

Planning Reference No:	09/0423/C
Application Address:	24 Colley Lane, Sandbach
Proposal:	1 detached dwelling and new vehicular access
Applicant:	Mr Edward Pennington
Application Type:	Full Planning
Grid Reference:	376552 360336
Ward:	Sandbach East and Rode
Earliest Determination Date:	11 May 2009
Expiry Date:	29 April 2009
Date Report Prepared:	18 th May 2009

SUMMARY RECOMMENDATION:

Approve with conditions

MAIN ISSUES:

The key issues that Members should consider in determining this application are;

- Impact on the character of the existing street scene
- Impact on neighbour amenity
- Highway safety & parking provision

1. REASON FOR REFERRAL

The application was called in for a decision by the Planning Committee by the Sandbach Ward member Cllr G. Merry.

2. DESCRIPTION OF SITE AND CONTEXT

The proposed development would be located in the north-western side garden of 24 Colley Lane. To the southeast is Nos 22 & 24 Colley Lane, a pair of modest sized semi-detached cottages. To the northwest side is No.20, a detached red Cheshire brick cottage which is orientated at 90 degrees facing northwest with its northeast side elevation abutting the pavement. To the rear of the site is the rear garden of a small detached bungalow, No.12 Cross Lane. Opposite the site are 1930's semis. The site is within the 'settlement zone line' for Sandbach.

3. DETAILS OF PROPOSAL

The application seeks full planning permission for the erection of a single detached two-bedroom dwellinghouse with off street parking for one vehicle to the front and new vehicular access onto Colley Lane.

4. RELEVANT HISTORY

08/0190/FUL- One detached dwelling and new access. Appeal Dismissed 17.10.2008
08/0190/FUL- One detached dwelling and new access. Refused 28.05.2008

5. POLICIES

Regional Spatial Strategy

- DP1 Spatial Principles
- DP 7 Promote Environmental Quality

Local Plan Policy

- PS4 Towns
- GR1 New Development
- GR2 Design
- GR6 Amenity & Health
- GR9 Accessibility, servicing and parking provision
- H1 Provision of New Housing Development
- H2 Provision of New Housing Development
- H4 Residential Development in Towns
- SPG2 Provision of Private Open Space in Residential Developments

6. CONSULTATIONS (External to Planning)

Highways

Highways recommends a condition to secure construction of vehicular crossing

Environmental Health

Environmental Health state that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. Conditions relating to the restriction of hours of construction, piling and HGV deliveries are recommended.

VIEWS OF THE TOWN COUNCIL

Sandbach Town Council object to this application on the following grounds:-

- Due to the size of the plot, development would restrict sunlight and daylight in to the neighbouring property, 20 Colley Lane, and would be contrary to Policy GR6ii;
- Due to the size of the plot development would affect the privacy and amenity of adjoining dwellings, contrary to policies GR6i and ii;
- To allow this development in such a small plot would impose a building inappropriate and unsympathetic to the character of the area and thus conflicts with policy GR2.

OTHER REPRESENTATIONS

Objections were received from a total of 15 different properties, 7 of these letters were received within the consultation period. A petition has also been received from the Colley Lane Residents Group objecting to the proposed scheme included 30 signatories. Objectors raised the following material planning concerns: -

Amenity Issues

- The area is not large enough for a detached dwelling;
- Regarding the previous proposals relationship with no.20 Colley Lane (08/0190/FUL) the Inspector advised that “there is a substantial risk of an unacceptable loss of natural daylight and morning sunlight to some or all of the kitchen, living room and conservatory”. The minor reorientations proposed in the current application fails to address this deficiency;

- The loss of natural daylight has not been modelled in accordance with BRE209 (Site layout planning for daylight and sunlight) The sun shadow diagram also omits the two upstairs windows;
- The D & A statement argues that the principal source of light to the lounge of No.20 is from the conservatory. It is contended that the principle source of light is from the window in the south elevation. Due to the long narrow nature of the lounge and its orientation the south facing window is an essential source of light. The south facing lounge window should be treated as a principle window;
- The D & A statement states that the kitchen window of No.20 is already shaded to some extent by ornamental shrubs within the garden of no.20. It is misleading for the D & A statement to equate the filtering of light through shrubs with a 7m high building within 3.8m from the kitchen window of No.20;
- There would be significant loss of light from a landing /stairwell window which affords light to the dining room of No.20;
- There is insufficient evidence presented by the applicant to suggest that any loss of light to the windows of no.20 would be not have an unacceptably adverse impact on the amenities of no.20;
- The loss of sunlight to neighbouring properties would be contrary to policy GR6 (ii);
- The proposed development would significantly reduce the amount of passive solar heating of No.20 Contrary to the objectives of section 2.1.4 of SPG 4 Sustainable Development;
- The first floor rear windows would directly overlook the rear garden of no.20;
- The Inspector observed that "The first floor rear windows would overlook the small rear garden of 12 Cross Lane, some 10m away. In addition the separation distance between the rear windows of the two properties would fall below the councils guidelines of 21.3m" The current proposals fail to address this;
- The planting of trees to the rear of the site would not mitigate the loss of privacy of no.12 Cross Street;
- The Inspector observed that "there would clearly be some adverse impact" on light levels at no.24 given the full height gable directly facing the dining kitchen. The applicant proposes to add a further window to the dining kitchen at no.24. However, this will not mitigate the shading effect whose windows would directly overlook a 6m high wall at a distance of 2.6m;
- There is insufficient amenity space within the development. The area of functional rear garden space (small for a family house). This contravenes the Boroughs Supplementary Guidance;
- The residents of No.31 opposite would have three windows facing their property;
- There would be a loss of sunlight to no.31.

Parking and Highways Issues

- Visibility from the proposed parking space will be considerably reduced due to the garden boundary and gable wall of number 20;
- Highway safety – traffic generation, already restricted parking, passing and manoeuvring space, pedestrian safety;
- Given the increase in the number of driveways converging on the narrowest point of the Lane we are concerned that this will cause access issues for a number of residents;
- Only one parking bay is provided, this is inadequate for a family house and will lead to more on street parking.

Design and Impact on Character of Area Issues

- It is a garden grab a small garden of an original cottage;
- The plans state that Colley Lane as 'a Brownfield Site' it is not a Brownfield Site is a green field Site in a rural fringe area. We consider the Lane to be semi rural (that's why we moved here) and a residential area;
- We consider that the dwelling will be a modern new build not in keeping with the other properties in the Lane. The properties in the Lane have character;
- The Design Statement states that the dwelling will sit 'comfortably between the existing dwellings. This is clearly not the case, our house was built with a 1920's style – this clearly contravenes central government and borough council planning policy. This is nothing more than a small Barrett type box a small starter home totally out of character;
- This standard new build and not in keeping with other properties;
- Approval of the application would also establish a dangerous recedent in terms of expectations for approving other back land/tandem developments proposals within the borough.

The following points were also included within representations however, they should not be taken into account for the determination of this application as they are not material planning considerations: -

- Proposal would result in a loss of views from neighbouring properties;
- Proposals would devalue neighbouring properties;
- Neighbouring properties would be devalued if this development is allowed;
- The development would spoil the view from the dwellings opposite;
- Access to the rear of the dwelling is not adequate for the Fire Services;
- The proposal is for a small starter home in the wrong area;
- The development could impact on the structural integrity of No.20 Colley Lane through foundation excavation, impact of the development on surface drainage and removal of trees;
- The site is not a Brownfield site.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement accompanies the application that includes information under the following titles: Introduction and background, Use and Planning Policy, Amount, Layout (Including Sun Shadow Diagram), Scale, Landscape, Appearance and Access.

7. OFFICER APPRAISAL

This is a re-application of a previously refused application for a similar scheme (ref. 08/0190/FUL). The application seeks full planning permission for a detached two-storey, northeast facing, 2-bed dwelling with parking for 1 vehicle to the front and new vehicle access onto the highway. The differences between the current and previous applications are as follows:

- A reduction in width of the dwelling by 300mm (5.7m);
- A reduction in depth of the dwelling by 300mm (7.7m);
- Repositioning of the dwelling such that the front elevation is 1m closer to the highway (5m);
- The front door is to the right hand side of the dwelling;

- Additional design features including chimney, dentil brick course below eaves to front and rear, change from gable to simple flat roof canopy over front door, detail brick course at first floor cill height;
- Inclusion of bin store to rear side of dwelling;
- Driveway to No.20 to be retained;
- Provide new side window in the northwest elevation of No.20 Colley Lane;
- Provide 1.8m high fence to rear and side boundaries;
- Hedge fronting to front and hedge and tree planting to rear of rear garden to be agreed by LPA.

The main issues for Committee in determining this application are:

- a) The principle of development
- b) The design and impact of the proposal on the surrounding area.
- c) Highway safety
- d) Impact on the amenities of neighbouring properties.

Principle of the Development

The site is designated as being within the settlement zone line of Sandbach where there is a presumption in favour of development as stated in Policy PS4. Policies H1 and H2 refer to the provision of new housing and its distribution throughout the Borough. The proposal complies with Policy H4 (i) in that it does not utilise a site, which is allocated or committed for any other purpose and complies with other Local Plan policies. Taking into account the issues discussed above, it is considered that the principle of a new dwelling on this site is acceptable.

The design and impact of the proposal on the surrounding area

Policy GR1 requires that all development is of a high standard, to conserve or enhance the character of the surrounding area and not detract from its environmental quality, in addition Policy GR2 requires that proposals achieve a high level of design quality including the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

The surrounding area has mixed residential development ranging from large modern 4 bedroom detached dwellings, semi detached three / four bed dwellings and smaller two bedroom bungalows.

The proposed dwelling would measure 5.7m in width 7.7m in depth 4.6m to eaves height and 6.9m to ridge height. The plot measures 24m in depth to the southeast side and 25m to northwest side. It is 6m in width at the front increasing to 8.2m then reducing to 7m in width at the rear. The proposed dwelling would be sited 5m – 5.2m from the front boundary and 11.2m – 11.8m from the rear boundary and would abut the southeast boundary. The dwelling would be constructed using red/brown facing brick and blue/grey roof slates to be agreed by the Local Planning Authority. It is considered that subject to approval of appropriate facing materials the proposed dwelling would have the appearance of a simple cottage of similar scale to the two semidetached cottages to the southeastern side.

The reason given for earlier refusal by the Planning Committee was as follows:

“The proposed development would result in a cramped and intrusive form of development on the site that would have an adverse impact on the character and appearance of the area contrary to Local Plan Policies GR1 & GR2.”

This earlier application was dismissed at appeal. The Inspectors observations conflict with the reason given for refusal. Referring in particular to the contribution given to the character of the area by the land subject of the appeal, the Inspector states:

“Given the diverse nature of built form in the locality and the spaces between buildings, its loss to development would, in principle, have an essentially neutral impact in those terms.” With reference to the separation distances between the dwellings fronting the western side of Colley Lane the Inspector stated that the new dwelling would be a “tight fit” in terms of its effect on the street scene. He goes on to state that given the variety which exists he did not consider that the proposal would be so harmful that permission should be denied on these grounds alone.

Concerns have been raised regarding the impact of the dwelling on the character and appearance of both the semi-detached cottages adjacent to the southeast of the site and the detached cottage adjacent to the northwest (No.20). The dwelling would be 2.6m from the cottages to the southeast and 3.8m to 4.2m from No.20 to the northwest. It would be set back 5.2m from the front elevation of the cottage to the northwest which abuts the pavement. The orientation of No.20 being side on to the road, means that the proposed dwelling is effectively behind No.20. The front and principle aspect of No.20 is seen when approaching it along Colley Lane from the northwest. From this direction the proposed dwelling would not be visible at all.

Given the above it is considered that the proposed dwelling would neither dominate nor harm the appearance or character of the dwellings to either side nor would it harm the street scene.

Given the mixed nature of the surrounding development it is considered that the scale and design of the proposed modest two-bedroom dwelling would be in keeping with its surroundings.

Highway safety

Numerous representations have been raised regarding the new access, parking and highways safety issues. It is noted that the Inspector raised no concerns regarding, highway safety, access or parking in relation to the previous application. It is considered unlikely that any of the changes proposed in this amended application would give rise to access, highway safety or parking issues over and above those of the previous application.

Highways are satisfied that the proposed development is acceptable subject to provision of a vehicular crossings constructed in accordance with Highway Authority specification.

Given the comments from the Highways it is considered that a refusal on these grounds would not be sustainable at appeal.

Impact on the amenities of neighbouring properties and amenity of future residents

It is noted that in his conclusion regarding the previous application's appeal the Inspector stated:

"My overall conclusion...reflects the need to adopt a precautionary approach in this case, given the policy objectives and the clearly marginal nature of the sites development potential, I consider it reasonable that some onus be placed on the appellant to demonstrate (rather than to simply assert) that the scheme could be implemented without significant harm to the living conditions of neighbouring residents..."

Apart from the minor alterations to the appearance of the proposed dwelling, in the main, the changes from the previous scheme have been made to address the amenity concerns raised by the Inspector in the previous scheme. In particular, amenity issues which relate to occupiers of Nos 24 & 20 Colley Lane and 12 Cross Street. These particular amenity issues have again been raised by objectors.

Regarding No.20, the Inspector raises concern that whilst the principle source of light is to the rear of the dining kitchen, due to the proximity of the proposed gable end there would clearly be some adverse impact on access to light. To address this the current scheme includes a new window to the dining kitchen in the northwest elevation of No.20. The rear elevation of the proposed dwelling would be set forward to the north of this new window. It is considered that the addition of this new window in No.20 more than compensates for the loss of light to the existing window to the kitchen diner in the northwest side elevation.

Regarding No. 12 Cross Lane to the rear of the site. The closest first floor rear window to a habitable room in the proposed dwelling to the rear windows of No.12 would be 21m, 0.3m below the minimum guide distance given in SPG 2. However, given that the rear of No.12 is set at an angle, it is considered that 0.3m below the guide separation distance would be acceptable. A 1.8m boundary fence and hedge and tree planting to be agreed by the LPA would further reduce any impact of loss of privacy through overlooking.

It is also noted that the existing first floor rear window to No.20 which is 19m from the rear of No.12 Cross Street already overlooks the rear garden and north elevation of No.12 Cross Road.

Overall, given the above it is considered that the impact on the amenity of No.12 Cross Street has been fully addressed by the current application and a refusal on these grounds would not be sustainable at appeal.

There are a number of amenity issues relating to No.20 Colley Lane, principally the loss of light to the main living room and conservatory to the rear of the dwelling; and to a lesser degree, loss of light to a southeast facing kitchen window, a southeast facing first floor landing and stair well window. Most of the changes included in the current scheme from the previous scheme as detailed above have been made to limit the impact on No.20. The reduction in width by 300mm and depth by 300mm of the proposed dwelling and the shifting of it 1m further forward, when taken together, significantly reduce the impact on any loss of natural light to the small window to the main living room in the south east elevation of No.20. This is further evidenced by the "Sun Shadow Diagram" provided by the applicants architects

The main living room has a single window to the southeast, a single window to the northwest, double French doors with further small windows to either side to the rear southwest elevation opening into the conservatory. The door and windows to the conservatory to the southwest are clearly the principal source of light. Taking into account the above-mentioned changes to the scheme it is demonstrated that the Southeast side window would only lose a small amount of morning sunlight for part of the year, and would be afforded full sunlight for most of the day. Based on the above is considered that the applicant has addressed the main concerns of the Inspector regarding the main habitable living room.

The proposed dwelling would screen sunlight to the southeast facing kitchen window from late morning onwards however, when considering planning applications, a kitchen it is not considered a habitable room, as such the importance given to loss of light to such rooms is not so significant. Furthermore, existing ornamental shrubs largely screen this window and the kitchen benefits from a further similar sized window to the northwest side. As such, the loss of light to this window would be considered acceptable.

There are no windows to habitable rooms at first floor level, only to a landing and stairwell. As such loss of amenity due to loss of light to these windows is not considered significant.

Neighbours across the road to the northeast objected to the proposal contending that they would suffer a loss of light and amenity to their property. The proposed dwelling would be over 28m to the southwest of the dwellings opposite. The minimum separation distance for facing two storey dwellings across a road, as detailed in SPG 2, is 21.3m. As such it is considered that there would be no significant impact on the amenities of residents living opposite.

Objections have been received contending that the proposal would not provide the minimum private garden amenity space as detailed in SPG 2 Provision of Private Open Space in New Residential Developments. The proposed would actually exceed the minimum standard of 65sqm by 20sqm.

Overall, given the above, it is concluded that any loss of amenity to the residents of neighbouring properties would not be significant and that a refusal on amenity grounds would in my opinion, no longer be sustainable at appeal.

8. CONCLUSIONS

It is concluded that the design of the proposed building is acceptable and does not represent a form of development which would result in significant detriment to the visual amenity of the area or appear incongruous within the street scene. Nor would the proposals result in the unacceptable loss of amenity afforded to neighbouring properties. There are no highways objections. As such it is considered that the changes made to this scheme from the previous application are sufficient to overcome the Inspectors concerns at appeal. A recommendation for approval subject to the following conditions is therefore made.

9. RECOMMENDATION

Approve subject to following conditions:

- 1. Commencement of development (3 years)**
- 2. Development in accord with approved plans**
- 3. Submission of samples of building materials**
- 4. No windows to be inserted**
- 5. Removal of permitted development rights**
- 6. Landscaping to include details of boundary treatment**
- 7. Landscaping - submission of details**
- 8. Landscaping (implementation)**
- 9. Landscaping - implementation**
- 10. Decontamination of land**
- 11. Protection from noise during construction (hours of construction)**
- 12. Pile Driving**

