

Application No: 11/4161M

Location: 11, BRANDEN DRIVE, KNUTSFORD, CHESHIRE, WA16 8EJ

Proposal: Demolition of Former Women's Institute Building and Development of Four Two Storey Houses and Parking

Applicant: Mr K Jaber

Expiry Date: 22-Feb-2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- whether the principle of housing in this location is acceptable
- whether the design, appearance and layout is acceptable
- whether the proposal would adversely impact on the character and appearance of the adjoining Conservation Area
- whether the proposal would result in an adverse impact on the amenity of nearby residents
- whether the proposal would adversely impact on any nearby trees that are considered worthy of protection
- whether the proposal would have any adverse impact on issues of Nature Conservation

REASON FOR REPORT

This application has been referred to Committee at the discretion of the Development Management and Building Control Manager as the previous application on this site was determined by Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site is located and accessed off Branden Drive, within a predominantly residential area of Knutsford. It is surrounded by residential properties located on Branden Drive, Richmond Hill and Hollow Lane. An area of open space is located on the opposite side of Branden Drive and this marks the boundary of the adjoining Conservation Area. The site contains a timber, single storey building that is currently used as a yoga centre. The area to the rear of the building is used as a car park. The site boundary with the rear garden areas of properties to the north and east of the site is marked by a brick wall, the boundary to the

south is marked by a chain link fence with the western boundary marked by a timber panelled fence. The site slopes gently down both from East to West and also from North to South.

DETAILS OF PROPOSAL

This is a resubmission of the refused application 10/2444M, which was for the demolition of the existing W.I building and the erection of 5no. dwellings comprising a pair of semi-detached dwellings and 3no. two storey houses. That application was also dismissed at appeal. This is a reduced scheme which seeks to remove the potential adverse amenity impacts which were the key issues regarding the previous application. The proposal is now for the demolition of the existing single storey W.I building and the erection of two pairs of semi detached dwellings. 6 no car parking space are proposed, with the utilisation of the existing vehicular access onto Branden Drive.

RELEVANT HISTORY

10/2444M

DEMOLITION OF VACANT BUILDING AND REPLACEMENT WITH 5 TWO-STOREY HOUSES WITH PARKING

REFUSED

01/04/11

APPEAL DISMISSED

29/09/11

09/0227P

Construction of 6 flats – resubmission of 08/2221P

Withdrawn 27.04.09

08/2221P

Construction of 6 flats

Withdrawn 19.11.08

06/0003P

Change of Use from D1 to D2 for teaching of yoga

Approved with conditions 27.02.06

05/2016P

Erection of 2 storey building to provide a MRI scanning facility

Approved with conditions 28.09.05

04/2358P

Construction of new building for a meeting hall for Jehovahs Witnesses

Approved with conditions 27.10.04

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Make the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
L2 Understanding Housing Markets
L4 Regional Housing Provision
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
MCR3 Southern part of the Manchester City Region

Local Plan Policy

NE11 Nature Conservation
BE3 Conservation Areas
RT3 Recreational Facilities
H1 Phasing Policy
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H13 Protecting Residential Areas
T2 Integrated Transport Policy
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC9 Tree Protection
DC35 Materials and Finishes
DC38 Space, Light and Privacy

Other Material Considerations

PPS3: Housing
PPS5: Planning for the Historic Environment
PPS9: Biodiversity & Geological Conservation

CONSULTATIONS (External to Planning)

Strategic Highways Manager:

The Highways Authority would not wish to adopt the access road and it should be retained as a private road.

The access road and both vehicular crossings should be constructed under a 184 licence agreement.

Subject to the above, there are no highways objections to this proposal.

Environmental Health:

No objections subject to conditions regarding contaminated land and hours of construction.

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council

Objects to the proposal for the following reasons.

- Overdevelopment of site
- Uneighbourly; adverse impact on the amenities of neighbouring property
- Insufficient parking
- Small gardens out of keeping with the street scene in this locality

OTHER REPRESENTATIONS

20 representations have been received objecting to the proposal. 14 of these were stating the same objections as had been completed on a standard form.

The main points of objection raised are summarised below:

- Loss of privacy to neighbouring properties
- Overbearing impact to neighbouring properties
- Loss of Light to neighbouring properties
- Loss of a community asset
- Loss of trees
- Insufficient parking spaces- 2 spaces per dwelling should be required
- Adverse impact on Branden Drive due to increased traffic/ parking on Branden Drive
- Terracing Impact
- Out of keeping with the character and appearance of the locality
- Demolition of a local landmark

Other comments made with regard to loss of view, loss of property value and regarding a restrictive covenant that affects the application site are not material planning considerations.

APPLICANT'S SUPPORTING INFORMATION

A Planning, Design & Access Statement has been submitted in support of the application. This can be viewed in full on the application file with the conclusions summarised below:

- Proposal to replace a non residential building with a residential development in a residential area conforms with Development Plan policies and national guidance
- Replacement houses are of good design and of high quality materials and are sensitively sited with respect to neighbouring properties, with the amenity issues on the previously refused application addressed through the reduction in plots to 4 and alteration to ridge heights and siting of plots

An additional statement was submitted 09/02/12 in response to objector's comments. The contents of this letter can be seen on the application file.

OFFICER APPRAISAL

Principle of Development

The site lies in a predominantly residential area where the principle of residential development is acceptable. There are no relevant policies protecting the existing yoga centre use.

Policy

Relevant policies are listed under the policies section above. More information is provided on the most relevant policies below.

Policies contained within the RSS and the Local Plan seek to locate new development in accessible locations in terms of transport and services (DP1, DP2, DP4, DP5, T2). With regard to housing schemes, RSS policies L2 and L4 relate to housing provision and Local Plan housing policies H1, H2, H5 and H13 seek to ensure that sufficient new housing is provided and that its design and layout is acceptable and that new housing does not adversely impact on the amenities of the occupiers of adjoining or nearby houses. Local Plan policies DC3 and DC38 also seek to ensure that proposals do not result in a significant loss of amenity or privacy. Policies DC1, DC35 and DP7 seek to ensure the quality of new developments, including housing.

Highways

There is an existing vehicular access off Branden Drive into the site and this is to be retained as part of the proposal, though it would be reduced in width. The amended access would provide vehicular access to the pair of semi-detached dwellings proposed to be erected to the rear of the site, with vehicular access to the pair of semis fronting Branden Drive to be taken directly off Branden Drive.

4 parking spaces would be provided for the two dwellings at the rear with 1 space for each of the pair of semi-detached dwellings fronting Branden Drive.

The Council's Strategic Highways Manager has been consulted on the application and has raised no objections to the proposal noting that the proposed access width and visibility is sufficient to serve the three dwellings proposed.

A number of objectors have expressed concern regarding the lack of parking proposed and regarding the additional traffic. However in light of the comments of the Strategic Highways Manager, it is not considered that an objection to the proposal could be sustained on highways grounds. Additionally as the existing building is currently used as a yoga centre, it is likely that the existing use generates a large amount of traffic when classes are taking place. At the time of the officer site visit, a class was underway and there were a number of cars parked in the car parking areas to the side/rear of the existing building. With regard to parking, the amount of spaces proposed is considered adequate given the relatively accessible location of the site and the scale and nature of the proposed dwellings.

Design

The proposed houses are fairly traditional in appearance, with the semi-detached properties facing Branden Drive having a traditional pitched roof and the properties to the rear a hipped roof, in order to reduce the impact on the amenity of neighbouring properties. Both buildings would have a gable feature to the front. It is stated that the dwellings are to be constructed from brick under a tile/slate roof with timber windows and doors. The ridge height of the dwellings fronting Branden Drive would be 8m, with an eaves height of 5.5m. The ridge height of the building to the rear of the site has been reduced from the previous scheme to 6.8m; it was 7.8m on the previous application. Furthermore the ground levels are proposed to be lowered by some 0.9m in order to further reduce the impact on neighbouring properties, in particular no. 9 Branden Drive to the North/East and Legh House to the South. This is also proposed to create a level site layout for these properties. These changes together with the hipped roof design are considered to be acceptable in design terms.

The site lies in a predominantly residential area and the area is characterised by a mixture of dwelling styles with a row of traditional cottages to the north/east, more modern properties to the east and west and a modern flat development to the south. The site lies opposite the Cross Town Conservation Area.

The Council's Conservation Officer raises no objections to the proposal subject to the imposition of appropriate conditions regarding materials, rainwater goods and fenestration. He considers that the massing to the frontage is in reasonable proportion to neighbouring properties on Branden Drive.

Some of the objections are that the development would adversely impact on the character and appearance of the area and Conservation Area opposite. However it is considered that the proposal would sit comfortably in the street scene and would not adversely impact on the character and appearance of Conservation Area. Similarly whilst the proposal is located in close proximity of the listed church, it is not considered that the proposal would result in an adverse impact on its setting.

Amenity

The site is surrounded on all sides by residential properties whose rear elevations face towards it. Properties on Branden Drive to the west of the site and Legh House to the south are set down at a lower level in relation to the current site levels. As part of the proposal it is proposed to reduce site levels thereby creating a level site for the properties and the associated parking/turning area.

Local Plan policies H13, DC3 and DC38 deal with the issue of amenity. Policies H13 and DC3 state that development which would adversely affect the amenities of the occupiers of adjoining or nearby houses will not normally be permitted. Policy DC38 sets out guidelines for maintaining light, privacy and space between buildings. The guidelines require a distance of 25m back to back and 21m front to front where habitable rooms face habitable rooms and 14m where habitable rooms face non habitable rooms or blank walls.

A number of objections have been received from nearby residents on the grounds of loss of amenity in terms of loss of privacy, overlooking of properties and gardens, noise and loss of light.

With regard to the impact of the proposal on the row of cottages fronting Branden Drive, these properties contain windows in their rear elevations facing towards the site that appear to serve kitchens or kitchen/diners at ground floor and bathrooms at first floor. Kitchen/diners are considered to be habitable rooms. The properties also have modest rear garden areas that are enclosed by a brick wall which marks the boundary with the site. They currently have an open outlook to the rear over the car park to the rear of the yoga centre and rear gardens to properties fronting Richmond Hill.

The new properties would lie to the south west of the cottages and would therefore have the potential to restrict the amount of sunlight received to the rear of these properties at certain times of the year, with a particular impact on 9 Branden Drive, which would be 7m from the rear elevation of plot 3 with the rear curtilage boundary 4m away. It is considered that this impact would be particularly harmful to the rear elevation of this property in the afternoon hours.

It is noted that the proposed building would be reduced by 1m in height and stepped 2m further away from this boundary than on the previous application. However the relationship between these two properties is still considered to be too tight and there would be an adverse overbearing impact on the amenity of no 9, both on the rear facing ground floor habitable room and the small rear amenity space to this property. This would be exacerbated by the 'enclosure' of plots 1 and 2 on the side amenity space of no 9. Therefore the concerns raised by the Inspector in the dismissed appeal regarding the amenity impact on no 9 are not considered to have been adequately addressed.

In terms of privacy and overlooking, given the juxtaposition of the dwellings, it would mean that views onto the rear of the cottages would be oblique. The proposed first floor side window facing North would be obscurely glazed. There would be no adverse privacy impact on these cottages.

With regard to properties on Richmond Hill, the distance between the rear elevations of the properties would be 25.6 metres to no 1 and 23.3m to no 2, identical to on the previously refused application. The distance to no 2 is substandard in terms of policy DC38, an issue which was of concern to the Inspector on the dismissed appeal. The Inspector considered that the relationship in terms of distance between the existing and proposed dwellings is not so unusual that it would justify a relaxation of the guidelines in policy DC38 and considered that this relationship would have an adverse impact on no 2 in terms of overlooking and to some extent an overbearing impact. This issue has not been addressed by this revised application, as whilst the massing of the dwellings has been reduced slightly, the position of the rear wall of the dwellings relative to no.2 Richmond Hill remains the same.

The properties numbered 15, 17, 19 along Branden Drive to the west of the site have rear elevations of which face towards the proposal. These properties are set at a lower level than the appeal site and contain habitable room windows in the rear elevations and have garden areas to the rear of the properties. There is existing mature landscaping to the rear of no.s 17 & 19 which serves to restrict views into and out of the site. The rear boundary to no.15 is

marked by a boarded timber fence. The side of the proposed dwelling at Plot 2 would be located 14.5m away from the rear elevation of 15 Branden Drive. DC38 requires a minimum distance of 14m between habitable rooms and blank gables but does state that 2.5m should be added to the distance per additional storey. As previously stated, the existing site levels would be reduced as part of the proposal. According to the submitted plans, this would result in a difference of approximately 1.6m between the floor level of the new semis and 15 Branden Drive. Whilst this isn't the equivalent of a full storey, it is considered that the height difference together with the fact that a single storey building is being replaced by a two storey building with the gable facing towards no.15, means that the proposal needs to be assessed in order to ensure that it is not overbearing on the property at no.15. The relative ridge of the new dwelling would be 0.8m higher than the existing building, but the highest part of the building would be 6m nearer to no.15. However, the new dwellings would not project as far back into the site as the existing building. Therefore, on balance, it is considered that whilst the replacement of the existing buildings by the dwellings will have some impact on the amenity of the occupiers of No.15, this impact would not be significant enough to warrant refusal of the application.

With regard to the impact on no.s 17 & 19, it is not considered that the amenity of the occupiers of these properties would be significantly affected by the proposal. There would be a distance of 23m between the front elevation of plots 3 and 4 and the rear elevation of no.17. No guideline distance is specified for front to rear within DC38, with front to front being 21m and back to back 25m. At 23m, the distance falls between the two standards and it is considered that the distance together with existing screening to the rear of no. 17 & 19 means that the impact on these properties would be at an acceptable level.

A block of flats (Legh House) is located to the south of the site, the rear elevation of which contain habitable room windows facing towards the site. The side elevation of plot 4 would be located between 2.4m and 4.2m away from the shared boundary. The ground level of the adjacent site is much lower than the application site, with a steep embankment located between the two sites. The distance to the rear elevation of these flats and plot 4 would be 13m. This is below the distance stipulated in policy DC38, which states that there should normally be a distance of 14m plus an additional 2m where the difference in ground levels exceeds 2.5m, which it would be in this case.

It is noted that there is some considerable high level natural screening along this boundary. Also the existing rear facing windows at ground floor already look out onto a steep embankment and so the impact on these windows would not be of significant concern. However it is considered that there would still be an adverse overbearing impact on the first floor rear windows and second floor dormer windows to these flats, particularly where there are currently unrestricted views across the existing car park. Again this is an issue that was raised at the appeal by the Inspector and a reason for it being dismissed. Overall despite the reduction in height, alteration in design and siting from the previously refused scheme the proposal is still considered to have a materially adverse overbearing impact on these flats and would remain contrary to policy DC38.

Overall it is considered that the proposed development would have a materially adverse impact on the residential amenity of neighbouring occupiers and that it would be contrary to policies DC3, DC38 of the Local Plan.

Ecology

The Council's Nature Conservation Officer has been consulted on the application and raises no objections noting that he does not anticipate there being any significant adverse ecological impacts associated with the proposed development.

Landscaping & Trees

There are a number of trees located along the southern boundary of the site. As with the previous application, the Council's Forestry Officer does not consider that any of the trees are worthy of retention in their own right.

CONCLUSIONS AND REASON(S) FOR THE DECISION

To conclude, the proposed development by virtue of its size, design and position relative to adjoining property, would be unduly dominant when viewed from adjoining property, causing an unacceptable loss of light, privacy, overshadowing and overbearing impact to the detriment of the residential amenities of the occupiers of those properties. It is not considered that the amendments that have been made to the scheme adequately overcome the amenity concerns raised by the Inspector when dealing with the appeal against the previously refused application. The approval of the development would therefore be contrary to policies H13, DC3 and DC38 in the Macclesfield Borough Local Plan and cause harm to the objectives of those policies.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R07RD - Development unneighbourly

