

Application No: 11/3619C  
Location: 66 & 68, LEEK ROAD, CONGLETON, CHESHIRE, CW12 3HU  
Proposal: Two Detached Dwellings including Access from Boundary Lane  
Applicant: VWB Architects -Mr P Bentley  
Expiry Date: 18-Nov-2011

### **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions

#### **MAIN ISSUES:**

- Principle of the development
- Housing land supply
- The acceptability of the layout, scale and access
- The impact upon neighbouring amenity

### **REASON FOR REFERRAL**

Councillor A. Thwaite has called in this application to Southern Planning Committee for the following reasons:

*'The proposed application in the grounds of 66 Leek Road is contrary to GR6 Of the Congleton Borough Local Plan and will have a detrimental effect on the amenities of the adjacent property no.1G Boundary Lane. The development will be overbearing, unneighbourly and will result in a significant loss of sunlight and daylight to the rear of 1G.'*

### **DESCRIPTION OF SITE AND CONTEXT**

This application relates to the rear gardens of 66 and 68 Leek Road, Congleton, Cheshire within the Congleton Settlement Zone Line.

### **DETAILS OF PROPOSAL**

Outline Planning Permission is sought for the erection of two detached dwellings within the rear gardens of No.66 and No.68 Leek Road respectively.

Approval for matters of access, layout and scale is sought as part of this application and landscaping and appearance are reserved for subsequent approval. As such, this proposal seeks to establish the principle of residential development, the layout, the scale and the acceptability of the access off Boundary Lane.

## **RELEVANT HISTORY**

None

## **POLICIES**

### **National Policy**

PPS1 Delivering Sustainable Development

### **Local Plan Policy**

PS4 - Towns

GR1 - General Criteria for Development

GR2 - Design

GR6 - Amenity and Health

GR9 - Highways & Parking

H1 & H2 - Provision of New Housing Development

H4 - Housing Development in Towns

SPG2 - Provision of Private Amenity Space in New Residential Development

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

**Highways** – No comments received at time of report

**Environmental Health** – No comments received at time of report

## **VIEWS OF THE TOWN COUNCIL:**

**Congleton Town Council** – No comments received at time of report

## **OTHER REPRESENTATIONS:**

**Orchard House, 1G Boundary Lane (Mr Jackson)** – Object to the proposals on the grounds that they are too big, are not in keeping with the properties already built on Leek Road, that the rear building lines are not in keeping \resulting in a loss of light and a loss of view. In addition, this neighbour has concerns regarding the gap between his property and the proposed closest dwelling.

## **SUPPORTING INFORMATION:**

Design and Access Statement

## **OFFICER APPRAISAL**

**Principle of Development**

The site is designated as being within the Settlement Zone Line of Congleton where Policy PS4 (Towns) states that there is a presumption in favour of development provided it is in keeping with the local character and scale and does not conflict with other policies of the local plan.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within the Borough.

## **Layout**

The proposal is for two dwellings in the form of two detached units.

The plot for the proposed dwelling to the west measures approximately 30.2 metres in length and 8.8 metres in width. The dwelling proposed for this garden plot would be positioned approximately 6.2 metres in from Boundary Lane at its closest point (integral garage) and would be approximately 10 metres in from the rear boundary. To either side, the dwelling would stand between 0.9 and 1 metre in from the respective boundaries.

The plot for the proposed dwelling to the east measures approximately 31.4 metres in length and 9 metres in width. The dwelling proposed for this garden plot would be positioned approximately 6.5 metres in from Boundary Lane at its closest point (integral garage) and would be approximately 11.2 metres in from the rear boundary. To either side, the dwelling would stand between 0.9 and 1 metre in from the respective boundaries.

The position of the proposed two dwellings would be stepped with the dwelling to the west set further back in the plot and the dwelling to the east further forward. This building line would mirror the angle of Boundary Lane which travels from a north westerly position to a south easterly position.

The neighbouring properties are either detached or semi-detached in nature, so the form of the proposals would respect the form of the local area. The dwellings have been positioned in order to avoid overlooking and overdomination of neighbouring properties and adhere to recommended spacing standards.

As a result of the above, it is considered that the layout of the proposals is acceptable.

## **Scale**

It is advised within the application that the height of the proposed dwellings would be between 8.5 metres and 9 metres to the ridge.

Policy GR2 of the Local Plan advises that proposals should be *'sympathetic to the character, appearance and form of the site and the surrounding area in terms of; The height, scale, form and grouping of the building(s).'*

The neighbouring dwelling closest to the proposal is Orchard House, No.1G Boundary Lane which would be positioned approximately 1.7 metres away from the proposed dwelling to the west. This neighbouring dwelling was approved in May 1990 and the approved plans show that this dwelling is approximately 7.3 metres in height to the ridge.

To the other side of the proposal, to the rear of No.72 Leek Road, planning permission was granted for a detached dwelling in October 2008 (07/1422/FUL) and this permission was extended in December 2010 (10/4066C). The height of this dwelling will be 8.3 metres tall.

If this development was built in accordance with the proposed plans, the new dwellings would be 8.5 to 9 metres in height. This height would not be sympathetic to the character, appearance and form of the surrounding area as they would be taller than the neighbouring dwellings. As such, it is proposed that the height of the proposed dwellings be conditioned to between 7.3 and 8.3 metres should the application be approved.

In terms of footprint, the footprints of the proposed dwellings would each be approximately 80.88 square metres. The footprint of the closest adjacent proposed dwelling, Orchard House is approximately 62.05 metres squared (excluding the conservatory). No.28 Boundary Lane, the detached dwelling across the road from the proposal, has a footprint of approximately 95 metres squared. No.30 Boundary Lane, a semi-detached dwelling, also across the road, has a footprint of approximately 90 metres squared. The approved new dwelling to the east of the development site will have a footprint of approximately 77 metres squared. This shows that a footprint of approximately 80.88 metres squared would not be unreasonable within the area especially considering the adequate amount of amenity space that would be provided.

As a result of the above, once the height is conditioned, it is considered that the scale of the proposed dwellings would be acceptable and would be in accordance with policy GR2 of the Local Plan.

## **Access**

The proposed dwellings would be accessed via 2 new accesses from Boundary Lane. There is currently no vehicle access to the site. As Boundary Lane is an unclassified road, this access could be created without planning permission and as such, it is not considered the proposal would create any issues from a highway safety perspective. The proposed driveways could potentially accommodate 2 cars each and a garage for each is also proposed. As a result of the above, it is considered that the proposal would be acceptable from an Access and Parking perspective (BE.3).

## **Amenity**

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be

maintained between 2 principal elevations and 13.7 metres should be allowed between a principal and flank elevation.

The closest neighbour to the proposed development would be Orchard House, No.1G Boundary Lane which would be positioned approximately 1.7 metres to the west of the closest proposed dwelling at its closest point. Concerns have been raised by this neighbour and the local Councillor about the proposal's impact on this neighbouring dwelling's light and visual amenity.

Orchard House does not include any windows on its side elevation and the front of the proposed dwellings would be level with the existing building line. Therefore there would be no loss of light to the principal windows in the front elevation. To the rear, Orchard House benefits from a conservatory.

The proposed houses would extend by approximately 2.2 metres beyond the main rear elevation of Orchard House (excluding the conservatory). Including the conservatory, the rear elevations would follow a similar building line.

There are 4 openings on the main rear elevation. These consist of 2 upstairs windows the closest of which to the development serves a bedroom and the furthest a bathroom. Downstairs, there are also 2 openings, the closest of which is a set of patio doors which serve a dining room, the other which serves a kitchen.

A guide to help assess the impact of loss of light is the 45° rule. This involves drawing a line from the middle of the closest impacted openings which serve habitable rooms at a 45° angle towards the development. If the development crosses this line, it is considered to have an unacceptable loss of light on that neighbour. When this imaginary line is drawn from the closest bedroom and dining room openings towards the development, the development does not cross this line, suggesting that the impact is not considered significant enough as to warrant refusal of the application.

In relation to the conservatory and visual amenity, one side of this glazed structure would face a blank wall of the closest proposed dwelling. With regards to loss of light, as Orchard House is to the west, overshadowing and loss of light would be created for this neighbour in the mornings. However, due to the conservatory being predominantly glazed, it is not considered that the impact of the development, to just one side of this glazed structure would be significant enough as to warrant refusal of this application on amenity grounds.

To the south of the proposed dwellings would be the properties on the opposite side of Boundary Lane. It is not considered that the proposed development would create any issues to this side as a separation distance between habitable rooms of 21.3 metres is achieved. Similarly this is the case with the dwellings to the rear, No.66 and No.68 Leek Road.

With regards to private amenity space, the dwelling to the east would have a rear garden length of approximately 10 metres and a width of 8.8 metres and the adjacent dwelling would have a length of 11.2 metres and a width of 9 metres. SPG2 recommends a depth of 10.7 metres and a minimum area of 65 metres squared, so in general terms, it is considered that the rear garden plots are adequate. A similarly adequate area of amenity will also be retained for the existing dwellings at No.66 and No.68 Leek Road.

Subject to these conditions, the proposal is considered to be acceptable in terms of residential amenity and in compliance with Policy GR6 of the Local Plan.

### **Other Matters**

In response to those issues raised by objectors which have not been considered within the report, the right to a view and the level of space remaining for maintenance cannot be considered as part of the application as they are not material considerations.

### **CONCLUSIONS**

In conclusion, the proposed development complies with the relevant policies contained within the adopted local plan, in relation to housing, design, amenity and highway safety. It is therefore considered that the proposal adheres with Policies PS4 (Towns), GR1 (General Criteria for Development), GR2 (Design), GR6 (Amenity and Health), GR9 (Highways & Parking), H1 & H2 (Provision of New Housing Development), H4 (Housing Development in Towns) of the Congleton Borough of Local Plan Review 2005 and SPG2 - Provision of Private Amenity Space in New Residential Development.

### **RECOMMENDATION:**

**Approve** subject to the following conditions:

1. Standard (Outline)
2. Submission of reserved matters
3. Development in accordance with approved plans
4. Details of materials to be submitted
5. The height of the dwellings shall be between 7.3 and 8.3 metres tall
6. PD removal (A-E)
7. Hours of construction
8. Hours of piling
9. Contaminated land
10. Boundary treatment

