

Application No: 20/4003M

Location: Rydal, 8, Moss Road, Alderley Edge, Wilmslow, Cheshire, SK9 7HZ

Proposal: Demolition of existing dwelling and its replacement with a detached dwelling and detached infill dwelling.

Applicant: Mr & Mrs Hirst

Expiry Date: 09-Nov-2020

SUMMARY:

The application site lies within the Green Belt. However, it is considered that the site would meet the requirements for replacement buildings and infill development in the Green Belt and as such would not be inappropriate development.

The revised scheme has the garages omitted. It is considered that in the context of a varied streetscene, the proposed development would not appear incongruous.

The relationship with surrounding neighbours would be acceptable; subject to conditions, requiring the windows to be obscure glazed.

The proposal would meet the Council's parking standards. There are no highway implications arising from the development.

RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

The application has been called to the Committee by the local ward member, Cllr Craig Browne, for the following reasons:

The application is called in following concerns expressed by local residents in relation to:

- *the impact of the proposed development on the openness of the green belt*
- *perceived incursion of the proposed development into washed over green belt*
- *proximity of the proposed development to the boundary with neighbouring properties*
- *potential overlooking and subsequent impact on residential amenity*
- *scale and massing of the proposed infill dwelling*

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a large detached two storey dwelling, which lies within a ribbon of development within the Green Belt. Alderley Edge village centre lies to west of the site.

The site is within a Local Landscape Designation and within the Manchester Airport Safeguarding Zone. There is a protected tree on the boundary with 10 Moss Road.

DETAILS OF PROPOSAL

This application seeks full planning permission for the demolition of the existing house and the construction of a pair of detached houses. The scheme has been amended during the lifetime of the planning application. The proposed integral garages have been omitted and the external dimensions of the infill plot have been reduced.

RELEVANT HISTORY

18/4170M – approved – 11 October 2018
Alterations, small ground floor extension and new garage

POLICIES

Cheshire East Local Plan Strategy (CELPS)

PG 3 – Green Belt
SD 2 – Sustainable Development Principles
SE 1 – Design
SE 3 – Biodiversity and Geodiversity
SE 4 – The Landscape
SE 5 – Trees, Hedgerows and Woodland
SE 13 – Flood Risk and Water Management
CO 1 – Sustainable Travel and Transport
Appendix C – Adopted Parking Standards

Saved Macclesfield Borough Local Plan (MBLP)

GC1 – Green Belt – New Buildings
DC3 – Amenity
DC6 – Circulation and Access
DC9 – Tree Protection
DC38 – Space, light and privacy

Other Material Policy Considerations

National Planning Policy Framework (NPPF 2019)

Alderley Edge Neighbourhood Plan (regulation 16 – consultation on submitted plan)

AE1 – Alderley Edge Development Strategy
AE2 – Design, Scale and Type of New Housing
AE3 – Sustainable Housing Design

AE4 – Rear Garden and Backland Development
AE9 – Landscape Character and Access
AE12 – Local and Historic Character

CONSULTATIONS (External to Planning)

Head of Strategic Transport - No material highway implications

Lead Local Flood Authority (LLFA) - Comments awaited

Environmental Health - No objections, subject to conditions relating to electric vehicle charging and ultra-low emission boilers.

United Utilities – Make general comments regarding drainage, water supply and United Utilities assets.

Alderley Edge Parish Council - Recommend refusal. It is overdevelopment and, on its side of the road, isn't appropriate in density, scale, or grain of the area, contrary to emerging neighbourhood plan policy AE2. Infill development and increased density with a 3 storey house aren't consistent to this area. There is insufficient justification for supporting the increased density and is as such also against emerging neighbourhood plan policy AE4. Housing supply needs in CE and Alderley Edge are already being met.

OTHER REPRESENTATIONS

Ten letters of representations have been received, nine objecting to the proposal and one making a general observation. A further four objections were received to the initial set of revised plans, which showed the garages to be removed.

The main concerns are summarised as follows:

- Proposed development would conflict with emerging Neighbourhood Plan policies AE2 due to scale and AE4 due to loss of openness and increase in density
- Concerns regarding the density of development
- Proposed garages would be too far forward and too dominant
- Houses would look out of character in streetscene – three storey build, large glass windows and 'in-out' area
- Proposed area of built form exceeds what is allowed under green belt rules
- Loss of light/overshadowing, loss of privacy and overbearing character to adjoining neighbours
- Would set a precedent for infilling garden space between properties
- Disturbance to local residents during construction works
- Development includes below ground level construction. Area regularly floods – proposed development would make this work

- Development would put additional burden on the existing drainage and sewer system, adding to surface water drainage problems
- Oak trees along the boundary, which are TPO'd should be protected.
- Support demolition and replacement with two houses in principle

OFFICER APPRAISAL

Principle of development – Green Belt

The application site lies within the Green Belt. National and local policies attach great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The two essential characteristics of Green Belts are their openness and their permanence.

Green Belts serve the following five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

To achieve this, there are restrictions on the types of development which may be carried out. These are detailed within NPPF paragraphs 145 and 146 and reiterated within CELPS policy PG 3.

Development not falling within one of the listed exceptions is inappropriate. NPPF paragraph 143 confirms that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

NPPF paragraph 144 directs Local Planning Authorities to give substantial weight to any harm to the green belt. It confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

NPPF Paragraph 145 states that all new buildings other than those specifically listed as exceptions should be viewed as inappropriate development. The following exceptions are relevant to this application:

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- e) limited infilling in villages

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.

These listed exceptions are also reiterated within CELPS policy PG 3.

In this case, it is considered that the development would not meet NPPF 145g). this is because the definition of 'previously developed land' specifically excludes land in residential gardens in built up areas. The increase in built form would also result in the development having a greater impact on openness.

However, it needs to be considered whether the development would fall within any of the other exceptions, notably whether the development could be considered as limited infilling in villages or a replacement building which is not materially larger.

Replacement buildings in the Green Belt

NPPF paragraph 145 includes as an exception the demolition and replacement of existing buildings, provided that they are in the same use and not materially larger than the building they would replace.

Given that one of the proposed dwellings would be located on the footprint of the existing, it would be reasonable to assess this as a replacement dwelling for the purposes of CELPS policy PG 3 and NPPF paragraph 145. A comparison of the existing and proposed figures is set out in the table below:

	Dwelling as existing	Dwelling proposed	as	Percentage change
Footprint	209.7sqm	181sqm		-13.7%
Height	7.5m	7.5m		0
Volume	897m ³	1012m ³		+12.8%

The above figures indicate that the replacement dwelling would have a slightly greater volume but a reduction in footprint. There would be no change in the height. Based on the above, it is considered that the proposed replacement dwelling would not be materially larger than the dwelling it would replace. It would therefore fall within the exception and would not be inappropriate within the Green Belt.

Limited Infilling in Villages

It also needs to be established whether the proposed infill dwelling would fall within one of the listed exceptions or whether it would be inappropriate development.

The NPPF does not provide a definition of what should be considered to be limited infilling in villages, but the CELPS defines "infill development" as *"the development of a relatively small gap between existing buildings"*, and the MBLP defines "infilling" as *"the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)"*.

Excluding the existing house, which is to be demolished and the open car port at no.6, the gap between the built forms of 6 and 10 Moss Road is approximately 51m. When the existing house, 8 Moss Road is included, the gap shrinks to around 29m. The gap remaining between the proposed replacement dwelling and 6 Moss Road will be approximately 33m, and if the open car port within the grounds of number 6 is included, the gap reduces to approximately 19m.

In some circumstances, the gap between the two existing buildings would be able to comfortably accommodate more than one or two houses and as such could not be considered as relatively small. However, the assessment of whether or not the gap is relatively small, depends on the context. In the surrounding area, there is a variety of plot widths. In the surrounding context, it would not be unusual for a gap of a similar size to be filled with either a single house or a pair of houses. As such, in this location the gap is considered to be relatively small.

The next test is whether or not the site lies within a village. The Courts have held that *“while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the inspector’s assessment of the extent of the village on the ground.”* (Wood v SSCLG and Gravesham Borough Council [2014] EWHC 683).

The application site lies along Moss Road within the Green Belt. The village boundary of Alderley Edge lies approximately 54m to the west of the site. The site is visually connected to the village, with a continuous run of development linking it to the site. Given its proximity and visual connection to the defined settlement of Alderley Edge, it is considered that the site lies within the village for the purposes of CELPS policy PG 3 and NPPF paragraph 145.

Having regard to the size and scale of the development and its location within a village, it is accepted that the development may be considered as limited infilling in villages and would not be inappropriate development within the Green Belt.

Character and Appearance

NPPF chapter 12 deals with achieving well-designed places. Paragraph 127 states that planning decisions should ensure that amongst other matters, developments should be:

- Visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- Sympathetic to local character and history, including the surrounding built environment and landscape setting

Paragraph 130 directs local authorities to refuse development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It also states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

CELPs policy SD 2 sets out the sustainable development principles for Cheshire East. It requires all development to contribute positively to an area's character and identity, in terms of, amongst other matters, its:

- Height, scale, form and grouping,
- External design features
- Massing of development – the balance between built form and green spaces.
- Relationship to neighbouring properties, streetscene and wider neighbourhood.

CELPs policy SE 1 deals with design. Similar to policy SD 2, it requires developments to make a positive contribution to their surroundings. This includes a requirement to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements.

Draft Neighbourhood Plan policy AE2 deals with the design, scale and type of new housing. Similar to CELPs policies SD 2 and SE 1, this requires scheme to be appropriate to their site in scale and character and relate well to their context. As this policy has not yet been through examination, it can only be given limited weight.

The application site is currently occupied by a two-storey detached house, which is sited on the eastern and central portions of the plot. The site has a side garden, which has an outdoor swimming pool.

The area is characterised by detached two storey houses, with a wide range of architectural styles. There is also a variety in terms of plot size. 8 Moss Road is one of the wider plots along Moss Road along with those properties neighbouring it, 6, 19 and 12 Moss Road. Immediately opposite the site, the plots are narrower, this is also the case, further to the east of the site, from no. 14 onwards. In all, plot widths along this part of Moss Road are not uniform.

There is a reasonably clear building line along Moss Road. While there are some examples of outbuildings to the front of properties, these tend to be on the wider plots. Overall, the buildings to the front do not materially encroach on the streetscene, or the spacious and leafy character to the front of plots.

Concerns have been raised that the proposed development would appear at odds with the prevailing density of development in the surrounding area and would appear as overdevelopment. Concerns have also been raised regarding the prominence of the garages to the front of the properties. The scheme has been revised during the lifetime of the application and the proposed garages to the front of the properties have been omitted. The height and width of the proposed infill dwelling have also been reduced.

Given the width of the application site, when subdivided into two properties, the plots would not be dissimilar to those of the houses opposite, or those slightly further to the east along Moss Road. The infill plot has been reduced in height and width during the lifetime of the application. It has been moved further from the boundary with 6 Moss Road. Given the variety of plot widths within the immediate context, the revised plot layout would not appear unduly cramped or at odds with the surrounding density of development.

Concerns have been raised regarding the design of the house, the changes to land levels and the provision of accommodation at third floor level.

The applicant has clarified that the land levels as shown on the plan are existing. The levels were built up to accommodate the swimming pool and drop down from the road.

The third floor would be accommodated within the roof space. The streetscene elevation indicates that the proposed dwellings would be similar in height to neighbouring properties. The third floor would be served by rear dormer windows. From the road frontage both properties would read as having two storeys.

There is no one uniform architectural design along this part of Moss Road. The proposed dwellings would each be of a different design, reflecting the variety of styles. The plans indicate that the infill dwelling would use a buff brick, which is not typical of the area. As such a condition requiring details of alternative materials is required. Subject to this, the proposed dwellings would be of an acceptable design and would not adversely affect the character and appearance of this part of Moss Road.

A number of objectors, including the Parish Council, have raised concerns that the development would conflict with AE4, which relates to backland development and development in rear gardens. Once again, this policy is only of limited weight. However, as the proposed development is along the frontage and within the side garden of the existing house, this policy is not considered to be applicable.

Local Landscape Designation

The application site lies within the Alderley Edge and West Macclesfield Wooded Estates - Local Landscape Designation. Within this area, CELPS policy SE 4 applies. This policy seeks to conserve and enhance the quality of the landscape and protect it from development, which is likely to have adverse effect on its character, appearance and setting. It also states that where development is considered to be acceptable in principle, measures will be sought to integrate it into the landscape character of the area.

The Council's Landscape Officer has been consulted on the proposal. They have advised that the proposal would not have an adverse impact on the character, appearance and setting of the wider designated landscape.

However, they have recommended that the area of hardstanding should be reduced if possible. Where required, hard surfaces should be permeable to minimise the impact on protected trees. They have also requested further details regarding site levels along the boundaries.

Conditions are recommended regarding boundary treatments, site levels, landscaping details and implementation. Subject to these conditions, the proposal would be acceptable in landscape terms and would comply with CELPS policy SE 4.

Residential Amenity

NPPF paragraph 127f) requires developments to achieve a high standard of amenity for existing and future users.

Saved MBLP policy DC3 states that development should not significantly injure the amenities of nearby residential property due to loss of privacy; overbearing effect and loss of sunlight and daylight. MBLP policy DC38 sets out the guidelines for space, light and privacy.

6 Moss Road

Concerns have been raised regarding the impact of the development on this neighbouring property. These relate to the potentially overbearing nature of the built form and loss of privacy. The built form of this neighbour lies within the western portion of the site, away from the boundary with the application site. Adjacent to the boundary, this neighbour has an open car port.

The proposed development would bring two storey-built form substantially closer to the common boundary. However, this would be partially off-set. The development would inevitably have some impact on the area of garden closest to the boundary. Given the distance between the built forms of the properties, the development would be unlikely to have an adverse impact on the outlook or light when viewed from the house itself. While there would be some overbearing impact on the area of garden closest to the property, given the spacious nature of the garden and the distance from the dwelling, this would be unlikely to reach the level of significant injury required to justify a refusal in accordance with MBLP policy DC3.

A condition is required to ensure that upper floor windows along this elevation are obscure glazed and fixed shut below 1.7m to prevent issues of overlooking.

10 Moss Road

The application sites lies to the west of this neighbour. The plans show that at two storey level the replacement dwelling would be broadly in line with the rear elevation of this neighbour. The single storey projection would be set in from the common boundary by approximately 5m. The southern portion of this projection would be open on all sides, reducing its perceived massing when viewed from this neighbouring property.

The proposal does not include any windows along the flank elevation facing this neighbour. The proposed development would have an acceptable relationship with this neighbouring property.

Additionally, to ensure an acceptable future relationship with neighbours and between the properties, a condition is required removing permitted development rights for classes A, AA, B and E.

Parking and Highway Safety

Saved MBLP policy DC6 sets out the circulation and access criteria for new developments. Amongst other matters, it requires new vehicular access to be safe and convenient. It also requires provision for manoeuvring vehicle, servicing and parking. CELPS Appendix C sets

out the adopted parking standards. In this location, houses with four or more bedrooms should have a minimum of three off-street parking spaces.

The Council's Highways Officers have been consulted on the proposal. They have raised no objection to the proposed access and have noted that sufficient space would be available on site to provide parking in line with the above standards. The proposal would comply with saved MBLP policy DC6.

Flood Risk

CELPS policy SE 13 deals with Flood Risk and Water Management. It requires all developments at risk of flooding to be supported by an appropriate Flood Risk Assessment (FRA). It also requires all developments to seek improvements to the current surface water drainage network.

The application site lies within Flood Zone 1, which is at the lowest risk of fluvial or tidal flooding. As the proposal is not a major application, a Flood Risk Assessment is not required as part of this application.

Concerns have been raised regarding the existing surface water drainage systems. Following on from these concerns, the LLFA has been consulted on the proposal. Their response will be reported to the Committee as an update, once received.

Forestry

CELPS policy SE 5 deals with trees, hedgerows and woodlands. It states that where a development would result in threat to or loss of trees of amenity value, it will not normally be permitted, unless there are clear overriding reasons and no suitable alternatives. Saved MBLP policy DC9 broadly reiterates the same requirements.

There is a protected Oak tree on the boundary between 9 and 10 Moss Road (TPO reference: 03-037).

The application is accompanied by an arboricultural implications assessment. This has been reviewed by the Council's Forestry Officer. They have advised that while the relationship between the proposed buildings and the trees could be improved, it would be defensible. No significant tree issues are therefore identified.

In the event planning permission is granted, conditions requiring tree protection and method statements are recommended. The proposal would not conflict with CELPS policy SE 5.

Nature Conservation

CELPS policy SE 3 deals with biodiversity and geodiversity. It seeks to protect designated sites, habitats and protected species from development which would adversely affect it. It also requires developments to aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity.

As the proposal is for the demolition of the existing dwelling, a bat survey has been included within the application. This found no evidence of roosting bats, with only limited potential bat roosting features, which were cobwebbed over.

The submitted bat survey has been reviewed by the Council's Nature Conservation Officer. They have not raised any concerns with the findings.

They have advised that subject to the retention of the pond and a condition requiring provisions for nesting birds, the development would comply with the requirements of CELPS policy SE 3. No ecological issues are therefore raised.

Other matters

Concerns have been raised regarding disruption during building works. It is acknowledged that building works can be disruptive. However, as any disturbance is likely to be temporary, they are not a material planning consideration.

House values are not a planning matter and have not been considered.

The electric vehicle charging will be included. It is not considered that the suggested condition requiring the provision of ultra-low emission boilers would be necessary, reasonable or enforceable and as such would not meet the tests set out within the NPPF and Planning Practice Guidance.

CONCLUSIONS

For the reasons outlined above, the application is recommended for approval subject to the following conditions:

1. Three-year time limit
2. Development in accordance with the approved plans
3. Finished levels to be submitted
4. Details of materials to be submitted
5. Tree protection details to be submitted
6. Arboricultural method statement to be submitted
7. Method statement for foundations within the RPA to be submitted
8. Details for No dig hard surface to be submitted
9. Landscaping scheme to be submitted
10. Implementation of landscaping scheme
11. Boundary treatments to be submitted
12. Protection for nesting birds to be submitted
13. Ecological enhancements to be submitted
14. Electric Vehicle charging points to be provided
15. Obscure glazing on eastern elevation of infill plot
16. Details of garden sheds / external storage to be provided
17. Removal of permitted development rights – class A, AA, B and E

