



Appeal Decision

Site visit made on 14 February 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/C4235/W/22/3309625

Woodlands, Ladybrook Road, Bramhall, Stockport SK7 3NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr R Ramdass and Mrs N Bhadra against the decision of Stockport Metropolitan Borough Council.
- The application Ref DC/083441, dated 15 November 2021, was approved on 13 July 2022 and planning permission was granted subject to conditions.
- The development permitted is a part onestorey part two storey front extension, a single storey rear extension, a two storey rear extension, a single storey side extension and external alterations.
- The conditions in dispute are Nos 7 and 14 which state that:
Condition 7: *No existing tree within the site shall be cut down, topped, lopped, uprooted wilfully damaged or wilfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise on the approved plan. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such trees of such size and species as may be approved in writing by the local planning authority.*
Condition 14: *Notwithstanding the provisions of the Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no development involving enlargements such as side/rear extensions, alterations to roofs, dormer windows or the construction of buildings surrounding the house (the 'curtilage') as permitted by Classes A, B, D and E of Part 1 of the Order shall be carried out.*
- The reasons given for the conditions are:
Condition 7: *In order to protect existing trees on the site in accordance with Policies SIE-1 "Quality Places" and SIE-3 "Protecting, Safeguarding and Enhancing the Environment", of the adopted Stockport Core Strategy DPD.*
Condition 14: *As the size and scale of the original dwelling, against which the current proposal has been assessed will be increased by the implementation of this permission, and in order that any proposals for future extensions/alterations can be assessed in the interests of safeguarding 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 Bramhall Park Conservation Area in accordance with saved UDP Review Policy HC1.3, "Special Control of Development in Conservation Areas".*

Decision

1. The appeal is allowed and the planning permission Ref DC/083441 for a part one storey part two storey front extension, a single storey rear extension, a two storey rear extension, a single storey side extension and external alterations at Woodlands, Ladybrook Road, Bramhall, Stockport SK7 3NB

granted on 13 July 2022 by Stockport Metropolitan Borough Council, is varied by deleting conditions 7 and 14.

Preliminary Matters

2. The Council altered the description of the development in the decision notice, from that set out in the application form and I have adopted that description in the banner heading and decision, above, in the interest of consistency.

Background and Main Issue

3. Planning permission was granted for extensions and alterations to the dwelling, Woodlands, in 2022 subject to a number of conditions. The appellant is seeking to remove 2 conditions attached to this permission. In response to the appellant's case the Council has conceded that the conditions are unnecessary.
4. Having regard to the background to the application and to the imposition of the conditions, the main issue is whether the disputed conditions 7 and 14 are reasonable and necessary having regard to the character and appearance of the area, including Bramhall Park Conservation Area.

Reasons

5. The site lies within the Bramhall Park Conservation Area (CA). The significance of the CA, insofar as it relates to this appeal, includes individually designed dwellings set in large plots, with mature trees being a notable feature of the area.
6. Woodlands has previously been altered and extended and has no particular architectural or historic interest, making a neutral contribution to the special interest of the CA. The trees on the site, however, have significant amenity value and positively contribute to the character of the CA.
7. Condition 7 seeks to control works to trees, woody plants and shrubbery. In terms of trees upon the site, whilst some will be lost by the development, those of highest value in terms of their contribution to the character and appearance of the CA are to be retained and conditions 8 to 12 seek to ensure that they are suitably protected. Furthermore, the trees are protected through a Tree Preservation Order and, additionally, due to their location in a conservation area.
8. The wording of the condition is imprecise as it does not define woody plants or shrubbery and, as such, could cover many garden plants irrespective of their size and the contribution that they make to the character and appearance of the area. The condition is also unreasonable as it imposes controls over garden plants which are not, ordinarily, addressed through conditions. Furthermore, it requires any hedgerow, woody plants and shrubbery that are removed are replaced by a tree which would not always be appropriate.
9. I therefore consider that condition 7 is not reasonable, necessary, or precise. The removal of the condition would not harm the character and appearance of the area or the significance of the Conservation Area as a designated heritage asset. It therefore accords with Policies SIE-1 and SIE-3 of the Core Strategy Development Plan Document (CS) which aim to secure quality places and protect, safeguard and enhance the environment.

10. Condition 14 removes the permitted development rights to carry out development within the curtilage of Woodlands in accordance with Classes A, B, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, an Article 4 Direction is in place which removes such permitted development rights for all dwellinghouses within Bramhall Park CA, including Woodlands. Given this, condition 14 serves no planning purpose.
11. Consequently, condition 14 is not reasonable or necessary to protect the character and appearance of the area, including the significance of the CA. The removal of condition 14 would result in no conflict with CS Policy SIE-3 and Policy HC1.3 of the Stockport Unitary Development Plan which seek to protect, safeguard and enhance the environment and preserve or enhance the character of the CA.

Other Matters

12. I note the other matters that have been raised by local residents, including the acceptability of the design, appearance and scale of the proposals, impact on the living conditions of neighbouring occupants, impact on trees, and loss of space within the site. However, the Planning Practice Guidance makes it clear that the Local Planning Authority (and, therefore, the Inspector) shall consider only the question of the conditions subject to which planning permission should be granted. My considerations have therefore related only to whether the conditions are necessary, reasonable, and precise as a complete re-consideration of the original application is not within the scope of this appeal.

Conclusion

13. For the reasons given above, I conclude that the planning permission should be varied as set out in the formal decision.

Elaine Moulton

INSPECTOR