

Application No: 11/1121M

Location: LAND OFF BENTSIDE ROAD DISLEY SK12 2AJ

Proposal: ERECTION OF THREE BEDROOM DWELLING

Applicant: MR & MRS BRAIDSHAW

Expiry Date: 03-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 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
- The impact on the Public Right of Way

Date Report Prepared: 17th June 2011

REASON FOR REPORT

The previous application was called-in to the Northern Planning Committee but was subsequently withdrawn before an assessment was made.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises part of the rear garden associated with No. 30 Buxton Old Road, Disley. The site is located in the predominantly residential area. Residential properties surround the site on all sides whilst a public footpath forms the southern boundary to the site.

DETAILS OF PROPOSAL

Full planning permission is sought to erect a detached dwellinghouse and a detached garage that would be accessed from Bentside Road. Permission is also sought for a replacement garage associated with No. 30 Buxton Old Road.

RELEVANT HISTORY

10/3098M Erection of 3-bed dwelling
 Withdrawn 04/10/2010

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
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

CONSIDERATIONS (External to Planning)

Highways: No objection subject to an Informative

Environmental Health: No objection subject to conditions and an Informative

Public Rights of Way: No objection subject to an Informative

VIEWS OF THE PARISH / TOWN COUNCIL

Disley Parish Council – Object to the application due to a loss of privacy; overbearing effect; safety of people using the public footpath; that a neighbour would no longer be able to park their car outside their garage; that it would result in overlooking of private gardens; the number of trees that would be lost; and the resulting impact on wildlife habitats.

OTHER REPRESENTATIONS

Six letters have been received (two from the same address) that raise the following concerns regarding the proposed development:

- The proposed access drive would restrict/prevent the owner of No. 32 Buxton Old Road from parking their car outside their garage.
- Concern regarding visibility from the existing access, especially when vehicles park along Bentside Road.
- Impact on amenity – loss of privacy; overbearing effect, noise from the dwellinghouse once it is inhabited from vehicles using the proposed driveway, people being entertained in the garden etc; noise during construction, tree felling, delivery of materials etc; a raised grass terrace would be higher than the boundary fence;

- The dwellinghouse would be too big for the plot size;
- Safety of pedestrians using the public footpath, especially when vehicles exit the site;
- The number of trees that are proposed to be felled;
- It would affect the character of the area by infilling an area of open garden land;
- Impact on wildlife;
- It is 'garden grabbing' – something the Government wants to prevent;
- Comments regarding the information contained with the Design & Access Statement;
- The cross-section drawings are not a true representation of the site, in particular the existing trees and their screening effect;
- Existing boundary trees are ineffective to screen the proposed property as they are deciduous and are not of the same height as the proposed building;
- The proposed development would not comply with the separation distances outlined in policy DC38 of the Local Plan;
- The scale, density and height of the proposed dwelling is not sympathetic to the surrounding area or the site itself;
- The applicant would need to obtain the consent of the Local Authority to construct the access. If the appropriate notices have not been served, the application could be invalid; and
- They request that the existing double yellow lines are extended across the full width of the proposed access.

APPLICANT'S SUPPORTING INFORMATION

An Arboricultural Survey & Constraints Report and a Design & Access Statement were submitted with the planning application. The main points of the Design & Access Statement can be summarised as follows:

The site is located on the hillside sloping down towards Disley village centre. It is an irregular shaped piece of land with a legal right of access off Bentside Road. The site is one of three freehold plots divided from land sold by Lord Newton's trust in the 1950s and is the last remaining undeveloped. The other two plots were sold and developed into private residences in the 1960s/70s. The residential area which surrounds the site houses a mix of tenure and styles. The development is well placed for access to all local amenities. The proposed 3-bedroomed house has been located to take full advantage of the existing site topography; to minimise the impact of the new building from the Public Right of Way, the view to and from the side gable of 26A and the view from the rear outlook of No. 30 Buxton Old Road; and its impact on existing trees. It has also been positioned on an east/west axis to maximise sunlight to take advantage of passive solar energy and maintain garden space. It was considered important that the scale and mass of the proposed building be minimised as much as possible and that the existing topography of the site be utilised to its full potential. The proposal maximises sustainable building techniques and incorporates energy efficiency measures throughout. The proposed materials palette is to be kept minimal and in-keeping with the existing buildings adjacent to the site.

OFFICER APPRAISAL

Housing Policy

The application site is located within a sustainable location in close proximity to public transport links, local shops and services and a short distance from Disley Village Local Shopping Centre. 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. Whilst the applicant has provided evidence that the application site was a plot for a dwelling, the site has not been used in this way for decades and instead has formed part of the garden of No. 30 Buxton Old Road. The application site therefore comprises greenfield land. 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 comprise backland development. Whilst the policy aims to normally resist such types of development where they would result in a substandard outlook, overlooking or disturbance by through traffic it is not considered that in this instance the proposed development would cause such issues (see more detailed explanations below). In addition, the area is already characterised by backland development with the construction of No. 26A and 26B Buxton Old Road to the northwest of the application site. For these reasons it is considered that the principle of a dwellinghouse in this location is acceptable. (Members should also note that this was not a concern of the previously withdrawn application).

Design

Due to the sloping nature of the land the proposed dwellinghouse would comprise part 2 ½ storeys and part 1 ½ storeys. It would comprise an 'upside-down' house with the sleeping accommodation on the ground floor and the living accommodation to the first floor and within the roof space. It would be partially sunken into the ground and would be constructed of brick and render with a tiled pitched roof. The dwellinghouse has been designed to be environmentally friendly with grey water storage facilities and solar panels. A detached garage would be sited to the north of the proposed dwellinghouse along the boundary shared with No. 28 Buxton Old Road and the site would be accessed by a driveway taken from Bentside Road. The existing detached garage that serves the existing dwellinghouse would be demolished and re-built marginally further to the northeast in order for a vehicle turning facility to be provided for the proposed dwellinghouse. A new boundary stone wall of 1.3 metres in height would be erected between the existing dwellinghouse and the new plot.

The surrounding area comprises a mix of house types, designs and construction materials. The proposed dwellinghouse would not be highly visible from either Buxton Old Road or Bentside Road. Whilst a public footpath borders the southern boundary of the site, the high hedges to either-side and the additional tree coverage mean that pedestrians are unlikely to gain a significant view of the proposed property. The proposed dwellinghouse is therefore not considered to have a detrimental effect on the appearance of the surrounding area. As outlined above, the immediate area already contains two 'backland' properties and therefore a further dwellinghouse in a similar setting is not considered to have a detrimental effect on the character of the area. For these reasons it is considered that the proposed dwellinghouse would comply with policies BE1 and DC1 of the Local Plan.

Amenity

The application site is surrounded on all sides by residential properties. The proposed dwellinghouse has been amended since the previously withdrawn scheme by reducing the number of windows; working with the existing land levels; and removing a first floor terrace in order to reduce its impact on neighbouring amenity.

The windows in the southern elevation of the proposed dwellinghouse would not directly face No. 2 St Mary's Road; the dwellinghouse would be sited between 14-19 metres from this property's rear boundary; and a large proportion of the existing trees and hedges would be retained. The proposed dwellinghouse would face towards the side elevation and front garden of No. 1 St Mary's Road however no principle windows are located in the side elevation of the neighbouring property; it would be sited between 15-19 metres from this property's side boundary and 23 metres from this property's side elevation; and again the majority of the existing trees and hedges would be retained. The previously proposed first floor terrace has been removed from this application and the new terrace area would now be 0.5 metres (maximum) above the existing ground level. In respect of these two properties the proposed dwellinghouse would comply/exceed the separation distances outlined in policy DC38 in respect of space, light and privacy and therefore it is not considered that it would have a detrimental effect on their amenity.

No 28 Buxton Old Road (to the north of the application site) comprises flats. Whilst the proposed detached garage would be sited adjacent to the boundary shared with this building, it would be adjacent to their parking area. The proposed garage would obscure a large proportion of the proposed house from this building; a new 1.8 metre high boundary wall is proposed; and only two rooflights would be positioned within this end/side of the proposed dwellinghouse. For these reasons it is not considered that the proposed dwellinghouse or detached garage would have a detrimental effect on the amenity of the flats.

No. 26A Buxton Old Road is located to the northwest of the application site and itself comprises backland development. Due to the sloping nature of the land, the dwellinghouse at the neighbouring site is located on a lower ground level. A number of trees and shrubs (both in the applicant's and neighbour's ownership) form the boundary treatment between the two properties. Whilst mature, some are deciduous and therefore a partial view could be gained across the neighbour's land in the winter months, however the view would be of the roof of the property, rather than the side elevation or the garden. The proposed dwellinghouse would not directly face the side elevation of the neighbouring property and the number of windows has been reduced to two very narrow secondary windows at first and second floor levels that would restrict the view. The proposed dwellinghouse would comply with the separation distances outlined in policy DC38 of the Local Plan and given the existing boundary treatment, it is not considered that the proposed dwellinghouse/garage would appear overdominant when viewed from the neighbour's property or have a detrimental effect on privacy. However should Members have concerns, conditions could be attached to obscure glaze the two windows in this elevation and for the existing planting along this boundary to be enhanced.

The proposed dwellinghouse would be sited so as not to have a direct view towards the existing dwellinghouse (No. 30 Buxton Old Road) and a sufficiently sized rear garden would be retained. The private amenity space of the proposed dwellinghouse would be screened from the existing dwellinghouse by the proposed house and whilst the proposed driveway

would bring vehicular traffic into an otherwise undisturbed area, the vehicular movements of one dwellinghouse are not considered would have a detrimental effect on amenity. No. 32 Buxton Old Road is considered to be sited a sufficient distance from the proposed dwellinghouse for it not to have a detrimental effect on its amenity.

In the event of an approval of this application, the Environmental Health Division recommends that a condition is attached to restrict the days/hours of construction and all other noise generative work associated with the development (including deliveries to and from the site) in order to minimise noise and disturbance to residents of nearby dwellings during sensitive hours.

Highways – Access/Parking

The proposed development would be accessed from Bentside Road, utilising an existing access that is shared with No. 32 Bentside Road. The Strategic Highways Manager has assessed the application and notes that the existing access has acceptable levels of visibility but will need to be improved in width to accommodate the turning movements from the extra dwelling. This widening will require the existing vehicle crossing to be re-constructed. It is therefore recommended that an Informative is attached, should permission be granted, which ensures that the developer enters into a s184 agreement under the Highways Act 1980.

In addition, the proposed access will need to provide standard inter-visibility with pedestrian traffic which may use the connecting public footpath approaching from Ring O'Bells Lane. This visibility splay will need to have dimensions of 2 metres x 2 metres in order to provide safe inter-visibility for the occasions when a vehicle is emerging from the site and pedestrian traffic is on the footpath. The property has sufficient land control to provide these improvements and this should be imposed by way of an appropriately worded condition.

The existing access that serves No. 30 Buxton Old Road would be unaffected. The existing garage would be relocated to the northeast in order to provide a turning area for the proposed dwelling however this would not affect the existing parking or turning area.

A detached double garage would be erected to the north of the proposed dwellinghouse adjacent to the boundary shared with the flats at No. 28 Buxton Old Road. A driveway would also be constructed in order to provide a turning area so that vehicles can exit the site in a forward gear. It is considered that sufficient off-street parking would be provided at the proposed dwelling.

For these reasons it is considered that, subject to a condition and informative, the proposed dwellinghouse would comply with policy DC6 of the Local Plan.

In response to a neighbour's comments regarding the construction of the access across Local Authority owned land, the correct notice was served on the Authority and therefore the application is valid. Whether consent is given for the proposed works is a civil matter that falls outside the scope of planning permission.

Concern that has been raised from another resident in respect of issues regarding parking their vehicle to the rear of their property and the proposed location of the access drive, this would be a civil matter that falls outside the scope of planning.

Highways - Public Footpath

The proposed access will utilise an area that is also occupied by a Public Footpath (Disley No. 25). Whilst works would need to be undertaken in order to upgrade the existing track for use by motor vehicles, the public footpath could still be utilised and would not need to be diverted or closed.

The Public Rights of Way Unit recognise that the proposed development has the potential to affect the Public Footpath during construction and therefore they have requested that an Informative is attached to the application should permission be granted to outline the applicant's/developer's responsibilities to ensure that the Public Right of Way is not interfered with either whilst the development is in progress or once it has been completed. They go on to outline that such interference would constitute a criminal offence.

The Public Rights of Way Unit go on to state that they will take any action necessary (including direct enforcement action and prosecution) to ensure that members of the public are not inconvenienced in their use of the way both during and after the development has taken place. Should the development temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route) which would be separate to the determination of this planning application.

Ecology

The application site comprises a grassed area of garden that is occupied by a number of trees, some of which are to be removed. Concern has been raised by neighbours that the proposed development would have an adverse affect on existing wildlife. Whilst the proposed development may result in a loss of habitat, the Nature Conservation Officer has assessed the planning application and has concluded that he does not anticipate there to be any significant ecological issues associated with the proposed development. However, should permission be granted, he recommends that a condition is attached to safeguard nesting birds. For these reasons it is considered that the proposed development would comply with policy NE11 of the Local Plan.

Trees

A number of trees are located within and adjacent to the application site however none are TPO protected. It is proposed to remove some of the existing trees in order to provide sufficient space for the proposed development.

The submitted report outlines that a total of 14 trees will be removed to enable the construction of the dwelling and garage and to provide adequate garden space for residents. Eleven of the trees are deemed low (C) category specimens which would not normally be retained if they confer a significant constraint upon the development. Three trees, an Ash, Maple and Birch have been identified as B category specimens and are therefore deemed moderate value. The proposed driveway would also interface with a number of trees where it will intrude into root protection areas. The supporting document provides detail of a "no dig" access solution comprising of a Geogrid above sub-base material of washed aggregate gravel supported by timber edging. However no drawing detail has been provided illustrating the depth of sub-base or how the final levels of the driveway would be achieved in relation to retained trees. It is also proposed that the access driveway will be constructed first and act as a haul route for the delivery of materials/plant.

The determination of the scheme has to be considered in terms of whether to protect the trees with a Tree Preservation Order, the wider context of the trees' contribution to the amenity of the area and the merits of the development. The protection of these trees is not considered a realistic proposition as their importance in terms of the wider amenity is not considered to be significant, although it is recognised that they present a moderate contribution to local amenity. On balance, whilst the loss of the trees would result in a net loss locally, appropriate landscaping of the site and some strategic planting will provide some long-term benefit. It is therefore considered, subject to conditions, that the proposed development would comply with policy DC9 of the Local Plan.

Environmental Factors

The application is for a new residential property which is a sensitive end use and could be affected by any contamination present. The Environmental Health Division therefore recommend that the standard contamination condition and informative be attached should planning permission be granted.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst concern has been raised by neighbouring residents regarding the proposed development it is considered that it would not have a significantly detrimental impact on neighbouring amenity; it would not have a detrimental effect on the character or appearance of the surrounding area given the mix of property types and designs, and the existing backland development; it would not result in the closure or re-direction of a public right of way; it would not have a detrimental effect on highway and pedestrian safety. The trees to be lost are not of sufficient quality to be formally protected and their loss can be adequately mitigated. For these reasons it is considered that the proposed development would comply with the relevant policies in the Local Plan and is therefore recommended for approval, subject to conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Contaminated Land
2. Commencement of development (3 years)
3. Submission of samples of building materials
4. Decontamination of land
5. Protection from noise during construction (hours of construction)
6. Landscaping - submission of details
7. Landscaping (implementation)
8. Tree retention
9. Tree protection
10. Construction specification/method statement

11. Pedestrian visibility at access (dimensions)
12. Development in accord with approved plans
13. Highways Note
14. Public Right of Way Note
15. Nesting Birds

