

Application No: 12/0871C

Location: 7, WITHINGTON CLOSE, SANDBACH, CW11 1YU

Proposal: Extension to Time Limit for Implementation of Planning Application 09/0905C - Extension to Provide Enlarged Kitchen, Lounge, Bedrooms 1, 2, 3, & 4, New Dining Room and Porch

Applicant: MR PETER O'DONNELL

Expiry Date: 17-May-2012

#### **SUMMARY RECOMMENDATION**

Approve with conditions

#### **MAIN ISSUES**

Principle

Design

Amenity

The application was 'called in' to Southern Planning Committee by Councillor B Moran for the following reasons:

- 1. The current, extant planning application was the subject of a complaint in March 2011 concerning the manner in which the application was dealt with by Cheshire East Council, Planning.*
- 2. The decision to permit the original planning application was finely balanced in terms of design, and with:*
  - a. Extensions on all four sides;*
  - b. The existing ridge height of 7.2 m to be increased to 7.7m; and*
  - c. An increase in the existing footprint of 57% [ 84 sq. meters to 132 sq. meters]*
- 3. A new, significant issue has arisen in that the site boundary and/or the location of the property at No. 7 may be shown incorrectly on the submitted location plan, and therefore possibly not fully recognising the proximity to the adjacent property, along with the adverse amenity impact; it is considered that this issue is worthy of review and consideration*

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

The application relates to No. 7 Withington Close which is a detached dwelling, situated within a residential estate. Properties within Withington Close are similar in terms of style and

appearance, and have relatively open plan frontages. The site is situated within the Sandbach Settlement Zone Line, as defined by the Congleton Borough Local Plan First Review 2005.

## **DETAILS OF PROPOSAL**

The proposal seeks permission to extend the time limit of planning permission 09/0905C which expires on 15<sup>th</sup> June 2012. The application to extend the time limit was submitted prior to the expiration of the original permission which is in accordance with the guidance set out in the document 'Greater Flexibility for Planning Permissions'.

This application proposes extensions to the property and includes raising the roof height.

## **RELEVANT HISTORY**

09/0905C EXTENSION TO PROVIDE ENLARGED KITCHEN, LOUNGE, BEDS 1,2,3 & 4, NEW DINING ROOM AND PORCH (Approved with conditions 15<sup>th</sup> June 2009)

## **POLICIES**

### **Congleton Borough Local Plan First Review 2005**

GR1 (New Development)  
GR2 (Design)  
GR6 (Amenity and Health)

### **Other Material Considerations**

National Planning Policy Framework  
Communities and Local Government 'Greater Flexibility for Planning Permission' Guidance (2009).

## **VIEWS OF SANDBACH TOWN COUNCIL**

No objection.

## **OTHER REPRESENTATIONS**

A total of 3 neighbour objections have been received in relation to the current application. In summary the objection raises the following issues:

1. The proposed extension is very large (57% increase in footprint).
2. The plans are not of a simple extension but in effect a plan to build a new property in an existing mature close of homes built at the same period.
3. The roof height will be increased from 7.2 metres to 7.7 metres which will have a negative effect on the amount of available day light for number 16 Park House Drive and other properties.
4. Un-neighbourly development and will have a negative effect on adjoining properties in both Withington Close and Park House Drive.
5. The extended property will be out of keeping in size with surrounding properties.

6. The Location Plan is inaccurate and miss-leading – the border between number 7 and number 6 should be a straight line and not angled as shown. The completed extension would therefore be closer to the boundary line of number 6 than indicated and would give an increased sense of enclosure and overbearing appearance.
7. Inaccuracies in the previous delegated report in terms of site description, design and amenity.
8. There is no precedent for the increase in roof height.
9. The previous decision required a scheme for the protection of trees, shrubs and hedges to be submitted and approved – some shrubs have already been removed.

## **OFFICER APPRAISAL**

Extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

## **MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION**

The original application was determined under the Congleton Borough Local Plan First Review 2005 which is still the prevailing Development Plan for the area. National planning policy has however changed with the National Planning Policy Framework being brought into force on the 27<sup>th</sup> March 2012. In terms of the general thrust of national policy it is not considered that the National Planning Policy Framework raises any significant changes in terms of householder development and the current application.

A number of objections have been received in relation to the current extension of time application. These mainly relate to design and amenity impacts and can be viewed on the Council's website. The previous application was considered to be acceptable in design terms and there are no material changes to warrant re-consideration of this issue.

The neighbour objection highlights that the location plan does not indicate the correct boundary position and as such the extension would be closer to the boundary line of number 6 and would therefore give an increased sense of enclosure and overbearing appearance. The position of the extension relative to neighbouring properties and the impact on amenity was considered to be acceptable in 2009. Whether the boundary line is reflected accurately

on the plan or not, this was accepted previously, and upon visiting the site it is not considered that the position of the boundary is significant to necessitate re-consideration of the amenity impacts. The impact on the neighbouring property number 6 would still be acceptable.

As the previous permission 09/0905C was not implemented, there was no onus on the applicant to retain any shrubs or hedges which are not covered by a TPO. The removal of the shrubs / hedges does not materially impact on the proposal.

It is not considered that there are any significant material considerations since the previous approval which would warrant refusal of the application. The proposal which was accepted in 2009 is still acceptable in this location and there would be no adverse additional impacts over and above the previous approval 09/0905C in terms of design and amenity. The proposal would still comply with the relevant policy considerations and as such the extension of time limit of 09/0905C is acceptable.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The principle of the development has already been accepted under its previous permission 09/0905C and the proposal remains in accordance with the relevant policies of the Development Plan and other material considerations. As such it is considered that the proposal to extend the time limit is acceptable, subject to the following conditions:

1. Standard Time
2. Approved Plans
3. Materials to match existing
4. Hours of construction 07:30 – 18:00 Mon to Fri, 08:30 – 13:00 Sat, no working Sun or Public holidays
5. Scheme for the protection of any trees to be retained



**The Site**