

Application No: 12/3937M

Location: LONGLEA, LANGLEY ROAD, LANGLEY, CHESHIRE, SK11 0DR

Proposal: Erection of dwelling

Applicant: David Clarke

Expiry Date: 18-Dec-2012

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **MAIN ISSUES**

- Green belt policy;
- Impact of the development on character and appearance of the site and surroundings;
- Impact of the development on residential amenity;
- Highways;
- Landscaping & Trees.

### **REASON FOR REFERRAL**

This application has been referred to Strategic Planning Board at the discretion of the Development Management & Building Control Manager.

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

The application site is located within the North Cheshire Green Belt and Peak Park Fringe Area of Special County Value (ASCV). The site falls within a ribbon of nine dwellings located on the northern side of Langley Road. The site slopes downwards from the road to the rear garden of the application site. Langley Road also slopes downwards from the east (Hollinswood) to the west (Greenacres), resulting in a change of levels. There is a large Beech tree on the front boundary protected by a Tree Preservation Order.

The application site comprises a partially constructed new dwelling. At the time of writing this report (23 November 2012) the shell of the dwelling has been erected and the roof trusses are on, but the building is not sealed or watertight.

In March 2012, planning permission was granted for a replacement dwelling. In August 2012, the dormer bungalow was demolished, and work commenced on a replacement dwelling.

Two problems arose as a result of this. Firstly, not all the necessary pre-commencement conditions were discharged (resulting in a breach of conditions), and secondly, the development was not built in total accordance with the approved plans. A small utility room was shown at basement level on the approved plans (as a result of the naturally occurring sloping land level). The level of excavation carried out has resulted in a lower ground floor being formed, resulting in a part two-storey, part three-story dwelling.

As the dormer bungalow has been demolished, technically, this application cannot be for a replacement dwelling, as there is nothing to replace. As such the description of development is "Erection of dwelling"

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the erection of a part two-storey, part three-storey dwelling, due to the change in levels on site.

The proposed development comprises a lower ground floor area consisting of a cellar, utility room, several voids and a covered hardstanding area. The ground floor proposes a study, kitchen, living room, sitting room and lounge area. Four bedrooms (two with en-suite) and a family bathroom are proposed at first floor level.

A terrace area has been partially formed to the rear of the ground floor, to take advantage of the views of the countryside. Towards the front of the dwelling, an integral double garage is proposed and is under construction.

The dwelling has been fabricated in a pale red brick. It is proposed that the roof covering will be a natural blue slate.

## **RELEVANT HISTORY**

12/0078M      Replacement dwelling  
Approved 20 March 2012

## **POLICIES**

### **North West of England Plan Regional Spatial Strategy to 2021**

DP1 (Spatial principles applicable to development management)  
DP7 (Criteria to promote environmental quality)  
RDF2 (Rural Areas)  
RDF 4 (Green Belt)

### **Macclesfield Borough Local Plan – saved policies**

GC1 (New building in the Green Belt)  
NE1 (Areas of Special County Value)  
NE11 (Nature Conservation)  
BE1 (Design principles for new developments)  
DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Circulation and Access)  
DC8 (Requirements for Landscaping)  
DC9 (Tree Protection)  
DC35 (Materials)  
DC37 (Landscaping)  
DC38 (Guidelines for space, light and privacy for housing development)  
DC41 (Infill Housing or Redevelopment)  
H13 (Protecting residential areas)

### **Other Material Considerations**

National Planning Policy Framework  
Section 9 – Protecting Green Belt Land

### **CONSULTATIONS**

The following consultation responses are a summary. Full copies of the consultation response are available at Committee should Members wish to read the comments in full.

#### **Building Control:**

The construction methods adopted on site are in accordance with all relevant codes of practice and are in line with modern economical building procedures. The building as constructed would appear to comply with the submitted details from both a structural point & aesthetical point of view.

#### **Environmental Health:**

In order to minimise noise and disturbance to residents of neighbouring properties from construction works, it is recommended that an hours of construction be attached to any approval.

#### **Nature Conservation:**

No objection raised.

#### **United Utilities:**

No objection to the proposed development. If possible the site should be drained on a separate system, with only foul drainage connected into the foul sewer.

### **VIEWS OF THE PARISH COUNCIL:**

Sutton Parish Council object to the application for the following reasons:

a) The submitted plans clearly show that this is now a 3 storey property, the scale and character of which is not in keeping with properties within the immediate neighbourhood or with other residential properties within the community of Sutton Lane Ends.

- b) The height of the rear elevation (now 3 storeys) of the proposed dwelling will impact on the natural fall of the ground and not be in keeping with the adjacent properties within the vicinity.
- c) The proposed terrace, now extending the floor level height over the extended basement is considered unneighbourly to adjacent properties.
- d) The first floor window, within the master bedroom, sited on the west elevation is considered unneighbourly to adjacent property – Greenacres.
- e) The ground floor window within the sitting room sited on the west elevation is considered potentially unneighbourly to adjacent property – Greenacres.
- f) The opening folding glass doors and balcony arrangement to the rear first floor master bedroom are considered unneighbourly to adjacent properties.
- g) The Parish Council also wish to draw attention to a possible registered covenant with the adjoining rear landowner requiring permission being sought, in respect of any development prior to such works being undertaken.

#### **OTHER REPRESENTATIONS:**

Representations have been received from the occupiers of the following properties:

1. Greenacres, Langley Road, Sutton SK11 0DR
2. Hollinswood, Langley Road, Sutton SK11 0DR
3. Brookbank, Langley Road, Sutton, SK11 0DR

The relevant planning objections made are:

- Over-development of the plot
- Close proximity to boundary is out of keeping
- Lack of access down the side of the house
- A three-storey property is out of keeping with the character of the area
- Unneighbourly development due to loss of light, loss of privacy due to overlooking and overbearing effect
- The lounge projects 3 metres forward of the building line
- Window detailing on the rear elevation is out of keeping
- Dwelling is significantly larger than that approved under 12/0078M, due to the extra floor
- IF this application was for a replacement dwelling (which this development is), it would be refused as it would be “materially larger” than the dwelling it replaced
- The proposal represents a 90% increase in floorspace
- Applying for this dwelling as an “infill dwelling” is an abuse of the planning system
- The development harms the openness of the Green Belt

- The dwelling adversely affects the character of Langley Road, which is an Area of Special County Value
- The lower ground floor will be used for habitable accommodation
- Concerns in respect of the use of Permitted Development Rights for further development
- The developers do not comply with the hours of work condition imposed on the previous application, and are still working on a Saturday
- Inadequate boundary treatment to protect privacy

*Various objections/grievances have been raised in respect of the retrospective nature of the development and the planning process. Neighbours do not feel like they have been treated fairly.*

## **APPLICANT'S SUPPORTING INFORMATION:**

Planning, Design and Access Statement

## **OFFICER APPRAISAL**

### **Green Belt**

Paragraph 215 of the National Planning Policy Framework (NPPF) indicates that relevant policies in existing Local Plans will be given weight according to their degree of consistency with the NPPF (the closer the policies are to the Framework, the greater the weight that may be given).

Paragraph 89 of the NPPF indicates that the following should not be regarded as inappropriate development within the Green Belt: -

*"limited infilling in villages.....under policies set out in the Local Plan"*

Policy GC1 of the Macclesfield Borough Local Plan permits:

*"Limited infilling within the settlements of Gawsworth, Henbury, Lyme Green and Sutton provided that the development is in scale and character with the settlement in question"*

It is considered that policy GC1 is consistent with the NPPF and therefore should be given full weight.

On the Proposals Map (contained with the MBC Local Plan), Langley falls within the settlement of Sutton, therefore no objection can be raised in respect of infilling, the key consideration is whether the development is in scale and character with the settlement in question.

The test of whether the dwelling is *"materially larger than the dwelling it replaces"* is not relevant in this case, as the application before us is for the erection of a dwelling, not a replacement dwelling.

## **Scale, Character & Appearance**

The dwelling is considered to be of a similar character and appearance to other properties along Langley Road. In terms of ridge height, it is 1.4m lower than Hollinswood to the east, but 0.42m higher than of Greenacres to the west, following the gradient of the road. The overall height of the dwelling and the eaves height sit comfortably with the neighbouring properties reflecting the declining ground level from east to west.

With the exception of the lower ground floor level, the partially constructed new dwelling mirrors the scale and appearance of the replacement dwelling approved under application 12/0078M. The ridge height is unaltered at 6.81m.

The new dwelling measures 15.7m in width. There is a 1.65m gap down the western side of the boundary (adjacent to Greenacres), but only 0.5m gap down the eastern boundary (adjacent to Hollinswood). It should be noted that the original dormer bungalow spanned the width of the plot, leaving a limited gap to the boundaries.

The depth of the dwelling is between 12.4m (for the main dwelling) and 15.0m (including the terrace area).

The property has been designed with a hipped roof in order to reflect the character of properties either side. The design and appearance of the house is considered acceptable in its setting, and on the site. It is set back 16m from Langley Road and generally reflects existing building lines. It is not visually prominent and is partially screened from the road by existing vegetation.

The property is situated within a ribbon of houses, where there is no clear prevailing house type or character. There are six two-storey properties and two dormer bungalows on this road. The partially constructed new dwelling has the appearance of a two-storey dwelling from the front elevation facing Langley Road. Due to the change in levels, the ground floor is 2 metres lower than the site entrance.

To the rear of the application site is a field. There are five trees and a hedge along the rear boundary, which are to be retained and provide a level of screening. The three-storey element of the dwelling can only be seen from the rear of the site (and from neighbouring gardens to an extent). Due to its limited visibility, it is considered that the third floor has limited impact on the character or appearance of the area.

In summary, the scale and appearance of the new dwelling is not considered to out of keeping with the settlement of Sutton.

## **Materials**

The partially constructed dwelling has been fabricated in a pale red brick, which is considered in keeping with the character of the properties in the area. The roof is to be covered in a blue slate.

## **Area of Special County Value**

The application site remains in residential use. It is located in a ribbon of development. The development is not considered to have an adverse impact on the character and appearance of the area.

### **Residential Amenity**

Concern has been raised regarding the position of the dwelling in relation to the boundary with Hollinswood. The side gable is in the same position as the original dormer bungalow, although, it projects forward to a greater extent. There are four secondary / non habitable windows on the side gable of Hollinswood. An overlay has been provided showing the position of the original and new dwelling, and whilst there would be some loss of light to these windows, it is not considered this would be significant or to the detriment of living conditions.

The new dwelling does not breach the 45-degree line from front or rear facing windows from Hollinswood or Greenacres. It is not therefore considered that the new dwelling results in a loss of light, or has an overbearing affect.

Concern has also been raised in respect of the terrace and the potential loss of privacy. Members need to be aware that the original dormer bungalow had a balcony area and conservatory on the rear elevation, which projected 2.4 m further into the plot than the new terrace area.

The new terrace is situated at ground floor level. This is the same ground floor level as the original dormer bungalow. However, the excavation works have lowered the rear garden level, so the terrace now sits 2.65m above the rear garden. As the new terrace area is set further forward in the plot, it is not considered that the overlooking situation is any worse than the former situation or results in any significant loss of privacy.

A landscaping plan has been submitted which proposes a 1.8m high close boarded fence along the western boundary (adjacent to Greenacres), and retention of existing hedging. As stated in the landscaping section above, we consider further boundary treatment is required to protect the residential amenity of both neighbouring properties. Detailed elevation and sectional drawings have been requested to show the proposed ground levels, retaining structures and positioning of fencing along both boundaries.

The side facing window at first floor serving the master bedroom would allow direct overlooking. The neighbours at Greenacres and the Parish Council have raised concerns about this. It is considered a condition should be imposed to required obscure glazing to prevent overlooking.

In accordance with the comments received from Environmental Health, it is considered a condition is necessary to restrict construction hours given the quiet residential make-up of the area.

### **Highways**

The existing access would be retained. There would be no significant increase in vehicle movements. Sufficient off street parking is available and there is considerable space for

turning within the site. For these reasons it is not considered the proposal would adversely impact upon highway safety.

## **Landscaping and Trees**

The Beech hedge along side boundary with Hollinswood has been cut back to allow for the construction of the dwelling and is now quite sparse allowing views between the two properties. It is recommended that a fence be erected on top of the retaining structure to restore privacy. A low retaining structure will be required to support the bank.

There is a small gap in the coniferous hedge along the boundary with Greenacres allowing views between the terrace at Longlea and the patio area of Greenacres. A timber fence is proposed between the two gardens but further information is required about the proposed ground levels and fence height along this boundary.

It is recommended that detailed elevations and sections be submitted to show the proposed ground levels, retaining structures and fencing along both boundaries. The landscape scheme should also be revised accordingly.

If this information cannot be submitted prior to Committee, landscaping conditions will be required specifying the detail and timetable for implementation.

There is a large mature Beech tree adjacent to the existing access which is protected as part of Group 1 of the 1969 Jarman number 2 Tree Preservation Order (TPO). Neither a tree survey or arboricultural report have been submitted however, the application form recognises the presence of trees on and off site. Nonetheless the Planning, Design and Access Statement identifies that no alterations would be made to the existing access or existing parking and turning, the majority of which are in the Beech trees Root Protection Area (RPA). A condition should therefore be attached requiring a detailed tree protection scheme including ground protection at the point of access and along the driveway within the trees RPA.

The proposed dwelling would be a significant distance outside the trees RPA and therefore it is not considered there would be direct or indirect implications for the tree.

## **CONCLUSION**

This application follows on from the approval of a replacement dwelling on this site in March 2012. The development was not carried out in total accordance with the approved plans, and therefore a further application has been submitted to regularise the situation. As the dormer bungalow has been demolished, permission has to be sought for the erection of a new dwelling, rather than for a replacement dwelling.

The National Planning Policy Framework and policy GC1 of the MBC Local Plan permit limited infilling in villages. Sutton is such a village where limited infilling is permitted, subject to development being in scale and character with the settlement.

The application site is situated within a ribbon of houses on Langley Road, where there is no clear prevailing house type or character. There are a mix of two-storey properties and dormer



bungalows on this road. The new dwelling has the appearance of a two-storey dwelling when viewed from Langley Road. It is considered that the new house reflects the scale and character of the surrounding area, and is not considered to out of keeping with the settlement of Sutton.

The new dwelling does not result in any significant loss of amenity to the occupiers of the adjoining properties

With the exception of the lower ground floor, the new dwelling has the same scale and appearance of the previously approved replacement dwelling. This is a material consideration in the determination of this application.

The development does not have an adverse impact upon trees or protected species.

The proposal is considered acceptable in all other respects and is therefore recommended for approval.

Application for Full Planning

#### RECOMMENDATION:

1. Development in accord with approved plans
2. Materials as per application
3. Submission of revised landscaping scheme
4. Revised landscaping scheme to include detailed plans for boundary treatment
5. Landscaping (implementation for retrospective planning application)
6. Protection from noise during construction (hours of construction)
7. Submission of construction method statement
8. Tree protection and service / drainage shall be in accordance with Cheshire Woodlands tree protection plan CW/6610-P-TP (Rev1)
9. Obscure glazing requirement - first floor window in the side (west) elevation

(c) Crown copyright and database rights 2012. Ordnance Survey  
100049045, 100049046.

