

Application No: 11/4579C  
Location: 38, BROOKLANDS DRIVE, GOOSTREY, CW4 8JB  
Proposal: Resubmission of application 10/4947C - revised proposals for new family dwelling in existing domestic curtilage  
Applicant: MR & MRS S OCCLESTON  
Expiry Date: 06-Feb-2012

**SUMMARY RECOMMENDATION:** Approve with conditions

**MAIN ISSUES:**

Principle of development  
Design  
Amenity  
TPO trees  
Highway safety  
Ecology

## 1. REASON FOR REFERRAL

The following call in request has been received from Councillor A. Kolker:

*'There are concerns that this is an inappropriate development. Neighbours have complained of loss of privacy. The previous application for this site was scheduled to come before committee, before being withdrawn.'*

## 2. DESCRIPTION OF SITE AND CONTEXT

The application site relates to the extensive garden area located to the east of 38 Brooklands Drive, Goostrey. The Goostrey Settlement Zone Line runs through the site and as such the proposed dwellinghouse lies within Settlement Zone Line and most of the curtilage would lie within the Open Countryside.

Residential development surrounds the site to the east, south, and west and Open Countryside lies to the north.

A band of trees protected by a Tree Preservation Order lies to the north of the site.

This application is the resubmission of planning application 10/4947C which was withdrawn prior to being discussed at planning committee due to issues raised with regards to trees and the position of the garage.

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

Full planning permission is sought for the erection of a dwellinghouse. The dwellinghouse would have a front two-storey aspect and rear three-storey aspect due to the significant gradient of land on the site. The application includes an attached double garage.

### **4. RELEVANT HISTORY**

7654/1 - One detached dwelling with garage - Refused 1978

*The reasons for refusal were, the site was not allocated for development within the Village Plan, the proposal would set an undesirable precedent for similar development and in the interest of public or highway safety.*

28731/5 - Certificate of lawfulness for use as domestic garden - Certificate issued 1997

T0582/21 - Application to fell one TPO tree - Approved 1999

34674/3 - Single storey porch extension & first floor extension with rear facing balcony - Approved 2002

06/0627/FUL - Conservatory - Approved 2006

09/1763C - Erection of new residential dwelling house 2 storey - Withdrawn 2009

10/3571C - Alterations and Extensions To Provide Altered Living Space And Improved External Appearance - Approved 2010

10/4947C - New family dwelling and associated works to provide turning area separate from existing dwelling – Withdrawn 2011

### **5. POLICIES**

#### **Local Plan Policy**

PS4 Towns  
PS6 Open Countryside  
GR1 New Development  
GR2 Design  
GR4 Landscaping  
GR6 Amenity & Health  
GR9 Accessibility, servicing and parking provision  
NR1 Trees & Woodland  
H1 Provision of new housing development  
H2 Housing Supply

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

**Highways:** No Highways objections

**Environmental Health:** No objection subject to informative about land contamination and conditions restricting construction and pile driving hours in the interests of amenity.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

The comments of Goostrey Parish Council are the same as for the previous application 10/4947C. Objections on the grounds that the house is too big in that location, imposing on the adjoining dwellings. It may be better located in line with no. 24.

There is also an issue with the narrow steep driveway. In icy weather cars are parked on the road, creating problems for local residents.

Should any of these applications be permitted, the Parish Council wish to stress that permitted development rights should be withdrawn and that no contractor's vehicles or materials should be parked on the highway.

### **APPLICANTS SUPPORTING INFORMATION**

Design and Access Statement

Planning Statement

Cheshire Woodlands – Arboricultural Statement

Contaminated Land Questionnaire

### **OTHER REPRESENTATIONS**

A total of 7 objections were received at the time of report preparation. The following issues were raised:

- Overlooking in to principal windows,
- Original officer did not carry out a site visit from within neighbouring properties gardens and therefore can not state that the dwelling will not appear imposing,
- Large house which would have high property value would not add to the homes required in the region,
- A band of trees on the site have already been removed prior to the submission of this application, which has had a devastating impact on local ecology,
- The traffic generated by this building site will cause a hazard to the whole east end of Brooklands Drive, causing parking on pavements and grass verges against the bye-laws of the village,
- Size of the property,
- Impact on the openness of the site,
- It is unknown what the proposed landscape screening will achieve as this is to be submitted at a later date,
- The proposal does not sit comfortably in relation to neighbouring properties,
- The proposal is not sympathetic to the character, appearance and form of the site,

- Not acceptable to build a further house in the existing garden space already surrounded by neighbouring houses,
- The visibility splays drawing is only correct when no other cars are parked on Brooklands Drive,
- Existing access not sufficient for one dwelling due to narrow nature causing existing occupiers to park on the road in bad weather, this will be exasperated by construction vehicles and then new owners.
- Application was refused for a single dwelling house on the plot in 1979 and dismissed at appeal. The reason stated which location and physical conditions, and these have not changed.
- Drainage and flooding

## **7. OFFICER APPRAISAL**

### **Principle of Development**

The Settlement Boundary Line for Goostrey runs through the application site. However it should be noted that the proposed dwelling will be sited within settlement boundary.

There is a presumption in favour of new residential development within the Settlement Zone Line but not within the Open Countryside.

The site is currently used as residential curtilage and is significantly screened from the wider Open Countryside to the north by woodland protected by a Tree Preservation Order. In addition, the dwellinghouse would be positioned within a band of residential development and would project no further north into the Open Countryside than surrounding residential development within the Settlement Zone Line.

Due to such reasons it is considered that it would be unreasonable to apply Open Countryside policies to the application and on balance the principle of the development is acceptable.

### **Design**

The proposed dwellinghouse would be located behind an existing row of dwellings which front onto Brooklands Drive and would be accessed via a long private drive, shared with 38 Brooklands Drive. Whilst the proposed dwellinghouse would not replicate the predominant building pattern of the area, there is another pair of detached dwellings which replicates a similar layout to the proposed development (46 & 48 Brooklands Drive); the layout is therefore considered to be acceptable.

The proposed dwelling has been designed and positioned to fit with the existing natural landscape of the site, which has a relatively steep gradient running in a south to north direction. As a result the dwellinghouse would provide accommodation over three floors, with the lower level of the property being set into the slope of the landscape. When viewed from the south, the property would be viewed as a two-storey dwellinghouse. It is only from a northerly direction that the three storey element would be visible.

The proposed dwellinghouse would be of a modern, contemporary design. Given that the surrounding residential area encompasses no strict vernacular, a modern style dwellinghouse would be acceptable. It is acknowledged that the proposed dwellinghouse would be of a large scale however, it would be of a similar footprint to the adjacent property 38 Brooklands Drive, and the foot print has been reduced from the original application (reference number 10/4947C) and as such is considered acceptable.

With regard to the impact upon the street scene and Open Countryside, it is appreciated that concerns have been raised in relation to the visual impact of the development however, it is noted that there would be no significant views of the dwellinghouse from public vantage points as existing dwellings on Brooklands Drive would screen the development to the east, south, and west and the protected woodland would screen it from the north.

Furthermore, the new position of the garage attached to the dwelling rather than set within the garden area keeps the development within the settlement boundary line and therefore will be seen in the context of the surrounding residential development rather than as a new structure within the open countryside.

The submitted supporting information states that the materials to be used within the development would achieve a high level of thermal performance, energy efficiency and air tightness, which would contribute to the dwelling meeting a majority of criteria for level 3 and 4 of the code for sustainable homes.

### **Amenity**

The proposal site is located within a cluster of residential properties which surround the site from the east, west and south. SPG2 states that the distance between principal windows directly facing each other is 21.3m and the distance between flanking elevations and elevations containing primary windows should be at least 13.8 m.

There is a minimum distance of 21.1m between the principal windows on the rear of No.36, and No.34 Brooklands Drive (to the south) and the proposal site. This is 0.2m lower than the standard stated within SPG2, however in this instance it is considered that this would be negligible as the standard is only breached very slightly, and therefore would not warrant a refusal on amenity grounds. The majority of the front (south-west) elevation of the dwelling will be 22m away which meets the separation distance.

There would be a suitable distance between the existing dwellinghouse at 38 Brooklands and the proposal site, given that no principal windows will be sited on the side elevation and there is an existing close boarded fence around the side of the dwelling to the balcony/veranda section to the rear.

There is a distance of 20m between the side elevation of the proposal dwelling and the rear elevation of No.26 which given there will be no principal windows in the side elevation of the proposed dwelling it is considered acceptable and meets the standard of 13.8m.

No.24 appears to be a fairly modern (or recently modernised) property which has a fairly glazed front elevation. There are no windows on the side elevation of the building and the proposed dwelling will be sited approximately 20m to the south west of the front elevation.

There was previously a large band of trees across this boundary however these have now been removed. The proposed dwelling would not impact on the dwelling house by means of overlooking and the introduction of landscaping/boundary treatment at this point will help to reduce the impact further.

Addressing the concerns that the proposed development would appear overbearing and imposing, it is noted that the proposal would have an eaves height which would be similar to the eaves of neighbouring bungalows located to the south and the dwellinghouse would have a ridge height approximately 1 metre lower than the ridge of the same properties. As a result, it is not considered that the dwellinghouse would appear imposing and the impact upon the amenity afforded to the properties located to the south is considered acceptable.

It is acknowledged that occupiers of adjacent premises may consider that a view of a dwellinghouse would not be as visually pleasing as one of existing trees/woodland however; the disruption of views over other people's land is not a material planning consideration for which the application could be refused.

Concerns have been raised within representations that increased vehicular movements at the site would contribute to additional noise at the site however, it is considered unlikely that one additional dwellinghouse would give rise to a long-term significant rise in traffic to sustain a refusal of the application. During the construction of the development it is acknowledged that there would be increased noise however, the development could be controlled via condition to ensure that development only occurred during reasonable hours.

### **TPO trees**

The proposal would not result in the direct loss of any trees protected by a tree preservation order and the proposed dwellinghouse would be located a significant distance away from such.

Whilst it is appreciated that concerns have been raised that trees have already been removed from the site, such trees were not protected and could be removed at any time without the consent of the Local Planning Authority.

The Councils Landscape Architect notes that the cumulative effect of the loss of vegetation opens the site up to views from the end of the cul de sac between 24 and 26 Brooklands. Furthermore it is noted that the separation distances to the eastern and southern boundary are limited and any meaningful screen planting will be difficult.

However, it is considered that the trees which have already been removed and those which are still to be removed could have been felled at any time and opened up the site. It is considered that with the addition of tree protection measures for the remaining trees and a landscaping scheme to be submitted the proposal is acceptable.

### **Highway safety**

The proposed new dwelling would utilise the existing access off Brooklands Drive which serves No. 38. A new driveway and turning area have been provided within the development which would allow for vehicles to be stored on the site and enter/leave in a forward manner.

The application also includes visibility splay to the front of the site which show acceptable visibility in both directions. It is noted that Brooklands Drive is fairly narrow however there is more than sufficient space to park a car on one side of the road and for other vehicles to pass safely.

The Strategic Highways Manager has raised no objections to the proposal and it is therefore considered that the proposed development is acceptable and will not have a significantly detrimental impact on highway safety.

## **Ecology**

Most of the trees which require removal to accommodate the new dwellinghouse have already been removed. The submitted report states that none of the trees appear to have any significant potential for roosting bats and a bat survey is therefore not required.

In order to ensure that impact upon wildlife is limited, it is considered reasonable to attach a condition requiring a detailed breeding bird survey to be carried out if any works to the trees are carried out between 1<sup>st</sup> March and 31<sup>st</sup> August, in the case where any are found, exclusion zones shall be left around any nests until nesting is complete.

## **Other issues raised within objections**

Concern has been raised in relation to the drainage of the site and the resultant stability of the land. The submitted application form and drawing No. AD2014 - 18 indicates that the existing private sewer serving No.38 will be used and further detail of this will be investigated by a survey. Storm drainage will discharge to the bottom of the site as existing. It is considered that the drainage scheme can be controlled by condition and therefore will be acceptable.

With regard to land stability, this is not a material planning consideration however; it is a matter that would be taken into account at the Building Regulations stage. It would be the responsibility of the Building Control Officer to determine if the design of the proposal and its foundations would allow for the building to be constructed and used safely.

With regard to flooding, it is noted that the site is not within a Flood Zone and, subject to appropriate hardstanding materials and drainage details, the impact upon flooding should be negligible.

It is noted that within one of the objections a previous refusal on the site in 1979 for a dwellinghouse was subsequently dismissed at appeal. Whilst this application does have some weight, planning policy has changed significantly since the 1970's and as noted above as this application meets current planning policy it must be considered on its own merits, in line with the most relevant planning policies.

## **8. CONCLUSIONS**

The principle of the development is acceptable, as is the proposal's design, impact upon neighbouring properties, highway safety, street scene, and protected trees. The application is therefore recommended for approval.

## **9. RECOMMENDATION**

**Approve subject to the following conditions: -**

- 1. Commencement of development within 3 years**
- 2. In accordance with approved plans**
- 3. Details of all external materials to be submitted**
- 4. Inclusion of electromagnetic shielding materials**
- 5. Hours of construction**
- 6. Details of pile driving**
- 7. Landscaping scheme**
- 8. Landscaping implementation/maintenance**
- 9. Tree protection measures**
- 10. Boundary treatment details**
- 11. Hard landscaping details - to include permeable materials**
- 12. Drainage details**
- 13. Removal of pd**
- 14. Soil disposal method statement**
- 15. Nesting birds survey to be submitted prior to any works to trees between 1<sup>st</sup> March and 31<sup>st</sup> August**

