

Application No: **10/2516N**

Location: **Rose Cottage, Damson Lane, Audlem, CW3 0EU**

Proposal: **Demolish Group of Existing Pre-Fab Garages and Outbuildings and Replace with New Detached Garage/Workshop, Whilst Retaining Old Style Pigsty and Enclosure.**

Applicant: **Mr D Cooper & Ms M Hollinshead**

Expiry Date: **10-Dec-2010**

Ward: **Cholmondeley**

**SUMMARY RECOMMENDATION:
Approve subject to conditions**

MAIN ISSUES:

- **Principle of development**
- **Impact of the development on the conservation area**
- **Impact of the development on open countryside**
- **Impact of the development on residential amenity**
- **Impact of the development on trees**
- **Impact of the development on highway safety**

REASON FOR REFERRAL

This application has been called in to Southern Planning Committee by Cllr Bailey for the following reasons:

*“- Loss of amenity to neighbouring property
- Protection of a conservation area”*

The application was first considered at the Southern Planning Committee of 2nd February 2011 however the decision was deferred to allow a committee site visit to take place.

DESCRIPTION OF SITE AND CONTEXT

The application relates to an existing paddock situated on the opposite side of the lane to the residential property known as Rose Cottage. The site is currently occupied by a number of dilapidated buildings and structures, a pig sty and a small stable. The site is located in the Coxbank Conservation Area and lies within designated open countryside.

DETAILS OF PROPOSAL

Since its submission, the application has been amended to reduce the size of the garage/workshop and resite it closer to the existing cluster of buildings, some of which are to

be demolished. The application therefore seeks permission for a garage/workshop with the garage measuring 6.535 metres by 6.535 metres and the workshop element measuring 3.0375 by 3.350 projecting to the rear. The height of the garage will be 4.9 metres to the ridge with an eaves height of 2.2 metres. The ridge height of the workshop will be 3.2 metres.

The proposal will include the demolition of a number of buildings/structures on the site which requires conservation area consent for demolition in a conservation area. However, this aspect does not need planning consent. A separate application for conservation area consent has been submitted and is under consideration under delegated powers (reference number 10/2515N). A small stable block and a pig sty would be retained on the site.

An updated location plan has also been received which correctly defines the site and other land owned by the applicant with an amended red and blue edge. This was drawn incorrectly on the original amended plans received during the application.

RELEVANT HISTORY

No relevant planning history

POLICIES

Local Plan Policy

NE.2 (Open Countryside)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.7 (Conservation Areas)

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS5: Planning for the Historic Environment
PPS7: Sustainable Development in Rural Areas

CONSULTATIONS (External to Planning)

Strategic Highways Manager

No objections

VIEWS OF THE PARISH COUNCIL:

The Parish Council draws attention to neighbours' concerns about the height of the proposed garage. In addition, it is suggested that the proposed development is not within the domestic curtilage of Rose Cottage and on agricultural land.

An additional comment has been received from the Parish Council in regard to the amended scheme, as follows:

- Does not propose to make representations.

OTHER REPRESENTATIONS:

Letters of objection have been received in relation to the initial proposal from the occupiers of Hawthorn Cottage, Damson Lane; Orchard Cottage, Damson Lane; and Pheasants Rise, Coxbank. The application has now been amended to reduce the size of the garage/workshop and its position.

In summary the original objections relate to:

- The scale of the proposal would be overpowering due to its height at a narrow part of the lane.
- The garage will be visible from a considerable distance, should be considered significant and inappropriate in the conservation area.
- It will be sited on elevated land and therefore very prominent.
- The proposal will impact on the light to neighbouring properties internally and externally.
- The proposal will be overbearing on neighbouring properties.
- The use would result in noise disturbance from traffic and the workshop.
- The application site is agricultural land and not residential curtilage.
- The development would introduce a residential use and would change the use of the land and the character of the area.
- The buildings to be demolished are on a different section of the site to the proposal so this cannot be considered a replacement.
- The existing structures are not garages and are the type of structures you would expect to find on agricultural land.
- The brick paving would detract from the traditional heritage of the pig sty and would not be in keeping with the surrounding open countryside.
- The footprint is larger than surrounding properties.
- The proposal will include the removal of a tree and will change the appearance and character of this conservation area.
- The application is based on a false premise and is fundamentally flawed due to its reference to inappropriate and incorrect policies in the Heritage Statement.
- The proposal conflicts with policies BE.7 and NE.2
- Open countryside policy seeks to prevent this sort of encroachment into the countryside.
- There is no presumption that the existing structures should be replaced if they have reached the end of their useful life.
- The application would extend the domestic curtilage and make it is easier to obtain residential use.
- The proposed building would interrupt the view from neighbouring property.

Letters of support have been received from occupiers of Woodside, Coxbank and Todd Cottage, Coxbank.

In summary the comments relate to:

- The land has been used as parking/garage since at least 1982
- This scheme is an alternative to providing parking in the garden of Rose Cottage which would detract from the setting of the cottage.
- The land is not agricultural
- There will be no loss of light or shadowing of neighbouring properties.

Further Representations

This application has been subject to further consultation on the amended plans. Representations have been received in regard to the amended scheme from the occupiers of the following:

Orchard Cottage, Damson Lane, Coxbank, CW3 0EU,
Pheasants Rise, Damson Lane, CW3 0EU

In summary the objections relate to:

- Although the height has been reduced it is still unacceptable and will be overbearing at this narrow part of the lane and will be visible outside Coxbank.
- The amended plans show a complicated roof construction and gives the impression it is "oversized"
- The amended plans have not complied with all the Conservation Officers comments that it should be oriented to face onto Damson Lane, set back a little from the lane and on the footprint of the current buildings.
- This is the first new construction since conservation status was granted and would set a precedent for future development resulting in the loss of the heritage asset.
- The garage should be sited on the footprint of existing structures
- The development would introduce a residential use onto non-residential land.
- The development resembles a bungalow and is unnecessarily large for the purpose of the building.
- The building would significantly reduce the existing open gap in the built up frontage along Damson Lane and would make it difficult to resist infill development.
- The red line shows a boundary not defined in the ground and no boundary exists within the field and should only define the extent of the actual development.
- The site plan does not show the boundary with or show how close it will be to Orchard Cottage.
- The drawings are inaccurate compared to the written dimensions.
- There is no information on how the applicant proposes to level the site
- The roof pitch is unnecessarily steep with a top-heavy imbalance.
- The cavity wall makes the building larger than it needs to be adding to the footprint.
- The location plan implies the whole of the area within the red line could be laid to hardstanding and implies a curtilage to the building.
- Sweet Briar Cottage on the location plan is in fact Orchard Cottage and land marked as Orchard Cottage is a paddock belonging to the owners of Wishing Well Cottage.

The comments received also reiterate the objections raised in relation to the original scheme.

Prior to the previous committee meeting a letter of objection was sent to Members of the Southern Planning Committee from the occupiers of Orchard Cottage, Damson Lane, Coxbank CW3 0EU.

The objections can be summarised as:

- The development is clearly contrary to policy NE.2.
- The case officer says the development accords with the development plan when it doesn't so if approved this could be grounds for a legal challenge.
- The officer's report does not assess the significance of any element of the historic environment that may be affected.
- Coxbank's strong and identifiable character is the domination of its built form by landscape features. No reference is made to this in the officer's report.
- PPS5 and the Conservation Area Appraisal appear to have been ignored.
- It is not essential to have the building on this land as required by Policy NE.2.
- There is opportunity to provide the garage/workshop in the curtilage of Rose Cottage.
- The development would have an adverse impact on the significance of the conservation area.
- There is no trade-off with the removal of existing structures and it is not government policy to support replacement of dilapidated structures.
- There is no established use as no evidence has been provided to support any contention of established use.
- The red line seeks to create a curtilage to the proposed building.
- Orchard Cottage is 9.7 metres from the rear of the proposed workshop not 15 metres as the case officer claims.
- Orchard Cottage is on a lower slab level therefore the proposal would have an overbearing impact.
- The removal of a healthy apple tree is contrary to planning policy.

Further to the committee decision to defer the application for a site visit a letter of support has been received from the occupiers of Gingerbread Cottage, Damson Lane, Coxbank CW3 0EU.

In summary the comments relate to:

- The land could accommodate the building and not encroach on their privacy
- The land is neglected and existing garages are not visually pleasing in the conservation area.
- Welcome the demolition of existing buildings and new build.
- Conservation area policies should not be about stopping development but ensuring changes are planned correctly and with consideration to others which has been demonstrated by the amended plans.
- The applicants intend to leave space for turning which will assist emergency vehicle access.

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement and Heritage Statement submitted, the salient points being:

- There is existing access off Damson Lane, serving the area of land
- Evaluation has been undertaken to accommodate the proposed building and retain the pig sty as the dominant feature
- No loss of parking

- No loss of amenity to neighbouring properties.
- The site is well screened by well established hedgerows and trees.
- The siting of the proposal takes advantage of existing screening to minimise the visual impact upon the countryside
- The village supports a wide variety of building styles and materials
- The materials will match the surrounding properties.
- The proposed layout incorporates adequate on site turning and parking.

The applicant has provided a statement in response to objections received, the salient points being:

- The parcel of land originally had a dwelling on it before it was destroyed in a fire in the 1940s
- The existing garages have been in existence for decades and have been used to house cars
- The existing garages are unsightly and dangerous
- The site is the only practical position for a facility to serve Rose Cottage
- The settlement is patently not open countryside
- Replacing the existing garages would constitute planning gains
- Rose Cottage is not a farm and the site will not be used for farming purposes
- There will be no industrial noise or noxious emissions.

OFFICER APPRAISAL

Principle of Development

The application site is not within the residential curtilage of Rose Cottage and is an area of paddock on the opposite side of Damson Lane. The application has therefore been submitted as a full planning application and not a householder planning application. The application does not involve a change of use of the land to residential curtilage and is for the erection of a garage/workshop. If the committee are minded to approve the application it is suggested a condition should be attached to clarify that the permission does not constitute a change of use of the land to residential use and relates to the parking of vehicles and ancillary workshop usage. There have been a number of objections raised relating to this issue, however the application accepts that this is not the residential curtilage for Rose Cottage. In regard to any possible future development or proposals, this is speculative and the Council can only determine the application before it. If any future proposals were to be put forward they would be subject to the full and proper assessment against policy at that time. Reference has been made to a dwelling that previously stood on the site, however there is no evidence of this and it is therefore not relevant to the consideration of the application.

The site is located in the open countryside and the Coxbank Conservation Area. Policy NE.2 states that only development essential for the purposes of agriculture, forestry or outdoor recreation or other uses appropriate to a rural area will be permitted within the open countryside. The site is currently used for the parking of vehicles by the occupiers of Rose Cottage and contains a number of sheds, buildings and structures. Whilst the proposed development would not be for agricultural purposes the site is currently used for the parking of vehicles and general storage so it would be difficult to justify refusal on these grounds.

Design

Policy BE.7 (Conservation Areas) states that development will not be permitted if it would harm the character, appearance or setting of the conservation area and it should harmonise with its setting by being sympathetic on scale, form and materials to the characteristic built form of the area. The proposal includes the demolition of a number of dilapidated and unsightly buildings which would enhance the appearance of the conservation area. However, the proposed replacement building is somewhat larger than any of those to be replaced. The conservation officer initially raised concerns with the bulk and height of the building, and its overly domestic appearance. However, it has been significantly reduced in size and the design has been changed and the conservation officer is now more comfortable with the proposed scale and appearance of the building. The design of the amended building is more in keeping with the simple and plain buildings of this type in the conservation area and rural areas.

The original report did not refer to PPS5 within the list of *Other Material Considerations* as pointed out in the objections received. However this was an oversight in typing and was reported verbally at the previous committee meeting. The application has been fully assessed in terms of the impact it would have on the conservation area and the requirements of PPS5 and Policy BE.7 of the Local Plan. The development would be sympathetic to the characteristic built form in the area and a garage of this size and design is not inappropriate to the rural nature of this conservation area.

The amended plans significantly reduce the overall bulk, massing and height of the proposed garage than that originally submitted. At 4.9 metres to ridge height it would not be unduly prominent in the landscape and will be sympathetic to the scale of the surrounding dwellings, clearly legible as an outbuilding. It is noted that the site slopes away to the south and east and the garage/workshop will be positioned on elevated land. However the southern boundary is formed by mature vegetation and trees and at the size and scale proposed the garage/workshop would not be unduly prominent from any public vantage points. The existing hedge along the northern boundary will screen the majority of the development from views along Damson Lane and whilst it will still be visible, the garage will not compete with the surrounding dwellings or appear inappropriate to the surroundings.

The submitted plan refers to the removal of existing concrete hardstanding and the replacement with brick paviors. Details of these have not been provided nor has the extent of the paving. Brick paviors would introduce a domesticated appearance and it is important to ensure the extent of the surfacing is kept to a minimum. A condition can be attached to any approval to require details of the proposed surfacing to be submitted and agreed, notwithstanding the details on the plans, which will ensure control over the surfacing is retained.

Siting

The siting of the proposed garage will allow the retained pig sty to be visible within the site and open it up as a feature. The pig sty is considered an important historical feature of this site and its retention is highly desirable. At present the pig sty is surrounded by the dilapidated buildings which are indicated to be demolished and although there is some concern from the conservation officer regarding the siting of the garage outside the footprint

of the existing buildings, in siting it in the position proposed the pig sty will no longer be concealed. Whilst it does result in the built form encroaching away from the existing development this approach finds a balance between the competing pressures within the site.

The conservation officer has also raised concerns regarding the orientation of the garage/workshop not facing onto Damson Lane. However Rose Cottage does not face on to Damson Lane nor do other dwellings within the area. Therefore in orienting the garage/workshop in this direction it is not considered that there will be a harmful impact on the character, appearance or setting of the conservation area.

Amenity

To the east the site is bounded by Orchard Cottage, a large white rendered dwelling which overlooks the site. The boundary is formed by a neatly maintained hedge approximately 2 metres high. The garage will be sited approximately 15 metres from the neighbouring dwelling Orchard Cottage at its nearest point. Given this distance, and that the garage will not be directly opposite the windows in that elevation of Orchard Cottage, it is not considered there will be significant detrimental impact on residential amenity in terms of loss of light or visual intrusion. The garage/workshop would be built on a higher ground level than that at Orchard Cottage however due to the proposed position and the distance between the two buildings this does not alter the assessment stated above. Concerns have also been raised relating to loss of light to other properties on Damson Lane, however given that the amended scheme has reduced the height to 4.9 metres, and its position in relation to those dwellings, it is not considered that the proposal will result in significant loss of amenity at other neighbouring properties due to loss of light or visual intrusion. Comments regarding the garage spoiling an existing view are not for consideration as there is no protection of views in planning legislation.

Noise generated by the site will be minimal given the nature of the proposed building and it is not considered that it would be significantly different to what is currently experienced. It is not considered a refusal could be substantiated on noise and disturbance grounds.

Trees

The proposal includes the removal of a large apple tree which is adjacent to the pig sty. The positioning of the garage in close proximity to the pig sty is considered to hold considerable weight in ensuring there is a clear visual connection between the two buildings whilst ensuring the pig sty is visible within the site. The removal of the tree is therefore considered to be acceptable in this case and moreover the loss can be compensated for by requiring similar replacement planting, which if the committee are minded to approve, can be secured by condition.

In order to protect the existing hedgerow on the northern boundary a condition should be imposed to require details of the tree and hedgerow protection measures during construction.

Highways

The siting of the garage would allow vehicles to completely exit the highway without overhanging and there would also be sufficient room to turn and exit in a forward direction

which will ensure minimal impact on highway safety. The existing access to the site will be retained and unaltered. The proposal is considered acceptable in highways terms.

Other Matters

Further to representation received it should be noted that the written dimensions stated on the plans are accurate and the building scales off at the same size on the site plan, floor plan and elevations.

It is noted that the names of properties on the supplied OS map are not correct, however the impact of the proposed development has been considered in relation to all the surrounding properties.

CONCLUSIONS

The development will result in the erection of a building larger than any of the existing on site however its simple, plain appearance and the size and scale are appropriate for this type of building within the conservation area and the rural setting. Whilst it would be sited outside the existing footprint of buildings this would allow the pig sty to be retained which is an important feature and would also ensure it is not concealed from view. The proposal provides for safe access and egress arrangements. The proposal is not considered to result in significant loss of amenity at neighbouring properties. The proposed development, as conditioned, is therefore considered to be in compliance with Policies NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and BE.7 (Conservation Areas) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATION:

APPROVE subject to the following conditions:-

1. Standard Time
2. Details of facing materials to be submitted and approved
3. Details of the extent of surfacing and the materials to be used to be submitted and approved
4. Permission relates to parking of vehicles and ancillary workshop use only and no permission given for change of use to domestic garden/extension of curtilage.
5. Details of replacement tree planting
6. Details of tree and hedgerow protection
7. Details of works to the pig sty to be submitted and approved
8. Roof light to be conservation type set flush with roof plane
9. Approved plans

Location Plan: Cheshire East Council Licence No. 100049045

