

Application No: 13/1097N

Location: Land on, NEWTOWN ROAD, SOUND

Proposal: The erection of a detached property, double garage and associated access provision

Applicant: Paul Bradbury

Expiry Date: 05-May-2013

### **SUMMARY RECOMMENDATION**

**APPROVE subject to conditions**

#### **MAIN ISSUES**

- Principle of development
- Impact of the design
- Impact on the amenity of neighbouring properties
- Impact on landscape features
- Impact on highway safety
- Impact on protected species and sites of nature conservation

### **REASON FOR REFERRAL**

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Cllr Rachel Bailey due to the following reasons;

*'BE1 Amenity on neighbouring property  
Application appears to be contrary to Inspector opinion'*

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

The application site forms a paddock located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011 Proposals Map. The site is located in the village of Sound, which does not benefit from a settlement boundary. The site fronts onto Newton Road, which is a country lane, and is located between two storey properties to the east and west. The Newton Road boundary is defined by a mature hedgerow of native species, there are numerous trees sited along the boundary of the site including a TPO tree on the boundary with Corner Cottage.

Approval was granted for a detached dwelling on this site at appeal on the 17<sup>th</sup> December 2012 following refusal by the Cheshire East Council Southern Planning Committee on the 28<sup>th</sup> March 2012.

## **DETAILS OF PROPOSAL**

This application proposes the erection of a two storey dwelling, double garage and the creation of a new vehicular access from Newton Road. However, as approval has been granted for a dwelling on this site, this application needs to consider whether the following proposed amendments to the approved scheme are acceptable:

- Increase the depth of the approved property to the rear by 0.675 metres
- Move the overall siting of the dwelling to the east by 0.5 metres
- Add a single-storey extension to the western side elevation of the property
- Increase the overall dimensions of the approved garage

## **RELEVANT HISTORY**

**12/0267N** - Erection of Detached Property, Double Garage & Associated Access Provision – Approved 17<sup>th</sup> December 2012

**7/14765** – Planning permission refused for a residential dwelling on 5<sup>th</sup> November 1987.

## **POLICIES**

### **Local Plan Policy**

NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
RES.5 (Housing in the Open Countryside)  
TRAN.9 (Car Parking Standards)

### **Other Considerations**

National Planning Policy Framework (NPPF)

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

N/A

## **VIEWS OF THE PARISH COUNCIL**

**Sound and District Parish Council** – Object to the proposal on the following grounds;

- As part of negotiations on application 12/0267N, the dwelling was reduced to meet Planning Officers recommendations.

- As part of the Inspectors decision on 12/0267N – Permitted Development rights were removed for future extensions on the western elevation
- The appellants argued that the dwelling had been reduced in size as part of their successful argument at appeal of 12/0267N
- No reference has been made to the increase in the size of the garage or the new utility room

## **OTHER REPRESENTATIONS**

14 letters of neighbouring objection and a petition including 37 signatures have been received to this proposal. The main material issues raised include;

- The appellants argued that the dwelling had been reduced in size as part of their successful argument at appeal of 12/0267N
- As part of the inspectors decision on 12/0267N – Permitted Development rights were removed for future extensions on the western elevation
- As part of negotiations on application 12/0267N, the dwelling was reduced to meet Planning Officers recommendations.
- No reference has been made to the increase in the size of the garage or the new utility room
- Development is contrary to Open Countryside policy
- Development is contrary to conditions 2 and 15 of approved planning permission 12/0267N
- Loss of amenity – Loss of privacy, over shadowing
- Site does not constitute a built up frontage
- Potential impact upon a nearby SSSI
- Design – Out of character with local buildings, too large
- Highway safety – Additional vehicle movements

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
 Planning Statement  
 Access Statement  
 Tree Survey

## **OFFICER APPRAISAL**

### **Principle of development**

The principle of a new dwelling being constructed on this site has already been established following the approval of planning permission 12/0267N on appeal on 17<sup>th</sup> December 2012. As such, it is considered that the proposals would adhere with Policy NE.2 of the Local Plan subject to detailed assessment of the amendments to the approved scheme.

### **Amenity**

Policy BE.1 of the Local Plan advises that planning permission should only be granted where the proposed development would not have a detrimental impact upon neighbouring amenity in terms of overshadowing, overlooking or visual intrusion.

The two neighbours closest to the proposed extensions and alterations would be Corner Cottage to the east and Pritch House to the west.

In terms of the additional impact upon Corner Cottage, two of the proposed changes could potentially impact upon this neighbour. These are the re-siting of the overall dwelling by 0.5 metres to the east and the increased depth at the rear.

The re-siting of the dwelling would now result in the dwelling being approximately 4.8 metres away from this neighbour's side elevation (0.5m closer). Within the side elevation of this neighbouring property is a lounge window which looks over the application site. As with the approved development, this window would face the new dwelling's parking and turning area. The re-sited dwelling itself would be sited so that it would not be immediately in front of this window and has also been sited so that it is approximately 3.3 metres from the boundary. As such, it is considered that the proposed re-siting of the overall development would not be overly oppressive for this neighbour, although the dwelling would undoubtedly be visible / noticeable.

Given this minor shift in siting, it is also not considered that the proposed development would have any additional impact to this side upon loss of privacy or loss of light. It is also not considered that this shift in position would have a significant impact upon the rear elevation of this neighbouring property.

With regards to the proposed 0.675 metre increase in depth of the dwelling, to the rear of the property, Corner Cottage would be approximately 9.2 metres away from the southeast of this proposed change.

To the rear of Corner Cottage (the most impacted elevation) is a conservatory and the proposed development would be approximately 8.7 metres offset from this. It was considered as part of the original officer assessment that there was sufficient distance between the conservatory and the proposed dwelling to ensure that the development would not be overbearing for this neighbour. It is not considered that this additional 0.7 metres would change this conclusion. Also, as part of the original officer assessment, it was concluded that the proposal would result in some loss of daylight to the conservatory towards the late afternoon/early evening, but, again, due to the siting, spacing and aspect, it was considered that this would not cause significant harm. Due to the minor nature of this proposed extension, it is not considered any significant additional loss of light would be created.

Assuming no further openings are sought in the relevant side elevation of the new dwelling to this side, it is considered that this change to the approved dwelling would not create any additional amenity issues to this side. As such, it is recommended that this be conditioned, should the application be approved.

In terms of the additional impact upon Pritch House, given that the closest aspect of the proposed development would be 16.5 metres away, it is not considered that there would be any additional impact created on the amenities of this neighbour by the proposed changes.

The proposal does include the creation of a single-storey side extension on the western elevation that would extend approximately 3 metres to the west. As indicated this would be approximately 16.5 metres away from Pritch House.

Given this large separation distance and because the development would be single-storey, it is not considered that this addition would have a detrimental impact upon the amenities of the occupiers of Pritch House in terms of loss of privacy, loss of light or visual intrusion. It is also considered that the marginal re-sizing of the garage would have no additional amenity impacts for the same reasons.

Reference has been made by objectors to the inspector's agreement with the Council's condition removing Permitted Development Rights for extensions to the approved property. Specifically, it was advised within paragraph 21 of the inspectors decision that;

*'There was some discussion at the hearing about whether permitted development rights for extensions should be withdrawn. As set out above, the proposal was amended to address concerns about the impact of the development on the adjacent occupiers, and in particular Corner Cottage, and also to increase the space around the proposed dwelling to respect the character of the surrounding area. Having considered all the representations and assessing the situation at the site visit, I conclude that it is necessary to withdraw permitted development rights in respect to the 2 sides of the dwelling and in particular, extension which would come closer to Corner Cottage. The Council's suggested condition has therefore been amended to address these specific concerns.'*

Although permitted development rights have been removed, this does not prevent the applicant from extending the development or moving the approved development closer to these neighbouring dwellings. It only means that if the applicant wishes to do this, they would require planning permission in order for the specific issues to be addressed.

As a result of the above reasons, it is considered that the development would adhere with Policy BE.1 of the Local Plan.

## **Design Standards**

Policy BE.2 of the Local Plan advises that any new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used.

The proposed re-siting of the overall proposal by approximately 0.5 metres to the east would not have a detrimental impact upon the overall design. The increased depth of 0.675 would reciprocate the previous design and would be the same width and height as the approved dwelling and would be finished in materials to match the dwelling approved. As such, it is not considered that this proposed amendment would have a detrimental impact upon the overall design of the dwelling.

The single-storey side extension and the increased sizing of the garage would both appear subordinate to the associated dwelling and would therefore be of an acceptable scale. Subject to the finish / use of materials of these changes / developments matching the approved dwelling, it is considered that these additional changes would also be of an acceptable design.

As a result of the above, the proposed changes would be of an acceptable design that would adhere with Policy BE.2 of the Local Plan.

### **Trees**

In terms of the impact of this amendment upon trees, the Council's Tree and Landscape Officer has advised that the proposal does not create any additional issues subject to the implementation of the tree protection measures identified on the tree protection plan dated 3/1/13.

As such, subject to this condition, it is considered that the proposed development would not have a detrimental impact upon trees and would adhere with Policy NE.5 of the Local Plan.

### **Ecology**

The proposed changes would have no additional ecological impact than the approved scheme. As such, the development would adhere with Policy NE.9 of the Local Plan.

### **Access and Parking**

The proposed development would have no additional impact upon highway safety or parking than the scheme approved. As such, the development would adhere with Policy BE.3 of the Local Plan.

### **CONCLUSIONS**

In conclusion, the proposed changes to the approved scheme are not considered to create any significant issues in relation to the Open Countryside, nature conservation, protected species, neighbouring amenity, design, access and parking, drainage or parking standards.

As such, the proposed development would adhere with the following policies within the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), RES.5 (Housing in the Open Countryside), TRAN.9 (Car Parking Standards). The proposal would also accord with the NPPF.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior submission of facing and roofing details**
- 4. Prior submission of hard or soft surfacing materials**
- 5. Prior submission of landscaping scheme**
- 6. Implementation of approved landscaping scheme**
- 7. Prior submission of drainage**

- 8. Prior submission of boundary treatment**
- 9. Obscure glazing (x2)**
- 10. Hours of construction**
- 11. PD removal for extensions to the East and West elevations**
- 12. Nesting birds**
- 13. Implementation of tree protection plan**
- 14. Any gate, bollard, chain or other means of obstruction across the approved access should be inset by 5.5 metres from public highway**
- 15. Visibility splays of 2 metres by 25 metres to the east and 2 metres by 35 metres to the west of the proposed access onto Newtown Road shall be provided with no obstruction within the splay above 1 metre in height.**

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