

Application No: 23/3010M
Location: 2, DELAMERE DRIVE, MACCLESFIELD, SK10 2PW
Proposal: Removal of existing garages and outhouse, replacement garage and two storey rear extension
Applicant: Mr Julian Broadhurst
Expiry Date: 16-Feb-2024

REASON FOR REFERRAL BACK TO COMMITTEE:

This application was considered heard at Northern Planning Committee on 6th December 2023. The resolution of the Committee was:

“That the application be delegated back to the Head of Planning, in consultation with the Chair of Northern Planning (on in their absence, the Vice-Chair), to APPROVE subject to the submission of a scheme to prevent overlooking of neighbouring properties from the garage windows, and the following conditions:

1. *Time Limit (3 years)*
2. *Development in accord with approved plans*
3. *Materials to be as per the application, to match the main dwelling.*
4. *No additional garage windows to be installed at a future date.*
5. *Garage to remain ancillary to the house.”*

Following the committee meeting, the applicant presented a scheme to Officers and the Chair of Northern Planning committee which proposed a series of ‘metal canopies’ over the top section of the garage windows. The scheme was not considered to be acceptable in design terms by Officers or the Chair. No further scheme to prevent overlooking of neighbouring properties from the garage windows has been submitted.

The applicant has however submitted a revised garage design which includes the enlargement of the garage length by 2m taking the garage to a total 10m in length. This is to accommodate an open-sided log store on the south western elevation facing into the rear garden. The revisions also include the reduction in ridge and eaves height by 0.1m (to 3.6m to ridge, 2.1m to eaves) and subsequent reduction in height of the windows on the south eastern side facing elevation by 0.1m.

The alterations to the design of the garage are considered to be acceptable in design terms and raise no additional amenity concerns compared to the previously proposed garage.

As detailed within the report below as the garage is a non-habitable building, and existing neighbouring fencing provides an appropriate screen, Officers do not consider a scheme to prevent overlooking from the garage windows, or the log store, is reasonable or necessary.

As no scheme to prevent overlooking has been agreed, the application is now being referred back to the Committee for determination.

CONCLUSION

As in the original report a recommendation of approval is made subject to the following conditions:

1. Time Limit (3 years)
2. Development in accord with approved plans
3. Materials to be as per the application, to match the main dwelling.
4. Garage to remain ancillary to the house.

ORIGINAL REPORT FROM 6 DECEMBER COMMITTEE

SUMMARY

The application lies within settlement boundary of Macclesfield, adjacent to the Macclesfield Canal and its associated Conservation area, and also Hurdsfield Conservation area. This is a householder development whereby the principle of residential development on the site is acceptable.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the neighbouring residential properties surrounding the site. There is no significant conflict with Policy HOU 11, 12 or 13 of the SADPD in this regard.

The design is considered to be acceptable and will not detract from the character and appearance of the site, its surroundings or the wider Conservation areas and complies with Policies SE 1, SD 2 and SE7 of the CELPS and GEN 1, HER 3 and HOU 11 of the SADPD and the Cheshire East Design Guide.

The development is considered to be acceptable in terms of its impact upon the highway safety and parking provision. The development complies with SADPD policy INF 3 and Policy CO2 and Appendix C of the CELPS.

The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Plan Document and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL TO COMMITTEE:

The application has been submitted by a member of staff employed within the Development Management Service of the Council and is therefore referred to planning committee as required by the scheme of delegation.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a brick built semi-detached property situated within the settlement boundary of Macclesfield. To the north-east of the site is the Macclesfield Canal, which also forms part of the Macclesfield Canal Conservation area, and to the south is the Hurdsfield Road Conservation area. The site is surrounded by residential development with a private access track to the side (south) of the dwelling providing rear access to some of the properties on Delamere Drive.

At the rear of the dwelling is a detached single storey outhouse and at the northern end of the garden are a collection of 3no single storey brick built garages and sheds. On the opposite side of the access track, beyond the rear boundary is a further garage, car port and concrete base also within the ownership of the applicant.

DESCRIPTION OF PROPOSAL

This application seeks full consent for the demolition of 3 of the garages within the rear garden and replacement with 1no. pitched roof brick built garage with slate roof. A small section of beech hedge is to be removed to facilitate this.

It is also proposed to demolish the existing outbuilding at the rear of the dwelling and erect a part two storey, part single storey rear extension to create additional living accommodation.

RELEVANT HISTORY

None

RELEVANT PLANNING POLICY

Cheshire East Local Plan Strategy 2010-2030

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and geodiversity
SE7 The Historic Environment
SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

Cheshire East Site Allocations and Development Policies Document (SADPD)- Adopted December 2022

PG9 Settlement Boundaries

HER1 Heritage assets

HER 3 Conservation areas

GEN1 Design principles

ENV6 Trees, hedgerows and woodland implementation

ENV16 Surface water management and flood risk

HOU 11 Extensions and Alterations

HOU 12 Amenity

HOU 13 Residential standards

Neighbourhood Plan

There is no made neighbourhood plan for this area.

Other Material Planning Considerations

National Planning Policy Framework (2021) National Planning Policy Guidance

Cheshire East Design Guide

CONSULTATIONS

Canals and Rivers Trust – No objection. The additional statement submitted confirms that the replacement garage is a minimum of 12m from the canal on the opposite side of the existing vehicular track.

REPRESENTATIONS

Macclesfield Town Council –

- Plans are difficult to understand
- Public access to the track, is this not now custom and practice?
- Please check policy HOU 12

Ward Councillor (Cllr Bennett-Wake) –

- Plans do not contain clear measurements to make a judgement
- It is not clear if properties on Hurdsfield road will be overlooked
- The applicant has not allowed access on the track to assess nature of plans
- Lean to and shed on canal bank may contain asbestos and could lead to canal and surrounding land being contaminated
- Construction work so close to the canal could have a detrimental effect on the bank and canal.

OTHER REPRESENTATIONS

4 representations of objection have been received and are summarised below;

- Plans are unclear and lack detail
- Proposed garage will be higher and will be overbearing to neighbours
- Garage will have windows and will affect privacy
- Loss of copper beech trees
- Potential for damage to sewer pipes running along access track
- This is not just a garage but a metal engineering workshop
- Assurances need to be made that a registered firm remove any asbestos
- Building has a substantially different form and larger footprint than existing
- Loss of view
- Potential for noise disturbance from garage
- Two storey extension will seriously and negatively impact on right to light to the rear of the property
- Rear extensions on Delamere Drive are limited to single storey extensions
- Garage will be used for the construction of motorised go carts

3 representations of support have been received and are summarised below;

- Proposals will not affect privacy
- Proposals will improve the surrounding area
- The applicant has improved the access track
- Proposals will not block peoples view

4 comments have been received and are summarised below;

- I hope there will be clarity about the height of the extension which will confirm if neighbours are overlooked or light blocked.
- Can conditions ensure appropriate demolition so no noxious substances are released?
- Garage is rather large but at least its not a dwelling or workshop
- Only residents of 2-22 Delamere Drive have access down the vehicular track to the canal, anyone else would be trespassing
- Please can garage height be reduced?
- Windows in the roof will not overlook neighbours

OFFICER APPRAISAL

Principle of development

The application relates to an existing dwellinghouse within the settlement boundary of Macclesfield. Within these areas, extensions and domestic outbuildings are appropriate in principle, subject to accordance with relevant policies including those on conservation, design and residential amenity.

Heritage, Character and Design

CELPS Policy SE 1 states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings. Policy SD2 further details the design matters that should be considered including; height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene. SADPD policy GEN 1 seeks to secure high quality design.

Policy SE7 and HER1 requires that all new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment. Policy HER3 relates to Conservation Areas and seeks to preserve or enhance the character or appearance of the area.

The property lies adjacent to the Macclesfield and Hurdsfield Road Conservation areas. The proposed extensions to the dwelling will be appropriately designed, set down from the main ridge line at two storey level with a rear facing gable and flat roof at two storey and a lean to single storey extension. Proposed materials will match those on the main dwelling. The Conservation officer is satisfied that the extensions to the dwelling would not result in any harm to the character or appearance of the Conservation Area as the view from the canal tow path would be limited.

The existing 3 garages at the rear of the garden are to be replaced by a single garage of a slightly larger footprint. The garage will be dual pitch and will be 1.3m taller than the existing structures. The garage will be more prominent at the rear of the site and more imposing than the existing mono pitch garages.

However, the garage is positioned adjacent to similar domestic outbuildings at the rear of Delamere drive and will not detract from the visual amenity of the site or the wider area. The Conservation officer considers that the garage may impact on the view from the canal tow path but any damage to the character of the conservation area would be limited. The proposed garage would replace the existing buildings which are in a poor state of repair.

Overall, for the reasons set out above, it is considered that the proposals comprise an appropriate form of development for this area in accordance with policies SE1, SE7 and SD2 of the CELPS, Policies GEN 1, HER 1 and HER 3 of the SADPD and section 12 of the NPPF.

Amenity

Para 130 (b) of the NPPF requires planning decisions to create places that have, among other attributes, a high standard of amenity for existing and future users. Policy SE1 of the CELPS states, among other requirements, that development should ensure an appropriate level of privacy for new and existing residential properties. SADPD Policy HOU 11 requires that proposals not cause unacceptable harm to the amenity of nearby occupiers or the future occupiers of the dwelling.

SADPD Policies HOU 12 and HOU 13 between them require that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 provides standards for housing allow light and privacy between buildings, with reference to Table 8.2 in the SADPD.

The proposed extension at two storey with a projection of 2.5m and a flat roof adjacent to the attached neighbour is not considered to result in a loss of light or be overbearing to the neighbour to the north due to its relatively modest projection. The single storey element has a more significant projection of 6.5m. However, this will be adjacent to the neighbouring extension and outbuilding and will have a lean to roof that will decrease in height from 3.1m at abutment point to 2.1m at eaves level thus reducing its impact on light and shadowing effects. There are no openings proposed on the northern side elevation which may otherwise harm privacy.

To the south, the extensions will be some 12m from the rear of the neighbouring development with the access track and boundary treatment of the neighbouring properties intervening. As such the proposals are not considered to affect the amenity of neighbouring properties by virtue of overshadowing, overbearing or a loss of light. Similarly, there are no side facing openings at two storey level, with only roof lights proposed. Proposed side facing windows at ground floor level would be screened by boundary treatment of the neighbouring property and conditions can secure the details of the replacement boundary treatment required as result of the demolition of the existing outbuilding. As such there are no overlooking concerns.

The proposed garage will be a total height of 3.7m, which is an increase of 1.3m from the existing garage. This is not considered to harm amenity of neighbouring properties due to its siting in relation to neighbouring development. Residents are concerned about overlooking from proposed windows within the garage although existing boundary treatment of neighbouring property would screen any potential overlooking from the garage. In any event this is not a habitable building. Residents are also concerned about its intended use and potential for noise disturbance however this application is a householder development and the applicant has confirmed that this is a domestic garage. Any subsequent change of use would require consent. Any anti-social noise complaints would be a matter for environmental health.

Overall and on balance, the proposals are not considered to result in a loss of amenity to neighbouring properties by virtue of overlooking and a loss of privacy, overbearing or shadowing such that would warrant a refusal. The proposals are therefore in accordance with the provisions of CELPS policy SE1 and SADPD policies HOU 11, 12 and 13 in this regard.

Highways/Accessibility

CELPS Policy CO 1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations.

SADPD policy INF3 requires that amongst other things, proposals provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles.

The proposals will not result in a loss of parking and seeks to replace garaging space on a like for like basis. The proposals will not harm the safety of highway users and therefore comply with the requirements of CELPS policy CO1 and SADPD policy INF 3 in this regard.

Representation

The Town Council have queried whether use of the access track has become custom and practice. Rights of access are a civil matter not for the consideration of the planning process.

Representations have been made regarding the appropriate control of asbestos and noxious substances during demolition. However, this is covered by other health and safety legislation.

Representations have been received in relation to the loss of view. However this is not a material planning consideration.

CONCLUSIONS

The proposal is a sustainable development that complies with development plan policy and the NPPF. No objections have been raised by consultees in relation to technical matters, for the reasons mentioned the application is recommended for approval subject to conditions.

RECOMMENDATION

The application is recommended for approval subject to the following conditions:

1. Time Limit (3 years)
2. Development in accord with approved plans
3. Materials to be as per the application, to match the main dwelling.
4. Boundary treatment details to be submitted and agreed.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Householder

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A06GR - No windows to be inserted
5. A08LP - Ancillary/'Granny' annexe
6. NPPF - NPPF informative
7. OBSCURE

