

**Application No:** 10/4353M  
**Location:** ONE OAK, ONE OAK LANE, WILMSLOW, CHESHIRE, SK9 2BL  
**Proposal:** REPLACEMENT DWELLING

**For** Andrew Russell

**Registered** 02-Dec-2010  
**Policy Item** No  
**Grid Reference** 386613 381124

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions

#### **MAIN ISSUES**

Whether the proposed development comprises inappropriate development in the Green Belt and whether very special circumstances have been advanced that outweigh the harm. Impact on neighbouring amenity, the character and appearance of the surrounding area, nature conservation, the existing trees and highway safety

**Date Report Prepared:** 27<sup>th</sup> January 2011

#### **REASON FOR REPORT**

The application was called-in to committee by Cllr Crockatt as One Oak Lane residents are concerned about the replacement of the existing house. It was commissioned by a descendent of Bradshaw of railway timetable fame; it is 100 years old approx in the Arts and Crafts style; and the house gave its name to the street. It is considered that the impact of a new design will completely change the area and destroy the traditions and heritage of it.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a detached two-storey L-shaped dwellinghouse located within the North Cheshire Green Belt. It is sited within a group of houses that comprise large detached and semi-detached dwellings set within large plots. Each of the houses in the group are distinctly different from one-another and comprise a range of ages with some older properties being replaced by modern substitutes.

#### **DETAILS OF PROPOSAL**

Full planning permission is sought to erect a replacement dwellinghouse. This application differs from another application on the agenda (10/2905M) in that the basement has been excluded.

#### **RELEVANT HISTORY**

09/1165M Demolition of existing garage and kitchen area and extension to the east side of the property to incorporate new kitchen, garage and master bedroom. Conservatory also proposed to the south side of the building

Approved with conditions 01/07/2009

## **POLICIES**

### **Regional Spatial Strategy**

DP1	Spatial Principles
DP4	Making the Best Use of Existing Resources and Infrastructure
DP7	Promote Environmental Quality
EM1(B)	Integrated Enhancement and Protection of the Region's Environmental Assets: Natural Environment
EM1(D)	Integrated Enhancement and Protection of the Region's Environmental Assets: Trees, Woodlands and Forests

### **Local Plan Policy**

NE11	Nature Conservation
BE1	Design Guidance
DC1	New Build
DC3	Amenity
DC6	Circulation and Access
DC8	Landscaping
DC9	Tree Protection
DC38	Space, Light and Privacy
DC41	Infill Housing Development or Redevelopment
H1	Phasing Policy
H2	Environmental Quality in Housing Developments

### **Other Material Considerations**

PPS1	Delivering Sustainable Development
PPS3	Housing

## **CONSIDERATIONS (External to Planning)**

**Highways:** No objection subject to an informative

**Environmental Health:** No objection subject to conditions and an informative

## **OTHER REPRESENTATIONS**

Two letters have been received from a neighbour and The Wilmslow Trust that object to the application on the grounds that the demolition of the existing dwellinghouse would be contrary to policy BE2 as it is a commendable example of an Arts and Crafts design; it would have the potential to remove views from the Bollin Valley; the replacement dwellinghouse would be materially larger; a previous appeal decision outlined that previously approved extensions of a similar size should not in themselves automatically justify a materially larger dwelling; the demolition of the dwellinghouse would affect the character of the lane; the replacement house is less interesting; the lane cannot cope with heavy traffic.

Members should note that the consultation period does not expire until 2<sup>nd</sup> February.

## **APPLICANT'S SUPPORTING INFORMATION**

A Planning, Design & Access Statement, a Bat Report, a Tree Protection Plan and a Landscaping Layout drawing were submitted with the planning application.

## **OFFICER APPRAISAL**

### **Green Belt Policy**

Replacement dwellings may be an exception to the categories of inappropriate development in the Green Belt, so long as the replacement dwelling is not materially larger than the dwelling it replaces. The Local Plan does not contain a saved policy that defines “materially larger” or expands further on the advice within PPG2. Case law has established the factors that should be considered when assessing what is “materially larger”. It includes a comparative assessment of the scale of the proposed dwelling against the existing dwelling on the site. This includes matters of floorspace, footprint, height, massing, volume, design and position on the plot. Any or a combination of such factors could contribute towards a dwelling being materially larger than the existing dwelling. Floorspace will normally be a key factor in this assessment. The general intention is that the new building should be similar in scale to that which it replaces.

If a replacement dwelling is considered to be materially larger than the dwelling it replaces then it must be considered as inappropriate development for which there is a presumption against. Inappropriate development should not be permitted, except in very special circumstances. Very special circumstances will only exist if the harm by reason of inappropriateness and any additional harm is clearly outweighed by other considerations.

### Is the dwelling materially larger than the dwelling it replaces?

The applicant has provided figures for the floorspace and footprint of the replacement dwellinghouse and the existing dwellinghouse within their Planning, Design and Access Statement. Using the applicant's figures, the replacement dwelling would equate to a 41% and 51% increase respectively. The applicant then goes on to compare these figures to the extant permission for extensions and concludes that the replacement dwelling would not be materially larger. However this is not the correct way of assessing whether a dwelling is materially larger; it is solely a comparison between the existing and proposed dwellings.

The Case Officer has undertaken her own assessment of the proposed dwelling and whilst she concurs with the applicant's footprint calculation, she disagrees with the applicant's floorspace calculation. However this may be due to differences in how the first floor is calculated given that a number of areas are not usable floorspace. The Case Officer's findings are:

	Existing House	Replacement Dwelling
Floorspace (m <sup>2</sup> )	473	677 (43%)
Footprint (m <sup>2</sup> )	244	342 (40%)
Eaves Height (m)	5.15	5.1

Ridge Height (m)	8.55	8.65
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Taking into account all of these factors, the proposed dwelling is materially larger than the dwelling it replaces. The proposed replacement dwelling is therefore inappropriate development in the Green Belt.

The applicant has submitted an appeal decision which they state concludes at paragraph 9 that a floor space increase of 43% was not considered materially larger by a Planning Inspector. However the decision notice has to be read as a whole and paragraphs 6 and 8 outline that the proposed dwellinghouse had a smaller footprint, had a reduced width and depth and only a marginal increase in volume. Taking all of the measurements together (not just the floorspace) the Planning Inspector concluded that the dwellinghouse was not materially larger. As can be seen in the table above, a similar conclusion cannot be accepted in this instance.

#### Assessment of any additional harm

It is not considered that the proposal conflicts with any of the listed purposes of including land in the Green Belt.

The proposed dwellinghouse would be more compact than the existing dwelling with a narrower width and depth and therefore the visual impact of the dwelling when viewed from the Bollin Valley would be reduced. However the footprint and floorspace of the proposed dwelling are greater than the existing dwelling and its overall bulk would increase on the plot, particularly above the existing attached garage. Therefore it is considered that the replacement house would result in a reduction in the openness of the Green Belt, albeit relatively limited. As openness is the most important attribute of the Green Belt, this issue carries a good degree of weight.

#### Assessment of other considerations

Whilst the applicant maintains that the proposed dwellinghouse does not comprise inappropriate development, in the event that the Council disagrees, the applicant has put forward the fallback permission of application 09/1165M as a very special circumstance to justify the grant of planning permission.

The fallback permission of application 09/1165M relates to a variety of extensions to the existing dwellinghouse. The application is extant and is a genuine fallback option. Whilst the approved extensions could be implemented it is the opinion of the applicant that the demolition and replacement of the property would be quicker, more cost effective and would deliver a more sustainable and energy efficient home.

The Case Officer has compared the extant extensions to the proposed replacement dwellinghouse and the results are summarised below:

	Extant Extensions (09/1165M)	Replacement Dwelling
Floorspace (m <sup>2</sup> )	814 (72%)	677 (43%)
Footprint (m <sup>2</sup> )	413 (69%)	342 (40%)

Eaves Height (m)	5.15	5.1
Ridge Height (m)	8.5	8.65

The table above demonstrates that the proposed replacement dwellinghouse would have a smaller footprint and floorspace to the extant extensions scheme and would have a similar eaves and ridge height. In addition, the width and depth of the proposed dwelling would be less than the extant extensions scheme and the area above the existing/proposed garaging would have a reduced height and bulk. The existing dwellinghouse also has its permitted development rights intact.

The extant permission is a relevant material consideration. If planning permission 09/1165M was built out, the effect of the development on the Green Belt, in terms of visual amenity and openness, would have significantly more impact than this proposal. This can be considered, on its own, to be sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other identified harm that would arise from this particular proposal. This is considered to amount to a very special circumstance sufficient to permit the development.

Due regard has been given to the comments received in representations relating to inappropriate development in the green belt and 'materially larger,' however each application should be determined on its own merits.

The Council must be mindful of incremental additions that could cause cumulative harm to the openness of the Green Belt and therefore due to the inappropriate nature of the development, it is considered reasonable and necessary to remove permitted development rights for extensions and outbuildings in this case in order to protect the openness of the Green Belt and character of the countryside.

## Design

The existing dwellinghouse comprises a two-storey four bedroom detached dwellinghouse with an attached double garage that is of an Arts and Crafts design. It has an unusual shape and is rendered with rosemary tiles. Comments have been received outlining the history of the dwellinghouse and an objection against demolishing the building. The Design Officer has assessed the application and notes that the building contributes to local distinctiveness; local interest in terms of its historical association; and considers that it positively contributes to the character and appearance of the area. It should be noted however that the building is not listed, does not feature on the Local List of Historic Buildings, nor is it located within a Conservation Area. The Design Officer also comments that it is unlikely to be a serious contender for listing by English Heritage. The dwellinghouse is not highly visible from the street scene due to its location at the end of the lane and therefore it is not considered to make a significant contribution to the character of the street scene. Whilst visible from the Bollin Valley, it is partially screened by existing mature trees and the unusual plan form cannot be distinguished. Whilst the loss of the existing building would be unfortunate, it is not considered there is any policy reason to refuse its demolition.

The replacement dwellinghouse would be sited on a similar part of the application site and would comprise a two-storey five bedroom L-shaped dwelling. The dwelling would be rendered and have a tiled roof. A triple garage would be attached to the northern elevation and living accommodation would be positioned within the roof above. The dwelling would be contemporary in design and have large glazed windows. It would not be highly visible from the street scene due to its location at the end of the lane and the visual impact of the dwelling from the Bollin Valley would be reduced as the dwelling would be more compact on the site. The surrounding area comprises detached dwellinghouses of a variety of designs, materials and ages and therefore a contemporary design is not considered to be out-of-character with the surrounding area. For these reasons it is considered that the design of the replacement dwelling would comply with policies BE1 and DC1 of the Local Plan.

### **Amenity**

The application site is located in a group of dwellings within the North Cheshire Green Belt. Detached dwellings are sited to the north, west and east of the application site. The replacement dwelling would be sited further away from the dwellinghouse to the west ('Oak Lodge') than the existing dwellinghouse and no principle habitable windows would be located in the elevations that would face towards this property. In order to maintain privacy it is considered that the first floor secondary side window in the Master Bedroom be obscure glazed. A first floor balcony would be attached to the rear elevation however only oblique views along the rear garden would be gained and any view would be partially obstructed by the existing trees located along the boundary.

The neighbouring property to the east of the application site ('Hollies End') is sited over 30 metres from the boundary and a number of trees are located along the boundaries. Whilst habitable windows would be positioned at both ground and first floor levels within the eastern elevation of the replacement house, they would exceed the separation distance outlined in policy DC38 of the Local Plan and habitable windows within the existing dwellinghouse have a similar outlook.

'Swallows Ridge' is located to the north of the application site. The proposed replacement dwelling would be sited marginally closer to this property than the exiting dwelling (by 0.2m), however over 40 metres would separate the properties (in excess of the separation distances outlined in policy DC38); a number of trees are located along the shared boundary; and the elevation of the replacement house closest to the shared boundary would not contain any windows.

The property to the north-west of the application site comprises 'Saffron Breck'. This property is angled on its plot and is sited over 30 metres from the existing dwellinghouse. The proposed dwelling has been designed so that the windows would face in a north-south, east-west direction and therefore no

window would have a direct view towards this property, resulting in an improvement on the existing situation.

For the reasons outlined above it is considered that the proposed dwelling would not have a detrimental effect on the amenity of the neighbouring properties and in some instances would offer an improved relationship. For these reasons it is considered that the proposed dwellinghouse would comply with policies DC3 and DC38 of the Local Plan.

The Environmental Health Division has assessed the application and has recommended that construction and demolition times be restricted in order to protect neighbouring amenity given the scale of the development and the proximity to neighbouring dwellings.

### **Highways**

The proposed dwellinghouse would utilise the existing access onto One Oak Lane. An existing attached double garage would be replaced with an attached triple garage and an existing parking/turning area would be retained. The Strategic Highways Manager has raised no objection to the proposed development subject to an informative regarding any works to the public highway. One Oak Lane is a narrow road and therefore it is recommended that conditions be attached requiring information to be submitted in respect of the parking of contractor's vehicles, the delivering of materials etc and for the proposed garaging to be restricted to the parking of motor vehicles. A condition to control mud and debris on the highway is also recommended. Subject to such conditions and an informative the proposed development is considered to comply with policy DC6 of the Local Plan.

### **Ecology**

The application is supported by an acceptable ecological survey undertaken by a suitably qualified and experienced consultant. No evidence of bats was recorded and consequently the proposed development is unlikely to have an adverse impact upon this species group. The proposed development is therefore considered to comply with policy NE11 of the Local Plan.

### **Trees**

The application site contains a number of trees. The Forestry Officer has assessed the submitted Tree Protection Plan and whilst it is generally acceptable he has asked that further investigations are undertaken to a Red Oak in order to gauge the extent of active decay and its structural integrity. Subject to tree retention and tree protection conditions no objection is raised. For these reasons the proposed development is considered to comply with policy DC9 of the Local Plan

### **Landscape**

The Landscape Officer has assessed the application and considers that the proposed development is acceptable from a landscape perspective. The landscape layout drawing is generally acceptable however landscape conditions are recommended requiring the submission of further hard and soft landscape details including boundary treatments, particularly the proposed

entrance gates and piers. The proposed development is therefore considered to comply with policy DC8 of the Local Plan.

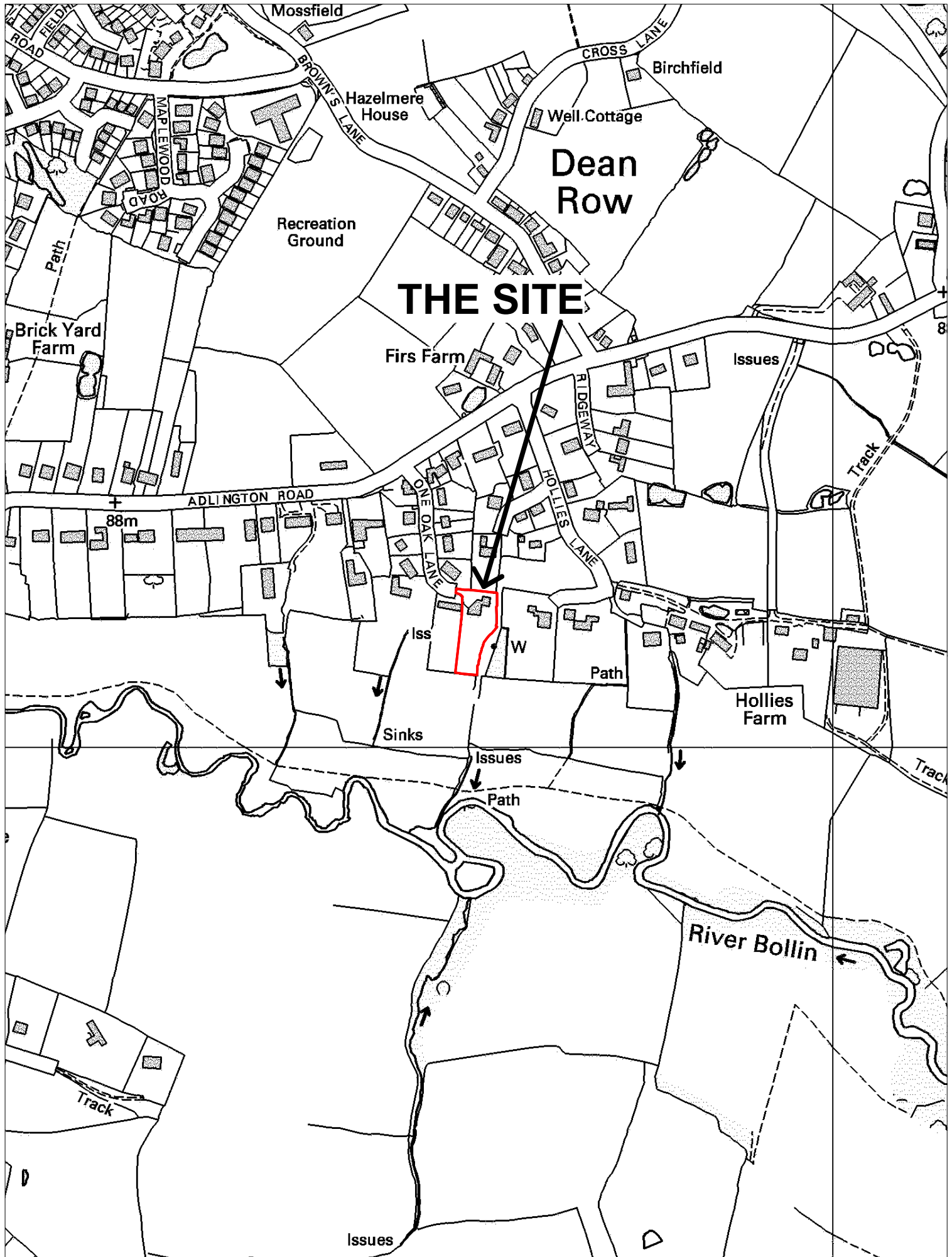
### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The replacement dwellinghouse is considered to comprise inappropriate development in the Green Belt however very special circumstances have been demonstrated that outweigh the harm. Whilst the existing building may have some historical importance it is not listed, locally listed or located within a conservation area therefore there is no policy reason to prevent its demolition. The proposed development is not considered to be detrimental to the character or appearance of the street scene, the amenity of neighbouring properties, the existing trees, nature conservation, highway safety or the views from the Bollin Valley. The proposed replacement dwellinghouse is therefore considered to comply with the relevant policies in the Macclesfield Borough Local Plan and is therefore recommended for approval.

Application for **Full Planning**

### **RECOMMENDATION : Approve subject to following conditions**

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01TR - Tree retention
4. A02TR - Tree protection
5. A22GR - Protection from noise during construction (hours of construction)
6. A32HA - Submission of construction method statement
7. A06HP - Use of garage / carport
8. A01GR - Removal of permitted development rights
9. A01LS - Landscaping - submission of details
10. A12LS - Landscaping to include details of boundary treatment
11. A04LS - Landscaping (implementation)
12. A30HA - Protection of highway from mud and debris
13. A25GR - Obscure glazing requirement
14. A01AP - Development in accord with approved plans



10/4353M ONE OAK, ONE OAK LANE, WILMSLOW, CHESHIRE, SK9 2BL  
NGR: 386,610m - 381,140m

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