

Application No: **10/4947C**

Location: **38, Brooklands Drive, Goostrey, CW4 8JB**

Proposal: **New Family Dwelling And Associated Works To Provide Turning Area Separate From Existing Dwelling.**

Applicant: **Mr & Mrs S Occleston**

Expiry Date: **17-Feb-2011**

Ward: **Goostrey**

**Date Report Prepared: 18<sup>th</sup> January 2011**

**SUMMARY RECOMMENDATION:** Approve with conditions

**MAIN ISSUES:**

- Principle of development
- Design
- Amenity
- TPO trees
- Highway safety
- Ecology

**REASON FOR REFERRAL**

The following call in request has been received from Councillor A. Kolker:

*"Local residents have expressed concern to me that the proposal may have effects upon the amenity and character of adjoining land and buildings. I have expressed no opinion on the matter."*

**DESCRIPTION OF SITE AND CONTEXT**

The application site relates to the extensive garden area located to the east of 38 Brooklands Drive, Goostrey. The Goostrey Settlement Zone Line runs through the site and as such the proposed dwellinghouse and curtilage would lie part within the Settlement Zone Line and part within the Open Countryside.

Residential development surrounds the site to the east, south, and north and Open Countryside lies to the north.

A band of trees protected by a Tree Preservation Order lies to the north of the site.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of a dwellinghouse. The dwellinghouse would have a front two-storey aspect and rear three-storey aspect due to the significant gradient of land on the site.

It is noted that amended plans have been received during the course of the application which have amended the design and positioning of the proposed dwellinghouse.

## **RELEVANT HISTORY**

1978	Refused	One detached dwelling with garage
1997	Certificate issued	Certificate of lawfulness for use as domestic garden
1999	Approved	Application to fell one TPO tree
2002	Approved	Extension to property
2006	Approved	Conservatory
2009	Withdrawn	One dwellinghouse
2010	Approved	Extensions to dwellinghouse

## **POLICIES**

### **Local Plan Policy**

PS4 Towns

PS6 Open Countryside

GR1 New Development

GR2 Design

GR4 Landscaping

GR6 Amenity & Health

GR9 Accessibility, servicing and parking provision

NR1 Trees & Woodland

H1 Provision of new housing development

H2 Housing Supply

H4 Residential Development in Towns

SPG2 Provision of Private Open Space in New Residential Developments

## **CONSULTATIONS (External to Planning)**

### **Highways:**

No response was received at the time of report preparation.

### **Environmental Health:**

[06.01.2010] No objection subject to land contamination condition and the restriction of construction and pile driving hours in the interests of amenity.

**Jodrell Bank Observatory:**

[12.01.2010] No objection subject to the incorporation of electromagnetic screening materials within the development.

**VIEWS OF THE PARISH / TOWN COUNCIL**

No response was received at the time of report preparation.

**APPLICANTS SUPPORTING INFORMATION**

Design and Access Statement

Planning Statement

Tree Survey/Arboricultural Statement

**OTHER REPRESENTATIONS**

A total of 6 objections were received at the time of report preparation. The following material planning considerations were raised:

Highways issues

- The local road and driveway are insufficient to permit further vehicles, construction, and delivery vehicles.
- Vehicles are left at the top of the driveway which is hazardous.
- Parked vehicles during the construction of the development would cause a significant disruption.
- Increase in traffic during the construction of the development would have a major impact on existing residents.
- Access to the proposed new build would be via a long narrow driveway which is not appropriate for two dwellings.
- The gradient of the access prevents vehicles entering/exiting from the site in poor weather condition, requiring vehicles to be parked at the top of the drive or on Brooklands Drive creating problems of visibility and access for the other residents using Brooklands Drive.

Design and appearance

- The dwellinghouse would be totally out of proportion with surrounding dwellings.
- Appearance and scale of the proposal are not appropriate to the local character.
- The dwellinghouse would look out place, dominating the immediate neighbourhood which consists of a mix of more modestly sized one and two storey houses.
- The proposed dwelling would be a visual intrusion irrespective of its size and would be clearly visible from neighbouring properties.
- It would be seriously detrimental to the area which is considered as one of extreme beauty and as such would have a negative visual impact on the immediate area.

Amenity

- The proposal would impact upon the privacy afforded to neighbouring residents.
- Property separation would be significantly reduced.
- The proposed dwelling would appear imposing along boundaries with neighbouring properties.

- The additional traffic would generate more noise and affect the general area both during the build and after its completion.
- The proposal would be very imposing.
- The dwelling would be a disimprovement over the existing woodland.
- The proposal would have a detrimental impact on the surrounding properties.

### **Drainage**

- The proposal would impact on the drainage of surface water.
- Drainage must be uninterrupted to ensure that ground saturation is avoided and neighbouring properties do not run the risk of flooding.
- The proposal would result in potential flooding, disruption of the natural drainage and increased water retention in the immediate area.
- Any hindering or diversion of any residual water / field drainage due to the foundations of any proposed dwelling could create problems with the foundations of neighbouring properties.
- The area is subject to flooding.
- Removal of trees would lead to an excess of water remaining in the vicinity.
- The potential of pollution of the local watercourse is heightened through the increased requirements on the local sewer system.

### **Landscaping**

- Established trees have already been removed from the site.
- A line of mature trees may be threatened as a result of this planning application.
- Trees provide a screen separating the housing estate and Red Lion Brook.
- The proposal would require the removal of several established trees and other vegetation.
- The removal of more trees and scrub would reduce the amenity value of the surrounding area.

### **Other**

- The proposal would result in the destruction of local habitat of much of the local wildlife and local bird population
- The proposal does not overcome previous refusals/objections/inspector's dismissal reasons.
- Initial planning permission was granted for the development of the area behind the first row of dwellings but was restricted to a further three dwellings only.
- Additional development would set precedents for further development where shared or tandem drives were applicable.
- Development of the land would not be consistent with its intended usage as garden plot.
- 38 Brooklands Drive is registered as business address. Is the new property also to be registered as a business address?

The following issue was raised within objection letters however, such is not a material consideration which can be taken into account when determining the application:

- Why does the development need to take place?

## **OFFICER APPRAISAL**

### **Principle of Development**

The Settlement Boundary Line for Goostrey runs through the application site and as such the proposal would lie part within the Goostrey Settlement Zone Line and part within the Open Countryside.

There is a presumption in favour of new residential development within the Settlement Zone Line but not within the Open Countryside and as such, it must be decided which is the relevant policy to judge the application against. In making such decision, consideration is given to the layout of surrounding development and the use of the site.

The site is currently used as residential curtilage and is significantly screened from the wider Open Countryside to the north by woodland protected by a Tree Preservation Order. In addition, the dwellinghouse would be positioned within a band of residential development and would project no further north into the Open Countryside than surrounding residential development within the Settlement Zone Line. As a result the dwellinghouse would not protrude within the Open Countryside.

Due to such reasons it is considered that it would be unreasonable to apply Open Countryside policies to the application and on balance the principle of the development is acceptable.

It is noted that reference has been made to the outcomes of previous applications and an appeal however, each application must be judged on its own merit.

With regard to objections in terms of the proposal setting a precedent, whilst each application is judged on its own merit, it is not considered that the proposal would be likely to set any precedent given that limited availability of similar plot sizes in the immediate vicinity.

### **Design**

The proposed dwellinghouse would be located behind an existing row of dwellings which front onto Brooklands Drive and would be accessed via a long private drive, shared with 38 Brooklands Drive. Whilst the proposed dwellinghouse would not replicate the predominant building pattern of the area, as another pair of detached dwellings replicates a similar layout to the proposed development (46 & 48 Brooklands Drive), the layout is considered to be acceptable.

The proposed dwelling has been designed and positioned to fit with the existing natural landscape of the site, which has a relatively steep gradient running in a south to north direction. As a result the dwellinghouse would provide accommodation over three floors, with the lower level of the property being set into the slope of the landscape. When viewed from the south, the property would be viewed as a two-storey dwellinghouse. It is only from a northerly direction that the three storey element would be visible.

The proposed dwellinghouse would be of a modern, individual design. Given that the surrounding residential area encompasses no strict vernacular, a modern style

dwellinghouse would be acceptable. It is acknowledged that the proposed dwellinghouse would be of a large scale however, it would be of a similar footprint to the adjacent property 38 Brooklands Drive and as such is considered acceptable.

With regard to the impact upon the street scene and Open Countryside, it is appreciated that concerns have been raised in relation to the visual impact of the development however, it is noted that there would be no significant views of the dwellinghouse from public vantage points as existing dwellings on Brooklands Drive would screen the development to the east, south, and west and the protected woodland would screen it from the north.

The submitted supporting information states that the materials to be used within the development would achieve a high level of thermal performance, energy efficiency and air tightness, which would contribute to the dwelling meeting a majority of criteria for level 4 of the code for sustainable homes.

It is noted that it was raised within objections that the proposal would impact upon an area which is considered to be one of as extreme beauty however, it is noted that the site is not designated as an AONB, Area of Special County Value, or similar.

### **Amenity**

The proposal would be located amidst residential properties however, it would comply with the minimum privacy distances as outlined in SPG2. A refusal on privacy grounds is therefore considered unlikely to be sustained at appeal.

Addressing the concerns that the proposed development would appear overbearing and imposing, it is noted that the proposal would have an eaves height which would be somewhat level to the eaves of neighbouring bungalows located to the south and the dwellinghouse would have a ridge height approximately 1 metre lower than the ridge of the same properties. As a result, it is not considered that the dwellinghouse would appear imposing and the impact upon the amenity afforded to the properties located to the south is considered acceptable.

With regard to the property appearing imposing upon other properties surrounding the development, given that the privacy distances which comply with SPG2 would be maintained and as the dwellinghouse would not be immediately adjacent to any of the site boundaries, it is considered unlikely that the dwellinghouse would appear imposing. It is noted that landscaping and boundary details would be conditioned to ensure that sufficient screening was retained between the proposal and neighbouring sites.

It is acknowledged that occupiers of adjacent premises may consider that a view of a dwellinghouse would not be as visually pleasing as one of existing trees/woodland however, the disruption of views over other people's land is not a material planning consideration for which the application could be refused.

Concerns have been raised within representations that increased vehicular movements at the site would contribute to additional noise at the site however, it is considered unlikely that one additional dwellinghouse would give rise to a long-term significant rise in traffic to sustain a refusal of the application. During the construction of the development it is acknowledged that there would be increased noise however, the development could be

controlled via condition to ensure that development only occurred during reasonable hours.

### **TPO trees**

The proposal would not result in the direct loss of any trees protected by a tree preservation order and the proposed dwellinghouse would be located a significant distance away from such.

Whilst it is appreciated that concerns have been raised that trees have already been removed from the site, such trees were not protected and could be removed at any time without the consent of the Local Planning Authority.

**Members will be provided with information in relation to the further removal of non-protected trees within an update.**

### **Highway safety**

The proposed new dwelling would utilise the existing access off Brooklands Drive which serves No. 38. A new driveway and turning area have been provided within the development which would allow for vehicles to be stored on the site and enter/leave in a forward manner.

Members will be provided with the Strategic Highways Manager's comments within an update.

### **Ecology**

Only one group of trees would require removal to accommodate the new dwellinghouse. As described within the submitted report, none of such trees appear to have any significant potential for roosting bats and a bat survey is therefore not required.

In order to ensure that impact upon wildlife is limited, it is considered reasonable to attach a condition relating to a detailed survey for nesting birds to be submitted. And in the case where any are found, exclusion zones shall be left around any nests until nesting is complete.

### **Other issues raised within objections**

Significant concern has been raised in relation to the drainage of the site and the resultant stability of the land. The submitted application form indicates that it is unknown whether the development would connect to the existing drainage system however, any new drainage scheme could be sufficiently controlled via condition.

With regard to land stability, this is a material planning consideration however; it is a matter that would be taken into account at the Building Regulations stage. It would be the responsibility of the Building Control Officer to determine if the design of the proposal and its foundations would allow for the building to be constructed and used safely.

With regard to flooding, it is noted that the site is not within a Flood Zone and, subject to appropriate hardstanding materials and drainage details, the impact upon flooding should be negligible.

Concerns have been raised that the site is to be registered as a business address. However, this is not a reason for which the application should be refused. Permission is sought for a dwellinghouse and the application must be judged accordingly and not on speculative future uses on the site.

## **CONCLUSIONS**

The principle of the development is acceptable, as is the proposal's design, impact upon neighbouring properties, highway safety, street scene, and protected trees. The application is therefore recommended for approval.

## **RECOMMENDATION**

Approve subject to the following conditions: -

- 1. Commencement of development within 3 years**
- 2. In accordance with approved plans**
- 3. Details of all external materials to be submitted**
- 4. Inclusion of electromagnetic shielding materials**
- 5. Land contamination**
- 6. Hours of construction**
- 7. Details of pile driving**
- 8. Landscaping scheme**
- 9. Landscaping implementation/maintenance**
- 10. Tree protection measures**
- 11. Boundary treatment details**
- 12. Hard landscaping details - to include permeable materials**
- 13. Drainage details**
- 14. Removal of permitted development**
- 15. Full details of existing and proposed levels**
- 16. Soil disposal method statement**
- 17. Nesting birds survey**



Location Plan: Cheshire East Council Licence No. 100049045

