

Application No: 12/4530C  
Location: 38, CONGLETON ROAD NORTH, CHURCH LAWTON, ST7 3BA  
Proposal: Proposed two house building plots  
Applicant: Mr C Lawton  
Expiry Date: 15-Jan-2013

### **SUMMARY RECOMMENDATION**

**APPROVE subject to conditions**

#### **MAIN ISSUES:**

- Principle of the development
- Housing land supply
- The acceptability of the access
- The design of the proposal
- The impact upon neighbouring amenity

### **REASON FOR REFERRAL**

Councillor R. Bailey has called in this application to Southern Planning Committee for the following reasons:

*'The proposal could give rise to the possibility of over-development of the site, with consequential effects such as inappropriate access and loss of amenity to neighbours.'*

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

This application relates to the elongated side garden of No.38 Congleton Road North, Church Lawton, Cheshire within the Scholar Green Settlement Zone Line. The development site is bound by the applicant's garden to the west, Congleton Road North to the northwest, the gardens of No.38a Congleton Road North and No.1 Knowsley Lane to the east and by Knowsley Lane itself to the south. The ground level of the development site is raised by approximately 1.3 metres at its juncture with Knowsley Lane. It is level with its juncture with Congleton Road North.

### **DETAILS OF PROPOSAL**

Outline Planning Permission is sought for the erection of 2 detached dwellings within the garden of No.38 Congleton Road North, Church Lawton.

Access, landscaping, appearance, layout and scale are all reserved for subsequent approval. As such, this proposal seeks to establish the principle of residential development only.

Revised plans showing level information with regards to the proposed development on plot number 2 (the elevated plot) have been provided.

## **RELEVANT HISTORY**

**08/1220/FUL** –First floor extension over existing garage & part of kitchen, part rebuilding of garage – Approved 5<sup>th</sup> September 2008

**08/0399/FUL** –Part rebuilding of existing garages and first floor extension – Refused 5<sup>th</sup> June 2008

**04/0275/FUL** – Removal of existing access and construction of access onto Congleton Road North – Approved 10<sup>th</sup> December 2004

**4190/3** - Replacement double garage also domestic utility room and vehicular access – Approved 12<sup>th</sup> November 1976

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

PS5 – Villages in the Open Countryside and Inset in the Green Belt

GR1 - General Criteria for Development

GR2 - Design

GR6 - Amenity and Health

GR9 - Highways & Parking

H1 & H2 - Provision of New Housing Development

H5 – Residential development in villages

SPG2 - Provision of Private Amenity Space in New Residential Development

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

**Strategic Highways Manager** – No objections, subject to the conditioning of the 5.5 metre inset of the proposed driveway gates from the edge of the carriageway on both the access onto Knowsley Lane and the access onto Congleton Road North. Furthermore, an informative advising that the applicant needs a S184 licence as a result of the new access creation.

**Environmental Health** – No objections, subject to conditions relating to; hours of construction, hours of piling and the prior submission of a piling method statement. In addition an informative regarding land contamination is proposed.

**United Utilities** - No objections, subject to informatives regarding drainage

**Canal & River Trust** - No objections

## **VIEWS OF THE PARISH COUNCIL:**

**Church Lawton Parish Council** – Advise that the proposed development would be contrary to Policies GR1, GR2, PS5 and H5 of the Local Plan due to the following reasons;

*‘The proposal would not conserve or enhance the character of the surrounding area; on the contrary the proposed development would appear cramped and visually incongruous in its setting and would necessitate the removal of a considerable amount of mature landscape which at present contributes to the visual amenity of the locality;*

*The proposal represents an over development of the site which would result in a poor level of residential amenity for the occupants of the dwelling on Plot 2 in particular. This plot would have a very small amount of utilisable private open space (e.g. for sitting out, drying space, a garden shed etc) once due allowance is made for the necessary parking and vehicular turning space. Also there would be extremely limited outlooks from the principal windows of the dwelling because of its proximity to the boundaries of the site;*

*The proposal would significantly and adversely affect the setting of the host dwelling, number 38 Congleton Road North and would lead to direct overlooking at first floor level from that dwelling of the private gardens of the proposed dwellings at close quarters. Policy GR 6 of the Local Plan requires that development adjoining or near to residential property should not have an unduly detrimental impact because of loss of privacy and visual intrusion (amongst other matters);*

*The access arrangements to both plots 1 and 2 warrant careful examination by the Council's Strategic Highway Manager; the access to Plot 1 is not the main access to the existing dwelling (no 38 Congleton Road North) and the proposed development would significantly increase its usage - the visibility available along Knowsley Lane from this access in each direction is restricted by existing hedging and vegetation which the site plan shows is to be retained. A new access is proposed onto the A34 Congleton Road North to serve Plot 1. The A34 has a speed limit of 40 mph at this point and generally the highway authority has been careful to limit the number of new access points allowed on to this road. Notwithstanding the applicant's indication that planning permission was granted for a new access in this position some years ago, the Parish Council has no information as to the circumstances of that permission or the purpose which such an access was to serve or indeed whether or not the permission is still capable of being implemented. It is considered that the Strategic Highway Manager should assess the current situation in the light of present traffic conditions and not those subsisting years ago.’*

## **OTHER REPRESENTATIONS:**

6 neighbouring properties have submitted objections / their concerns regarding the scheme. The main areas of concern relate to;

- Over-development of site
- Highway safety
- Inaccurate information – plans & information provided in the Design & Access Statement
- No level information
- Loss of trees, hedges & habitat
- Amenity - Loss of light, visual intrusion & loss of privacy

## **SUPPORTING INFORMATION:**

Design and Access Statement

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the Settlement Zone Line of Scholar Green where Policy PS5 (Villages in the Open Countryside and Inset in the Green Belt) states that where the land is not otherwise allocated for a particular use, development will be permitted provided it is in keeping with the local character in terms of use, intensity, scale and appearance and does not conflict with other policies of the local plan.

Policy H5 (Residential Development in Villages) of the Local Plan largely mirrors the criteria of Policy PS5 however, it also advises that consideration needs to be given to; the availability of previously development land, the location and accessibility of the site to jobs and services, the capacity of the infrastructure and environmental constraints.

The recently published National Planning Policy Framework replaces PPS3 and one of its core principles is that planning should:

*“proactively drive and support sustainable economic development to deliver the **homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.**”*

In addition it states that local authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”*

Given the current shortage of housing within Cheshire East and given that the proposed development falls within a settlement boundary, the principle of a 2 new dwellings at this site is deemed to be acceptable.

### **Amenity**

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

Having regard to this proposal, the residential amenity space minimum standard stated is 65 square metres. The space provided for the new dwelling proposed on plot No.1 would be approximately 61 metres. The space provided for the dwelling proposed on plot No.2 would be approximately 70 square metres. As such, both proposals largely adhere to this standard and would have sufficient amenity space to sustain regular family living.

In terms of the separation distances and the dwelling proposed on plot No.1, there are 2 neighbouring dwellings that could be impacted. The applicant's dwelling (No.38 Congleton Road North), and the occupiers of No.38B Congleton Road North.

The proposed south western side elevation of the dwelling proposed on plot 1 would be approximately 12.3 metres from the parallel rear elevation of No.38 which includes a secondary lounge window and a first floor principal bedroom window.

Paragraph 2.8 of SPG2 details that *'in the case of two or three storey residential developments (i.e houses) where the main window(s) of a dwelling directly face the flank wall of an adjacent dwelling, the minimum distance acceptable between the dwellings would be 13.8m.'* However, paragraph 2.9 states *'...where the residential development consists of only a single storey (i.e bungalows) the Local Planning Authority may decide in certain circumstances to reduce the minimum distance to 10.7m.'*

Given that the proposed dwelling on plot No.1 is for a dormer bungalow, it would suggest that a standard between 13.8m and 10.7m would be appropriate. It is considered that a distance of 12.3m, in this instance would not create any amenity issues to this side with regards to loss of privacy, loss of light or visual intrusion. Furthermore, no openings are proposed on the relevant side elevation of the property.

In terms of the relationship with No.38B Congleton Road North, the gap between the proposal and this neighbouring dwelling would be approximately 9.6m. Although this is below the recommended standard, the relationship between the two properties would be heavily offset, to the extent that the corner of this neighbouring dwelling would be the closest aspect to the proposal. Furthermore, this neighbour benefits from a detached garage between the proposed dwelling and this neighbour's house which would provide a degree of screening. No windows are proposed on the relevant side elevation of the proposed dwelling on plot No.1. As a result of these reasons, it is not considered that the proposal would create any amenity issues to this side. The impact upon the garage is not considered to be an issue given that it is not a principal habitable room.

The only other neighbouring dwelling that could be directly impacted would be the properties on the opposite side of Congleton Road North. However, given that this dwelling is over the minimum separation distance away from the proposal, it is not considered that it would be impacted.

With regards to potential overlooking issues, the proposed dormer windows on the rear elevation of the dwelling on plot 1 are considered to be sufficiently offset from the private amenity space of the occupiers of No.1 Knowsley Lane not to cause a significant issue.

The proposed dwelling on plot No.2 would be a bungalow. It would be approximately 4.4 metres away from the corner of the applicant's dwelling (No.38 Congleton Road North) and 2 metres from the side elevation of No.1 Knowsley Lane.

On the closest aspect of the applicant's rear elevation, the closest opening is a first floor set of patio doors to a bedroom. There are 2 more windows to this room on the applicant's dwelling's principal elevation. The applicant has stated on the submitted plan that this opening from the applicant's dwelling could be removed. Subject to an obscure glazing / fixed closed condition being applied to this opening, it is considered that the development would adhere with amenity policies.

On the relevant side elevation of No.1 Knowsley Lane (bungalow), there is 1 obscurely glazed window. On the relevant side elevation of the proposed property on plot No.2, no openings are proposed. Given the lack of sole principal habitable openings in both of these dwellings on their relevant sides, it is considered that there would be no issues created to this side with regards to loss of privacy, loss of light or visual intrusion.

On the opposite side of Knowsley Lane, opposite the principal elevation of the dwelling proposed on plot No.2 is No.8 Knowsley Lane. This neighbouring dwelling would be approximately 14.5 metres away from the proposal at its closest point. The separation distance standards between principal elevations with main windows quoted within paragraph 2.2 of SPG2 is 21.3 metres. On the relevant principal elevation of the dwelling proposed on plot No.2 there are 2 principal bedroom windows which would be approximately 14.5 metres away from an inset section of this neighbour's principal elevation and a secondary lounge window which would be approximately 16.5 metres away from the main aspect of this neighbour's principal elevation.

On both aspects of this neighbouring principal elevation the only window that the proposed new dwelling proposed on plot No.2 would directly impact would be a small, ground floor hallway window. It should also be noted that this particular development plot is raised from the street level within the applicant's garden by approximately 1.3 metres. From the road side, the overall boundary treatment is approximately 2 metres tall. Given that a boundary hedge could provide a degree of screening, because the ground would be reduced in height (by approximately 0.9 metres) in order to reduce any impact, and because the only window directly impacted would be a window to a non-habitable room, it is not considered that the development would create any issues for this neighbour in terms of loss of privacy. As this neighbour is positioned to the south of the development, there would be no issues created in terms of loss of light.

With regards to visual intrusion, given that there are no principal habitable rooms that could be directly impacted on this neighbouring property, it is not considered that this aspect of amenity would be an issue.

Environmental Health have advised that they have no objections to the proposal subject to the addition of conditions relating to hours of operation, hours of piling, a piling method statement and an informative in relation to contaminated land. As such, subject to conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

## **Design and Layout**

The proposed dwellings would sit at either end of an elongated garden plot, each fronting different roads. The dwelling proposed on plot No.1 would front onto, and be accessed via

Congleton Road North. The dwelling proposed on Plot No.2 would front onto and be accessed via Knowsley Lane.

The dwelling proposed on Plot 1 would be inset from Congleton Road North by approximately 7.7 metres which would cushion the visual impact of the dwelling on the streetscene. It would also largely follow the existing building line. Furthermore, mature hedgerow on the boundary with would provide a degree of screening. As such, it is considered that the siting of the new unit would be acceptable.

In relation to footprint, the proposed dwelling would be of a similar scale to the surrounding properties. The form of the unit would be a detached dormer bungalow, approximately 6.4 metres in height. The neighbouring applicant's dwelling is a detached, two-storey dwelling. No.38B Congleton Road North and the subsequent neighbour are also detached two storey dwellings. On the opposite side of Congleton Road is a detached two-storey dwelling and a bungalow.

Although the proposal is detached and 1½ storeys tall, given the presence of a bungalow on the opposite side of the road, it is considered that the surrounding form is mixed. As such, it is considered that the proposed development on plot No.1 is of an acceptable form.

The details of the house have not been provided as appearance and scale have been reserved for later approval. However, subject to a more appropriate dormer window design and the appropriate use of materials in the construction of the dwelling, it is considered that the appearance of the unit would be acceptable.

In terms of the dwelling proposed on plot No.2, this would be inset from Knowsley Lane by approximately 4.4 metres and would be constructed in an elevated position. The building line of Knowsley Lane would largely be respected. As such, it is considered that the positioning of the proposal would be acceptable. In relation to footprint, the proposed dwelling would be of a similar scale to the surrounding properties.

The form of the unit would be a detached bungalow, approximately 4.6 metres in height. The neighbouring applicant's dwelling is a detached, two-storey dwelling. No.1 Knowsley Lane and the subsequent neighbour for a semi-detached bungalow unit. No.8 Knowsley Lane, opposite the proposed development forms a detached, two-storey dwelling. Given the mixture of house types in this location and the presence of bungalows, it is considered that the form of the development as a detached bungalow is acceptable.

The details of the bungalow have not been provided as appearance and scale have been reserved for later approval. However, subject to the appropriate use of materials in the construction of the dwelling, it is considered that the appearance of the unit would be acceptable.

As a result of the above reasons, it is considered that the development would be of an acceptable design adhere with Policies GR1 and GR2 of the local plan.

### **Highways and Parking**

The proposed dwelling on plot No.1 would be accessed via the creation of a new access point onto Congleton Road North. The dwelling proposed on plot 2 would utilize an existing access.

The Council's Strategic Highways Manager has advised that *'I consider a new access onto Congleton Road North can be accepted given the character of the road and the number of adjacent properties with direct access. However, any gate must be sited a minimum of 5.5 metres back from the edge of the carriageway. The same requirement on any replacement gates applies in respect of the access to Plot 2 from Knowsley Lane.'*

As such, subject to the gates being conditioned, it is considered that the development would adhere with Policy GR9 of the local plan.

### **Other Matters**

United Utilities have raised no objection with regards to the drainage aspect of the development.

### **CONCLUSIONS**

The principle of the erection of 2 new dwellings in the rear/side garden of No.38 Congleton Road North is considered to be acceptable. The developments are of an acceptable design that would not create any amenity or highway safety issues.

As such, it is considered that the development would adhere with Policies; PS5 (Villages in the Open Countryside and Inset in the Green Belt), H5 (GR1 (New Development), GR2 (Design), GR6 (Amenity and Health) and GR9 (Highways & Parking) of the Congleton Borough Local Plan First Review 2005 and the NPPF.

### **RECOMMENDATION:**

**Subject to no objection from the Strategic Highways Manager APPROVE subject to the following conditions:**

- 1. Time Limit (Outline)**
- 2. Submission of reserved matters**
- 3. Reserved Matters application made within 3 years**
- 4. Development in accordance with approved plans**
- 5. Details of materials to be submitted**
- 6. Hours of construction**
- 7. Hours of Piling**
- 8. Piling method statement**
- 9. Boundary treatment**
- 10. Obscurely glazed and non-opening window to be inserted into the applicant's existing dwelling's first floor bedroom window on the southern end of the east elevation**
- 11. Removal of Permitted Development Rights (Classes A-E)**
- 12. Gates inset by 5.5 metres from edge of carriageway**

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