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| Planning Reference No: | 09/1598C |
| Application Address: | Beech House, Twemlow Green, Holmes Chapel Cheshire, CW4 8BN. |
| Proposal: | Construction of one two-storey dwelling with detached double garage and new access. Construction of new access for existing dwelling. |
| Applicant: | Mr J Hindley |
| Application Type: | Full |
| Ward: | Congleton Rural Ward |
| Earliest Determination Date: | 6 July 2009 |
| Expiry Date: | 20 July 2009 |
| Date Report Prepared: | 3 July 2009 |
| Constraints | TPO |

SUMMARY RECOMMENDATION:

Approve with conditions

MAIN ISSUES:

Principle of the development
Impact on neighbour amenity
Impact on protected trees
Impact on character of the area

1. REASON FOR REFERRAL

Called in by Councillor Les Gilbert on the grounds of loss of amenity to Hiverley Cottage, character of the area and prominence of proposed dwelling when viewed from the A535.

2. DESCRIPTION OF SITE AND CONTEXT

The 0.34ha application site is located to the south side of the A535 and North West side of Forty Acre Lane at the eastern end of the village of Twemlow.

The site consists of a substantial modern detached dwelling known as 'Beech House' which is set within a triangular shaped plot of mature gardens including a number of protected trees. The site is well screened by high mixed species hedges to the South East and South West; by a group of mature trees to the North West end and a number of semi mature trees and a 1.6m beech hedge along the northern boundary.

The site lies within the Twemlow Settlement Infill Boundary Line.

3. DETAILS OF PROPOSAL

The application seeks full planning permission for the construction of one two-storey dwelling with detached double garage and new access and the construction of a new access for the existing dwelling.

4. RELEVANT HISTORY

08/1585/ful Application for one two-storey dwelling and new access refused 15th December 2008.

5. POLICIES

North West Regional Spatial Strategy

DP1 – Spatial Principles

DP4 – Making the best use of existing resources

DP7 – Promote Environmental Quality

Local Plan Policy

GR1 (General criteria for development)

GR6 (Amenity and health)

GR9 (Accessibility, servicing and parking provision)

H1 & H2 (New Housing)

PS6 (Development within Infill Boundary Line of settlements in Open Countryside or Green Belt)

NR1 (Trees)

Supplementary Planning Document 2: Provision of Private open Space (SPD2)

6. CONSULTATIONS

The Senior Landscape and Tree Officer (by email 22nd June 2009) raised concerns that the proposal would impact on one protected tree, a mature Oak

The SLT Officer also commented that the northeastern corner of the site is dominated by trees and appears waterlogged. The position of the proposed garage and the presence of the trees this use area of the site as private amenity space would be severely restricted.

The Senior Landscape and Tree Officer (by email 3rd July 2009) following receipt of revised plans the Officer commented that subject to appropriated tree and hedge protection measures her earlier concerns regarding the protected Oak tree had been addressed.

Additionally, the SLT Officer notes that the plans appear to indicate additional planting on the roadside verge to the west of the site, such land is outside the application site and may be outside the applicant's control. She further states that should the proposal be deemed acceptable landscape conditions are recommended. Also, boundary treatment to separate the existing and new plots will also need to be addressed.

7. CONSULTATIONS (External to Planning)

The Environmental Health Section by email received 2nd July 2009 raised no objections subject to the following conditions:

1. Ground contamination
2. Restrict hours of piling
3. Limit hours of construction

The Highways Engineer had made no comments at the time of writing this report.

8. VIEWS OF THE PARISH COUNCIL:

Twemlow Parish Council by email 3rd July 2009 made the following comments:

The proposal is not in keeping with a hamlet which consists of relatively large houses set in spacious plots with ample distance between houses which are protected with mature trees (some of which have already been removed at Beech House).

The previous application was turned down due to it being unduly prominent when viewed from the A535, which the Council still feel would be the same this time. It is still again very close to the A535 hedge line and no other properties are so close.

The Parish Council feel that the property is causing a removal of mature trees which is therefore a significant harm to the rural appearance of this area.

9. OTHER REPRESENTATIONS:

A single letter of objection received 1st July 2009 raised the following issues:

- The proposed development due to its size, scale and position is not appropriate to the character of the surrounding area.
- The development will have a detrimental effect on amenity due to loss of privacy and visual intrusion on at least one neighbouring property.
- The development will harm existing protected trees

10. OFFICER APPRAISAL

This proposed scheme is a reapplication of an earlier scheme for a new dwelling and new access (ref.08/1585/ful) that was refused for the following reason:

The proposed development by reason of its design, scale and massing would result in a form of development which would appear unduly prominent when viewed from the A535 and not in keeping with the sylvan character of the area in which trees are allowed to predominate as a result of the wide spacing and setting back of dwellings from the road. As such the proposed development

would be contrary to policies GR1, GR2, H6 and PS6 of the adopted Congleton Borough Local Plan First Review.

The current scheme is a similar proposal for a detached dwelling and a new access. The new scheme includes the following changes that seek to address the reason for refusal.

- The main dwelling has been moved to 5m from the 1.6m high beech boundary hedge.
- The garage has been separated from the main dwelling to reduce the massing of the development when viewed from the A535.

In addition, on officer advice, amendments have been submitted, (received 3rd July 2009) which include the repositioning of the detached garage and the access to the proposed dwelling so that neither are within the root protection zone of an Oak tree subject of a TPO.

The main issues for the Committee in determining this application are:

1. The principle of the development.
2. Impact on neighbour amenities
3. Impact on protected trees
4. Highway safety
5. Impact on the character of the surrounding area.

The Principle of the Development

Policy PS6 states that within the infill boundary line of a number of named settlements that includes Twemlow, limited development only in accordance with policy H6 will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

Policy H6 states that new residential development in the open countryside or within the green belt will not be permitted unless it falls within one of a number of categories which includes the following:

Limited development within the infill boundary line of those settlements identified in policy PS6 which must be appropriate to the local character in terms of its use, intensity, scale and appearance;

The surrounding area is primarily residential with generally well-spaced larger dwellings on generous plots. Were an additional dwelling erected on this well

screened site with an area of 0.34ha the housing density would, in planning terms, still be low at under 6 dwellings per hectare.

The use, intensity and scale of the proposed development would be appropriate to the character of the area. Having regard to policies PS6 and H6, it is considered that the proposed development is acceptable in principle.

Impact on Neighbour Amenity

Policy GR6 requires that proposals will only be permitted where there would be no unduly detrimental effect on the amenity of neighbouring residential properties

It is noted that objections on amenity grounds have been received from neighbours living across the A535 to the north of the site. The distance between existing nearby properties and the proposed dwellinghouse would exceed recommended distances as set out in SPG 2 – Private Open Space. With respect to the objector's dwelling the proposed development would be over 50m away, as such any impact on their amenities would not be considered significant in planning terms.

The nearest other dwelling would be Beech House. The proposed dwelling would have two first floor bedroom windows in its west elevation which would face Beech House however no windows to habitable rooms would be overlooked and only the front garden and the rear portion of the rear garden would be overlooked.

There would be no significant loss of natural light to Beech House.

There are no other amenity issues.

Impact on protected trees

Objections have been raised regarding the impact of the proposals on protected trees. Additionally, concerns were initially raised by the Senior Landscape and Tree Officer regarding the siting of the proposed garage and access to the new dwelling. Both would have been within the Root Protection Zone (RPZ) of a mature Oak tree subject to a TPO (labelled T5 on the Landscape proposal plan).

On officer advice, the siting of the proposed dwelling, the garage and the access to the new house were altered so that none of the proposed development would be with the RPZ.

Based on the revised layout received 3rd July 2009. Subject to appropriate tree and hedge protection and appropriate landscaping conditions the Senior Landscape and Tree Officer raises no objection.

As such any refusal on grounds of harm to protected trees would not be sustainable.

Design and impact on the character of the surrounding area.

The proposal is for a two storey detached 4 –bedroom dwelling measuring 14m in width, 10m in depth, 3.6m to eaves with a ridge height of 7.7m. To the front elevation there would be a central gabled feature with porch below and dormers to either side. Facing materials should be agreed by condition with the LPA.

The detached garage would measure 6.2m in width, 6.2m in depth, 2.3m to eaves and 4.8m to ridge height. On officer advice the ridge has been amended to run front to back thereby avoiding future conflict with nearby trees.

The earlier refused scheme was such that the garage was attached to the main dwelling which presented an unbroken rear elevation of 22m in width some 3m from the rear boundary (a 1.6m high Beech hedge).

The current scheme moves the rear elevation of the dwelling back to 5m from the rear boundary and shifts the garage 6m to the north west away from the dwelling amongst the trees. This greatly reduces the massing to the rear boundary.

The reason for refusal of the previous application refers particularly to the prominence of the development when viewed from the A535. With the current arrangement the proposed development would barely be visible at all when approached on the A535 from the north east or from the south west.

There would only be views of the buildings when viewed from a 40m section of the A535 directly to the rear of the site (north), such views would be partially screened by the existing boundary hedge and existing semi mature trees on the grass verge. Whilst it is noted that the plans include further planting on the grass verge, this land is beyond the control of the applicant. As such it is recommended that there should be appropriate landscaping to include further tree planting on or just within the rear boundary. Such landscaping would provide further screening of the development when viewed from the A535 and should be conditioned.

Given that this section of the A535 has the national speed limit and that there are no footpaths, it is considered that views into the site by the public would be very limited. Only the residents living to the north across the A535 at Hiverley Cottage would have any clear view of the development.

It is noted that the Senior Landscape and Tree Officer no longer objects to the scheme with regard to its prominence when viewed from the A535.

The boundary treatment between Beech House and the new dwelling and the part of the existing access to be closed should be landscaped appropriately.

Overall, subject to appropriate tree and hedge protection and landscaping measures it is considered that the scheme would have little impact on the character of the surrounding area and therefore addresses the reasons for refusal of the earlier scheme.

Highways Safety

Policy GR9 aims to ensure that new development does not impact on highway safety in terms of parking, access and servicing.

Whilst no comments have been received from the Highways Engineer the proposal would have little significance on highways. Should the application be approved it is recommended that an appropriate informative be included to ensure that the new access and alterations to the existing access meets highways standards.

12. CONCLUSIONS

Having regard to the pattern of existing development in the area and other material planning considerations, the Local Planning Authority is of the opinion that the proposed development would be in accordance with Policies PS6, GR1, GR2, GR6, GR9, H1, H2, H6 and NR1 of the adopted Congleton Borough Local Plan First Review, and DP1, DP4 and DP7 of the Regional Spatial Strategy for the North West and that it would not materially harm the character or appearance of the surrounding area or the privacy and living conditions of neighbouring occupiers and would be acceptable in terms of highway safety.

12. RECOMMENDATION

APPROVE subject to the following conditions: -

1. Standard commencement condition
2. Development to accord with approved revised plans
3. Removal of permitted development rights Class A to C of Part 1 Schedule 2 of GPDO 1995.
4. Limit hours of construction,
5. Limit hours of piling
6. Submission of samples of facing materials
7. Standard contaminated land conditions
8. Standard Tree Protection conditions
9. Standard Landscaping conditions

