

Planning Reference No:	09/0842M
Application Address:	BROAD HEATH HOUSE, SLADE LANE, OVER ALDERLEY
Proposal:	REPLACEMENT DWELLING WITH NEW ENTRANCE GATES, BRICK PIERS AND BOUNDARY WALL
Applicant:	MR & MRS CHRISTOPHER WREN
Application Type:	FULL
Grid Reference:	386699 376409
Ward:	ALDERLEY
Earliest Determination Date:	3 MARCH 2011
Expiry Date:	1 JUNE 2009, RE-DETERMINATION 2011
Date of Officer's Site Visit:	10 FEBRUARY 2011 (NEW OFFICER)
Date Report prepared:	25 FEBRUARY 2011
Constraints:	GREEN BELT AREA OF SPECIAL COUNTY VALUE

SUMMARY RECOMMENDATION

The application is recommended for refusal, as the proposed development represents inappropriate development, and no Very Special Circumstances have been advanced to clearly outweigh the harm.

MAIN ISSUES

- Whether the replacement dwelling is materially larger than the dwelling it replaces, and therefore represents inappropriate development within the Green Belt
- Whether the development creates additional harm
- If the replacement dwelling is materially larger, whether any very special circumstances have been advanced, which clearly outweigh the harm caused by inappropriateness, and any other harm
- Alterations to ground levels, the scale and design of the dwelling, and whether it is in keeping with the character of the area, having regard to its location within an Area of Special County Value
- Whether the proposal affects any protected species
- Residential Amenity issues
- Highway Safety

REASON FOR REPORT

This application is brought before Members by the discretion of the Head of Planning and Housing, as the original decision to grant planning permission in 2009 has been quashed by the High Court in 2010.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a large detached dwelling, part two storey, part single storey, with attached garage and open sided carport, set within a generous plot.

The application site is situated within an Area of Special County Value, within the Green Belt, as defined by the Macclesfield Borough Local Plan (2004). The property sits in an isolated position on Slade Lane, and is surrounded by open fields. The property is well screened by mature vegetation along the front and side boundaries. There is one gated access point to the property, off Slade Lane.

DETAILS OF PROPOSAL

Following the decision by the High Court to quash the granting of planning permission for a replacement dwelling, the Council is required to re-determine the application. A report to Members has been approved by the Strategic Planning Board and the Northern and Southern Planning Committees in December 2010. A copy of the Judgement and the report to Members are attached at Appendix 1 & 2 of this report.

The proposed development comprises a two and a half storey Georgian style dwelling with roof lantern, situated directly to the rear of the existing dwelling. Below ground a basement is proposed, comprising two games rooms, a pool lobby, utility room and laundry. In addition to this, a large subterranean extension is proposed towards the rear of the dwelling, which would provide a large swimming pool, gym, pool changing room, steam room, sauna, cinema room games rooms, and 2 toilets.

The application has been re-advertised, giving all interested parties a further 21 days to comment on the application. On 18 February 2011, additional plans were received, which corrected errors on the originally submitted survey drawing, and provided details of the entrance gates, brick piers and boundary wall which were shown on the original plans, but no details of which had been submitted. All parties have been re-notified in respect of the additional plans. The last date for comments is 3 March 2011. All representations previously made will also be considered in the re-determination of the application.

RELEVANT HISTORY

- 09/0150P Replacement dwelling
Refused 8/4/09,
Reason: The replacement dwelling was considered to be materially larger than the existing dwelling, and therefore represented inappropriate development.
- 09/0842M Replacement dwelling
Approved, subject to conditions 24 July 2009
Permission quashed by the High Court 11 May 2010
- 11/0037M Brick garage to replace carport
Current application – on this agenda
- 11/0257M Certificate of lawfulness for the proposed conversion of loft space, insertion of rooflights
Current application

POLICIES

Regional Spatial Strategy

- RDF4 Green Belts
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

- NE1 Areas of Special County Value
NE2 Protection of Local Landscapes
NE11 Nature Conservation
BE1 Design Guidance
GC1 Green Belt – New Buildings
DC1 New Build
DC3 Amenity
DC6 Circulation & Access
DC8 Landscaping
DC35 Materials and Finishes
DC41 Infill Housing or Redevelopment
H1 Phasing Policy

H2 Environmental Quality in Housing Developments

Other Material Considerations

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing

CONSIDERATIONS (External to Planning)

Highways:

Permission is sought to reposition the vehicular access, by 6.8 metres to the south west of the existing entrance, and to set it back 3.2 metres from Slade Lane, to improve visibility slays, and to provide a vehicle waiting area.

In 2009, the Strategic Highways Manager was consulted on the application, and raised no objection to the proposal, subject to a number of conditions.

The Strategic Highways Manager has been re-consulted on this application, and has provided the following comments:

“The highway aspects of this development have been considered in the previously and there is no change in the comments following the high court decision. No highway objections are raised, subject to the same highway conditions being attached to the application”.

VIEWS OF THE PARISH / TOWN COUNCIL

Over Alderley Parish Council advise that they have no comments to make on the proposal.

OTHER REPRESENTATIONS

In 2009, representations were received from Sir David Barnes (CBE), Mr & Mrs Feather, Mr John Wilkin, and Mr Geoffrey Sparrow on behalf of the CPRE.

Their concerns were summarised as follows:

- Encroachment of dwelling into agricultural land beyond the domestic curtilage
- The design of the dwelling, and the fact that the proposal would be out of keeping with the character of the area

- Proposed boundary treatment incorporates walls and fencing that are out of keeping with the rural character of the area
- Loss of existing boundary treatment in order to satisfy visibility splays onto Slade Lane
- Impact of the replacement dwelling on the Green Belt
- Proposed dwelling would be materially larger than the existing, providing a floorspace increase of approximately 36%. The dwelling would also represent an increase in the proposed dwellings height, span and width and therefore would represent inappropriate development within the Green Belt
- Concerns are also raised regarding the cumulative impact of the dwelling on the openness of the Green Belt in the future due to the potential to extend
- The existing and proposed replacement would not be similar in terms of scale and massing. Size measurements of the proposed and existing have been put forward in order to demonstrate this.
- The potential cumulative impact of the dwelling if extended by 30% in the future, could potentially increase by 77% overall in the future
- The siting of the replacement dwelling away from the footprint of the existing dwelling, and the impact of this on the openness of the Green Belt
- Objections are raised regarding the increase in the number of floors within the replacement dwelling
- The replacement dwelling would appear 'monolithic' in comparison to the stepped roof design of the existing dwelling on site
- The replacement dwelling would have an adverse impact on the Area of Special County Value
- Information within the design and access statement is incorrect
- The size of the proposed basement (500m²) and the potential impact of this on the general maintenance and servicing of the dwelling. Mention is also made regarding the level of excavation works required for the construction of the basement, approximately 3000m³.
- Potential increase in traffic generated as a result of the proposal
- Increased level of hardstanding proposed to the front of the replacement dwelling
- Impact on the existing trees
- Whether the existing dwelling would be demolished prior to the erection of the replacement. Concerns regarding whether this would result in two dwellings on the site.

The letters received provided several floorspace assessments in terms of the increase to individual floors – as such it is considered that the letters should be viewed in order to understand the objections fully.

Concerns are also raised regarding the potential expansion of the site in the future, with particular reference being made regarding the omission of garaging

at the site. Whilst this concern is noted, it is considered that necessary parking provisions can be made to the site without an additional garage. Any potential future application for garaging at the site will be assessed at the time of application, and therefore is not considered to be a material consideration to the current application. The request for an additional condition relating to the prevention of any application for garaging at the site in the future is not considered to be necessary or reasonable.

Additional observations made in 2009 suggested that the proposal did not comply with policy GC1 of the Local Plan or paragraph 3.6 of PPG2, as the replacement dwelling was materially larger, and therefore represented inappropriate development. Particular concern was also raised in respect of the replacement of the annex section of the building, which is single storey, with a three storey building. The proposal was thought to have an adverse impact on visual amenity, particularly due to the loss of screening along Slade Lane, and its prominence. The overall proposal was considered an over-development of the site.

Any representations received in respect of the re-determination of this application will be summarised within an update report to Members, as the last date for comments falls on 3rd March 2011.

APPLICANT'S SUPPORTING INFORMATION (2009)

- Design and Access Statement
- Tree Survey
- Bat report

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 are clearly outweighed by other considerations.

Is the dwelling materially larger than the dwelling it replaces?

The Case Officer has undertaken a detailed assessment of the proposed replacement dwelling, which is outlined below:

	Existing Dwelling	Replacement Dwelling, including basement and subterranean extension
Total Floorspace (m ²)	399 excluding conservatory, carport and 2 attic spaces	1369
Percentage Increase in total floorspace	N/A	343%
Basement (m ²)	None	685
Ground Floor (m ²)	264 excluding conservatory and carport	311
First Floor (m ²)	135	226
Second Floor (m ²)	Non-habitable, not included	147
Footprint (m ²)	264 excluding conservatory and carport	311
Width (m)	29	28.3
Depth (m)	11	15 (above ground)
Eaves Height (m)	5.6	6.0
Ridge Height (m)	8.9	8.7
Alteration to ground level (m)	None	-1.0

The conservatory (18 m²) has been excluded from the floorspace calculations as it too is a lightweight structure, and represents an exception from Green Belt policy. The carport has also been excluded from the floorspace calculations as it is open sided: it is a lightweight structure, and it does not generate any habitable space. The two attic spaces (one above the main house and one above the

annex) have been excluded, as they are not easily accessible, and do not form habitable accommodation.

Planning permission is currently sought for the replacement of the carport with a brick built garage, this application (11/0037M) is elsewhere on this agenda. If this application were approved, it could generate 50m² of floorspace. Furthermore, a Certificate of Lawfulness has been submitted for the conversion of the attic spaces into habitable accommodation. If a positive certificate were granted, this could generate a further 83 m² of floorspace.

As these floor spaces have not been approved or built, they can not be considered as part of the floorspace calculations in this application.

If these floors spaces (and the floorspace of the conservatory) were added to the floorspace of the existing house, the total floorspace would be 399 + 151 = 550 m², which is *significantly* less than the 1396 m², proposed.

Clearly there is a significant difference in floorspace between the existing and proposed dwelling, the largest contributor being the basement and subterranean extension, creating 685m², which is a similar to the rest of the floorspace of the replacement dwelling at 684 m².

The increase in depth of the proposed dwelling by 4 metres adds to the increase in the overall footprint by 47 m².

The lowering of ground levels by 1.0 metre and the repositioning of the dwelling to the rear of the existing dwelling also raises issues in respect of the height of the building. In effect, the replacement dwelling will appear 0.8 metres taller than the existing structure, and will be more visible, due to the alterations to the access, and the loss of vegetation as a result of the works.

In terms of volume, 11 of the 29 metre width of the existing dwelling is single storey, whilst the replacement dwelling is two and a half storey for the full 28.3 metre width. This adds a significant volume of mass to the on the front (North West) elevation.

The design of the proposed dwelling in this location also raises concern. The properties within the vicinity of the site are traditional farmhouses and cottages. The replacement dwelling is rather grand, akin to a country house or manor. It is considered rather imposing, with the second floor and roof lantern adding to the perception of scale. At paragraph 11 of his ruling, Mr Justice Langstaff describes the building having:

“a solid appearance with a solid ridge line, therefore differing from the current stepped character of the existing building”.

The repositioning of the dwelling by approximately 8.4 metres further back into the site, and reducing the ground level by 1.0 metre adds to the perception of scale, when viewed from the new entrance on Slade Lane.

Taking into account all of these factors, the proposed dwelling is clearly materially larger than the dwelling it replaces. The proposed replacement dwelling therefore represents inappropriate development in the Green Belt.

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 repositioning of the dwelling 8.4 metres further back into the site will result in some harm to the openness of the Green Belt, as the footprint of the existing house will be largely replaced with a turning circle and fountain, and the new dwelling will be located on the existing rear garden, in turn this will push the new courtyard further back into the site.

The alterations to the access will inevitably result in the loss of some vegetation along the road frontage, which increase views into the site. Whilst this could be overcome in the long term with replacement species, in the short term it will result in the replacement dwelling being readily visible from Slade Lane. Due to its scale, siting and design, it will have a detrimental effect on the visual amenity of the Green Belt.

The proposal would result in a reduction in the openness of the Green Belt and have an adverse impact on the visual amenity. As openness is the most important attribute of the Green Belt, this issue carries a good degree of weight.

Assessment of other considerations

As outlined above, in 2009, the Council granted planning permission for this development. Subsequently, this decision was quashed by the High Court. In his ruling, Mr Justice Langstaff concluded at paragraph 29:

“I cannot be satisfied that the council had regard to what was, it is accepted, a material consideration; namely, the size and scale of the basement. I therefore, cannot be satisfied that the council took that into account in determining whether the building was or was not materially larger. Indeed such indications as there are in the papers before me indicate, and if necessary, I would hold, that they did not do so”.

At paragraph 35, Mr Justice Langstaff goes on to advise:

“But it does not follow that I can say that the decision to be reached by the local authority will necessarily be the same if it has regard to the matters which it should properly have regard as that it actually reached which is the subject of this litigation; indeed, Mr Albutt has not sought to argue that I should sustain the decision upon the basis that is plainly and obviously right. It seems to me that the size of the basement is significant. As a matter of sheer size, the issue of how that affects a conclusion as to whether it is or is not such as to make the building as a whole materially larger than that which it replaces, is not one which I can say necessarily should be determined one way or the other”.

Members must give careful consideration to decision made by the Judge, and fully consider this issue of the basement/subterranean extension in the re-determination of this application. As outlined above, the proposed development would result in a 343% increase in the floorspace, largely as a result of the basement and formation of a second floor within the replacement dwelling.

The overall volume of the dwelling would also be materially larger due to the increase mass at first and second floor level at the north eastern element of the replacement dwelling, and the building would appear 0.8 metres taller due to the lowering of ground levels. As a result of these factors, the replacement dwelling must be considered materially larger, and therefore the development represents inappropriate development within the Green Belt.

No Very Special Circumstances have been advanced to outweigh the harm caused by inappropriateness, or any other harm.

Amenity

The replacement dwelling is situated in a relatively isolated location, therefore the proposal is not considered to have an adverse impact on the residential amenity of adjoining properties.

Landscape

The existing dwelling is set in a matured landscaped garden with large shrub beds and an extensive lawn area to the rear. It is well screened from Slade Lane

by an existing mature hedge and trees. The garden enjoys an open aspect over fields to the rear of the property.

The existing field gate is unobtrusive and compliments the other timber gates used in the dwelling opposite. An appropriate frontage boundary and gate detail is required to ensure that the character of the rural lane landscape is retained.

Currently the building is located behind mature shrub beds at the front which create a framework and landscape setting. By locating the building further back on the site the arrival space at the front becomes more prominent and larger.

The drawings supplied do not indicate how the new dwelling is to be accommodated within the site. An indication of the landscape layout around the new building is required.

The full consultation response is available to Members at the meeting, and is also available on our website, if required.

Forestry

The redevelopment of this site in arboricultural terms, benefits from the size and openness of the garden with the majority of the tree cover contained on the periphery of the plot.

In order to facilitate an improved access/exit point providing greater visibility splays there may be an amount of impact damage in terms of root severance associated with the small ornamental trees and Cypress located in close proximity to the existing to the existing access. All the affected trees are considered to be low value (C) in amenity terms and should they require removal the impact on both the street scene and from public vantage points will be limited, and can be mitigated by replacement planting. The use of flanking walls associated with the re-developed access within the rural setting is not welcome but again with suitable planting outside visibility splays the impact of the structures can be softened.

The full consultation response is available to Members at the meeting, and is also available on our website if required.

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.

The Nature Conservation Officer has been re-consulted and raises no objection to the proposal.

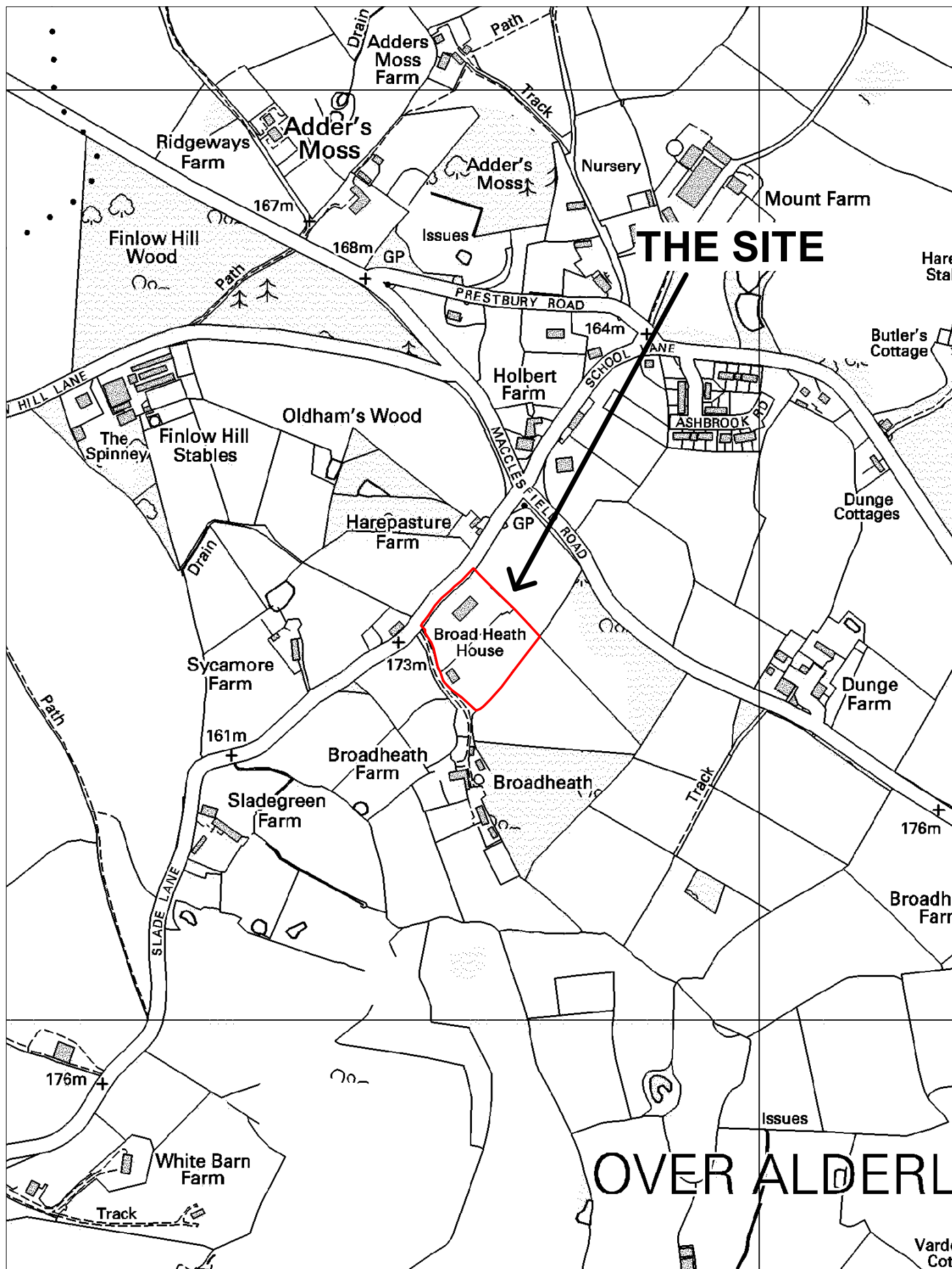
CONCLUSIONS AND REASON(S) FOR THE DECISION

Due to the significant increase in floorspace, and the increase in size of the footprint, depth, volume and height, the proposed replacement dwelling is considered to be materially larger than the dwelling it replaces and therefore represents inappropriate development, having regard to policy GC1 of the Macclesfield Borough Local Plan, and paragraph 3.6 of PPG2 (Green Belts). The proposal would also result in a reduction in openness, due to its repositioning on site, and have an impact on the visual amenity of the Green Belt, due to the loss of screening along the road frontage. No Very Special Circumstances have been advanced to clearly outweigh the harm caused by inappropriateness or any other harm, and therefore a recommendation of refusal is made for the following reasons:

1. The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies by virtue of the fact that having regard to the overall scale, design and appearance, the proposed replacement dwelling is materially larger than the existing dwelling. The development is similarly contrary to national policy guidance relating to development within the Green Belt. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.
2. The proposed development, by reason of its size, siting and design, would form a visually obtrusive feature which would detract from the rural character and appearance of the area within which it is located. The approval of the development would therefore be contrary to national planning policy guidance, North West of England Plan Regional Spatial Strategy to 2021 policies DP7 & EM1 and Macclesfield Borough Local Plan policies BE1 and DC1, thereby causing harm to the objectives of those policies.

ANY OTHER ISSUES

It should be noted that there are some minor inconsistencies on the plans, for example rooflights to the basement appear on one plan and not on another. If Members are minded to approve this application, a condition will be required, clarifying this matter.



09/0842M - BROAD HEATH HOUSE, SLADE LANE, OVER ALDERLEY, MACCLESFIELD
 N.G.R. - 386,690 - 376,410

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