

Application No: 13/2103M

Location: LAND ADJ to 66, LACEY GREEN, WILMSLOW, CHESHIRE, SK9 4BG

Proposal: Proposed New Domestic Residence on land adjacent to 66 Lacey Green Wilmslow

Applicant: Mr T Mirza

Expiry Date: 16-Jul-2013

**Date Report Prepared: 17<sup>th</sup> July 2013**

## **SUMMARY RECOMMENDATION Approve subject to conditions**

### **MAIN ISSUES**

- Scale, design and layout and impact upon the character and appearance of the locality
- Impact upon the residential amenity of neighbouring properties
- Highway Issues
- Landscaping Issues
- Sustainability Issues
- Nature Conservation Issues
- Environmental Health Issues

## **REASON FOR REPORT**

The application has been requested to go to Northern Committee by Cllr Stockton for the following reasons:

-Similar applications have been decided under delegated authority in the past. This application is in the views of local residents, overbearing and detrimental to their lives. Therefore they would like this to be decided by committee.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a part of the garden of no 66 Lacey Green, a two storey dwelling located in a predominantly residential area of Wilmslow as defined by the Local Plan. The area is characterised by dwellings of a variety of architectural styles and plot sizes. The site is accessed off Lacey Green via a private single lane road, which is owned by the

neighbouring printer business that lies, along with an area of hardstanding, to the northeast of the site.

## **DETAILS OF PROPOSAL**

The proposal is for the demolition of 3no existing single storey outbuildings within the domestic curtilage of no 66 Lacey Green, and the erection of a two storey dwelling with 2no associated parking spaces. The dwelling would be 9.3m wide with a ridge height of up to 7.3m. This is a resubmitted scheme from 2no previous schemes, the first 12/4764M which was refused, and the second 13/0984M which was withdrawn following continued concerns regarding the impact of the development on the residential amenities of neighbouring properties.

The alterations to the previous schemes are that the re-siting of the dwelling within the site is proposed, and the relocation of the 2no proposed parking spaces. Alterations to the dwelling comprise the relocation of the chimney to the opposite side of the dwelling, the relocation of the kitchen/ diner patio doors to the opposite side of the dwelling, and the swapping of locations of the porch door and window to the front elevation.

The existing 2m rear boundary fence is to be retained.

## **RELEVANT HISTORY**

13/0984M  
NEW DETACHED DWELLING  
WITHDRAWN  
02/05/13

12/4764M  
NEW DETACHED DWELLING  
REFUSED  
04/02/13

## **POLICIES**

### **Local Plan Policy**

H1- Phasing Policy  
H2- Environmental Quality in Housing Developments  
H5- Windfall Sites  
H13 – Protecting Residential Areas  
BE1- Design Guidance  
DC1- New Build  
DC3- Amenity  
DC6- Circulation and Access  
DC8- Landscape  
DC13- Noise  
DC38- Space, Light and Privacy  
DC41- Infill Housing Development or Redevelopment

H12- Low Density Housing Areas  
NE11- Nature Conservation

### **Other Material Considerations**

National Planning Policy Framework (NPPF)

National Planning Policy Framework

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable 'full weight' to be given to Development Plan policies adopted under the 2004 Act. The Macclesfield Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)*".

The Local Plan policies outlined above are all consistent with the NPPF and should therefore be given full weight.

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

Strategic Highways Manager- No Objection.

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

Wilmslow Town Council- recommend refusal of this application on the grounds of overdevelopment of the site. They also expressed concerns regarding access.

### **OTHER REPRESENTATIONS**

6no objections have been received from nearby properties. The planning related objections can be summarised as;

- Inappropriate to have a dwelling adjacent to a commercial premises. This could lead to noise complaints in the future to the owners of these premises.
- There is no way that domestic refuse vehicles can turn around and exit the shared driveway in a forward gear. Therefore there could be an issue where these vehicles use the privately owned parking area around the commercial premises for turning.
- Would adversely impact on the privacy of 74 Lacey Green, 2 Lacey Close,
- Loss of light to the properties and gardens of 1 and 2 Lacey Close
- Would adversely impact on traffic levels and parking in the locality, and impact adversely on highway safety

-Front door opens onto the private access road which would adversely impact on highway safety

- Plans not clear or accurate

- Overdevelopment of the site

- Adverse impact on the character and appearance of the street scene and locality, bearing in mind the proximity to the Low Density Housing Area, which comprises dwellings in spacious plots

## **APPLICANT'S SUPPORTING INFORMATION**

A design and access statement has been submitted in support of the application.

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of a new dwelling to replace an existing building in this predominantly residential area, as defined by the Local Plan, is considered to be acceptable subject to design, amenity, highways, landscaping, nature conservation, sustainability, environmental health issues as examined below.

The concern regarding the inaccuracy of the plans is noted, however this is not considered to be the case and the scaled plans are all considered to be accurate. It is noted that the sketch plan submitted is not accurate to the revised proposals, however this is not a required plan to validate the application and whilst a visual impact assessment would have been helpful in determining the application, it is not considered necessary in this case in order to determine all of the potential impacts of the development.

### **Design / Character**

The National Planning Policy Framework (NPPF, March 2012) sets out core planning principles to which local planning policies must adhere and which must be taken into consideration when determining planning applications. One of these 12 principles states under paragraph 14 that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Furthermore, the framework emphasises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Additionally, paragraph 53 of the NPPF states that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Local Plan policies BE1, DC1, DC41 seek to promote high standards of design, with the overall vernacular, scale, density, height, mass, spacing and materials of new development being sympathetic to the character of the locality, surrounding buildings and site itself.

The objections from the neighbours and the Town Council have been carefully considered, however overall the scheme is considered to have an acceptable impact on the character and appearance of the locality.

Representations have been made stating that the site lies adjoins the Low Density Housing Area and that the development would adversely impact on the character and appearance of this area. However, as the site does not lie within this area, no weight can be given to this policy in this case. Furthermore the site lies in a locality consisting of dwellings of a variety of sizes and plot sizes.

The proposed dwelling would be slightly lower than the neighbouring dwelling no 66 at 7.3m to the ridge. This height has been reduced slightly from the refused application 12/4764M, which was 7.6m to the ridge. The height, scale and massing of the proposed dwelling would be in keeping with the surrounding properties. The proposed dwelling is also not considered to constitute overdevelopment of the plot and would have a similar amount of amenity space around it as the existing property at no 66.

In design terms, the proposed dwelling would be of a similar vernacular to no 66 and nearby properties with a hipped roof and relatively traditional style that would remain in keeping with the character and appearance of the area.

The proposed dwelling has now been relocated further to the North of the site. This would mean it would be sited further forward than no 66 Lacey Green. Whilst this would make the dwelling more prominent in the street scene, it is noted that it would front a private shared access road as opposed to a main residential street. Furthermore the siting of the surrounding properties within their respective plots is by no means uniform and it is noted that the building to the North is a large single storey commercial building.

Overall the scheme is considered to comply with all relevant design policies.

## **Amenity**

The objections from the neighbours and the Town Council regarding the impact on neighbouring properties have been carefully considered.

The proposed dwelling would be circa 18.6m away from the nearest part of the dwelling to the rear, no 1 Lacey Close. This part of the property is a rear conservatory. However it is noted that no windows in this conservatory would be directly facing the proposed dwelling, the conservatory would retain views to the South and West. Furthermore, as this property is North facing, there is not considered to be an adverse impact in terms of overshadowing of this conservatory as a result of the proposed dwelling. This neighbouring property also has a ground floor picture window to a lounge that faces North, and which would be some 24.8m away from the proposed development. Again, however, this window would not directly face the proposal and it is noted that it is not the sole window to this room, with windows on the front elevation also.

All first floor rear facing windows of the development are to be obscurely glazed, which can be conditioned, and which is considered would ensure no overlooking of neighbouring properties would occur.

It is noted that whilst the main grassed part of the rear garden to 1 Lacey Close would be closer to the proposal, as one can see on the proposed site plan, this is still overall a large rear garden, with other amenity space directly behind the existing house which would retain more of an open outlook.

Overall, a commensurate degree of space, light and privacy is considered to remain to this property and garden, and the development would comply with local plan policies DC3, DC38, DC41 in terms of amenity impact. Whilst it is noted that the development would alter the existing outlook from the garden area, this is not considered to lead to a significant injury to amenity to warrant refusal of the application.

The rear elevation of the dwelling would be some 16.2m from the front ground floor lounge window to neighbouring no 2 Lacey Close and again this would not be directly facing. The impact on the front garden area and front of the house is not considered to be significantly harmful and no overlooking would occur subject to the obscure glazing condition. Whilst the rear of the dwelling would be some 14m from the first floor side facing bedroom to no 2 Lacey Close, the outlook from this window would still have a partial open outlook due to the orientation of the respective properties and overall a commensurate degree of space, light and privacy would remain to this property.

The dwelling would be over 25m from the rear elevations of the neighbouring properties to the front.

The comments regarding possible future noise complaints are noted, however the proximity of the dwelling would not be that much closer to the commercial unit than the existing dwellings. Furthermore this is a printing business which is not considered to be excessively noise generative.

A landscaping scheme shall be required to ensure boundary treatment, particularly to the rear of the site, is improved, which would reduce any impact on the neighbouring properties to the rear, in accordance with policy DC8.

Overall a commensurate degree of space, light and privacy would remain to the neighbouring properties and the scheme would comply with all of the relevant criteria in policies DC3, DC38, DC41. The development is also deemed to constitute an appropriate development in an existing large garden, in accordance with paragraph 53 of the NPPF.

It is considered to be expedient to remove permitted development rights on the property, to ensure the future control of development on the site, in order to protect neighbouring amenity.

## **Highways**

The Strategic Highways Manager does not object to the development, stating;

‘Given that the proposed dwelling will incorporate two parking spaces within the development curtilage the Strategic Highways Manager has no objection to this application.’

The concerns from members of the public regarding the additional traffic and parking arrangements are noted. However, it is not considered that this would create a substantial problem over the current situation, bearing in mind the existing adjoining dwelling utilises this road and that the proposed development has 2no off road parking spaces.

In terms of refuse vehicles, whatever the method of currently accessing no 66 would not be likely to change to access this neighbouring dwelling.

There is not therefore considered to be any substantial highway safety issues as a result of the development and overall the scheme would comply with policy DC6 and the relevant sections of DC41.

### **Sustainability**

The site is located within a sustainable location, in a substantially built up area which would be close to public transport, services and shops. It is therefore deemed to be in a suitable sustainable location in accordance with paragraph 14 of the National Planning Policy Framework.

### **Nature Conservation**

The Nature Conservation Officer does not anticipate there being any impact on protected species as a result of the demolition of the existing single storey outbuildings and hence the development would accord with policy NE11.

### **Environmental Health**

Environmental Health do not object, subject to conditions regarding the hours of construction, in order to protect neighbouring amenity.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

To conclude, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application.

Overall therefore a recommendation of approval is made, subject to conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans

2. A01GR - Removal of permitted development rights Classes A-E
3. A01LS - Landscaping - submission of details
4. A03FP - Commencement of development (3 years)
5. A04LS - Landscaping (implementation)
6. A05EX - Details of materials to be submitted
7. A07GR - No windows to be inserted- first floor rear and side elevations
8. A25GR - Obscure glazing requirement
9. Retention of existing 2m rear boundary fence
10. Restriction on the hours of construction
11. Pile driving- details required
12. Construction method statement required
13. Retention of car parking area



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