

STRATEGIC PLANNING BOARD

APPEALS

Application Number: 08/1864P

Appellant: Mr Kenneth Mead

Site Address: The Wharf, Bullocks Lane, Sutton, Macclesfield, SK11 0HE

Proposal: Outline application for single dwellinghouse

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refused 30.10.08

Appeal Decision: Dismissed 05.03.09

MAIN ISSUES:

The appeal site is within the Green Belt, the Macclesfield Canal Conservation Area and an area of Special Country Value.

A Certificate of Lawfulness was granted in 1990 for the use of the site by a roofing contractor. The business comprised the repair and maintenance of roofs and chimney stacks, including the storage of materials and vehicles ancillary to the business.

It was agreed by all parties that the proposal represented inappropriate development within the Green Belt; the key consideration was whether there were any Very Special Circumstances or other considerations to outweigh the harm caused by reason of inappropriateness.

INSPECTOR'S REASONS:

The Inspector considered that the replacement of three small storage buildings with a single storey dwelling would not have an adverse effect on the openness of the Green Belt, however, he considered that the form of residential development proposed would be at odds with the countryside setting. He also considered that the change in character that the scheme proposed would represent an overt encroachment of urban form in the countryside, contrary to the guidance in PPG2 (Green Belts), and the proposal would adversely affect the character of the countryside and the character of the Conservation Area, contrary to policies NE1 and BE3 of the Local Plan.

He was not satisfied that the fallback position (re-use of the site by a roofing contractor) would be implemented to such an extent that would cause as much harm to the openness, character and appearance of the area as the appeal scheme.

The Inspector considered that the material considerations put forward did not represent a Very Special Circumstance, and did not outweigh the harm to the Green Belt, Countryside or Conservation Area and as a result the appeal was dismissed.

IMPLICATIONS FOR THE COUNCIL:

The Inspector agreed with the Local Planning Authority that the development would have an adverse effect on the Green Belt, character of the countryside and Conservation Area. He gave weight to the guidance contained within PPG2 (Green Belts), GC1, NE1 & BE3 of the Local Plan. Interestingly, he considered that the replacement of existing buildings with a new building within the Green Belt would not harm openness. This approach should be fully considered in other similar cases.

Application Number: P08/1109

Appellant: Mr Mark Hulme

Site Address: 8 Furnival Street, Crewe, CW2 7LH

Proposal: Conversion of a house into 2 flats

Level of Decision: Development Control Committee (Crewe)

Recommendation: Approve with conditions

Decision: Refused 04/12/2008

Appeal Decision: Allowed with conditions 20/05/2009

MAIN ISSUES:

The Inspector considered that the main issues of the appeal proposal were the impact on the living conditions of the occupiers of the adjacent houses with respect to noise disturbance and the impact on highway safety, particularly the car parking provision.

INSPECTOR'S REASONS:

The site is situated within the Crewe Town Settlement boundary and is one dwelling within a row of terraced properties. The Inspector notes the Council's concerns about the increase in domestic activity at the appeal site and the consequent noise disturbance that would be caused to residence of the adjacent properties. The Inspector states that the conversion may potentially result in an increase in activity, but it does not necessarily follow that a significantly greater level of noise would ensue, compared to the house being occupied by a single family as a single house. The Inspector notes that both flats will be accessed from the existing front door to Furnival Street, and that both kitchens and bathrooms are located to the rear of the property which will mitigate to some degree the extent of noise disturbance encountered by residents of both neighbouring houses. The Inspector does not believe that noise disturbance from televisions, radios, opening and closing doors or movement on the stairs will be any more than that which would arise from a single family house. The appellant proposes to install sound insulation to mitigate any potential increase in noise disturbance that may arise between the two flats and the neighbouring houses. Therefore, the Inspector considers that with the addition of sound insulation (provision of which is conditioned); the proposal will accord with Local Plan Policies BE.1 and RES.9.

In relation to the impact on highway safety and parking, the Inspector notes that the Council states that two additional spaces should be provided in line with parking standards for residential provision; however the appellant argues that in theory no greater requirement should arise from the proposed

conversion. The Inspector states that the property is within walking distance of local amenities; a bus service, the town centre and the railway station and that there is potential for bicycle storage on site (provision of which can be conditioned). The Inspector considers that the relatively small size and 'affordable' nature of the proposed flats, which result in a net addition of one dwelling, would generate the need for no more than one additional parking space. The Inspector notes that the Council's appeal statement argues that on-street parking at this point is saturated. However no evidence was provided to support the assertion, and contrary to this the Council's committee report states that a Council Officer only found a small number of cars parked on the street at three different times of the day, as did the Inspector on their site visit at late afternoon. Therefore the Inspector considers that there is adequate capacity for an additional car to park safely on the street without any detriment to highway safety, and therefore the proposal in accordance with Local Plan Policies TRAN.9 and RES.9.

The Inspector notes concerns raised by the Council in relation to the continued subdivisions of terraced properties, which could eventually change the character and appearance of the street. However, the Inspector states that every application must be considered on its own merits and to date only one other application in Furnival Street for subdivision to flats has been approved and considers that the combination of the two permissions will not significantly change the character of the area from the existing predominance of single dwellinghouses.

The Inspector therefore considers that the proposed conversion will not have an unacceptable effect on the living conditions of the neighbours by reason of noise or any other disturbance, and consider the parking adequate and therefore allows the appeal.

IMPLICATIONS FOR THE COUNCIL:

This is a very significant decision for the Council, which deals with a significant number of proposals to change the use of terraced dwellings to 2 flats particularly in Crewe. The former Crewe and Nantwich Borough Council Development Control Committee had very strong concerns regarding parking provision for the area, amenity impact on neighbouring properties due to the intensification of the residential use, and the implications of changing the character of terraced areas by allowing numerous flat conversions. Historically the Highway Authority have also refused to support such proposals because they fail to meet adopted parking standards. However, the counter-argument has always been, in the light of Government advice that car use can be discouraged by reducing opportunities to park at sites in sustainable locations, that the lack of off-street parking provided was mitigated by the sustainable location of the flats, close to the town centre and the local transport network, and amenity impact could be reduced through mitigation methods.

In this case the Inspector has highlighted the importance of the sustainability of the site considering the proximity of the development to surrounding local amenities and facilities, the local transport network, and also on-site mitigation

measures that could be implemented. The Inspector also highlights that an intensification of activity does not necessarily result in greater noise disturbance, particularly when noise insulation measures are proposed. The proposed development was deemed to be in accordance with Policies BE.1 (Amenity) and RES.9 (Houses in Multiple Occupation). This decision will hold considerable weight as a material consideration in the determination of future planning applications for similar sub-division of dwellings proposals.