

Planning Reference No:	10/2544C
Application Address:	94 Park Lane, Congleton , CW12 3DE
Proposal:	First Floor Extension to Form Additional Bedroom with En-Suite Facility, Alteration to Existing Bathroom together with Single Storey Ground Floor Garden Room.
Applicant:	Mr Machin
Application Type:	Full Planning
Grid Reference:	387079 362362
Ward:	Congleton Town East
Earliest Determination Date:	13 th September 2010
Expiry Dated:	29 th September 2010
Date of Officer's Site Visit:	6 th September 2010
Date Report Prepared:	6 th September 2010
Constraints:	Conservation Area

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development
- Design and visual impact of the development
- Neighbouring amenity and privacy
- Highway safety

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme however Councillor Thwaite has requested it is referred to Committee for the following reasons:

- a) It is overbearing;
- b) For much of the day it will have a significant adverse affect on the daylight/sunshine on the rear of the adjacent property (1 Sefton Avenue);
- c) The proposed bedroom window overlooks the adjacent property and will have an adverse affect on the residents privacy.

2. DESCRIPTION OF SITE AND CONTEXT

94 Park Lane is a 20th Century, mid terrace property located within the Congleton Settlement Zone Line and Congleton Conservation Area. The dwelling is an attractive brick and tile built dwellinghouse that benefits from existing rear two storey and single storey outriggers.

Surrounding neighbouring properties including 1 Sefton Avenue and 96 Park Lane are of a similar design and appearance as the existing dwelling. It is noted that neighbouring properties benefit from similar style outriggers of similar scales to the first floor extension proposed within this application.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a first floor extension on the rear of the dwellinghouse. This would be located above an existing mono-pitched single storey outrigger, would accommodate an en-suite and bedroom, and measure 3.2 metres in width, 4.8 metres in depth, and 6.5 metres in height to the ridge of the pitched roof.

Planning permission is also sought for the erection of a rear, single storey garden room which would measure 2.1 metres in width, 4.85 metres in depth, and 3.5 metres in height to the ridge of the roof.

4. RELEVANT HISTORY

There is no relevant planning history for this site.

5. POLICIES

Local Plan policy

PS4 Towns

GR1 General Criteria

GR2 Design

GR6 Amenity

BH9 Conservation Areas

6. CONSULTATIONS (External to Planning)

Conservation Officer:

The Conservation Officer notes that the first floor extension would be visible from side views in Sefton Avenue, but in terms of impact on the Conservation Area, this would have very little significance. There is no objection subject to conditions being attached.

7. VIEWS OF THE TOWN COUNCIL

Congleton Town Council raised no objection to the proposed development.

8. OTHER REPRESENTATIONS

One representation was received from neighbouring property 1 Sefton Avenue which raised the following reasons for objection:

- The proposal would infringe upon privacy by virtue of the window in the proposed first floor extension directly overlooking the rear of 1 Sefton Avenue and it's garden;

- The proposal would result in a loss of light;
- The proposal would result in the loss of a view.

It was highlighted within the objection that the proposal would compromise the value of 1 Sefton Avenue however; this is not a material planning consideration that can be taken into account when determining an application.

The occupants of 1 Sefton Avenue have stipulated that consent would not be given for the development to be attached to the party wall however, this is a civil matter between the parties involved and is not a reason for which the application could be refused.

9. APPLICANTS' SUPPORTING INFORMATION

A Design and Access Statement was submitted with the application which addresses issues relating to site, location, evaluation, design, access, carbon emissions, technical solutions, and future energy provisions.

10. OFFICER APPRAISAL

Principle of Development

The principle of the development is acceptable as the site is located within the Congleton Settlement Zone Line where there is a presumption in favour of residential development providing that it is of an acceptable scale and character and does not conflict with other policies of the Local Plan

Design and Visual Impact

The proposed first floor extension would match the materials and pitch existing two-storey outrigger and would simulate existing cill and lintel details of the property. As such, although visible from Sefton Avenue, the first floor extension would be in keeping with the appearance and character of the existing dwelling and would cause no harm to the surrounding Conservation Area.

The single storey extension would have a limited visual impact as it would be hemmed in by the existing dwellinghouse and neighbouring property and as such would only have one elevation visible. Subject to the use of appropriate materials, it is considered that this element of the proposal would respect the character of the original property.

Neighbouring Amenity and Privacy

Councillor Thwaite and neighbouring occupants have raised concerns in relation to the proposals impact upon 1 Seton Avenue.

1 Sefton Avenue is an adjoining neighbouring property located to the northwest of the application site. The property benefits from an existing two-storey outrigger of approximately 6 metres in depth. The outrigger has no window or door openings within the elevation facing towards the application site but has its windows within the southwestern and northwestern elevations. The windows in the southwestern elevation include a first floor window and ground floor window within the main body

of the dwellinghouse which are adjacent to the common boundary, and large openings within the outrigger which are underneath a first floor overhang.

1 Sefton Avenue has a curtilage which extends approximately 19 metres from the existing two storey outrigger, which is screened from the application site by a combination of fencing and vegetation which ranges in height from approximately 1.5 metres to 1.8 metres.

With regard to assessing the impact of the proposal upon 1 Sefton Avenue consideration should be given to the existing arrangements on the site, the scale of the proposed development, the orientation of the properties, and the location and nature of proposed new windows.

Firstly, both properties are northeast facing, with rear elevations and gardens facing to the southwest. By virtue of this positioning and the depth of the projection it is acknowledged that the proposal would result in overshadowing during morning hours. However, it must be acknowledged that this area would receive little direct sunlight anyway by virtue of the combination of the orientation of the property, the existing neighbouring two storey outrigger at 96 Park Lane, and the existing mono-pitched roof arrangement on the application site. In this respect of this, it is considered that the additional impact from the proposed extension would be limited. Regard must also be had the fact that the extension is replicating a similar outrigger arrangement found at 1 Sefton Avenue.

The proposal would include the installation of a bathroom window within the southwestern elevation and a bedroom window within the northwestern elevation. Whilst concerns in relation to privacy have been raised, it is not considered that the proposal would result in a significant loss of privacy for either property. It is acknowledged that the proposed bathroom window would face southwest towards the garden area of the property however; this is not a principal window and due to the nature of the room would be conditioned to be fitted with obscured glazing. With regard to the proposed bedroom window, it is noted that this faces onto a blank elevation at 1 Sefton Avenue. Whilst it is noted that windows do exist within the rear elevation of 1 Sefton Avenue, due to the proposed window positioning these and any views of No. 1's garden area would be oblique views only.

It is not considered that the proposal would appear significantly overbearing when viewed from 1 Sefton Avenue as the majority of the proposal would not be sited immediately adjacent to the common boundary but would be set back from it by a distance of approximately 2 metres. Regard must also be had to the existing arrangement with the pitched roof and gable at 96 Park Lane which would be visible from 1 Sefton Avenue at present.

Considering all of the above aspects, whilst accepting that there would be an impact upon 1 Sefton Avenue, due to the circumstances of the site and surrounding properties it is not considered that such would be to a level as to sustain a refusal of this application at appeal.

It is noted that no other neighbouring properties would be detrimentally affected by the proposal.

Highway Safety

The proposal would not have any highway safety implications as it would be located to the rear of the property and would not impinge upon any existing parking areas.

Other issues

Objections with regard to loss of views have been raised however, given that there is no legal right to a view of other individuals land, this is not a reason for which the application could be refused.

11. CONCLUSIONS

The proposal would be of an acceptable design and would not impact upon the visual amenity or highway safety of the surrounding area.

With regard to amenity, concerns are noted however, given the circumstances of the site, it is not considered that there would be a level of detriment to either amenity or privacy which could sustain a refusal of this application.

12. RECOMMENDATIONS

Approve subject to the following conditions;

- 1. Standard 3 years**
- 2. Development in accordance with the approved plans**
- 3. Material samples to be submitted and approved in writing**
- 4. Rainwater goods to match those on existing building**
- 5. All fenestration shall be set behind a reveal of 100 mm**
- 6. All windows and doors in the external elevations of the proposed development shall be fabricated in timber**
- 7. Bathroom window glazing and opening details to be submitted and approved in writing.**

Location Plan: Cheshire East Council Licence No. 100049045

