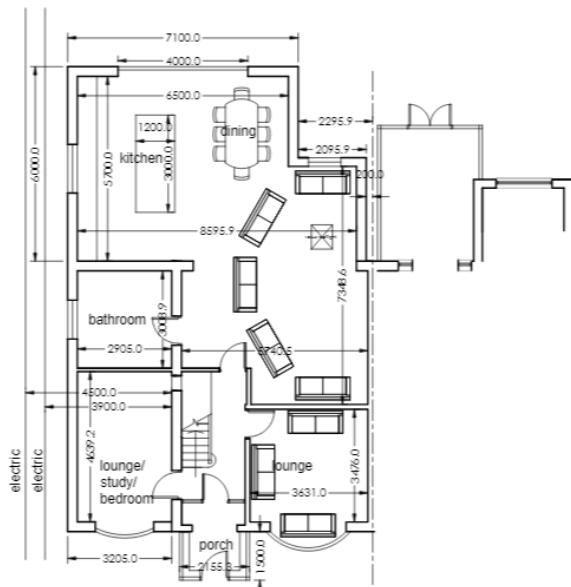


Approved Rear Elevation (including dormer) in Planning Application DC/089300

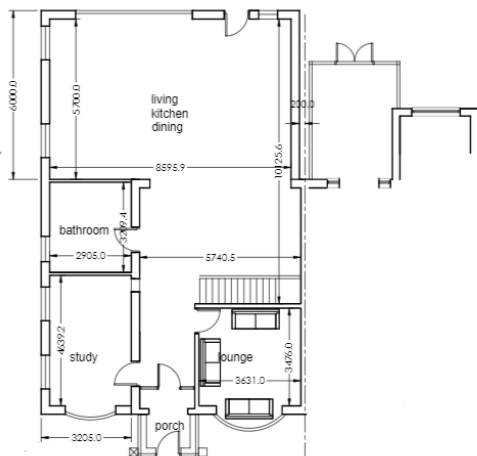


Proposed Rear Elevation (including dormer) in Planning Application DC/091222

The proposed single storey element of the rear extension would project 6.0m beyond the existing rear wall of the dwelling, approximately 0.2m off the south side boundary, and flush with the approved and proposed north side wall (9.195m across the rear elevation). The approved projection of the single storey rear extension in DC/089300 measures 3.2m beyond the rear wall of the original dwelling, 0.2m off the south side boundary, before projecting to 6.0m, 2.3m off the south side boundary, with two distinct rear wall projections in a stepped layout. This application proposes a 6.0m projection of the single storey rear extension across the whole of the rear elevation, infilling an area of previously approved garden/patio space, close to the boundary with 48 Windsor Avenue.

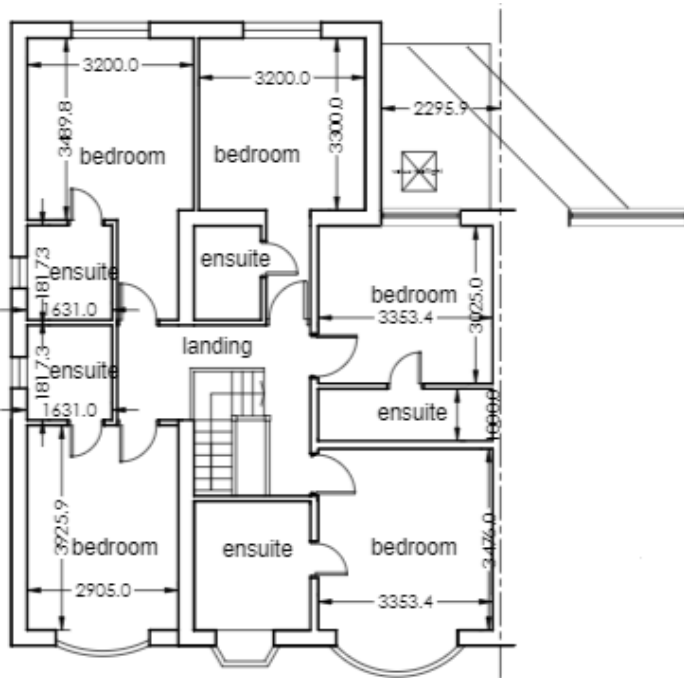


Approved Ground Floor Plan in Planning Application DC/089300

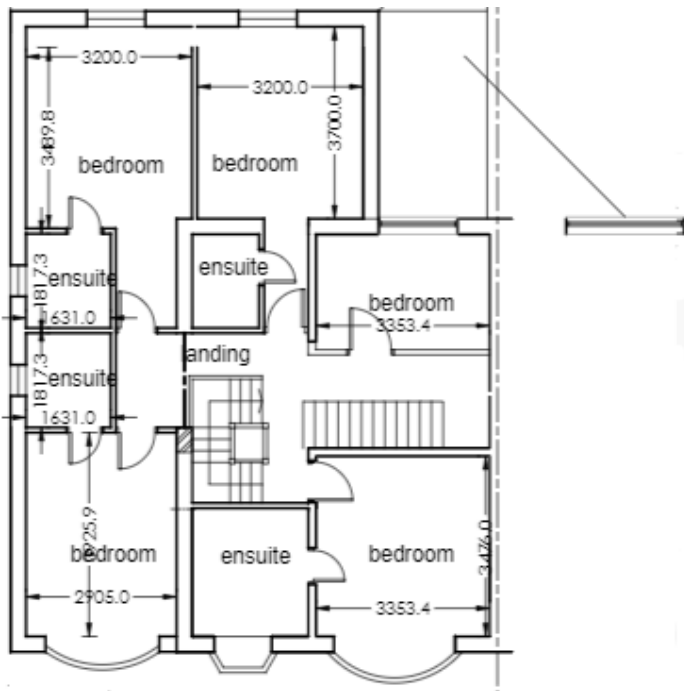


Proposed Ground Floor Plan in Planning Application DC/091222

The proposed two storey element of the rear extension would project 4 metres beyond the existing rear wall of the dwelling, running flush with the proposed north side wall, though set in 2.3m from the south side boundary. The proposed two storey rear extension would project 0.4m further than the development approved in DC/089300, though no closer to either side boundary.



Approved First Floor Plan in Planning Application DC/089300



Proposed First Floor Plan in Planning Application DC/091222

SITE AND SURROUNDINGS

The property (50 Windsor Avenue, Gatley) is a semi-detached, two storey dwelling located in a predominantly residential area consisting of mostly similar, semi-detached properties, with sporadic detached properties located nearby, and a strong established building line and architectural style within the street.

The applicant site shares a boundary with two neighbouring properties (48 and 52 Windsor Avenue to the south and north sides respectively), and backs on to mostly undeveloped land housing an Electrical Substation, with works access provided by an undeveloped vehicular access area owned by the applicant property, along the north side boundary with 52 Windsor Avenue.

The site is located within a Predominately Residential Area as identified on the Proposals Map of the SUDP Review.

As planning permission has already been granted for a two storey side extension, a part single storey, part two storey rear extension, a front porch extension, and a rear roof dormer as part of DC/089300 (see 'approved' plans), the analysis mainly focuses on the unapproved developments, unique to this application:

- additional windows to the proposed side extension and rooflights to the front and rear elevations;
- extension of the approved rear dormer and introduction of floorspace within the roofspace of the two storey rear extension.
- extension of the approved single storey and two storey rear extension.
- alterations to the front elevation of the dwelling, including an increase to the height of the approved porch and the introduction of a secondary apex gable within the roofscape of the two storey side extension;

RELEVANT PLANNING HISTORY

Reference: DC/089300; Type: HSE; Address: 50 Windsor Avenue, Gatley, Cheadle SK8 4DU; Proposal: Two storey extension to side and rear and part single storey rear extension. Attic conversion with dormer, and porch extension. Decision Date: 06.09.2023; Decision: Granted

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires applications/appeals to be determined in accordance with the Statutory 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 (SUDP) 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 (CS) adopted 17th March 2011.

Saved policies of the SUDP Review

- CDH1.8: RESIDENTIAL EXTENSIONS

UDP policy CDH1.8 states that the Council will grant permission for an extension provided that the proposal, amongst other issues, does not cause damage to the amenity of neighbouring properties by reason of overlooking, overshadowing, visual intrusion or loss of privacy.

LDF Core Strategy/Development Management policies

- SD-2: MAKING IMPROVEMENTS TO EXISTING DWELLINGS

This policy requires the applicant to submit an "Energy Efficiency Checklist". Policy SD-2 requests that applicants undertaking extensions to residential properties should take reasonable steps, where possible and practical, to improve the energy performance of the existing dwelling.

- SIE-1: QUALITY PLACES

This policy states that specific account should be had of a number of issues, including provision, maintenance, and enhancement of satisfactory levels of privacy and amenity, existing and neighbouring users and residents.

- T-2: PARKING IN DEVELOPMENTS

Developments that would result in inappropriate on-street parking and a detrimental impact upon the safety of the highway, should be avoided. Compliance with Council parking standards is required for development to be considered acceptable.

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.

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

National Planning Policy Framework (NPPF)

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) in December 2023 replaced the previous NPPF (originally issued 2012 & revised 2018, 2019, 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 represents the government's up-to-date planning policy which should be taken into account in dealing with applications, and 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.

In respect of decision-taking the revised NPPF constitutes a "material consideration".

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

NEIGHBOUR'S VIEWS

The owners/occupiers of four surrounding properties were notified in writing of the application as originally submitted. The neighbour notification period expired on 18th March 2024.

Revised plans, received throughout March and April 2024, removed the proposed second storey of the front porch extension and replaced it with the approved single storey porch extension, removed the proposed enlarged first floor window and roof gables to the front of the dwelling, and clarified the dimensions of the roof area of the single storey rear extension. These changes did not necessitate a neighbour reconsultation, as the alterations were considered 'non-material' or removed proposed design elements without significantly altering the description of development.

Objections from eleven households have been received in respect of the application, with the following comments made:

- The resulting reduction of parking space within the curtilage of the property to a single car would result in increased street parking, as the increased number of bedrooms would result in an increased number of cars and associated

polluting emissions, with detrimental impact to the health of residents experienced.

- Original (superseded) plans referred to 'flats' within the dwelling; such development of the property into a HMO would be detrimental to parking facilities within the property and on the surrounding streets.
- The proposed alteration of the front elevation to include a large, glazed window would be out-of-keeping with the surrounding area's character and overall style.
- Unapproved developments have begun in conjunction with approved developments.
- Approved plans have been uploaded as part of the application, which may result in misleading perspectives of consulted neighbours.
- The proposed additional single storey rear extension would result in negative amenity impact to the occupier(s) of the adjacent property.
- The new proposal, supported by approved application DC/089300, has been designed in such a way as to 'cheat and mislead' the planning system
- Ongoing developments appear to show signs of becoming a HMO, with the installation of fire doors. A HMO should not be allowed on Windsor Avenue.
- Resulting noise impact on a quiet residential road.
- The building is in close proximity to the nearby electrical substation, which requires 24-hour access via the north-side access strip.
- Adjoining property would be 'dwarfed' by the proposed single storey rear extension, which would project beyond the neighbouring conservatory, causing loss of light obstruction, a poor visual impact, and a loss of privacy.
- The approved and proposed build is being constructed using non-matching materials on the side and rear elevations, despite the condition of DC/089300, and the application form submitted as part of the current application.
- The proposed rear dormer is out-of-keeping with the typically hipped roof design of many surrounding properties.
- The submitted plans are not reflective of what is being built, with the rear extension in particular measuring much larger than has been approved/proposed.

- The proposed two storey front porch extension [since removed from the proposal following concern by the Planning Officer] would be out-of-keeping with the character of the area.
- Concern over safety of children and other vulnerable residents, through the introduction of more cars to the street and the possible change of use of the property to a HMO.
- Negative precedent would be set if the application is granted planning permission, relating to the landscape and the feel of the area.
- Ongoing construction of the approved/proposed development is being done in an unprofessional, dangerous, and disruptive manner.
- Concern over the development's impact on the ecology and drainage setup.
- Positioning of windows on all sides would result in privacy issues to residents.
- The planning office has not taken into account the traffic and parking effect of a HMO development in this area.
- The development has made neighbours upset, being a complete eyesore on the road.

Following submission of revised plans and subsequent deferral by the Planning and Highways Regulation Committee, a second neighbour consultation period, between 30th May 2024 to 13th June 2024, received sixteen public representations from thirteen parties, of which fifteen objections and one neutral comment were received. The plans consulted on are now superseded.

Further revised plans, submitted on 3rd July 2024, resulted in a third and final neighbour consultation period, from 4th July 2024 to 14th July 2024. Twelve representations from eleven parties have been received, all in objection to the proposal. The grounds for objection cover all above objection reasons, in addition to the following comments:

- The proposed front porch would be out-of-keeping with the built environment of the street scene, owing to its height;
- The decorative features of the front elevation, including cladding and finishing to the bay windows, upper apex and fascias, have been removed and replaced with visually incongruous, out-of-character external materials and features;
- Use of the dwellinghouse by many occupants will result in more bins;

- Access to the Electrical Substation has been restricted during the construction period, constituting a risk to residents in the event of necessary access by operators;
- Inaccuracies between the submitted plans and the as-built development;
- The development encroaches onto neighbouring land;
- The submitted application form is inaccurate;
- External features of the development as-built, including drainpipes, are visually incongruous to the street.

The representations made are acknowledged and have factored into the overall consideration of the application. Representations objecting to subsequently removed or altered proposed developments, such as the two storey front porch extension, are included in the list of objections, though no longer hold significance as objections as the subject development is removed.

CONSULTEE RESPONSES

No consultee comments were received in respect of this application.

ANALYSIS

Policies contained within the Core Strategy and the Saved UDP are clear when they state that developments should be of good, high-quality design and not adversely affect the character of the street scene, and should be considerate of neighbouring residential amenity and not create a poor living environment for nearby residents through undue impact on light, privacy, or outlook.

The policies (SIE-1 in the Core Strategy and CDH 1.8 in the Saved UDP) are further supported by the Extensions and Alterations to Dwellings SPD. The following extracts from the SPD are relevant to the application:

5.1 Character and Appearance

Any extensions or alterations to a property should:

- *respect the form, shape, symmetry and proportions of the existing dwelling and complement 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).

5.2.2 Daylighting and Outlook

An extension which is sited close to a window belonging to a habitable room of a neighbouring dwelling or its private garden area, can create a poor living environment for the occupier in terms of overshadowing and intrusiveness.

Most extensions are likely to cause some degree of shadowing, it is the position of the extension relative to the path of the sun (orientation), combined with its height, shape and massing which, will determine the amount of shadow that will be cast.

An extension to a property should not harm a neighbouring occupiers' daylight to an unacceptable degree. When assessing this, the impact of the proposal on the amenity of the dwelling as a whole will be considered. Particular attention will be given to protecting principal habitable room windows. The Council will not normally protect daylight to secondary, high level and obscure windows or where windows have been added to the dwelling under permitted development rights.

The following general guidelines will be considered when assessing the effect on daylight and outlook:

- *Overshadowing should be minimised. Extensions should not unduly reduce the amount of daylight or natural sunlight entering the original, principal habitable room windows of neighbouring dwellings.*
- *The bulk, height and overall massing of an extension along or adjacent to common boundaries should be kept to a minimum. Original principal habitable room windows should not be made to look out directly onto two storey side elevations of extensions.*
- *Single storey rear extensions should not normally project more than 3 metres along or adjacent to a common boundary close to a window belonging to a habitable room of a neighbouring dwelling.*
- *Two storey rear extensions along or adjacent to common boundaries should be avoided, even more so on the south facing side. This form of development will only be acceptable if it can be demonstrated that it will not result in an unacceptable loss of daylight or outlook to neighbouring properties.*

6.2 Front extensions / porches

Extensions to the front of a property can often have the greatest visual impact.

Front extensions should:

- *Leave sufficient space between the extension and the front boundary of the house to retain the appearance of openness around the dwelling;*
- *Not be obtrusive, prominent features in the streetscene;*

- *Respect the size and proportions of the existing house;*
- *Respect the architectural features, brickwork, stonework, colour and texture of the existing house. Front porches usually look best where the materials, glazing pattern and degree of roof pitch, match the existing house.*
- *Not unduly affect neighbours amenity.*

Where there is a strong building line or an architectural cohesiveness to the street which would be broken, front extensions are unlikely to be acceptable.

6.2.2 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.*

It is beneficial to provide 12 metres between habitable room windows and a blank elevation. There may though be some instances where a neighbouring property has a principal, original habitable room window in a side elevation facing the side of a neighbouring dwelling house and this distance is significantly less than 12 metres. In this instance each proposal will be treated on its own merits to assess whether the further reduction in separation would have a materially harmful impact on the outlook from that window to justify a refusal of the development.

6.3 Rear extensions

In determining planning applications for rear extensions (including conservatories) the most common problem is the affect on the amenities of neighbouring properties. Poorly designed or overly large extensions can cause a loss of outlook, overshadowing or an overbearing impact to neighbouring properties.

To avoid such an impact (on a terrace or semi detached properties) a single storey rear extension should take account of the following:

- *Project no further than 3 metres along a party boundary close to a habitable room window of a neighbouring property.*
- *At the point of 3 metres it may be possible to introduce a 45 degree splay to allow a slightly greater projection.*
- *Not allow unrestricted views of neighbouring properties. Any side windows, particularly on conservatories should either be obscure glazed, high level or screened by a fence of appropriate height.*

Where a two storey rear extension or first floor rear extension is proposed, these should be avoided where they would be sited 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.

6.5 Roof extensions / dormers

A number of dormer roof extensions to the rear of properties are now likely to fall under permitted development and therefore may not require permission. Those which do require permission should follow the following guidelines.

A dormer at the rear of the house is usually more acceptable than one at the front as it will be less readily seen by the public. Exceptions may occur where such features are typical of the local area.

Dormers should:

- *Be designed to be in proportion to the roof and set into the roof slope so that they are not a dominant feature, small dormers set below the existing ridge line are likely to be more acceptable.*
- *Have a pitched roof, flat roof dormers added to pitched roofs look out of place and are generally unacceptable.*
- *Echo the window design and attempt to align vertically with the fenestration below.*
- *Be constructed from materials to match the existing roof. i.e clad in tiles / slates matching the colour and texture of the existing roof. Dormers clad in UPVC or board are unlikely to be acceptable.*
- *Not result in undue overlooking of a neighbouring property.*

Dormers should form part of the roof instead of dominating the roof scene.

Impact upon the Character and Appearance of the Area

UDP Review Saved Policy CDH1.8 states that proposed extensions should not unduly compromise the amenity space of existing dwellings, including private gardens and parking areas. The proposed front porch extension and two storey side extension would maintain room for a single parking space, in compliance with the relevant guidance, which considers a single 5.0m x 2.4m space to be reasonable for vehicle parking within the curtilage of a residential property. The proposed maintained front driveway area within the property's curtilage, following construction of the proposed extensions, would measure no less than 8.9m x 3.35m (length x width). A proportionate area of rear garden space, as well as the access strip to the north of the main dwelling, would be maintained following construction, complying with UDP Policy CDH 1.8.

The applicant dwelling is a semi-detached, two storey dwelling, situated in a street scene comprising mostly similar properties, with a mix of detached and semi-detached forms that originally shared a strong visual uniformity in general external appearance, but have since diminished in uniformity through development, including highly visible extensions, permitted developments including solar PV panels and rooflights, and external alterations to window, door, brick, and roof materials, including non-uniform colour relative to the established colours present on the majority of homes on Windsor Avenue. The development proposes the use of the same external materials those used on the existing dwelling, including brickwork and roof tiles, mitigating concern over the appearance of the development, particularly the prominent two storey side extension. Owing to ongoing unapproved development, it is recommended that a condition is attached to any planning permission granted to require that a materials schedule is submitted to and approved by the Local Planning Authority prior to commencement of any further work, to enable the assessment of the visual impact of materials used on visually sensitive areas of the development, particularly along publicly visible elevations.

The proposed hip-to-gable roof design alteration is considered acceptable development, despite the principal design of roofs in the immediate area being hipped. 35 Windsor Avenue, a nearby property, has a gabled roof and a rear dormer, and all nearby properties appear to maintain permitted development rights for a similar alteration, without the requirement for planning consent from the Local Planning Authority. Additionally, planning permission has been granted for this alteration in DC/089300 and would therefore be unreasonable to refuse as part of this application.

The proposed two storey side extension would not form or prejudice similar development from neighbouring property 52 Windsor Avenue by means of introducing a 'terracing' effect, as 6.0m is maintained between the north side wall of the side extension and the north side boundary of the applicant property. While the additional proposed ground floor windows would be an uncommon addition to the built environment, they are acceptable and would not be overly prominent,

incongruous features of the dwelling.

The proposed dormer extension would be visible from public viewpoints to the front and north-facing side of the property, but does not present any significant issues relating to visual amenity. While acknowledged in principle to be of minor incongruity to the dwelling and street scene, the development is not considered unacceptable, as materials would be controlled by condition to be of an appropriate appearance, including colour and texture as consideration, if planning permission is granted. Precedent for flat roof rear dormer extensions constructed up to or closer than 0.2m from the side wall of the dwelling, is present within the wider street area, at 35 Windsor Avenue and 7 Barngate Road. According to Council records, all nearby properties benefit from permitted development rights to construct a flat roof dormer and hip-to-gable roof alteration. As such, development of a similar nature could occur at many nearby properties in the area, therefore it would not be reasonable to refuse such development at the applicant property.

All proposed development not visible from public viewpoints or other vantage areas presents minimal-to-no visual amenity concern. Rear elevation developments, reasonably visible only from the side elevation of the proposed dwelling, are covered with pitched/hipped roofs and would utilise matching material designs, being considered of an acceptable design standard.

In view of the above, it is considered that the proposal would respect the design, scale, materials, character, appearance and proportions of the existing and approved dwelling, and would not result in unreasonable harm to the character of the street scene or other visual amenities of the surrounding area in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1.

Impact upon Residential Amenity

The proposed development would not impact any front or rear-facing property to any greater degree than as existing or as approved in DC/089300. The proposed alterations to the front elevation of the property, from its approved form, are the installation of a single additional roof window, with the two approved roof windows altered in size and position, the enlargement of the front porch, and the installation of a secondary roof apex within the two storey side extension. The roof window is classed as a permitted development, and is therefore exempt from requiring planning consent, meeting the limits and conditions of permitted development by protruding no further than 0.15m beyond the plane of the slope of the roof and being of no greater height than the highest part of the original roof.

The proposed two storey side extension contains front elevation windows in line with the original principal wall of the dwelling. The separation distance between the windows and those of facing properties (41 and 43 Windsor Avenue) would be no less than the existing, original window separation distance. Therefore, no undue loss of privacy to properties on the opposing side of Windsor Avenue is considered. Near-identical proposed windows are granted planning permission under DC/089300, and

as such should not be used as a reason for refusal of this application.

The rear dormer extension would not allow for any greater overlooking into the private garden area of 48 Windsor Avenue than as approved in DC/089300. The proposed installation of a window to the northern side of the rear elevation of the dormer would not directly overlook 52 Windsor Avenue's private amenity spaces or protected windows, nor would the proposed roof window within the two storey rear extension. The privacy of the neighbouring properties would be safeguarded, in compliance with Policy SIE-1 "Quality Places" of the adopted Stockport Core Strategy DPD and Saved Policy CDH1.8, "Residential Extensions", of the Stockport Unitary Development Plan Review.

52 Windsor Avenue, the north-facing property, is judged to be impacted to a reasonable degree by the development. The additional proposed ground floor side windows along the northern side wall of the two storey side extensions would maintain approximately 16.0m to the nearest habitable room windows of the facing elevation of 52 Windsor Avenue. As such, the distance between the neighbouring dwellinghouse and other protected amenity spaces, with further screening provided by existing boundary treatment, prevents undue amenity harm by the proposed development on the amenities of the occupier(s) of 52 Windsor Avenue, including light, outlook, and privacy.

48 Windsor Avenue, the attached, south-adjacent neighbouring property, would be most significantly affected by the proposed development, however the overall impact is measured, on balance, to be reasonable. While application DC/089300 includes a reduced projection to the single storey rear extension close to the shared party boundary with No. 48, to 3.2m beyond the original rear wall of the applicant dwelling, before projecting to 6.0m, 2.8m off the boundary, the current application proposes a 6.0m projection, 0.2m off the boundary, measuring 1.8m beyond the neighbouring conservatory with a glazed north side elevation.

Council Policy guidance within the SPD states that single storey rear extensions should project no further than 3 metres along a party boundary close to a habitable room window of a neighbouring property. UDP Saved Policy CDH 1.8 recommends no more than 2.4m projection. As such, with a projection under both recommended measurements beyond the neighbouring habitable room window within the conservatory's rear wall, the proposed single storey rear extension is considered to not restrict outlook amenity to the occupier(s) of 48 Windsor Avenue. Further, as the applicant site lies to the north of No. 48, sunlight amenity would not be unduly restricted by any element of the development, and no detrimental impact to the privacy of No. 48 would occur, with no proposed windows overlooking the neighbouring private garden area to any degree greater than as existing from original first floor rear windows.

In view of the above, it is considered that the development would not unduly impact on the residential amenity of the surrounding properties in accordance with UDP policy CDH1.8 and Core Strategy policies SIE-1 and SIE-3.

Energy Efficiency

Core Strategy DPD policy SD-2 states that the Council recognises the importance of improving the energy performance of Stockport's existing building stock. Therefore, energy efficiency measures and low carbon and renewable technologies are encouraged. Planning applications for changes to existing domestic dwellings will be required to undertake reasonable improvements to the energy performance of the dwelling. Improvements will include, but not be restricted to: loft and cavity wall insulation, draught-proofing, improved heating controls and replacement boilers. Applicants will be asked to complete a checklist to identify which measures are appropriate to their home.

Whilst an Energy Checklist to consider reasonable improvements to the energy performance of the existing dwelling has not been submitted, this can be achieved through conditional control to ensure that energy efficiency issues are adequately addressed under the provisions of Policy SD-2.

Other Matters

The conditions included in DC/089300 should be upheld in any grant decision given to this application.

It is noted that neighbour objection raise concerns regarding future use of the dwelling as a House of Multiple Occupancy. The application does not propose a Change of Use from a C3 dwellinghouse to a C4 House of Multiple Occupancy. However, it should be highlighted that permitted development does allow for the Change of Use of a C3 dwellinghouse to a small HMO (up to 6 beds) without the requirement of planning consent from the Local Planning Authority, however there is a licensing requirement.

SUMMARY

The NPPF establishes three dimensions to sustainable development – economic, social and environmental and indicates that these should be sought jointly, simultaneously, and favourably through the planning system.

In this instance there are several benefits that weigh in support of the proposal, in particular acceptable design, and impact upon residential amenity.

The development approved under planning permission DC/089300 is still considered acceptable, as there has been no significant or otherwise material change to the scheme or Planning Policy or Guidance since the decision was issued in September 2023. It would therefore be unreasonable to critique those proposed developments as they have already been granted planning permission.

The proposal would not unduly impact on the residential amenity of the surrounding

properties or prejudice a similar development by a neighbour, in accordance with UDP policy CDH1.8 and Core Strategy policy SIE-1. The impact on the original, principal habitable room windows on all neighbouring properties is judged to be acceptable.

The general design of the proposed development is considered acceptable in terms of its relationship to the existing dwelling, the character of the street scene and the visual amenity of the surrounding 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 complies with the content of these documents.

Overall, the proposal is in compliance with adopted planning policy and guidance.

RECOMMENDATION

Grant, subject to conditions.

UPDATE FOLLOWING CHEADLE AREA COMMITTEE MEETING ON 30th JULY 2024

The Planning Officer introduced the application.

Members noted that the amended plans received on 24th April were considered to more accurately represent the as-built position, and asked if these plans are accurate. The Planning Officer advised that they were considered to be accurate at the point in time that they were consulted upon, however having visited the site on the day of the Committee meeting, it was noted that solar panels had since been installed. Members were reminded that they were being asked to consider the plans before them rather than the built form on site as that has been built without the benefit of planning permission. Should planning permission be granted, there would be a condition to ensure compliance with the plans, and Enforcement action could be taken at a later stage if necessary.

Members asked for clarification as to whether the application is retrospective. The Planning Officer advised that the application was not submitted as retrospective, and Members noted that works continue to be carried out. The Planning Officer advised that the application must be considered on the basis of the information provided.

Members noted that at the previous meeting, Members discussed the tactics being employed, and it was evident that plans were not being submitted in a timely manner and what was being built was not to the plans. It was noted that a Temporary Stop Notice was served, and Members commented that it is a disgrace that a development is allowed to progress this way without following the proper planning process, and they expect that comments from the Committee should reflect a

disappointment that this stage has been reached. Members asked the Planning Officer if they agree that there are two aspects to this, the enforcement and the planning. The Planning Officer agreed that there are, and clarified that enforcement action had been taken by serving the Temporary Stop Notice, and that Members are only able to consider the planning application.

Members asked for clarification given that a Temporary Stop Notice had been served, but Members were being asked to consider an application that the applicant had been told to stop building. The Planning Officer advised that the planning application was submitted, and during the assessment of that application, development commenced on site. Those works were not entirely in accordance with the submitted plans, and after consideration of the application by the Planning and Highways Regulation Committee, a Temporary Stop Notice was served which has now expired, however the application remains live and to be determined.

Members asked if the Temporary Stop Notice was complied with, and the Planning Officer advised that they were not in a position to comment on that.

A local resident spoke against the application on behalf of a number of residents who object to the application. The following matters were addressed:

- a. The proposals are not in accordance with planning policy.
- b. There are errors in the application form.
- c. The completed works do not match the proposals or comply with policy.
- d. Concerns over the future use as a House of Multiple Occupancy.
- e. Planning Officer has written to confirm that they would not accept the built form in terms of the architectural features and materials.
- f. The recommendation for approval is subject to conditions but does not state what these are.

Members asked the resident to explain the effect of the Temporary Stop Notice on them. The resident explained the timescales, that works could continue on the original building during the period of the Temporary Stop Notice, and that works did continue on the extensions. It was advised that the Enforcement Team was contacted, and that residents have been disappointed with the performance of the Council's Officers in terms of the continuation of works, and the use of planning guidance.

The Planning Agent spoke in favour of the application. It was noted that planning permission has previously been granted, and the Agent explained the process from that point. The Agent also spoke around the site context and nearby developments. The changes from the previously granted planning permission were explained.

Members asked if a previous application had been granted in 2023, and the agent confirmed. Members asked if that application was presented to the Committee, and the Planning Officer confirmed that that decision was delegated. Members asked about the differences between the previously granted planning permission and the current proposals. The Planning Officer noted that the changes are set out in the

Officer's report and read these aloud, and noted that comparison images are provided within the report.

Members asked the Planning Agent about the concerns regarding future use as a House of Multiple Occupancy, and it was confirmed that the proposal is for use as a family dwellinghouse.

Members also asked the Planning Agent about the lack of communication with neighbouring residents, and the Agent confirmed that they were not aware of the recent installation of solar panels.

Members commented that the application should be referred to the Planning and Highways Committee for a further site visit, and that this situation makes a mockery of the system.

Members asked the Planning Agent to talk through the applications submitted at the site and the dates. The Planning Agent advised that the previous application was approved in September 2023, the second application was submitted on 21st February 2024. The Planning Agent was asked to comment on the amended plans being submitted before the Planning and Highways Regulation Committee meeting, and they had no comments to make.

Members debated the application. Members raised grave concerns regarding the previous behaviour of the applicant, however it was not considered that there was a legal basis within the National Planning Policy Framework to refuse the application. Members expressed sympathies for the residents regarding the unacceptable behaviours of the applicant. Members also asked if the relevant Supplementary Planning Document is still in date, and the Planning Officer confirmed that it is. There was support for an earlier suggestion that the application is referred to the Planning and Highways Regulation Committee.

Members agreed with the points raised regarding planning policy position for refusal, and suggested that the application is referred to the Planning and Highways Regulation Committee with wording around enforcement to be clear that only this plan would be approved.

Members also asked that the Planning and Highways Regulation Committee consider the issues raised when the application was last considered regarding the materials not matching.

Members proposed to refer the application to the Planning and Highways Regulation Committee, and asked whether a further Temporary Stop Notice could be served. In addition, it was asked that if the application is approved, could it be recommended that Chedale Area Committee would strongly recommend the removal of Permitted Development Rights. The Planning Officer advised that the Temporary Stop Notice was served for the maximum period of 56 days, and by definition it is temporary so

another could not be served. There is a process for a Stop Notice, but as the applicant has been engaging with the planning process, it was not considered appropriate to go down that route at that time. It was also commented that Officers recommend a condition to restrict Permitted Development Rights.

Members commented that the condition regarding Permitted Development Rights is critical, however Members questioned whether this would be complied with. It was also commented that it is a shame that the National Planning Policy Framework has to be the deciding factor and that Members cannot take into account the behavioural factors.

The Planning Officer spoke to note that there is a clear dissatisfaction with the built form on site and with the behaviour of the applicant, however Members have stated a number of times that they do not see a reason to refuse the application, and to remind Members that the Committee is able to make a determination this evening if it did wish to approve. If the Committee refers the application to the Planning and Highways Regulation Committee, there needs to be a reason to do so.

Members suggested reasons for referral to the Planning and Highways Regulation Committee on the grounds of the overlapping of the dormer, car parking, use of materials, floor space taken up with the revised drawings (3 times the size of the original design). The Planning Officer advised caution as the grounds raised had not been noted at earlier points in the debate that evening, so Members may wish to debate them.

Members spoke around the concerns regarding use as a House of Multiple Occupancy and asked about the use class of this. The Planning Officer noted that the process around this is set out in the report, and summarised that the use of a dwellinghouse for a small House of Multiple Occupancy for up to 6 people would not require planning permission for a change of use (however, there is a licencing requirement), but that use as a House of Multiple Occupancy for more than 6 people would require planning permission for the change of use.

Members asked if the percentage increase from the size of the original dwellinghouse is known, and raised concerns regarding overdevelopment and massing. The Planning Officer asked if, in support of the proposal, Members would like the Planning Officer to provide more information around the numerical data in terms of the increased mass, and this was confirmed.

Members also spoke around the impact upon the character and appearance of the area and use of materials. The Planning Officer asked if Members would like Members of the Planning and Highways Regulation Committee, having previously visited the site, to reconsider the impact of the proposed development on the character and appearance of the overall streetscene. Members confirmed that this would be one reason, and commented that the brickwork to the side elevation are not in keeping and are visible from a long distance.

Members added that the issues raised in April have not been fully addressed and were a concern of the Planning and Highways Regulation Committee. The Planning Officer suggested that the reasons for referral seem to be the impact upon the character and appearance of the area and materials, residential amenity, and a request that the massing of the development be set out in clearer terms for Members to be able to discuss.

It was proposed that Members refer the application to the Planning and Highways Regulation Committee for Members to consider overdevelopment of the site, massing, materials, impact on the streetscene, and the impact of the development on the character and appearance of the area, with a request for a second site visit, and this was agreed by Members.

Following the meeting and on the request of Members, Officers have given further consideration to the massing of the proposed development and the percentage increase in footprint from the original dwelling.

Volumetric calculations have been requested from the Planning Agent, and are being prepared. Officers can advise, however, that the footprint of the development, would be approximately 4.5% larger than that of the approved dwelling under DC/089300.