

Planning Reference No:	10/4143N
Application Address:	3 Church Lane, Wistaston, CW2 8HB
Proposal:	New Dormer Bungalow on Rear Garden Land and Associated Access at No 3 Church Lane.
Applicant:	Mr & Mrs Beeston
Application Type:	Full Planning
Grid Reference:	368096 353322
Ward:	Rope
Earliest Determination Date:	22 nd November 2010
Expiry Dated:	22 nd December 2010
Date of Officer's Site Visit:	23 rd November 2010
Date Report Prepared:	24 th November 2010
Constraints:	N/A

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Impact upon trees
- Impact on adjoining residential amenities.
- Impact on character and appearance of area.
- Impact on highways.

1. REASON FOR REFERRAL

Cllr Simon has requested that the application is referred to the Southern Planning Committee for the following reason;

'to enable a full and frank discussion in public regarding an application which is backland development'

2. DESCRIPTION OF SITE AND CONTEXT

The application site is part of the garden area of 3 Church Lane which is located on the western side of Church Lane within the Crewe Settlement Boundary. No 3 Church Lane is a detached two-storey dwelling which has a brown brick and rendered finish with a brown tiled hipped roof. The property has garages to either side and, to the rear, the property has a single storey rear extension and conservatory. To the front is a large tree which is covered by a Tree Preservation Order.

The area is predominantly residential and is characterised by large dwellings mainly two-storey dwellings which front onto the highway and sit within substantial gardens.

3. DETAILS OF PROPOSAL

This is a full planning application for 1 two storey dwelling. The property would be positioned to the rear of No 3 Church Lane with a private driveway running to the northern

side of No 3. The property would include 4 bedrooms and 2 balconies to the rear elevation.

4. RELEVANT HISTORY

10/2102N - New Dormer Bungalow on Rear Garden Land and Associated Access at No 3 Church Lane - Withdrawn 29th July 2010
P99/0485 - Single storey extension – Approved 6th July 1999

5. POLICIES

Development Plan policies

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets

EM18 – Decentralised Energy Supply

MCR4 – South Cheshire

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

CF.3 (Retention of Community Facilities)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

National policy

PPS 1: (Delivering Sustainable Development)

PPS 3: (Housing)

Other Material Considerations

Supplementary Planning Document on Development on Backland and Gardens

6. CONSULTATIONS (External to Planning)

The Strategic Highways and Transportation Manager: No representations received at the time of writing this report

Environmental Health: Request conditions regarding construction hours, contaminated land and pile driving

7. NANTWICH TOWN COUNCIL

No comments received at the time of writing this report

8. OTHER REPRESENTATIONS

No representations received at the time of writing this report

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (*Produced by Ron Designs*)

- The current scheme is a result of extensive design development following discussions with the planning team
- It is felt that the proposal is appropriate to its surroundings and would not adversely affect the area in which it is located
- The proposed dwelling will have almost no impact upon the street scene and is also located sufficiently back from the existing dwellings
- Relevant planning policies and particularly BE.1 to BE.3 and the SPD on Development on Backland and Gardens have been carefully considered and incorporated in this design in a similar way to a number of similar developments in the Crewe Road area which have set certain precedents
- The proposal increases the dwelling density in a moderate manner thereby helping meet housing supply needs and reducing demand on new Greenfield sites without greatly affecting the character or amenity of the area, whilst retaining large and generous yet manageable sized gardens to both the existing and new dwelling
- Great attention and care has been paid to ensuring safe access is provided and can be supported by the Highways Officer

Tree Survey (Compiled by S.A Coombes)

- The tree survey has been produced which surveys the trees on and overhanging the application site
- The tree survey identifies 11 trees of moderate quality and value, 12 trees of low quality and value and 1 tree for removal

10. OFFICER APPRAISAL

Principle of Development

As the proposal involves development on garden land, it is necessary to consider the implications of Planning Policy Statement 3 (Housing) which was amended on 9 June 2010. The amendments relevant to these proposals are as follows:

- The definition of previously developed land in Appendix B of PPS3 has been revised to exclude private residential gardens.
- An additional sentence has been added to paragraph 41 of the PPS, which explains that brownfield land is the priority for development, to say that *"there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed"*.

Notwithstanding these amendments Local Plan policies allow for the development of sites within settlement boundaries for housing subject to the proposals satisfying a number of criteria. There is nothing in these policies to restrict these developments only to proposals

on previously developed land, or to rule out development on Greenfield land where it is located within the settlement boundary.

Consequently, this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development, subject to compliance with Policy RES.2 (Unallocated Housing Sites), of the Local Plan and the Crewe and Nantwich Council SPD on Development in Backland and Gardens which is also relevant and provides more detailed advice. In order to fully accord with Policy RES.2 the development must also be in keeping with the requirements of policies BE.1 – BE.5 and the Councils Supplementary Planning Document on Extensions and Householder Development.

Design

Although the principle of development is considered to be acceptable due to its location within the Crewe Settlement Boundary, the development must also be acceptable in terms of its design and layout in accordance with Policy BE.2 which states that development should *‘achieve a high standard of design and wherever possible enhance the built environment’* and *‘respect the pattern, character and form of the surroundings’*.

Further guidance is given in the Councils SPD on Development on Backland and Gardens which states that *‘a development which looks out of place and doesn’t respect the positive characteristics of the immediate surroundings will not be permitted. Although new development should have its own sense of identity this should not be at the cost of the surrounding built environment’*.

The area is characterised by large residential properties which front onto the highway. These properties are positioned within large plots with generous spaces between the dwellings. The plots in which the properties are located are softened by mature vegetation growth and landscaping with limited areas of hardstanding.

The proposed dwelling would be located directly to the rear of No 3 Church Lane with an access track which would run to the north of the No 3. The proposed dwelling would face onto the rear elevation of No 3; this form of piecemeal backland development does not respect the pattern of the surrounding area as the development does not front onto the highway, which is a consistent part of the character of the area.

The development would involve the construction of a driveway of 60 metres in length, which would lead to the proposed dwelling, together with a driveway/parking area. The development would also result in the provision of additional boundary treatment to screen the two properties. In order to accommodate the development large parts of the vegetation and mature landscaping on the site would need to be removed. The consequence of all of the elements listed above would be mean that the development would harm the pattern, character and form of the surroundings and is therefore unacceptable.

The applicant has referred to a number of other sites in the locality which he feels are similar and set a precedent in allowing this application. These sites are not considered to be comparable for the following reasons;

- The first relates to a site to the rear of 437 Crewe Road. This site is a larger triangular plot of land and planning permission was first granted for a dwelling on this site in 2004 with an amended scheme approved in June 2005. Given that the original approval was made prior to the adoption of the current Borough of Crewe and Nantwich Replacement

Local Plan 2011 on 17th February 2005 and the Councils Supplementary Planning Document on Development on Backland and Gardens in July 2008 it is considered that this decision can be given very little weight in the determination of this planning application.

- The second scheme relates to a site at Badgers Wood which is over 700 metres from the application site. There have been number of planning permissions on this site and the earliest permission dates from 1994 and as a result this decision was not made using the current local plan and SPD as stated above. Furthermore this site is much larger than the current application site and the character of this area is not as strong as that at the application site.

- The third scheme relates to 22A and 22B Rope Lane which are located on backland site over 700 metres from the application site. There is no planning history for these properties and given their age it is not considered that these are comparable to the current application. Furthermore it should be noted that these properties are located on a larger plot of land.

Amenity

There would be a separation distance of over 30 metres between the front elevation of the proposed dwelling and the rear elevations of No's 1 and 3 Church Lane. This separation distance is considered to be acceptable and accords with the separation distances referred to in the Councils SPD.

The property has been designed so that the first floor windows to the front would be positioned away from the boundaries with No 1 and 5 and could be obscure glazed. As a result it is considered that there would be minimal impact upon the privacy to the rear gardens of these properties.

Given the length of the rear gardens of No's 1 and 5 Church Lane it is not considered that the development would have a detrimental impact upon these properties through loss of light or overbearing impact.

No other properties would be affected by the development.

Highways

Although the Strategic Highways Manager has not commented on this application, a response was received to the previous application. This stated that *'Church Lane at this location is not traffic calmed and is subject to a speed limit of 30 mph. The proposed visibility splays are 2.4m X 36m to the centre of the carriageway. This is not valid specification for this location as vehicles can carry out an overtake manoeuvre. The results of the traffic survey carried in accordance with TA22/81 show a required visibility splay of 2.0m x 36m (to the edge of the carriageway)'*. This information has been forwarded to the applicant's agent and an update on the highway matters at the site will be provided as part of the update report.

Trees

A tree survey has been produced with this application and this indicates that there are 11 trees of moderate quality and value, 12 trees of low quality and value and 1 tree for removal. These trees are located on or overhanging the site. The results of this tree survey are acceptable. The garage which was originally proposed as part of the previous

application has now been removed to ensure that the development would not have a detrimental impact upon the trees. This ensures that these trees that are on the neighbour's land will be retained and protected, especially as they have an estimated 40 years life.

Subject to the use of appropriate conditions the proposed development would not have a detrimental impact upon the trees on the site.

11. CONCLUSIONS

The application site is located within the settlement boundary of Crewe and the principle of residential development is considered to be acceptable. The proposed development would have minimal impact upon the amenities of surrounding residential properties and would not raise any highway issues. However the siting of the proposed dwelling on this backland site and its resultant driveway, hardstanding, boundary treatment and loss of vegetation would result in a development that would not achieve a high standard of design or would not respect the pattern, character or form of the surroundings. Furthermore insufficient information has been provided to help to assess the impact of the development upon the trees which are located on the site and overhang the site.

12. RECOMMENDATIONS

REFUSE for the following reason;

1. The Local Planning Authority considers that this piecemeal form of backland development by reason of the siting of the dwelling, the driveway/hardstanding, boundary treatment and loss of soft landscaping around the existing dwelling would result in a development which would not achieve a high standard of design and would detract from the pattern, character and form of the surroundings. As a result the development would be contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the Council's Supplementary Planning Document on Development on Backland and Gardens.

Location Plan : Licence No 100049045

