

Application No: 11/1025N  
Location: 4, GORSEY BANK CRESCENT, WYBUNBURY, CW5 7LX  
Proposal: Outline Application for 3 Bedroom House in Rear Garden  
Applicant: Mick Jones  
Expiry Date: 16-May-2011

## **SUMMARY RECOMMENDATION**

**Approve with conditions**

### **MAIN ISSUES**

- Principle of Development
- Design - Impact on the Character and Appearance of the Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety
- Other Matters – Contaminated Land

## **1. REASON FOR REFERRAL**

This application would normally be determined under the Councils delegated scheme however this application has been referred to the Southern Planning Committee to be determined by Cllr Clowes for the following reasons:

*'I consider that this application may raise issues of:*

- i) Restricted access of vehicles from St Chad's Church car park and the new property as the new property is directly opposite the church car park entrance. (This car park is in use throughout the week as the church and its community room are multi-user premises).*
- ii) The suggested boundaries of the new property are in very close proximity to the neighbouring property (No 2, Church Way). This may therefore give rise to:*
  - issues of over-development*
  - impacts on privacy and over-shadowing'*

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site is situated within the Wybunbury settlement boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011, and within the residential curtilage of No.4 Gorsey Bank Crescent. The existing dwelling is a semi-detached property which

is accessed off Gorsey Bank Crescent. The application site has a rear garden which increased in width to the rear and faces onto Church Way to the rear. The adjacent properties within Gorsey Bank Crescent are of a mix of post-war semi-detached designs, with catslide windows, cladding and gable projections off the front elevation. The properties on Church Way are of a more modern design but of a similar 2 storey height. The eastern boundary of the site, facing onto Church Way is currently bounded by a 1.8m fence and several trees. Opposite the proposed site entrance is St Chads Church.

### **3. DETAILS OF PROPOSAL**

This is an outline application (with all matters reserved), for the construction of a detached dwelling within the residential curtilage of No.4 Gorsey Bank Crescent. The dwelling would be a standard rectangle shape in footprint with a maximum width of 6.5m and maximum depth of 7.1m. The dwelling would be 2 storeys in height with a ridge height of 7.9m. The dwelling would be accessed from Church Way, where there should be a gap of around 6.5m to create a new access.

### **4. RELEVANT HISTORY**

No planning history

### **5. POLICIES**

The development plan includes the Regional Spatial Strategy for the North West (RSS) Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

#### **Local Plan Policy**

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
RES.2 (Unallocated Housing Sites)

#### **Supplementary Planning Documents**

Local Development Framework - Development on Backland and Gardens Supplementary Planning Document (2008)

#### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS23: Development and Pollution Control

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

**Strategic Highways Manager** – No objection. Requested two informatives to be added if permission is given.

**Environmental Health** – Condition relating to construction hours recommended.

**Environmental Health (Contaminated Land)** – Would like a condition attached if the application is approved for a contaminated land phasing report to be carried out.

**United Utilities** – No objection to the proposed development, however if possible the site should be drained on a separate system with only foul drainage connected into the foul sewer. Surface water should discharge to SUDS as stated on the planning application form.

## **7. VIEWS OF THE PARISH COUNCIL**

None received at the time of writing this report.

## **8. OTHER REPRESENTATIONS**

Letters of objection received from the occupants of The Coachhouse, Walghton; Poolbank House, Crewe Road, Walgherton (owner of No2 Church Way); Poolbank, Wybunbury and 2 Church Way, Wybunbury. The salient points being:

- Access arrangements onto the highway on Church Road are much smaller than the proposed drawing shows,
- Loss of garden amenity and mature trees which occupy the entrance of the site,
- 'squeezing in' of a dwelling in this position would have a detrimental impact on the area
- Against current planning policy and guidelines regarding gardens being considered brown field sites and garden grabbing
- The proposed dwelling will encroach on the adjacent neighbours boundary wall and requires permission to reduce the height as stated on plans,
- Would have a detrimental impact on an area of existing executive homes
- Increase population density in the area
- Dimensions of proposal site are not in line with the actual site
- Proposed dwelling is too large for the available space in the plot
- Impact on privacy of No.2 Church Way
- Will have a detrimental impact on the continuity of the design of the original area.

## **9. APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement has been submitted with the application which outlines the proposal.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

As the application involves development on garden land it is important to consider the implications of the amendments made to Planning Policy Statement 3: Housing on 9<sup>th</sup> June

2010 which amended Annex B so that private residential curtilages are removed from the definition of previously developed land. An additional sentence has also been added to paragraph 41 of the PPS which states that brownfield land is the priority for development, to say that, *“there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed”*.

Notwithstanding these amendments Local Plan policies contained within the Borough of Crewe and Nantwich Replacement Local Plan 2011 allow for the development of sites within settlement boundaries for housing subject to the proposals satisfying a number of criteria. There is nothing in these policies to restrict these developments only to previously developed land, or to rule out development on Greenfield land where it is located within the settlement boundary.

Consequently, this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development, subject to compliance with Policy RES.2 (Unallocated Housing Sites) of the Local Plan and the Crewe and Nantwich Council Supplementary Planning Document on Development in Backland and Gardens which is also relevant and provides more detailed advice. In order to fully accord with Policy RES.2 the development must also be in keeping with the requirements of policies BE.1 – BE.5 and the Council's Supplementary Planning Document on Extensions and Householder Development.

#### **Design Standards - *Impact on the Character and Appearance of the Locality and Streetscene***

As this application is in outline only with all matters reserved it is not possible to comment on the external appearance of the proposed development. Notwithstanding this, detail has been provided of the proposed height of the dwelling and an indicative layout has also been provided to show how the site could be developed.

The proposed dwelling would be sited adjacent to No.2 Church Way, and within the rear garden of No. 4 Gorsey Bank Crescent. The rectangular footprint with a gable detail to the frontage will appear as a similar size and design to those in Church Way, in keeping with the existing streetscene. Most of the dwelling within the Church Way streetscene have a minimum gap of 2m between them, and have driveways fronting the road with fairly small gardens to the rear. The proposed indicative layout shows the siting of the dwelling 1.5m away from the side elevation of No.2 Church Way, and to be constructed almost onto the boundary. It is recommended that the siting of the dwelling be altered slightly in the reserved matters application, moving the dwelling at least 0.5m northwards away from the boundary with No.2 Church Way, to create a more uniformed space between the properties as seen in the current layout of the street. However, in principle the general siting and indicative design for the dwelling appears to be sympathetic with the surrounding area. It is therefore considered that the proposed layout of the development as shown in the indicative plan would be sympathetic to and respect the pattern of development in the area.

The proposed development is for two storey dwelling. Within the immediate area there is a mixture of housing types. The adjacent properties on Church Way however, are all modern detached properties which are quite closely constructed within a fairly rigid build line, with driveways fronting the highway. The proposed property will be seen within this streetscene. The indicative layout appears to show a property which will be of a similar height, size and design to that of the surrounding area.

The proposal will be screened from the applicant's site (No.4 Gorsty Bank Crescent) by a 1.8m boundary wall, and as the proposal will be sited within the garden area for the proposal site, any dwelling would not have any adverse impact on the streetscene of Gorsey Bank Crescent.

To ensure that the proposal is in keeping with the surrounding area it is considered that conditions should be attached requiring finishing and surfacing materials to be submitted and approved to the LPA, along with details of landscaping, tree protection and boundary treatment. This will ensure that the proposed development is of satisfactory appearance and appropriately landscaped. The proposed development would therefore be in compliance with Policy BE.2 (Design Standards) of the Local Plan and guidance contained within the Development on Backland and Gardens SPD.

### **Impact on the Amenity of adjacent properties**

At its closest the proposed dwelling will be sited 1.5m away from the adjacent neighbours side elevation at No.2 Church Way, this drawing shows the dwelling sited up to the boundary at this point. There are no windows on the side elevation of No.2 and whilst no elevations have been produced as part of the proposal, it is considered that given the close relationship of these properties a condition will be attached to the permission to ensure that no windows are proposed within the south elevation of the proposed dwelling. Given that both side elevations will be flank walls and positioned parallel to one another this will not create an amenity impact on the adjacent neighbour's property. Given that the proposed dwelling will have a similar depth to the adjacent property it is unlikely that the proposed property will have an adverse impact on the amenity of the neighbours at No.2 Church Way.

The property is to be constructed within the garden area of No.4 Gorsey Bank Crescent; the proposed dwelling will be sited 12m from the single storey extension and approximately 16m away from the original two storey element of the dwelling. The proposed dwelling will be sited at a 45 degree angle to the existing dwelling therefore reducing the likelihood of any direct overlooking from the dwelling. The SPD for Backland Development aims to achieve a distance of 13.5m between principal elevations with windows and blank elevations in this case the proposal will meet these standards, furthermore a boundary treatment of a 1.8m wall and some natural boundary treatment will be planted to improve the boundary and therefore it is considered that the proposal will not have an unduly negative impact on the applicant property by means of overlooking. Furthermore whilst the property will inevitably have some impact on light reaching the existing dwelling this will be minimal given the orientation of the dwelling.

It is likely that several principal windows will be sited on the rear elevation of the dwelling given the restriction on the side elevations which will be imposed. There is a distance of 25m from the rear elevation of the proposed property and the rear elevation of No.5 Gorsty Bank Crescent. The proposed dwelling will be sited in such a way that the rear windows of these dwellings will not directly overlook each other, however inevitably some overlooking in to the rear garden of the adjacent dwellings to the rear may occur. However the spacing standards are more than satisfactory and there is some existing coniferous planting within the adjacent neighbours gardens which will help to reduce the impact of the rear windows. It is unlikely that the property would have a significant impact on loss of day light to the properties to the rear.

The SPD for Backland and Garden Development suggests that new dwellings should have private amenity space of at least 50sqm. The proposed dwelling would have private amenity space which is well in excess of this suggested minimum whilst the remaining amenity space for No.4 would also be satisfactory.

Conditions relating to obscure glazing for bathrooms are also suggested along with construction hours and pile driving to ensure that the amenities of neighbouring properties are further protected.

### **Impact on Highway Safety**

Access is a reserved matter. However, an indicative plan has been submitted to show the site being accessed from Church Way. This would be a new access onto the street where currently there is no dropped kerb access. The indicative plan states that a new entrance will be formed with dropped kerbs to highway standards, there appears on the plans to be gap of 6.5m to create the entrance which is sufficient to access the site. The Strategic Highways Manager has stated that the indicative access arrangements would be acceptable subject to informatives added to the permission for the new access complies with Cheshire East Council Highway Authority and a requirement for a S184 Road Opening Notice.

The proposed site will include a garage on the rear boundary of the site, which will accommodate a car and the site would clearly accommodate another parking vehicle to the front of the dwelling. It is therefore considered that the proposed development would have a suitable level of car parking for the area, and it is unlikely that the proposal would result in any pressure for on street parking from the proposed property.

Furthermore, it is unlikely that the addition of an extra access at this point on a street where all properties face onto the road, it is unlikely to have a significantly negative impact on highway safety access to St Chads Church opposite the proposal site.

### **Other Matters**

Within the letters of objections concerns have been raised regarding the reduction in height of the boundary wall between No. 2 Church Way and the proposal site, due to the ownership of the boundary wall being No.2 Church Way. Whilst this issue has been noted issues of land ownership are a civil matter and not a material planning consideration. The issue of the impact of the boundary wall will be considered further within the reserved matters application, should it have any impact on achieving suitable visibility splays from the proposed property.

## **11. CONCLUSIONS**

The proposed development is of an acceptable design which would not result in significant harm to the character and appearance of the streetscene. Furthermore, it is considered that there would be no significantly detrimental harm to the amenities of neighbouring properties, highway safety or any other matter. The proposed development, as conditioned, is therefore considered to be in compliance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure) and RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan

2011 and guidance contained within the Local Development Framework Development on Backland and Gardens Supplementary Planning Document (2008).

## **12. RECOMMENDATIONS**

### **APPROVE with conditions**

- 1) Commencement of Development**
- 2) Submission of Reserved Matters**
- 3) Time Limit for Submission of Reserved Matters**
- 4) Materials to be submitted and agreed**
- 5) Surfacing Materials to be submitted and agreed**
- 6) Landscaping scheme to be submitted and agreed**
- 7) Landscape Implementation**
- 8) Tree Protection scheme**
- 9) Drainage Scheme to be submitted**
- 10) Details of Boundary Treatment**
- 11) Bin Storage to be provided**
- 12) Phase 1 Contaminated Land Survey to be submitted**
- 13) Hours of Construction - 08:00 to 18:00 Mon to Fri, 09:00 to 14:00 Sat, not at all on Sunday or BH**
- 14) Removal of all PD**
- 15) No windows at first floor level within flank elevations and no windows to habitable rooms whatsoever in flank elevations**
- 16) Ridge height to be no greater than 7.9m**
- 17) Indicative layout**
- 18) Access to be via Church Way, detailed drawings to be submitted and access to be constructed to CEC standard**
- 19) Pile Driving**

**Informative 1 - Prior to first use the developer will provide a new vehicular crossing to the property, the specification for which will comply with Cheshire East Council Highway Authority requirements.**

**Informative 2 - The applicant or their contractor will sign a S184 Road Opening Notice under the Highways Act 1980 and prior to the commencement of the work.**



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