

Application No: 11/4399C

Location: 94, MACCLESFIELD ROAD, HOLMES CHAPEL, CW4 8AL

Proposal: Extension to Garage to Form Home Working Office (Resubmission of 11/2081C)

Applicant: Mr John Pattison

Expiry Date: 26-Jan-2012

SUMMARY RECOMMENDATION: That the Committee endorse the view that the application would have been APPROVED subject to conditions

MAIN ISSUES:

- Principle of Development;
- Policy;
- Design;
- Amenity;
- Area of Special County Value;
- Trees;
- Highways; and
- Other Matters

REFERRAL

This application is to be dealt with under the Council's delegation scheme. However, Councillor Gilbert has requested that it be referred to Committee for the following reasons:

- (1) Whether in light of the previous application the proposal is appropriate having regard to its size and location; and
- (2) Whether it is appropriate to allow potential employment site in a small residential enclave in a rural location.

In addition to the above the applicant has now appealed against non-determination of the application. In such cases the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

Therefore, the purpose of this report is merely to seek the committee's resolution as to what its decision would have been, had it been able to determine the application, and this will form part of the Authority's Statement of Case on the Appeal. It is generally accepted that failure to do this, with the case for the Authority relying on officer level views, will result in less weight being given to the Authority's case, and there may be possible cost implications.

DESCRIPTION OF SITE AND CONTEXT

The application relates to a 2 storey semi detached property which has been constructed out of facing brick under a concrete tile roof. The applicant's property has been extended extensively in the past and located to the front of the property is a detached double garage, which is the subject of this application. The applicant's property is accessed via a private road, which also serves several other properties. Located to the north of the application site is a large wooded area and on the periphery of the boundary separating the applicant's property from Macclesfield Road are a number of large trees. The applicant's property is located wholly within the open countryside and within an Area of Special County Value.

DETAILS OF PROPOSAL

This is a full application for a garage extension to form home working office (resubmission of 11/2081C) at 94 Macclesfield Road, Holmes Chapel.

RELEVANT HISTORY

11/2081C – Garage Extension and Conversion of Existing Garage to Home Working Office – Refused – 28th July 2011
APP/RO660/D/11/2144889 - Exterior Stairs and First Floor Extension to Garage to Form Home Working Office for Home Owner – Dismissed – 17th March 2011
10/2627C – Exterior Stairs and First Floor Extension to Garage to Form Home Working Office for Home Owner – Refused – 25th November 2010
09/3339C – Extension of Existing Detached Garage to Form Ancillary Accommodation – Withdrawn – 13th November 2009
34546/3 – Rear Single Storey Extension – Approved – 24th July 2002
28652/3 – Extensions, Alterations Re-roofing of Existing Bungalow and New Double Garage – Approved – 7th March 1997

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Congleton Borough Local Plan First Review 2005:

PS8 Open Countryside
PS9 Areas of Special County Value
H16 Extensions to Dwellings in the Open Countryside and Green Belt
GR1 General Criteria
GR2 Design

GR6 Amenity and Health
GR9 Accessibility, Servicing and Parking Provision
NR1 Trees and Woodlands

CONSIDERATIONS (External to Planning)

Highways: No objections

VIEWS OF THE PARISH / TOWN COUNCIL

No objection

OTHER REPRESENTATIONS

Letters of objection have been received from Saltersford House, Macclesfield Road and 96 Macclesfield Road. The salient points raised in the objection letters are:

- This application is not for a home office in the accepted sense i.e. where an individual is able to conduct some work rather than going to the main office, but an application to extend an existing business. It also invalidates the suggestions in the supporting Design and Access statement that the proposal would lead to reduced motor car mileage as the business is already operating at this address;
- The application should not be approved from a road safety aspect and if the business continues operating from these premises it should be allotted a business rate and potential expansion prohibited;
- Currently, approximately 75% of the applicant's garage is used as an office. In addition to this, there is an office within the house which the Council had previously approved as a bedroom and bathroom;
- This application includes the plan to have a total of 2 parking spaces. David Lloyd-Griffiths stated in his appeal document dated 18th January 2011 that "to use the original garage as an office would deny the applicant two car parking spaces resulting in vehicles being parked outside the garage, which the applicant considers presents an unnecessary visual intrusion and reduces the site's capacity for guest vehicles".
- We currently encounter commercial vehicles turning round in our drive as there is insufficient space for them to do this on the applicant's property. This happens 3-4 times each week and this is likely to increase if there is additional office space;
- The applicant only has "right of way" through our land to his dwelling and NOT to offices. Please take note of the boundaries; and
- Cheshire Highways have previously objected about the volume of traffic that would be created when a further development at Saltersford Farm was submitted. This was passed on the proviso that they used a separate entrance to their property.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

1 letter of support from David Lloyd Griffiths (Agent). The salient points raised in the letter of support are:

- The application is a modest in scale and confined in its purpose;
- The design of the proposed extension is in keeping with its setting;
- The presence of this enlarged building will have no prominence and certainly its modest scale will not have any adverse impact on the ASCV;
- The boundary treatment will help to reduce its prominence and screen the majority of the proposal;
- The boundary separates the garage from the proliferation of mainly industrial buildings, fuel tanks etc;
- This proposed and modest extension facilitates home working in a space separate from the domestic quarters, where such activity currently takes place, it does not indicate or represent any intensified activity within the curtilage of the application site;
- The garage is not currently used as an office and no commercial activities currently place from it;
- The proposal will not be detrimental to highway safety.

OFFICER APPRAISAL

Principle of Development

The dwellinghouse is located within the Open Countryside and Area of Special County Value where extensions to residential properties are acceptable in principle subject to their impact upon the character of the original dwellinghouse, the surrounding area, and neighbouring amenity and privacy.

Policy

Policy GR1 states inter alia that all development should conserve or enhance the character of the surrounding area and not detract from its environmental quality. Policy GR2 states inter alia that planning permission will only be granted where the proposal is sympathetic to the character and form of the site and the surrounding area in terms of the height, scale form and grouping of buildings, and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

Design

The proposed development is located within the residential curtilage of a dwelling within the Open Countryside which is acceptable in principle providing that the design is appropriate which will not result in harm to the character and appearance of the Open Countryside, which should be protected for its own sake, and that the development does not give rise to any detrimental impact on the amenities of adjacent properties or highways issues.

It is proposed to covert part of the existing garage into a home office and a new extension will be located at the front of the existing building. The proposed extension will measure approximately 3.9m long by 6.2m wide and is 2.5m high to the eaves and 4.5m high to the apex of the pitched roof. The eaves and ridge height are similar to the existing garage. The proposed garage extension will be constructed out of red facing brick under a concrete tile roof and this could be secured by planning condition. Located on the front of the garage are two up and over garage doors with a brick header coarse above, which are separated from each other by a brick pier and on the side elevation facing the applicants garden is a large

window. The footprint of the proposed structure is primarily rectangular in form and the total footprint of the building is approximately 63.86msq (the footprint of the proposed extension is 24.18msq). It is considered that the scale and massing of the proposal is in keeping with the host property and the area.

The existing garage stands forward from the front elevation of the applicant's property and backs onto Macclesfield Road. The boundary separating the applicant's property from Macclesfield Road is demarcated by a number of mature trees. The land on which the garage is located is higher than some of the surrounding land, which slopes steeply away from the applicant's property. Although it would be visible from the shared access road to the applicants dwellinghouse and the neighbouring properties, it is considered given the size and scale of the resultant garage that it will not be overly prominent when viewed from Macclesfield Road.

Additionally, it is considered that the overall bulk and mass of development would mean that the structure would appear as ancillary to the host dwelling and would be of a modest size, and does not fight for dominance with the host dwelling. Accordingly, it is considered that the proposal is in accordance with policies GR1 (General Criteria) and GR2 (Design) of the Local Plan, which seek to secure good design.

Amenity

The proposed development is located approximately 15m from the front elevation of number 96 Macclesfield Road, the closest neighbour. It is noted that there will be two new 'up and over' garage doors on the front elevation and a window on the side elevation facing the applicants garden. Overall, it is not considered that the proposal will result in any significant loss of privacy, overshadowing or over domination of no. 96.

The objectors are concerned that the applicant is running a business from the garage. However, the applicant has stated he does not run a business from the garage. He currently works from home and he wishes to utilise the garage as a home office, to separate it from the domestic property. Using a garage as a home office does not necessary require planning permission providing that the use is incidental to the enjoyment of the dwellinghouse. However, if the garage was used as a commercial enterprise at an intensity which resulted in a material change of use, this would require planning permission.

Area of Special County Value

The applicants property is located in an area designated as a Area of Special County Value and as such the proposal will be assessed against Policy PS9. This policy states that within this designated area, development which would damage the character or features for which the Area of Special County Value has been designated will not be permitted. As previously stated it is considered due to the size and scale of the proposal will not have a detrimental impact on the character of the ASCV and the proposal is in accord with policy PS9 (Areas of Special County Value).

Trees

There are a number of large mature trees within the application site. The landscape officer has been consulted and the proposal will not have any significant detrimental impact on the trees which are protected by a TPO. However, in order to accommodate the proposal a couple of fruit trees will need to be felled, which will result in the loss of some screening. The landscape officer confirms there is no objection to the removal of these trees.

Highways

According to the submitted plans and application forms the proposal would not result in the loss of any off street parking spaces. According to the submitted plans the remaining garage (including the extension) will measure approximately 6.5m long by 5.3m wide (internally). According to the Local Plan the minimum internal space for a double garage is 4.8m long by 4.8m. Therefore, the proposed garage is long/wide enough to accommodate vehicles. Notwithstanding this, there is sufficient parking provision within the applicants curtilage for vehicles to be parked clear of the public highway. Highways have been consulted and raised no objections. Therefore, it is considered that the proposal is in accordance with policy GR9 (Accessibility, Servicing and Parking Provision) of the adopted Congleton Borough Local Plan.

Other Matters

Issues to do with land ownership or rights of access are private legal matters between the parties involved and are not material planning considerations.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed garage respects the character and appearance of the existing site and the surrounding area and will not have a significant impact upon neighbouring amenity. The proposal is of a suitable design appropriate to the purpose it will serve in keeping with Policy GR2 (Design). The proposal therefore complies with Policies GR1 (General Criteria), GR2 (Design), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), PS9 (Areas of Special County Value), H16 (Extensions to Dwellings within the Open Countryside and Green Belt), PS8 (Open Countryside) of the adopted Congleton Borough Local Plan First Review 2005.

It is therefore recommended that the Committee endorse the view that the application would have been approved subject to conditions, as set out below.

That the Committee endorse the view that the application would have been APPROVED subject to the following conditions:

- 1. Standard Time Limit**
- 2. Plans**
- 3. Details of Materials to be submitted and approved in writing by the Local Planning Authority.**

