

Application No: 11/1239M

Location: LAND OFF TUDOR DRIVE, PRESTBURY, MACCLESFIELD, SK10 4UU

Proposal: New Dwelling with Detached Garage and Associated Access, Hardstanding and Landscaping.

Applicant: Professor Upton Hunter Estates Ltd

Expiry Date: 27-May-2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- The design and appearance of the proposal and its impact on the character and appearance of the area/the Low Density Housing Area
- The impact of the proposal on the amenity/privacy of adjoining residents and future residents of the residential unit proposed
- Whether access and parking arrangements are suitable
- The impact of the proposal on existing trees, landscaping and nature conservation

Date Report Prepared: 16th June 2011

REASON FOR REPORT

The application was called-in to committee by Cllr P Findlow due to the following concerns:

1. The highly constricted configuration and usable size of the plot for the magnitude of the proposed dwelling.
2. The unneighbourly impact on adjacent properties in terms of the proposal's size, height, dominance, mass, design and density factors.
3. The possible existing encroachment on highway land, and inability to manoeuvre on site adequately.
4. The loss of TPO protected and other trees.
5. The deleterious and overbearing impact on the character and nature of a short cul-de-sac.
6. The compromising of an existing nature conservation area.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a strip of land that stretches downwards from the top of Tudor Drive to No. 24 Castleford Drive in Prestbury. It previously formed part of the garden to the dwellinghouse known as 'Withinlee' but was sold along with the land to the south (now developed as St James Hill) to be used as a possible access route. The development was subsequently accessed from the end of Castleford Drive and the application site has since lain empty. The land is accessed from the top of Tudor Drive (a cul-de-sac) and is currently overgrown. It contains a number of TPO protected and unprotected trees. Residential

properties surround the site on all sides. The site is partially located in the Low Density Housing Area and partially within the predominantly residential area, as identified on the proposals map.

DETAILS OF PROPOSAL

Full planning permission is sought to erect a detached dwellinghouse with associated detached garage and a new access onto Tudor Drive.

RELEVANT HISTORY

- 99/0124P Detached dwelling and garage (outline)
Withdrawn 04/03/1999
- 99/1029P Detached dwelling and garage (outline)
Withdrawn 28/07/1999
- 00/0464P Detached dwelling and garage
Withdrawn 03/04/2000
- 01/2249P Dwellinghouse
Refused 22/10/2001
- 02/1211P Detached dwellinghouse, garage and associated works
Refused 12/08/2002
Dismissed on appeal 20/03/2003

POLICIES

Regional Spatial Strategy

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP4 Make the Best Use of Existing Resources and Infrastructure
- DP7 Promote Environmental Quality
- L4 Regional Housing Provision

Local Plan Policy

- NE11 Nature Conservation
- BE1 Design Guidance
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing Sites
- H12 Low Density Housing Areas
- H13 Protecting Residential Areas
- DC1 New Build
- DC3 Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC9 Tree Protection
- DC38 Space, Light and Privacy
- DC63 Contaminated Land Including Landfill Gas

Other Material Considerations

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Geological Conservation

Prestbury Supplementary Planning Document

Prestbury Village Design Statement

CONSIDERATIONS (External to Planning)

Highways: No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Prestbury Parish Council – Strongly object on the grounds that the application is in contravention of H12 and DC1 and to the Settlement Pattern of the Village Design Statement. The boundary fencing and gates are out of character with Tudor Drive. No less than nine TPO protected trees would be destroyed. There is a query regarding the ownership of the frontage and there is ambiguity and contradictions within the plans.

OTHER REPRESENTATIONS

Eleven letters/e-mails of representation have been received (two from the same address) that raise the following concerns:

- Low Density Housing Area: The site is too small and a previous application was rejected on this issue. An attempt has been made to increase the size of the land by moving the fence several feet beyond the original boundary. They strongly dispute the assertions in the application that the space on either side of this dwelling would be in-keeping with the spaces currently between existing houses on Tudor Drive, they would be much narrower. The density of the building on the plot is very high and would exceed that of the other properties on Tudor Drive. The figures quoted in the submitted statement are highly disingenuous as they do not take account of the unusual shape of the plot. Existing properties along Tudor Drive are set further back from the road than the proposed house;
- Trees: The development would impact on a number of existing trees on the site that provide an attractive area of land that can be seen from miles away. It would have a detrimental effect on landscape character. Any replacements proposed would take years to grow to the size of the ones to be removed. Bats reside in the existing trees;
- Nature Conservation: The land is a haven for wildlife and no amount of landscaping would recreate the unmanaged area of land that is already there. The proposed development would have a detrimental effect on the wildlife;
- Amenity: Unneighbourly as it would overlook existing dwellinghouses and affect privacy. Congestion, noise and dust from construction vehicles. The proposed path along the landscape area would have an adverse effect on neighbouring amenity;
- Out-of-character with the other properties on Tudor Drive due to the proposed boundary wall and gate and the Arts & Crafts style;
- It would put greater strain on sewerage and drainage. Risk of flooding from the proposed pond;
- Insufficient level of off-road parking. Vehicles will park in the turning head, causing issues with highway safety;
- There is no pavement along Castle Hill to Prestbury Village and therefore it is impractical to think that residents will walk to the centre; and

- The argument that the 'neglected site will be rejuvenated' is spurious as it need never have fallen into such a state in the first place.

Other concerns raised regarding the prospect of a future housing development are not material planning considerations.

APPLICANT'S SUPPORTING INFORMATION

A Planning, Design & Access Statement, Landscape Layout Plan, an Arboricultural Report with associated Tree Protection Plan, Ecological Survey and a Sustainability Report were submitted with the planning application. The main points of the Planning, Design & Access Statement can be summarised as follows:

Four previous planning applications were made at the application site; three that were withdrawn and a fourth that was refused. The refused scheme proposed a dwelling on the long narrow section of the site. The current proposal is therefore a materially different scheme on a different part of the site. Moreover the previous scheme did not address the tree or ecological issues or make a significant or identifiable gain as is currently proposed. The proposed dwelling would comply with policy H12 and a number of reasons have been outlined (these can be viewed on the application file). Tudor Drive provides the context for the subject site and its character informs the scale, massing and design of the proposed dwelling. The aim of the design is to reflect the suburban character of other properties on Tudor Drive with the brickwork/render and tile and the use of long sloping roofs in the Arts & Crafts style. The proposal has regard to the conservation of biodiversity in accordance with the guidance in s40 Natural Environment & Rural Communities Act 2006. A few protected trees would have to be removed but there would be significant and identified environmental gains offered as part of the application which would outweigh any harm caused by the loss of the trees. The proposed planting would ensure the long-term maintenance and rejuvenation of the neglected area on the linear part of the site.

A further letter with additional information was submitted to the Local Planning Authority that responds to the objections and concerns raised by both neighbouring properties and the Parish Council. A full copy of the letter can be viewed on the application file. Land Registry drawings were submitted to show the land ownership of the site and revised plans were submitted to replace the proposed boundary wall and fence with a hedge and agricultural-style gates.

OFFICER APPRAISAL

Planning History of the Site

A number of previous applications for a dwellinghouse on this plot have failed to gain planning permission, however each of these applications proposed a dwellinghouse located towards the middle of the site with a long driveway that was accessed from Tudor Drive. Members should note that this application differs from all the applications that have gone before, in that the proposed dwellinghouse would be located within the northern portion of the site facing onto Tudor Drive. Therefore no direct comparisons can be made between the proposed scheme and the schemes that were previously refused.

Housing Policy

The application site is located within an existing residential area that is a short distance from Prestbury Village Centre with its shops, restaurants, banks etc and access to both buses and

Prestbury train station. The application is supported by a Sustainability Statement that incorporates a PPS3 Housing Self-Assessment Checklist. The development is considered to use the land effectively and efficiently. It is therefore considered that the proposed development would comply with this aspect of PPS3 Housing.

PPS3 Housing has recently been amended to exclude minimum density targets and residential curtilages have been excluded from the definition of brownfield land. The site previously formed part of the residential curtilage of the adjacent dwellinghouse known as 'Withinlee' however it has since been sold and has been segregated from the dwellinghouse for over a decade. It is therefore not considered to comprise garden land. However the site is not previously development land and therefore it is defined as 'greenfield'. Policy H1 of the Local Plan deals with the provision of new housing at a strategic level and whilst it states that previously developed sites should be developed before greenfield sites, it does not exclude greenfield sites from being built upon.

Policy DC41 of the Local Plan relates to infill housing developments and lists a number of criteria that a development should meet. The proposed dwellinghouse would have an open outlook onto Tudor Drive with its own access. The proposed dwellinghouse is not considered to result in a substandard outlook, overlooking or disturbance by through traffic, and the garden space would reflect the typical ratio of curtilages in the surrounding area (see more detailed explanations below). For these reasons it is considered that the principle of a dwellinghouse in this location is acceptable and it would comply with policy DC41.

Design

The proposed development would comprise a detached two-storey dwellinghouse of an Arts & Crafts Design. It would be constructed of rough cast render above a brick plinth with a natural slate roof and wooden windows and doors. It would have feature gables to the front elevation and a bay window to the ground floor. A detached double garage would be sited to the west of the dwellinghouse, would use materials to match those on the proposed house and would have a pitched roof.

The dwellinghouse would be sited at the head of Tudor Drive, a cul-de-sac that is accessed from Withinlee Road. Six properties are sited along Tudor Drive; four detached and one pair of semi-detached. The existing dwellinghouses are different from one another in design; comprise a mix of brick and render and different roof tiles/colours; are two-storeys in height; and incorporate a mix of features such as gables, dormer windows, bay windows etc. Each property is stepped back from the road by a front garden/driveway but there is no set building line along either side of the road.

The proposed dwellinghouse would be of a similar scale to those on Tudor Drive and the proposed materials and design are considered to complement the existing dwellinghouses along the street. Whilst the majority of the properties along Tudor Drive have an attached or integrated garage and the proposed development proposes a detached garage, this would not be incongruous to the street scene due to its set back from the road frontage, the proposed boundary treatment, and an existing detached garage is positioned within the side garden of No. 2 Withinlee Cottages. The proposed boundary treatment along the front boundary has been revised since the application was originally submitted. The previously proposed dwarf wall with railings above and wrought iron gates would have been detrimental to the character of the street scene as it largely comprises boundary hedges or no boundary

treatment at all along the road frontage. The front boundary treatment has therefore been changed to a boundary hedge with agricultural-style gates. This is considered to have overcome this concern and would now reflect the character of the street.

The application site partially falls within the Low Density Housing Area whereby policy H12 of the Local Plan is applicable. This policy seeks to ensure that new developments are sympathetic to the character of the established residential area, particularly in respect of the physical scale and form of new houses; the plot width and space between the sides of housing should be commensurate with the surrounding area; the existing low density should not be exceeded; existing high standards of space, light and privacy should be maintained; existing tree and ground cover of public amenity value should be retained; and in respect of the Prestbury area, both the new housing plot(s) and the remaining plot should be approximately 0.4 hectares (1 acre).

The plot size falls short of the one acre outlined in the policy, however the plot sizes of the other properties along Tudor Drive also do not comply with this size; the previously refused applications were not refused for this reason; and whilst an Inspector raised the issue on the 2002 application, it formed part of a long list of reasons why the proposed property would be out-of-character with the surrounding area rather than focusing solely on this aspect of the then policy. In contrast to the previously refused applications, the proposed development would be located at the head of Tudor Drive and therefore would be read as part of the street scene. It would have a similar plot size to the existing properties on Tudor Drive, the plot width would be similar, the gaps to the sides would be similar and the physical scale of the proposed dwellinghouse would be similar. It is therefore considered that the proposed dwellinghouse would complement the character of this part of the Low Density Housing Area and is unlikely to be repeated elsewhere as the character is very different (it largely comprises dwellinghouses set in much larger plots, set significantly back from the road frontage with large gaps to the sides). In this instance a smaller plot ratio is not considered to be detrimental to the character of the area.

For these reasons it is considered that the proposed dwellinghouse and detached garage would not have a detrimental effect on the character or appearance of the surrounding area and it would comply with policies BE1, DC1 and H12 of the Local Plan.

Within the reasoning for policy H12 it states that the policy is to ensure “that any development is in keeping with the character of the areas and does not cumulatively harm the existing high quality residential areas.” Whilst the plot is less than 1 acre it is considered that the objectives of the policy are complied with because the high quality characteristics of the area are maintained.

Amenity

The proposed dwellinghouse and detached garage would be positioned within the northern portion of the site fronting onto Tudor Drive. The application site is surrounded by residential properties with ‘Withinlee’, ‘Heron House’, No. 2 Withinlee Cottages and No. 6 Tudor Drive being impacted upon the most from the proposed development.

The proposed dwellinghouse would face towards the side elevation and front garden of No. 2 Withinlee Cottages. A detached garage is positioned in the side garden of this property, a number of trees/shrubs are located in the side garden and no windows are visible within the

side elevation from the application site. The property has been designed so that the first floor windows looking towards the side elevation of the neighbouring property would comprise an en-suite window, a bathroom window and a hallway window. The only first floor principle habitable window within the front elevation has been positioned to overlook the neighbouring property's front garden/the road. A distance of 19 metres would be maintained between the two properties, exceeding the 14 metres required by policy DC38 of the Local Plan. The proposed ground floor windows, whilst being principle habitable windows, would be obscured by the proposed boundary hedge and the existing garage, trees and shrubs. Providing a condition is attached requiring the first floor bathroom and en-suite window in the front elevation to be obscure glazed, it is not considered that the proposed dwellinghouse would have a detrimental effect on the amenity of this property.

The proposed dwellinghouse would be sited 13 metres from the boundary shared with 'Withinlee' (approximately 33 metres from the dwellinghouse) and would be separated by the proposed garage, an existing garage and an existing boundary hedge. No principle windows would be located in the side elevation facing towards 'Withinlee'. The proposed dwellinghouse would comply with the separation distances outlined in policy DC38 when assessed against 'Withinlee'. For these reasons it is not considered that the proposed dwellinghouse would have a detrimental affect on the amenity of this property.

Policy H12 requires that existing high standards of space, light and privacy should be maintained. It is considered that this proposal is in accordance with those existing standards.

'Heron House' is located to the east of the application site and is located immediately adjacent to the shared boundary. The rear elevation of the proposed dwellinghouse would be sited approximately 13 metres from the neighbouring property but would not directly face towards it. Whilst an oblique view may be gained across the neighbour's property from the first floor rear bedroom window, this would be towards the neighbour's front garden/parking area rather than their private amenity space and a number of trees/shrubs would be retained that would partially screen any view. No first floor windows would be positioned in the eastern side elevation of the dwellinghouse and whilst a ground floor window is proposed, this would be secondary and would be largely screened by the boundary treatment. It is therefore not considered that the proposed dwellinghouse would have a detrimental effect on the amenity of this property.

The proposed detached garage would be sited closest to the boundary shared with 'Withinlee' and No. 6 Tudor Drive. The garage would have a pitched roof and an overall height of 5.5 metres. It would be highly screened by the existing boundary hedge; would be sited approximately 20 metres from 'Withinlee', a minimum of 6 metres from the back edge of the highway and would be sited so as not to be highly visible from No. 6 Tudor Drive. It is therefore not considered that the proposed garage would have a detrimental effect on neighbouring amenity.

The use of the majority of the southern part of the site as a woodland/wildlife area is not considered to raise any amenity issues. A private path is provided for access through this narrow strip. It would fall outside the garden curtilage (and can be conditioned as such) and therefore no outbuildings/structures could be erected at a later date. Whilst the occupier of the property could use the site as an outdoor space adjacent to their garden and maintain it,

the level of activity would be such that it would not have a detrimental effect on neighbouring amenity.

For these reasons it is considered that the proposed development would comply with policies DC3, DC38, DC41 and H12 of the Local Plan.

In order to protect neighbouring amenity during the construction process, it is recommended that the standard condition in respect of hours of construction be attached.

Highways

The application site currently has a gated access onto Tudor Drive that is located closest to No. 2 Withinlee Cottages. It is proposed to retain this access as a pedestrian access whilst a new vehicular access would be created towards 'Withinlee'/No. 6 Tudor Drive. A detached double garage would be erected and a driveway/turning area would be provided. The Strategic Highways Engineer has assessed the application and does not raise an objection to the additional access and considers that adequate parking would be provided. It is therefore not considered that the proposed development would have a detrimental affect on highway safety.

Residents have raised concern regarding the site boundary and have outlined that the existing fence to the boundary fronting Tudor Drive was moved in 2006/2007 and now incorporates an area of the public highway. The Strategic Highways Manager was also of the opinion that this piece of land formed part of the public highway and asked that revised plans were submitted to exclude any part of the development from this land. Due to the issue raised, the agent has submitted Land Registry Plans and correspondence to indicate that the land was purchased from the then Cheshire County Council. The land is therefore no longer public highway; the applicant was within his rights to fence off this land; and the Strategic Highways Manager has removed his objection to the land being incorporated into the application site.

Neighbours have expressed concern regarding the parking of contractor's vehicles along Tudor Drive. Whilst a condition could be attached requiring them to park within the site, given the shape of the site it is unlikely that all of the contractor's vehicles could be parked inside. In any event, should such a condition be attached, as no Traffic Regulation Orders are present along the surrounding roads the Local Planning Authority could not control vehicles from parking on the streets. Whilst this may be a cause for concern for residents, especially given the high number of developments that have occurred in the area over the last few years, it is not considered that such a condition could be attached in this instance. Any issues with vehicles causing an obstruction should be directed to the local police.

Trees

The application site contains a number of TPO protected and unprotected trees. A Tree Survey and a Tree Protection Plan have been submitted in support of the planning application. The comments of the Forestry Officer are currently awaited.

Landscape

The application site is a greenfield site that is currently overgrown and contains a number of TPO protected and unprotected trees. A Landscape Layout Drawing has been submitted with the application that indicates that the northern portion of the site would be earmarked as the

residential curtilage, whilst the majority of the site would be enhanced and left as a woodland/wildlife area. The comments of the Landscape Officer are currently awaited.

Ecology

The application site is currently overgrown, contains a number of trees (some of which are to be removed) and is sited adjacent to a pond that is located within the garden area of 'Withinlee'. Neighbouring residents have raised concern regarding the impact the proposed development would have on existing wildlife and protected species. An Ecological Survey and a Landscape Layout Plan (with wildlife enhancement measures) have been submitted in support of the planning application. The comments of the Nature Conservation Officer are currently awaited.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The concerns of residents and the Parish Council have been taken into consideration however it is not considered that the proposed dwellinghouse and detached garage would have a detrimental effect on the character or appearance of the surrounding area, neighbouring amenity or highway safety. Whilst the plot size would fall short of the one acre specified in policy H12, it is not considered that the proposed development would have a detrimental effect on the character of the area given the existing dwellinghouses that comprise Tudor Drive. The application is therefore recommended for approval.

SUBJECT TO

The comments of the Forestry Officer, the Nature Conservation Officer and the Landscape Officer

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Submission of samples of building materials
3. Obscure glazing requirement
4. from noise during construction (hours of construction)
5. Use of garage / carport
6. Development in accord with approved plans
7. Residential Curtilage Defined as Plan

