

<b>Planning Reference No:</b>	10/0796N
<b>Application Address:</b>	Land Adj To Siloan, Marsh Lane, Ravensmoor, Cheshire
<b>Proposal:</b>	New Dwelling
<b>Applicant:</b>	Mr & Mrs K Allman
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	362137 350616
<b>Ward:</b>	Cholmondeley
<b>Earliest Determination Date:</b>	1 <sup>st</sup> April 2010
<b>Expiry Dated:</b>	27 <sup>th</sup> April 2010
<b>Date of Officer's Site Visit:</b>	15 <sup>th</sup> March 2010
<b>Date Report Prepared:</b>	31 <sup>st</sup> March 2010
<b>Constraints:</b>	Open Countryside

### **SUMMARY RECOMMENDATION**

**Approve with Conditions**

### **MAIN ISSUES**

- Principle of Development
- Impact on Streetscene
- Impact on Amenity of adjacent properties
- Impact on highway safety

## **1. REASON FOR REFERRAL**

This application was to be dealt with under the Council's delegation scheme. However Cllr Bailey has requested it to be referred to Committee due to design, impact on amenity and highways issues and for the Committee to consider the impact on the surrounding area.

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

The application site forms domestic curtilage to the side property known as Siloan on Marsh Lane within the village of Ravensmoor. Ravensmoor does not benefit from a settlement boundary and the site is therefore located within the Open Countryside. The site is located between residential development consisting of a pair of two storey semi-detached dwellings and a pair of semi-detached dormer bungalow. The existing property of Siloan is accessed from Barracks Lane to the west of the site. Between the application site and the adjacent property, Wyvern, is a disused access, which is understood to have served an electric sub station which has now been removed.

## **3. DETAILS OF PROPOSAL**

The application proposes the construction of a two-storey, three bedroom, detached dwelling. The property will be 'L' shaped with a projecting gable towards Marsh Lane. The dwelling will have a maximum height of 6.8m and maximum width of 8m. The proposals show the proposed dwelling to be accessed from Marsh Lane with the provision of a driveway between the proposed dwelling and Siloan, parking to the rear and a turning area to the front of the dwelling. The scheme includes improvements to the visibility splay

to Marsh Lane. The proposal also includes alterations to Siloan with the creation of a kitchen window to the rear and obscure glazing to existing windows within the side elevation.

#### **4. RELEVANT HISTORY**

**09/3100N** – Planning permission refused for a new dwelling on 19<sup>th</sup> November 2009.

#### **5. POLICIES**

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP). The relevant development plan policies are:

##### **Local Plan policy**

NE.2 Open Countryside  
BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
BE.5 Infrastructure  
RES.5 Housing in the Open Countryside

##### **Other Material Considerations**

Local Development Framework – Development on Backland and Gardens

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

**Strategic Highways Manager:** Recommends the provision of a vehicular turning area to allow vehicles to enter and leave in a forward gear (to be conditioned), and an informative for the new vehicular access to be constructed to CEC standard.

**United Utilities:** No objection to the proposal providing that surface water is not discharged to foul/combined sewer which must be drained on a separate system and only foul connected to main sewer.

**Environmental Health:** No objection – recommend conditions for a Phase I contaminated land survey, protection from noise during construction and pile driving.

#### **7. VIEWS OF THE PARISH COUNCIL**

None received at time of writing report

#### **8. OTHER REPRESENTATIONS**

Three letters of objection received from 3 and 5 Ravens Corner, and Wyvern. The salient points being:

- Will be hazardous to vehicles leaving Barracks Lane both during construction and through deliveries/visitors once completed as vehicles will park on road restricting visibility.
- Precedent for further infill development in rural hamlet
- Strain on infrastructure
- Scale of building on such a small plot
- In sight line of number 5 Ravens Corner and will result in noise and light pollution
- Dwelling out of scale with 1 ½ storey dwelling adjacent
- Impact on loss of light and overshadowing on garden
- No speed limit along Marsh Lane, most motorists travel at 50mph+, history of minor accidents in area
- Removal of hedge will destroy character of area
- Parking to rear will cause disturbance

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

Short Design and Access Statement – Salient points being:

- Site complies with the infilling development within a string of residential development for one dwelling
- Carefully designed without affecting the amenity of adjacent properties
- Adequate garden/amenity land will be available for both properties and Siloan
- All habitable room windows facing front and rear to prevent overlooking and loss of privacy
- Dwelling has floor area of 123sqm
- Proposal is of similar size to adjacent properties – 2 storey and similar in height
- Scheme of landscaping to be produced if approved
- Appearance will be similar to others in the area and will be constructed from brick and tile
- Access will be via Marsh Lane to the front. Parking and turning area to be provided.
- Details of pre-application discussions with Highways also submitted.
- Confirmation that access to Siloan front door will be retained from the proposed driveway

## **10. OFFICER APPRAISAL**

### **Principle of Development**

Ravensmoor has no settlement boundary and is therefore located within the Open Countryside as identified by the Local Plan proposals map. Policy NE.2 allows for the infilling of a small gap within an otherwise built up frontage of 1 or 2 dwellings as an exception. The application site forms garden land to the side of a property known as Siloan. The land forms a gap of 14m between the properties of Siloan and Wyvern, which is considered to be a small gap. Marsh Lane at this location has an established built up frontage with a pair of semi detached properties either side of the application site. Residential development continues in both a north east direction along this side of Marsh Lane and to the south west is the Farmers Arms PH. It is considered that this represents a built up frontage and the site is therefore a genuine opportunity for infilling. The development is therefore acceptable providing the scheme is in compliance with other Policies within the Local Plan.

## **Previous Refusal**

This application is a resubmission of planning application 09/3100N which was for a new dwelling. That application proposed the access for the new dwelling to be taken from Barracks Lane through the existing access for Siloan, with the parking and turning area for both dwellings to be sited against the boundary with No.3 Barracks Lane. The application was refused for three reasons:

1. The parking and turning area for both dwellings would result in demonstrable harm to the amenity of No.3 Barracks Lane through noise and disturbance;
2. The proposals would result in an unacceptable loss of private amenity space for Siloan; and,
3. The proposed dwelling, within close proximity to side facing windows of Siloan, would result in demonstrable harm to the amenities of Siloan through overbearing.

The key issue is therefore whether the proposals now submitted would overcome these reasons for refusal without causing any other detrimental impact relating to design, amenity or highway safety.

## **Design**

The dwelling is proposed to be sited between two pairs of semi detached properties. The building is shown to be sited slightly forward of Siloan, although it will be sited slightly behind the building line of Wyvern. It is considered that the dwelling is appropriately sited to respect the pattern of development and would not result in a prominent form of development in this respect.

The application proposes the construction of a two storey detached dwelling adjacent to a pair of two storey semi detached dwellings and a pair of 1.5 storey dormer bungalows. The height of the dwelling would be no greater than the adjacent Siloan and would not appear significantly greater than the dormer bungalows as these have high ridge levels and would be sited slightly forward of the proposed dwelling. The footprint of the dwelling and its surrounding curtilage would be similar to those dwellings within the immediate area. It is therefore considered that the proposed dwelling would respect the scale of surrounding development.

The surrounding area is characterised by a number of styles of dwellings of varying ages, with no apparent prevailing character. The proposed detached dwelling is fairly simple in design and proposes a forward projecting gable. It is considered that the construction of a two storey detached property in this location would have no significant detrimental impact on the character and appearance of the streetscene in this area of mixed character.

The proposed dwelling will satisfy the criteria for design set out in Policy BE.2.

## **Amenity**

Policy BE.1 (Amenity) states that development should not have an adverse impact on adjoining properties through loss overshadowing, overlooking, visual intrusion or in any other way.

The siting of the dwelling respects the building line of surrounding development. The adjacent property of Wyvern has an attached garage to the side of the dwelling and a

kitchen door within its side elevation. The principal windows of that property are sited to the front and rear of the property it and also has an obscured glazed window at first floor level. The positioning of the proposed dwelling will mean that there will be no breach of the 45° standard from principal windows and would not therefore result in a loss of daylight to that property. The proposed dwelling is sited so that its rear wall will project approximately 4m beyond the rear of Wyvern and it will stand in close proximity to that property. The orientation of the buildings will mean that only a small area of private amenity space of that property will be overshadowed by the proposed development whilst a large area of the garden would be unaffected by the development. Consequently it is not considered that this would have an overbearing impact on the amenities of that property.

The principal windows to the front of the dwelling will be located over 40m from the principal windows of those properties opposite and would not result in a loss of privacy of those properties. To the rear there will be no directly opposing principal windows. The first floor windows to the rear of the dwelling will be 12m from the rear boundary, beyond which is the private amenity space of No.3 Barracks Lane. It is considered that this is an adequate distance to avoid significantly detrimental impact on the amenity of that property through overlooking.

The proposed access details as now submitted will result in the proposed dwelling being accessed from Marsh Lane with the parking sited to the rear and the turning area to the front of the property. The access arrangements for Siloan will now remain as existing. Although there will be some vehicular movements adjacent to the boundary with No.3 Barracks Lane this be a maximum of one vehicle with the turning area restricted to the front of the dwelling. The previous scheme had turning and parking for up to 4 vehicles adjacent to this boundary. These arrangements will significantly reduce movements adjacent to No.3 Barracks Lane to an acceptable level and will therefore overcome one of the reasons for refusal of the previous application.

Guidance within the Backland and Garden Development Supplementary Planning Document has a guideline of 50sqm as been an acceptable level of private amenity space. As the access arrangements have been significantly altered the level of remaining private amenity space for Siloan will now be 72sqm which is an acceptable level. It is therefore considered this reason for refusal has been overcome.

Within the side elevation of Siloan are two ground floor windows which are understood to serve the kitchen of that property, this dwelling is within the applicants ownership. The siting of the application dwelling as proposed would result in poor relationship to these windows which could cause demonstrable harm through loss of light. However, details have been submitted of proposed alterations to that dwelling including the provision of a new larger window within the rear elevation and the obscure glazing of the existing windows. Provided that these alterations are carried out this would overcome the third reason for refusal of the previous application. It is therefore suggested that a condition be attached to any permission requiring these alterations to be carried out and thereafter retained.

## **Highways**

The submitted plans show the site to be accessed from Marsh Lane. The scheme includes improvements to the visibility splays along Marsh Lane. This access arrangement for the proposed dwelling would be no worse than the access arrangements along Marsh Lane and would provide satisfactory visibility in the critical direction. The Strategic Highways

Manager has no objection to the proposed development provided that a turning area is provided. This has been demonstrated on the submitted plans and it is therefore suggested that a condition for its retention is proposed.

## **11. CONCLUSIONS**

It is considered that, with appropriate conditions, the proposed development would overcome the reasons for refusal attached to planning application 09/3100N. The proposed development represents a genuine opportunity for infilling within the Open Countryside. There would be no demonstrable harm cause to the character and appearance of the streetscene, or the amenities of the occupants of adjacent properties. It has also been demonstrated that the dwelling can be satisfactorily accessed from Marsh Lane.

## **12. RECOMMENDATIONS**

**Approve subject to conditions**

- 1. Standard**
- 2. Plans**
- 3. Materials to be submitted**
- 4. Surfacing materials to be submitted**
- 5. Scheme of landscaping to be submitted**
- 6. Scheme of landscaping to be implemented**
- 7. Scheme of drainage to be submitted**
- 8. Boundary treatment to be submitted**
- 9. Turning area and parking for 2 vehicles as shown on approved plan to be provided (prior to occupation) and thereafter retained**
- 10. Gates to be set back from access and no obstruction above height of 600mm in visibility splay**
- 11. Alterations to Siloan to be carried out prior to first occupation of new dwelling**
- 12. Remove all PD**
- 13. Phase I contaminated land survey required**
- 14. Hours of Construction to 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 on Saturdays and not at all on Sunday or BH Monday**
- 15. Details of pile driving to be submitted**

Location Plan: Cheshire East Council Licence No. 100049045

