

Application No: **11/0271M**

Location: **106, BUXTON ROAD, MACCLESFIELD, SK10 1JS**

Proposal: **DEMOLITION OF EXISTING GARAGE & CONSTRUCTION OF NEW GARAGE WITH VEHICLE HARDSTANDING**

Applicant: **MR & MRS P FINDLOW**

Expiry Date: **06-Apr-2011**

#### **SUMMARY RECOMMENDATION**

**Delegated Authority to the Head of Planning and Housing in consultation with the Chairman to APPROVE with conditions subject to receipt of satisfactory Protected Species Survey and to address any issues raised within the consultation period.**

#### **MAIN ISSUES**

**Impact of the development on:-**

- **Heritage Assets**
- **Neighbouring Amenity**
- **Highway Safety**
- **Nature Conservation**

#### **REASON FOR REFERRAL**

This application is to be determined by the Northern Area Planning Committee because the applicant is a Borough Councillor.

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

The application site is 'L' shaped and measures 968 sq. m. The plot contains a semi-detached two storey Georgian property constructed circa 1806 which is a Grade II listed building. The property has a small front yard bounded by hedging and wrought iron entrance gates and the rear curtilage comprises a 3m high red brick wall with an attached outbuilding currently used as a garage and domestic store which was constructed at a similar time. The rear garden also contains a number of mature and semi-mature trees including a row of cherry blossom trees adjacent to the party wall with no. 108 and a multi-stemmed sycamore tree, two other mature trees central within the rear garden and two sycamore trees protected under the Tree Preservation Order for Buxton Road/ Flint Street.

The original house is said to have been built by a silk manufacturer, who also built the adjacent weavers' houses, Nos 100-104 Buxton Road and the attached neighbour at no. 108 was the servants quarters which is now occupied as a separate dwelling.

The outbuilding the subject of this permission was constructed at a similar time to the main house; it is two storeys with a front garage opening, linear in form running north east to south west in orientation. The building is constructed in an English garden bond with a slate roof and retains many of its original features including cast iron rainwater goods and timber single glazed Georgian multi-paned sash windows. The roof is constructed of slates and supported by a series of timber trusses. This outbuilding is attached to the listed building by the party wall and the adjoining outbuilding which is within the ownership of no. 108.

The site lies within the Buxton Road Conservation Area, a predominantly residential area within Macclesfield and within the settlement boundary line.

## **DETAILS OF PROPOSAL**

The proposals relate to the demolition of this outbuilding and the construction of a replacement outbuilding and associated hardstanding to form a turning area.

It is proposed to demolish the existing garage and WC; the existing garage measures 8.5m in length, 4.8m in width reaching a height of 3.5m to eaves and 5m to the ridge height. The existing garage door is on the northern elevation which is visible from the street.

The replacement outbuilding would measure 6.6m x 6.6m resulting in a square footprint. The orientation of the building would remain as existing, however it would be repositioned 5.5m south of its current position resulting in it being detached from the neighbouring outbuilding and party wall. The replacement building would measure 2.6m to eaves and 5m to ridge height which would give the building a larger expanse of roof and a steep roof pitch. An internal staircase would be provided to a first floor study area with a garage and storage area below. The garage doors would be timber and the design would replicate existing features such as the timber sash windows. New features would include a catslide dormer window on the western elevation and rooflights on the eastern elevation. The plans also show dentilated eaves detailing.

The application forms indicate that the bricks and slates from the existing outbuilding would be re-used and that the turning area would measure 5m x 11m and surfacing materials would incorporate tarmac with a granite sett border.

The external wall of the garage along the site boundary will be retained as a boundary wall and new 1.8m high metal gates including a separate pedestrian and vehicular access points which would be installed to the front of the garage.

## **RELEVANT HISTORY**

09/1384M remove a crude plastic extension and replace with brick and slate build, in keeping with the historic building. (listed building consent) approved 14/08/2009

## **POLICIES**

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Macclesfield Borough Local Plan 2004.

The relevant development plan policies are:

### **Regional Spatial Strategy**

None Relevant

### **Local Plan Policy**

NE11 Nature Conservation

BE1 Design Guidance

BE2 Preservation of Historic Fabric

BE3 Conservation Areas

BE4 Design Criteria in Conservation Areas

BE15 Listed Buildings

BE16 Setting of Listed Buildings

BE17 Preservation of Listed Buildings

BE18 Design Criteria for Listed Buildings

DC1 Design

DC3 Amenity

DC9 Tree Protection

DC38 Space Light and Privacy

### **Other Material Considerations**

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 1 (Delivering Sustainable Development- Climate Change Supplement)

Planning Policy Statement 5 (Planning and the Historic Environment)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

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

**Strategic Highways Engineer:** None received at time of writing report

## **VIEWS OF THE PARISH COUNCIL**

None received at time of writing report

## **OTHER REPRESENTATIONS:**

None received at time of writing report

## **APPLICANT'S SUPPORTING INFORMATION**

### **Heritage Statement**

#### **OFFICER APPRAISAL**

##### **Principle of Development**

The site lies within the settlement boundary of Macclesfield where there is a presumption in favour of development. In addition, the proposals relate to development ancillary to the enjoyment of a dwellinghouse and the site lies within a predominantly residential area. As a consequence, the use and type of development is also appropriate within this area. However, the site lies within the Buxton Road Conservation Area where development will only be permitted where it preserved or enhances the Conservation Area.

This issue is discussed below.

##### **Heritage Assets**

The outbuilding in question is listed by virtue of its attachment to 106 Buxton Road which is a Grade II listed building. The outbuilding can be considered a heritage asset in its own right as it was constructed at a similar time and contains numerous period features; the building is constructed of English Garden Bond with a slate roof supported by timber trusses and includes cast iron rainwater goods and timber single glazed Georgian multi-pane sash windows. The floor tiles also appear to be original. The outbuilding also makes a contribution to the character and appearance of the Conservation Area as it is a traditional building visible from public vantage points along Buxton Road.

The replacement building would be constructed of the salvaged materials and would match the height and orientation of the existing building. It would also contain first floor accommodation. In addition the additional hardstanding area would contain traditional surfacing materials such as granite setts. The railings would match the traditional design of the railings bounding the front yards of properties along Buxton Road.

That said, the footprint of the replacement building would be bigger, it would have a square rather than linear footprint, it would be sited in a different position and would no longer have its gable end facing the street. The massing of the building would also be altered, as the roof form would be more prominent and new features such as rooflights, dentilated eaves and a catslide dormer window would be introduced. The outbuilding is not contained within the list description of the listed building, however could be argue that it does contribute to the qualities of the listed building.

Whilst the appearance of the building would be altered, the new building would be sympathetic to the character of the outbuilding it is to replace. The presence of a large outbuilding to the rear of the site would be maintained, the boundaries to the property would be preserved, through the careful use of boundary walls and railings, and the original features and materials would be retained and re-used. The introduction of new features such as the rooflights and dentilated eaves would have a limited impact on the appearance of the building

and the siting of the catslide roof would have no impact upon the character of the property or the Conservation Area as it would not be readily visible from public vantage points.

It is therefore considered that the proposals would preserve the character of the Conservation Area and the listed building.

It is however considered necessary to condition that the roof slates, brickwork rainwater goods, floor tiles and windows are salvaged and re-used where possible. The replacement building should also be constructed using English Garden bond and lime based mortar and a layout plan should be submitted indicating where the traditional surfacing materials would be utilised. The works associated with the boundary walls would also be conditioned accordingly, and the building should utilise conservation style rooflights. It is also considered necessary to condition the submission of a demolition statement to ensure that the building would be demolished appropriately without adversely affecting those outbuilding associated with the neighbouring property at no. 108.

### **Amenity**

The outbuilding would contain first floor accommodation which would contain a habitable room. It would be possible to look out of the rooflights on the front elevation, however the pitch of the roof coupled with the positioning of the building ensures that the separation distances of 18.5m to no. 108 and 19.5m to no. 110 would negate a significant impact to these properties by reason of overlooking. Whilst the windows could be conditioned to be obscure glazed this would increase the visual prominence of the rooflights and would identify them as a modern addition which would harm the character of the listed building and the Conservation Area. The rear dormer window would be sited over 21m from the residential dwellings to the rear of the site and therefore there would be no appreciable impact upon neighbours by reason of overlooking.

The outbuilding would be sited to the rear of outbuildings associated with no. 108 however the replacement outbuilding would have less of an impact as it is sited further away. As such it would not result in a loss of light for this property. In addition it should be noted that the outbuilding attached to the existing garage contains windows which overlook the rear garden area to no. 106. This is an existing relationship due to the historic relationship between the two properties and it is not considered that the proposals would make this situation materially worse.

The property would retain ample amenity space.

### **Highway Safety**

Whilst no comments have been received from the Strategic Highways Manager at the time of writing the report, the proposals would increase off street car parking at the site from one to two spaces and would provide manoeuvring and turning space within the site. This would enable vehicles to enter and exit the site in a forward gear which would improve highway safety in this location.

It is however considered appropriate to remove permitted development rights for the conversion of this garage as this would materially harm highway safety.

## Nature Conservation

### Protected Species

The proposals would involve the demolition of a traditional outbuilding with first floor accommodation and roof trusses and as such this may be a suitable habitat for bats and breeding birds. In addition the surrounding mature trees could also be suitable habitats for these species. Bats are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

A Protected Species Survey has not been submitted with the application however the case officer has requested this information from the applicant. Provided that a Protected Species Survey is provided before the determination of the application and provided that this has been undertaken by a suitably qualified and experienced ecologist and that any impact can be mitigated accordingly, it is considered that the proposals would not adversely affect protected species.

It is requested that delegated authority be extended to include the insertion of any relevant conditions in respect of protected species within the decision notice, if required.

### Trees

The rear garden contains a number of mature and semi-mature trees including a row of cherry blossom trees adjacent to the party wall with no. 108 and a multi-stemmed sycamore tree and two other mature trees central within the rear garden.

The TPO on the site covers a group of trees within the south east corner of the rear garden. These trees would be unaffected by the proposals. There are more prominent trees closer to the development that lie within the Conservation Area boundary and as such are also protected.

The replacement outbuilding would not appear to directly undermine any of the trees. Nevertheless it is considered appropriate to impose conditions in respect of tree retention, tree protection, a landscaping scheme and landscaping implementation.

### **CONCLUSIONS**

In conclusion the proposals would preserve the character and appearance of the Conservation Area and would continue to respect the special qualities of the listed building. The proposals as conditioned would preserve the historic fabric of the existing building and would not raise any concerns in respect of neighbouring amenity, highway safety or nature conservation. In so doing the proposals accord with policies NE11 Nature Conservation, BE1 Design Guidance, BE2 Preservation of Historic Fabric, BE3 Conservation Areas, BE4 Design Criteria in Conservation Areas, BE15 Listed Buildings, BE16 Setting of Listed Buildings, BE17 Preservation of Listed Buildings, BE18 Design Criteria for Listed Buildings, DC1 Design, DC3 Amenity, DC6 Circulation and Access, DC9 Tree Protection and DC38 Space Light and Privacy within the Macclesfield Borough Local Plan 2004.

## **RECOMMENDATION**

**Delegated Authority to the Head of Planning and Housing in consultation with the Chairman to APPROVE with conditions subject to receipt of satisfactory Protected Species Survey and to address any issues raised within the consultation period.**

Conditions:

1. Commencement of development (3 years)
2. Submission of samples of building materials
3. Development in accord with approved plans
4. Protection of features
5. Tree retention
6. Tree protection
7. Specification of bonding of brickwork
8. Method statement
9. Details to be approved
10. Use of garage / carport
11. Rainwater goods
12. Roof lights set flush
13. Specification of window design / style
14. Garage doors



Location Plan: Cheshire East Council Licence No. 100049045

