

Application No: 12/4749C

Location: 63, FIELDS ROAD, ALSAGER, ST7 2LX

Proposal: Demolition of extensions and refurbishment of original dwelling house.  
Construction of new detached dwelling house within the garden curtilage.

Applicant: MR & MRS GOODALL

Expiry Date: 01-Feb-2013

## **SUMMARY RECOMMENDATION**

**Approve with Conditions**

### **MAIN ISSUES**

- Principle of Development
- Design, and Impact on the Character and Appearance of the Conservation Area / Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety and parking
- Impact on TPO Trees

## **1. REASON FOR REFERRAL**

This type of application would usually be dealt with under delegated powers; however Councillor Shirley Jones has called the application into Committee for the following reason,

*'I am 'calling in' this application as Ward Councillor as it has come to my notice that there are strong objections to this proposed development on the grounds of unneighbourliness. The residents of Ashmead who live in bungalows for elderly people are very concerned about the impact the proposed new dwelling will have on the amenities of their homes.'*

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

The application site is situated on Fields Road, within the Alsager settlement zone line. The application site is a former care home and is a substantial detached Victorian dwellinghouse. The building is sited within the Alsager Conservation Area and there are two TPO trees on the site. The building was purchased in 2003 by the current occupier and occupied as a single residential property.

There is a separate Conservation Area Consent relating to the demolition element of the development, application reference number 12/4750C.

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

This proposal seeks full planning permission to demolish the rear and side extensions of the existing building and to construct a one and a half storey dwelling within the curtilage of the building.

### **4. RELEVANT HISTORY**

14772/3 - Change of use from dwellinghouse to private accommodation for the elderly – Approved with conditions 8<sup>th</sup> March 1983

17500/3 - Extensions to existing building to form additional bedrooms ( 6 no )- Approved with conditions 14<sup>th</sup> March 1986

18357/4 - Partial Demolition Of Outbuildings And Construction Of New Gable – Approved with condition 10<sup>th</sup> March 1987

21609/3 - Extension To Provide Three Additional Bedrooms –Approved with conditions 16<sup>th</sup> October 1989

26373/3 - Additional bedrooms and ancillary accommodation to nursing home – Refused 27<sup>th</sup> September 1994

28738/3 - Removing existing doors and rebuilding with window & general repairs (front elevation) – 4<sup>th</sup> February 1997

30757/3 - Single storey extensions to side/rear of existing residential nursing home and two storey extension to front to provide nine additional bedrooms, laundry room, boiler room, staff changing/welfare facilities and new entrance/reception – Approved with conditions 12<sup>th</sup> April 1999

35038/3 - Change of use from nursing home to part residential, part bed/breakfast – Approved with conditions 25<sup>th</sup> November 2002

05/1245/COU - Change of use from former nursing home bedrooms attached to domestic property into office space – Approved with conditions 19<sup>th</sup> December 2005

07/1264/COU - To establish existing Coach House as a separate dwelling from 63 Fields Road – Approved with conditions 7<sup>th</sup> February 2008

### **5. POLICIES**

#### **POLICIES**

##### **National Guidance**

National Planning Policy Framework (March 2012)

## **Congleton Local Plan 2005**

The site is not allocated in the Local Plan but the following policies apply:

PS4 Towns

H1 & H2 Provision of New Housing Development

GR1 New Development

GR3 Density, Housing Mix and Layout

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

NR1 Trees and Woodlands

BH9 Conservation Areas

SPG2 Provision of Private Open Space in New Residential Developments

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

**Strategic Highways Manager** – None received at time of writing this response.

**Environmental Health** – No objections subject to conditions for hours of construction and pile foundations and a note about contaminated land.

**United Utilities** – No objections

- 7. VIEWS OF THE TOWN COUNCIL** - Alsager Town Council has no objection to this application. Alsager Town Council would recommend that the refurbishment of the new dwelling be completed before the new build work commences. Alsager Town Council would note that the new building is very close to the existing property.

### **8. OTHER REPRESENTATIONS**

- Letters of representation have been received from the occupiers of 8 residences. The main issues raised are;
  - Impact on neighbouring amenity by means of overlooking
  - Would have no objection to a true bungalow being built on the site
  - Happy that the owners are improving the area
  - Conservation Area
  - Not in keeping with surrounding area
  - Plans which have been submitted are not those shown at the public consultation
  - Proposed demolition is welcomed
  - Proposal is un-neighbourly
  - New build is to the southerly aspect of the Close and if too high would deprive residents of sunlight and much need Vitamin D
  - The existing building has rats
- A petition has also been signed by 12 occupiers.

## 9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement  
Heritage Statement  
Tree Survey

## 10. OFFICER APPRAISAL

### Principle of Development

The application site is situated within the Alsager Town settlement boundary where there is a presumption in favour of development. The proposal site lies within a garden plot of 63 Fields Road and therefore is considered to be greenfield land.

Nevertheless, Policy PS4 (Towns) of the Congleton Local Plan does not differentiate between either Brownfield or Greenfield land being more preferable within the settlement boundary and therefore the general principle of development is acceptable.

Paragraph 47 of the National Planning Policy Framework requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The SHLAA has put forward a figure of 3.94 years housing land supply and once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Consequently, it is considered that the contribution to housing land supply, and the above provisions of the NPPF, the proposal is therefore considered to be acceptable in principle and the application turns on whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

The main issues in this instance are therefore whether the proposed scheme is of an acceptable design, impact on the conservation area, does not result in any demonstrable harm on the amenity of nearby properties or future occupants, whether the site can be satisfactorily accessed with an

appropriate level of parking provision, and whether the proposal will have an adverse impact on TPO trees.

### **Design and Impact on the Alsager Conservation Area**

No.63 Fields Road is a substantial villa property situated in the Alsager Conservation Area. This is a predominantly residential area, focused upon the Victorian/Edwardian suburbs in proximity to the railway station. The Conservation Area is characterised by a variety of properties of different architectural styles and periods, but there are also a number of larger, higher status villas in the Conservation Area. These buildings provide focal points and key landmark features within the Conservation Area, and include 63 Fields Road.

The agent for the application has researched the history of the building and this has highlighted that it was one of the earlier large Villas, built for the owner of John Maddock and Sons, one of the pottery works in Burslem. What is also clear from that research and from examining the historic maps, is that it had an extensive curtilage and it was orientated toward the south, towards Sandbach Road. This is evident in the architecture of the building, with its more ornate southern frontage. However, over time this setting has been significantly undermined by infill development, impacting upon the individual significance of the building.

The western elevation toward Fields Road, was a secondary frontage and the area to the rear of the building, which is the site of this application, was the working end of the building. The property has gone through various phases of expansion and adaptation. The original part is the most ornate and polite architecturally. This was extended with a wing to the north in the early 1900s (the part proposed to be demolished along with late 20th century extensions), that connected to the coach house to the north. This connection has more recently been changed, with the demolition of much of the coach house and sale of garden land, which is now housing. The frontage part of the coach house remains, converted into a separate dwelling (61A).

The proposals seek to demolish this rear wing and erect a new dwelling to the rear of the retained part of the building, effectively creating 2 independent dwellings. The Heritage Statement explains that several scenarios for retaining and re-using the entire building (except the modern inferior extensions) have been examined but concludes that the only viable solution is to demolish the rear wing, reduce the size of the host building and create the opportunity for an infill dwelling.

The NPPF at paragraphs 137 and 138 specifically discuss Conservation Areas and the buildings and features within them, identifying the opportunities for new development to better reveal their significance (para 137) and that loss of a building or other element which makes a positive contribution, should be treated as substantial or less than substantial harm (para 138). Paras 132 to 134 of the NPPF discuss the approach with regard to substantial and less than substantial harm.

Whilst it is unfortunate that the rear wing is to be demolished, in terms of the significance of the building within the Conservation area, retaining and bringing back into use the most important part of the building, the original Villa, is the primary conservation objective. The proposed demolition will also remove some unsatisfactory later additions that do little for the building, albeit they are largely invisible in the context of the Conservation Area. Therefore it is considered that the harm to the Conservation Area as a whole would be less than substantial, because the main part of the subject building is being retained and restored and the wing being demolished is of a lesser significance. The conservation of the original part of the building also constitutes public benefit in

the context of para 134 of the NPPF. Furthermore, if a high quality of design is achieved for the new build, then this would also help balance any harm arising from demolition.

Consequently, the principle of demolition is accepted in Conservation terms provided the design of the new house is of high enough quality and works as a grouping with original building.

The Heritage and Design Officer considers that the amended scheme is acceptable with some additional elements conditioned. In particular the inclusion of a chimney and fenestration elements similar to the existing properties have helped to create a simple property which will not compete for dominance but will also reflect some of the architectural merits of the surrounding dwellings.

The proposal includes a courtyard at the front of the new dwelling and in front of the retained house. There are some contextual materials in situ and these should be reinforced within a high quality landscape scheme for this space.

The proposal as a whole is therefore considered to be acceptable.

### **Impact on the Amenity of adjacent properties and future occupants**

#### Loss of Privacy/Overlooking/Overshadowing

The existing building is an imposing 10m high property, with extensions to the south and east. The extensions to the east and south are to be removed as part of this proposal and a new dwelling constructed on the southeast of the site.

The proposed dwelling will be one and half storey with a maximum height of 8.2m at the apex, 3.4m to the eaves. The proposed dwelling will be sited within the curtilage of No.63 adjacent to the rear boundaries of Ashmead Close and Ashmead Mews. The proposed dwelling will be sited much closer to the rear boundaries of these bungalows than the existing situation; however the building would have a reduced height in comparison to the elements of the existing building which are proposed for demolition.

The proposed dwelling would be sited 21m away from the true rear elevations of No.2 and No.4 Ashmead Mews, but reduced to around 18m from the rear of the conservatories. The proposed dwelling will have a principle window at first floor level serving two bedrooms and a large kitchen/dining room at ground floor level. There is an existing 2m boundary fence which would mitigate for any over looking at ground floor level. SPG2: Private Open Space notes that a distance of 21.3m should be maintained between principal and principal windows, reduced to 13.8m between principal windows and flank elevations or elevations with secondary windows. Given that a conservatory is not considered to be a principal window to a habitable room and the first floor windows will face towards the roofs of the opposing bungalows rather than another window, it is considered that although the building will clearly have some impact on the neighbours to the rear it will not have a significantly detrimental impact on their amenity, by means of overlooking or overbearing impact.

Furthermore, the dwelling will be sited adjacent to the rear elevations of No's 3, 4, 5 and 6 Ashmead Close. There will be separation distance of 15m between the rear elevations of the bungalows on Ashmead Close and the side elevation of the new bungalow. The proposed dwelling

will have no principal windows at first floor level only a rooflight serving a bathroom. The new dwelling will have principal windows at ground floor level serving a living room and the kitchen/dinning room. There is a 1.5m boundary fence along the boundary which will help to mitigate for any overlooking. It is therefore considered that although the dwelling will clearly appear more visible than the current extensions to the building, it will not have a significantly detrimental impact on neighbouring amenity by means of overlooking or overbearing impact.

The demolition of the extensions to the dwelling will have no further increased impact on the adjacent neighbours than that which already exists.

### Private Amenity Space

SPG 2: Private Open Space requires a minimum of 65m<sup>2</sup> of private amenity space for each new dwellinghouse. Both the existing dwelling and proposed dwelling will have the minimum of amount of private amenity space as required.

### Noise

A series of conditions relating to construction hours, and pile driving are suggested which will control the impact of the proposed development on neighbouring properties during construction and demolition.

### **Impact on Highway Safety and Parking**

The proposal will utilise the existing access to the site with a shared court yard area with parking. The proposal includes two parking spaces for new dwelling and three for the existing dwelling. Notwithstanding the absence of any Highway comments it is considered unlikely that the proposal will have any significant adverse impact on highway safety.

### **Impact on TPO trees and trees in a Conservation Area**

The development proposals would involve demolition of part of the existing building, the building of a new dwelling on existing garden and amendments to the site layout. The submitted arboricultural information covers 5 trees on the site and 3 trees on adjoining land. Significant trees on site include a prominent grade A1 Beech tree close to the entrance off Fields Road, a mature grade B1 Beech tree in the rear garden and three smaller trees in the rear garden close to the boundary with properties in Ashmead Close. There are three trees located in the garden of 63A Fields Road which overhang the application site; a Beech on the frontage and two Monkey Puzzle trees on the side boundary. The three Beech and two Monkey Puzzle trees are all subject to TPO protection and the remaining trees have a degree of protection under the under the Conservation Area.

The proposed block plan does not show the off-site trees however, the Council's Forestry Officer is satisfied that these trees would have limited impact on the development and should be unaffected by the proposals.

The proposed block plan indicates the three smaller trees to the rear of 63 Fields Road removed. Due to their poor condition, two of these trees are recommended for removal in the tree survey. The third tree, a flowering cherry, is rated Grade C1 in the submission. The loss of this tree would

be regrettable and could impact on the adjoining property resident in Ashmead Close, however the impact on wider public visual amenity would be minimal.

The two protected Beech trees on the site are shown retained. It is considered that the proposed new dwelling would be outside the root protection areas of the trees however, the demolition works on the existing building, the new construction works, and ground works associated with change of hardstanding to soft landscaping could all impact on trees and comprehensive protection measures/ arboricultural supervision would be required. These matters can be addressed by conditions.

The Forestry officer considers that the crown spread of the large Beech tree is greater than indicated on the submitted plans and it is clear that the tree would impact on the garden areas of both dwelling, both by its size, dominance and shading. Both properties would have areas of garden outside the crown spread but shading would be an issue for part of the day. The impact on the private amenity of future occupiers is therefore a consideration and the situation may lead to pressure to prune the tree. It is accepted however, that the tree is a dominating influence on the existing property. It is therefore considered that on balance, and with the addition of several conditions the proposal would not have a significantly detrimental impact on the protected trees, and is therefore considered to be acceptable.

## **11. CONCLUSIONS**

The application site is situated within the Alsager settlement boundary and therefore the principle of development is acceptable. It is considered that there are no significant amenity, highway safety or Tree issues arising from the proposal as conditioned. The proposed development is therefore considered to be in compliance with Policies PS4 Towns, H1 & H2 Provision of New Housing Development, GR1 New Development, GR3 Density, Housing Mix and Layout, GR4 Landscaping, GR6 Amenity and Health, GR7 Pollution, GR9 Accessibility, Servicing and Parking Provision, NR1 Trees and Woodlands and BH9 Conservation Areas and SPG2 Provision of Private Open Space in New Residential Developments of the Congleton Borough Local Plan First Review 2005.

## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions,

- 1. Standard time – 3 years**
- 2. External Materials (including a string detail) to be submitted to the LPA and approved in writing**
- 3. The rebuilt gable of the house to be constructed in reclaimed brickwork from the demolished extension and in a bond to match the existing house, to be agreed prior to commencement via sample panel. Mortar and pointing to also be agreed via the sample panel, also include sample of supplementary bricks for the new dwelling to also be approved and sample panel provided**
- 4. Submission of working details of verge and eaves treatments to be agreed to be designed as semi exposed rafter feet and purlin ends with reduced fascia board**
- 5. Prior to commencement of development, working details at scale of 1:10 of entrance doorways into the retained dwelling and the new build to be submitted**

- 6. A schedule of all windows to be replaced in the retained building, and 1:10 details of all new windows (including sections) to be submitted before commencement. In respect to the new house, 1:10 details of all windows including details of heads and sills.**
- 7. A sustainable design strategy shall be developed as part of the detailed design of the scheme and shall be submitted prior to commencement this shall set out the performance of the development in respect to climate change mitigation and adaptation. This shall focus on building fabric, resource management, the potential for renewable/low carbon energy and in building adaptation measures into the building and landscape design**
- 8. Submission of working details of chimney on new dwelling (1:10)**
- 9. All rainwater goods to be in cast metal, finish to be agreed prior to installation**
- 10. Landscaping Scheme**
- 11. Landscaping to be implemented**
- 12. Tree Protection Measures**
- 13. Implementation of programme of tree works as identified in Arboricultural report.**
- 14. Submission of Arboricultural Method statement to cover a programme of Arboricultural supervision, (including demolition works), no dig ground works within root protection areas and installation of services if within root protection areas.**
- 15. Boundary treatment details to be submitted to the LPA and approved in writing**
- 16. Remove PD Rights for extensions and alterations to the approved dwellings, including garage conversion**
- 17. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays**
- 18. Pile Foundations operations limited to Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil and method statement**

**Note – Contaminated Land**

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