

<b>Planning Reference No:</b>	09/0930C
<b>Application Address:</b>	38 Pikemere Road, Alsager.
<b>Proposal:</b>	Two residential units to rear of 38 Pikemere Road, on existing rear garden land.
<b>Applicant:</b>	Mr Andrew Chatterton
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Alsager
<b>Registration Date:</b>	25 <sup>th</sup> June 2009
<b>Earliest Determination Date:</b>	11 <sup>th</sup> August 2009
<b>Expiry Date:</b>	19 <sup>th</sup> August 2009
<b>Date report Prepared</b>	25 <sup>th</sup> November 2009
<b>Constraints:</b>	None

#### **SUMMARY RECOMMENDATION**

Refuse on the grounds of adverse impact on trees and unsatisfactory living conditions due to dominant trees and hedges causing significant shading.

#### **MAIN ISSUES:**

- Principle of the development, impact on trees, layout and design.

### **1. REASON FOR REFERRAL**

Called in by Councillor S Jones

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

The application relates to a site, which is currently part of the large rear garden of 38 Pikemere Road, Alsager. The land is designated in the local plan as being within the settlement zone line of Alsager. Committee should be aware that there is a current application for approval of reserved matters for two dwellings on the neighbouring property, number 36 Pikemere Road, reported elsewhere in this Agenda.

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

The proposal is for the erection of two residential units in the rear garden of 38 Pikemere Road, Alsager. They would consist two large detached dwellings with detached double garages. Access would be taken adjacent to the boundary with number 36 Pikemere Road.

### **4. RELEVANT HISTORY**

07/0111/FUL	2007	Approval for porch
22388/3	1990	Approval for garage extension
18584/3	1987	Approval for extensions
13783/3	1981	Approval for garage
9914/3	1979	Approval for extension
8097/1	1978	Refusal of outline application for dwelling and garage

## **5. POLICIES**

### **National Guidance**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

### **Congleton Local Plan 2005**

PS4 – Plan strategy

GR1 - General criteria for new development

GR2 - Design

GR6 – Amenity & health

GR9 - Highways safety & car parking

H1 – Provision of new housing development

H2 – Housing supply

H4 – Residential development in towns

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

### **Environmental Health:**

The desk top assessment concluded that there were no issues relating to contaminated land, having studied this it is not envisaged that any further issues would arise in relation to the potential for contaminated land within this application, based upon the applicant's submitted information.

Conditions are recommended relating to the hours of construction and piling.

### **Highways**

Initially recommended refusal of this application as the access would not meet the desired standards, subsequently a revised plan was submitted and the Strategic Highways Manager has agreed the proposed access subject to informatives relating to the vehicular crossing and entering into a S278 agreement.

### **Senior Landscape and Tree Officer**

### **Biodiversity**

The submission includes an Ecological Scoping survey by Apex Ecology dated June 2009. The survey included a habitat assessment and inspection of a garage and a pond for their potential to support protected species. The site is assessed as having potential for bats, breeding birds, Great Crested Newts, hedgehog and invertebrates.

Bats - No evidence found in the garage of roosting bats but some potential for access identified. The local area is considered to provide good foraging. A precautionary approach is recommended for demolition of the garage.

Breeding birds - It is recommended that any clearance works be timed to avoid the breeding season.

Great Crested Newts (GCN) - A large ornamental pond is situated in the centre of the site. Common frogs are recorded as using the pond. The pond is considered suitable for GCN. The report recommends a search of the local biological records centre to ascertain if there is a known population of GCN in the locale and states that dependant upon the search results, a judgement can be made as to whether the pond requires a targeted GCN survey. The ecologist suggests that alternative pond provision be included in the development.

I have found no evidence that a search of the local biological records centre has been undertaken and in the absence of comprehensive survey for GCN, it is not possible for the LPA to assess the potential impact on the protected species. The application is deficient in this respect.

## **Trees**

There are a number of trees on and adjoining the site and the submission includes an arboricultural survey and constraints report. Trees on land to the west and east of the site are subject to TPO protection although trees on the site are not protected. Several trees on site are classed in the arboricultural survey as being highly desirable or desirable to retain. The report concludes that due to their location, the trees have a moderate visual amenity. The arboriculturalist recommends that any development should be so located so that it does not breach the root protection zones. Whilst the report includes details of tree crown spreads, these are not reflected accurately on the site plan.

The proposed site layout would be likely to impact on a young Oak tree on the eastern boundary close to the proposed new driveway, and a Silver Birch tree in the rear garden would be removed in order to accommodate plot 1. The house on plot 2 would be within the crown spread and root protection area of an Elm tree in the south east corner of the site and the garage on the same plot would be within the crown spread and root protection area of a mature Elm tree off site but close to the southern boundary. In addition to likely impact on retained trees, the two mature Elm trees would dominate and cause significant shading to the rear gardens and rear elevations of the two plots with direct impact on the amenities of occupiers. A tall conifer hedge identified for retention also casts shades the rear gardens to the proposed plots.

Although glimpsed views of the upper crown of the Elm trees can be obtained from roads in the vicinity, none of the trees are considered sufficiently prominent to be of such significant public amenity value as to merit the protection of a TPO. Nonetheless, I consider the layout to be unsympathetic to existing trees and it does not accord with the applicant's own arboriculturalist's advice. Further it does not accord with guidance in BS 5837:2005 Trees in relation to construction or CBC SPD 14: Trees and Development.

## **VIEWS OF TOWN/PARISH COUNCIL**

The Town Council has concerns regarding over intensification of the site and possible un-neighbourliness from the proposed development overlooking bungalow properties in College Road.

The Town Council ask for site inspection before any decision is made.

## **7. OTHER REPRESENTATIONS**

One letter objection has been received in relation to this application raising the following issues:

- Proximity of large building adjacent to the boundary
- Loss of privacy
- Damage to trees
- Proximity of the properties resulting in loss of privacy
- Overdevelopment of the site

## **8. APPLICANT'S SUPPORTING INFORMATION**

- Contaminated land survey
- Ecological scoping survey
- Arboricultural survey and constraints report
- Design and Access Statement

## **9. OFFICER APPRAISAL**

### **Principle of Development**

This application seeks a development of 2 detached dwelling houses in the rear garden of 38 Pikemere Road. The site is designated as being within the settlement zone line of Alsager and as such the presumption is in favour of development, provided that the development complies with the relevant policies in the adopted Local Plan. Policies H1 and H2 relate to housing land supply and distribution. There has been for some years an over supply of housing within the borough when compared with Structure Plan targets. Local Plan policy H1 sought to limit housing development to 200 units per annum. However with the introduction of Planning Policy Statement 3 the Council now has to ensure that it has a deliverable five year supply of land for housing and if this is not the case the Council should consider favourably suitable applications for housing. In the absence of any objection from the Spatial Planning Section on housing land supply grounds; it is considered that the development is acceptable in principle.

### **Highways**

Initially the Strategic Highways Manger recommended refusal of this application on the grounds that the access would not meet the required standards. Subsequently amended plans have been submitted that address the issues raised and it is now considered that the proposal would not have an adverse impact on highway safety and would be in compliance with Policy GR9.

### **Ecology - Protected Species & Nature Conservation**

An objection is raised on the grounds that insufficient information has been submitted in support of this application. An ecological scoping survey was submitted that concludes that there was no evidence of bats in the garage, but a precautionary approach is recommended during demolition of the garage. It is also recommended that any clearance works take account of the breeding bird season.

Having regard to the issue of Great Crested Newts, the report states that the pond is capable of supporting the species and recommends a search of the local biological records is undertaken and dependant on the results a targeted survey for Great Crested Newts may have to be undertaken. There is no record of a search being undertaken and no comprehensive survey has been submitted, therefore it is not possible to assess potential impacts on the species

## **Landscape**

The site contains several trees, none of which are protected and in addition there are trees subject to protection orders on land to the west and east. The arboricultural assessment rates several of the trees as highly desirable or desirable to retain and recommends that development should be located not to impact on root protection zones. However whilst the report contains details of crown spreads these are not accurately reflected on the site plan. The Senior Tree and Landscape Officer states that the house on Plot 2 would be within the crown spread and root protection area of an Elm tree within the site and the garage to this plot would be within the crown spread and root protection area of a mature Elm tree off site. It is considered that two mature Elm trees would dominate and cause significant shading to the rear gardens and rear elevations of both plots to the detriment of the amenities of the occupiers. In addition the tall conifer hedge which is identified as being retained, shades what would become the rear gardens of these plots.

Having regard to the issues identified above, it is considered that the proposal is not in compliance with the advice given in the arboricultural assessment, nor does it comply with BS5837:2005 or SPD14: Trees and Development.

## **Layout**

The proposal is for two detached dwellings, both to the rear of the existing dwelling. Both plots would be within 10m of the rear boundary of the site, with the garage to Plot 1 forward of the proposed dwelling and the garage to Plot 2 to the rear of and between the two properties. Access would be taken from one of the existing accesses adjacent to number 36. It is considered that this layout would result in the creation of dwellings with a low level of residential amenity due to the overshadowing by mature trees and hedges. In addition it is considered that the proposal would create a cramped form of development on the site contrary to Policies GR1 and GR2.

## **Appearance**

Both dwellings would be two storey with half-hipped roofs. Plot 1 would have two gables to the front elevation, with a single gable and two dormer windows to the rear elevation. Plot 2 would have a single gable and single dormer to the front elevation with the same to the rear. In terms of design they would not be out of keeping with the area

as there is such a large variety of property types in the vicinity, the proposal is therefore considered to be in compliance with Policy GR2 in terms of appearance.

### **Impact on the Amenity of Neighbouring Properties**

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking. The properties to the rear are approximately 40m from the boundary of the site and therefore there would be no significant impact on their residential amenities. The dwelling proposed on Plot 1 would be sited in excess of 40m of 9 Bedford Road and in excess of 22m from 38 Pikemere Road and it is considered that these distances would allow for an adequate level of residential amenity for all three properties, in compliance with Policy GR6. To the east is number 36 Pikemere Road, which has a conservatory to the rear and concerns have been expressed regarding loss of privacy to this part of the property. The window would only be approximately 16m away from the proposed conservatory, however it is considered that that given the angles of view involved there would not be a significant loss of privacy to the property.

### **10. CONCLUSIONS AND REASONS FOR THE DECISION**

In conclusion, it is considered that the proposal fails to provide an acceptable level of residential amenity to future occupiers by virtue of overshadowing from the trees and hedge and would appear to be a cramped form of overdevelopment. In addition insufficient information has been submitted in order to assess the potential impact on protected species, therefore the application is recommended for refusal.

### **RECOMMENDATION:**

#### **Refuse for the following reasons:**

1. The development would not offer an adequate level of residential amenity due to overshadowing by trees and hedging
2. The proposal would represent a cramped form of development
3. Insufficient information has been submitted to assess the impact of the development on Great Crested Newts

Location Plan: Cheshire East Council Licence No.100049045

