

Application No: 15/5026M
Location: 12 and 14, OVERHILL ROAD, WILMSLOW, CHESHIRE, SK9 2BE
Proposal: Demolition of two detached dwellings and the construction of three two-storey detached dwellings with associated accesses
Applicant: Matthew Gibbons
Expiry Date: 19-Jan-2016

SUMMARY

The proposal will provide one additional dwelling over and above the two dwellings that currently exist on site. This is considered to be a social benefit of the proposal (albeit very minor) as it will make a limited contribution to the acknowledged shortfall of housing land supply within the Borough. In environmental terms there will be a greater impact on neighbouring residential amenity, the character of the area and trees than the existing development, however these impacts are not significantly adverse. The impact highways and ecology is considered to be broadly neutral. The economic benefits of demolition and construction are considered to be relatively minor, given the small scale of development proposed.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

Accordingly the application is recommended for approval, subject to the receipt of revised plans for the garage in plot 14.

RECOMMENDATION: Approve subject to conditions

REASON FOR REPORT

The application has been called-in to Committee by Cllr Fox for the following reasons:

- Over development - combined footprint increase from 310sqm to 540sqm
- Overbearing ridge height - increase from 6m up to 8.7m
- Detrimental impact on the street-scene and alteration to the building line
- Detrimental impact on the amenity of neighbouring properties
- Fails to comply with design principles or the criteria for infill developments
- Fails to respect the local character, the form, layout, siting, scale and design of surrounding buildings and their setting

- The Housing Character Areas Supplementary Guidance Note approved June 2004 covering the 3 Wilmslow Parks including Wilmslow Park North should be a material consideration in determining any planning applications in these areas.

PROPOSAL

The application seeks full planning permission for the demolition of the two existing detached dwellings and the construction of three two-storey detached dwellings with associated accesses.

DESCRIPTION OF SITE

The application site comprises the two residential plots of numbers 12 and 14 Overhill Road. Number 12 currently comprises a detached bungalow, with hard-standing to the front and gardens to the rear, and number 14 comprises a detached two-storey dwelling again with hard-standing to the front and gardens to the rear. The site lies within a Predominantly Residential Area of Wilmslow, as defined in the Local Plan, and there are numerous Protected Trees within the Area (including some within the site).

There are two-storey dwellings directly opposite the site at the front, a two-storey dwelling south-west of the site, a bungalow north-east of the site (on the corner of Overhill Drive and Overhill Rd) and a bungalow and a dormer bungalow immediately to the rear of the site, on Overhill Close. The properties in the area are all detached dwellings - bungalows, dormer bungalows and two-storey properties, of varying architectural styles, with varying roof heights, a mixed palate of materials set within relatively spacious plots.

PLANNING HISTORY

Number 12

06/2708P - Conversion to dormer bungalow (inc. dormer windows and extensions), Approved, 20/12.2006

42074P - Extensions. Approved, 02.08.1985

Number 14

23374PB - Dining room and bathroom. Approved, 25.07.1980

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

50 Wide choice of quality homes

56-68 Requiring good design

Development Plan

Macclesfield Borough Local Plan

- NE11 Nature Conservation
- BE1 Design Guidance
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing Sites
- DC1 New Build
- DC3 Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC9 Tree Protection
- DC35 Materials and Finishes
- DC37 Landscaping
- DC38 Space, Light and Privacy

Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

- MP1 Presumption in favour of sustainable development
- PG1 Overall Development Strategy
- PG2 Settlement hierarchy
- PG6 Spatial Distribution of Development
- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles
- SE1 Design
- SE2 Efficient use of land
- SE3 Biodiversity and geodiversity
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE6 Green Infrastructure
- SE9 Energy Efficient Development
- SE12 Pollution, Land contamination and land instability
- SE13 Flood risk and water management

Other Material Considerations:

National Planning Practice Guidance (NPPG)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
Trees & Development Guidelines (SPG) – 2004
1965 Tree Preservation Order
'The Three Wilmslow Parks' – Supplementary Planning Guidance

CONSULTATIONS (External to Planning)

Strategic Infrastructure Manager (Highways) - No objections

Environmental Protection - No objections subject to conditions relating to piling and dust control.

TOWN/PARISH COUNCIL

Wilmslow Town Council - Recommend refusal, due to proposal being contrary to the SPG for Wilmslow Parks, out of character with the street-scene in terms of over-development re scale and particularly density, and would fundamentally change the character of the neighbourhood.

The amended plans are for a larger development thereby increasing the loss of privacy and overbearing nature of the development

REPRESENTATIONS

8 letters of representations have been received from the occupants of neighbouring properties, including 1 letter submitted on behalf of Residents of Wilmslow objecting to the proposal on the following grounds:

- Impact on the character of the area / streetscene
- Uniform design of dwellings with little space between buildings would erode the high amenity value and character of the area
- Density will be eroded
- Open views between buildings will be eroded
- Significant increase in height; roof line too high; should be restricted as on other sites in the area (eg. development of number 10 next door)
- Significant reduction in outdoor amenity space
- Impact on amenities of neighbouring properties – buildings closer to existing properties and resultant noise; overlooking; loss of privacy; loss of light
- Objective of retaining frontage trees will not be attained, due to access, driveways, proximity of buildings; thereby losing the sylvan character of the area; loss of trees and hedges
- Loss of landscaping compounds the impression of a cramped form of over-development of the site
- Adverse impact on bats
- Increased traffic
- Demolition of 'sound' properties seems environmentally 'unsound'
- Impact of Construction traffic
- Contrary to policies BE1, H2, DC1, DC3, DC8, DC41 or NE16 of the Local Plan or SE1, SD2 and SC4 of the emerging local plan strategy
- Contrary to guidance/criteria in the 'Three Wilmslow Parks SPG', which is a material consideration
- Will set an undesirable precedent
- It is suggested that a condition be attached to any approval requiring contributions to be made to the up-keep of the Wilmslow Park (a private road).
- Suggest any development should be for 2 larger houses, but with varying design, varied roof lines, more space around, better landscaping & screening and better protection of trees

Following the receipt of revised plans, 8 further letters have been received raising the following additional issues:

- Building line of properties moved forward.
- Garages overbearing

- Overshadowing from garages
- Noise from cars and rear facing habitable rooms
- No updated bat survey
- Size of gardens reduced
- Proposals fall short of Design Guide requirements.

APPRAISAL

The key issues to be considered in the determination of the application will be:

- The impact upon the character and appearance of the area
- The impact on residential amenity
- The impact upon highway safety
- The impact upon nature conservation interests
- Impact on protected trees

SOCIAL SUSTAINABILITY

Housing land supply

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The Council currently remains unable to demonstrate a 5 year supply of housing land.

Further to this, the NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.”

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development, or whether specific policies in the Framework indicate the development should be restricted.

On the basis of the above, the provision of one additional house over and above the two dwellings that already exist on site is considered to a benefit of the proposal (albeit a limited one).

ENVIRONMENTAL SUSTAINABILITY

Design / character

The local area is characterised by detached dwellings - bungalows, dormer bungalows and two-storey properties, of varying architectural styles, with varying roof heights and materials set within relatively spacious plots.

The plot widths on Overhill Road, Overhill Drive and Overhill Close range from between approximately 17m to over 35m, with most being around the 20-25m width. In general, apart from some low level single-storey elements, the minimum distance between adjacent properties on Overhill Road is approximately 3 metres.

The original plans for this application proposed three identical dwellings all coming to within 1 metre of their respective site boundaries. Such a proposal was considered to be out of keeping with the character of the area. Consequently revised plans were submitted that varied the design and heights of the dwellings and provided more space between the dwellings.

There is inevitably an increase in built form on the site due to the additional dwelling and the existing property at number 12 being a bungalow. However, none of the proposed dwellings exceed the height of the existing dwelling at number 14, and a minimum of 3 metres is now retained to all site boundaries which is adequately in keeping with the local area. Each plot is now individually designed, and all have front gables which is a common feature of other properties in the locality. The presence of two-storey dwellings adjacent to bungalows is also an established characteristic of the area. Whilst it is acknowledged that the proposed plot widths would be reduced to approximately 15 metres, it should be noted that there are other properties towards the northern end of Overhill Road that have plot widths that are similar to the proposed plots, and properties on Fawns Keep and Wilmslow Park that have narrower plot widths. Consequently, no significant harm is considered to arise from the proposed plot widths.

Mature, soft landscaping is evident within the plots of most properties in the local area, and an adequate proportion of each of the proposed plots will be retained for planting to help integrate the dwellings with their setting.

Due to the very varied character of the local area, the proposal is not considered to have any significant adverse impact upon the local area and does comply with policies BE1 and DC1 of the local plan and the design guide for Wilmslow Park.

Amenity

Policy DC38 of the local plan provides guidance on recommended distances between dwellings in terms of space, light and privacy. The recommended distances for new dwellings up to two-storeys high is 21m front to front, 25m back to back and 14m for a habitable room window facing elevations with either non-habitable room windows in them or blank elevations.

From the front of the dwellings to the properties opposite on Overhill Road there would be a distance of over 30m, which is well in excess of the recommended distance of 21m.

From the rear of the dwellings, measured from first floor level, to the nearest habitable room window on the properties to the rear (located on Overhill Close) the distance is approximately

25m, and therefore meet the recommended distance in policy DC38. There is a single-storey section on the rear of the proposed dwellings which would be nearer to the properties on Overhill Close than the 25m noted. However, given that these are single-storey and located behind intervening boundary treatment, and come no closer to the rear boundary than the existing two-storey structure at number 14, it is considered that these elements of the proposal will have very limited impact on the amenities of neighbouring properties.

Similarly, the proposed detached garages, which are set back into the proposed plots, are of a very limited scale and will not significantly impact upon the living conditions of neighbours to the rear.

There are no first floor habitable room windows proposed in any of the dwellings, and therefore these windows, which will serve bathrooms, can be obscurely glazed to prevent overlooking.

Plot 14 will come closer to number 2 Overhill Drive by approximately 3.5 metres. There are two windows that serve a habitable room on the front section of the neighbour's south-western elevation facing plot 14. However, there is also an additional window (the room in question is dual aspect) serving this room that faces towards Overhill Road. The resultant distance between the north-eastern facing side elevation of the resultant number 14 and the section of south-western facing rear elevation on number 2 Overhill Drive is approximately 10 metres. However, given that the habitable room in question is dual aspect it is considered that the resultant relationship would not have a significant impact on the amenities of the occupants of number 2 Overhill Drive.

To the rear, the proposed garage for plot 14 will be constructed along the boundary shared with 2 Overhill Drive. Patio doors serving the neighbour's bedroom will face the garage which will be approximately 7.5 metres from this window. The ridge of the garage is currently shown to be 4.2 metres. The applicant is currently looking at reducing the height of the garage to reduce the impact upon this neighbour. Further details will be provided as an update.

Subject to the receipt of acceptable revised plans for the garage in plot 14, overall, the resultant relationships between the proposed dwellings and the surrounding neighbouring properties are considered to be acceptable and to comply with policies DC38 and DC3 of the Local Plan. In addition, having regard to the relationships above it is not considered to be necessary or reasonable to removed permitted development rights.

Highways

The Strategic Infrastructure Manager has no objection to the proposal noting that the proposals for access are satisfactory and off-street parking provision is in accordance with CEC minimum parking standards for residential dwellings.

Trees & Landscaping

The Council's Arboricultural Officer makes the following observations and comments.

The application is supported by an Arboricultural Implication Assessment, which identifies the removal of three individual trees, three groups and a single hedge; all of which are identified in terms of BS5837:2012 as being of low amenity value. These observations and designations are accepted

There are no Category A trees on site but the three Sycamore identified as T7-9 (Moderate Cat B) along the Overhill Road boundary are protected as part of G10 of a 1965 Tree Preservation Order. The three existing points of access are to be used to serve the three new properties. Plot 12 has no impact in terms of retained trees but the expanded driveway footprints of plots 12a and 14 establish greater incursions within root protection areas (RPA) than exists at present. It is also assumed that the driveway will be resurfaced. Levels appear to be receptive to the use of a 'no dig' solution to address both problems, but details will be required in terms of a cellular confinement system. This would also address the absence of ground protection for the areas of RPA which are presently grass/garden which are not protected as part of the Tree Protection System, which can be dealt with as part of suggested conditions.

In terms of social proximity and the relationship between the dwellings and the retained trees, there is a slight footprint encroachment towards the trees, but this is not considered to be significantly detrimental in terms of light attenuation and nuisance (honey dew) when taking into consideration the present relationship.

Overall, whilst there would be some loss of trees and hedges on the site as a result of the proposed development, the trees and hedges to be removed are considered not to be of significant amenity value. Subject to appropriate conditions it is considered that the impact of the proposed development on trees and hedges is of a limited and acceptable degree and accords with policy DC9 of the local plan.

A landscape proposal was submitted with the original application, but has not been updated to reflect the amended plans. The proposed landscaping shows the retained trees along the frontage, additional trees to be planted along the frontage, shrubs and hedges to be planted in the front garden, grassed areas at the front and permeable block paving for the driveways and Indian stone down the sides of the properties and patio areas at the rear. It is noted that the rear gardens are not hatched to be grass. However, it is assumed that this would be the case; nevertheless, should the application be approved a detailed landscaping scheme can be secured via condition.

The Landscape Officer considers that larger trees than those proposed would be more in keeping with the character of the road. Also, details of boundary treatments need clarifying, which can all be dealt with via landscaping conditions.

Ecology

The Council's Nature Conservation Officer has noted that 14 Overhill Road has been assessed as having potential to support roosting bats and small numbers of old bat droppings were recorded in the loft space. However the initial assessment carried out in July 2015 and bat activity surveys (two dusk and one dawn) carried out August and September 2015 confirmed the absence of bats within the building. It was concluded that the droppings recorded within the loft space can be attributed to an old bat roost which is no longer present, likely used by an individual bat as a day roost. However, given the suitability of the building for bats and the chance that they could return to the building, the nature conservation officer has recommended further bat surveys are carried out prior to the demolition of the building. Given that the existing surveys are less than a year old the nature conservation officer is satisfied that the additional survey can be dealt with by condition. In addition, as a former

roosting site will be lost, bat mitigation in the form of new roosting provision is required, which can be secured via condition.

Bearing the above comments in mind it is considered that there are no significant ecological issues associated with the proposal and therefore the proposed development accords with policy NE11 of the local plan.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain jobs in construction and economic benefits to the construction industry supply chain.

PLANNING BALANCE

The proposal will provide one additional dwelling over and above the two dwellings that currently exist on site. This is considered to be a social benefit of the proposal (albeit very minor) as it will make a limited contribution to the acknowledged shortfall of housing land supply within the Borough. In environmental terms there will be a greater impact on neighbouring residential amenity, the character of the area and trees than the existing development, however these impacts are not significantly adverse. The impact highways and ecology is considered to be broadly neutral. The economic benefits of demolition and construction are considered to be relatively minor, given the small scale of development proposed.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

Accordingly the application is recommended for approval, subject to the receipt of revised plans for the garage in plot 14.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning & Enforcement Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A25GR - Obscure glazing requirement
7. Details of an Engineer designed no dig hard surface construction for the driveways to be submitted.
8. All arboricultural works shall be carried out in accordance with Arboricultural Impact Assessment and Method Statement
9. Bat survey to be completed and a report submitted to the Council for approval prior to demolition.
10. Bat mitigation statement to be submitted
11. Scheme to minimise dust emissions to be submitted
12. Piling details to be submitted
13. Construction method statement to be submitted.

