

Application No: 13/2527N

Location: Land at Newtown, Newtown Road, Sound, Nantwich, Cheshire, CW5 8BX

Proposal: Variation of approved plans - condition 2 of Application 12/0267N

Applicant: Paul Bradbury

Expiry Date: 12-Aug-2013

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- Principle of development
- Impact of the design
- Impact on the amenity of neighbouring properties
- Impact on landscape features
- Impact on highway safety
- Impact on protected species and sites of nature conservation

REASON FOR REFERRAL

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Cllr Rachel Bailey due to the following reasons;

'BE1 Loss of Amenity.

I consider Condition 15 was specifically set by the inspector at appeal in recognition of the need to protect the amenity of the adjacent properties; indeed the condition articulates "no extensions shall be constructed on the east and west side elevations of the dwelling".

Removal of this condition is contrary to the protection afforded by the inspector.'

DESCRIPTION OF SITE AND CONTEXT

The application site forms a paddock located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011 Proposals Map. The site is located in the village of Sound, which does not benefit from a settlement boundary. The site fronts onto Newton Road, which is a country lane, and is located between two storey properties to the east and west. The Newton Road boundary is defined by a mature hedgerow of native species, there are numerous trees sited along the boundary of the site including a TPO tree on the boundary with Corner Cottage.

DETAILS OF PROPOSAL

The application seeks to vary Condition 2 (approved plans condition) from the planning permission 12/0267N. This condition reads as follows;

Condition 2

'The development hereby permitted shall be carried out in accordance with the following approved plans: Bir.3661_1 and First Floor, received by the Local Planning Authority 16 January 2012 and revised plans: Site Plan, Garage, Elevations 1, Elevations 2, Ground Floor, Truss Plan and Roof Plan received by the Local Planning Authority 15 March 2012.'

This application has been made in response to a recently refused planning application for a number of changes to the approved scheme (ref: 13/1087). As part of this refused application, the applicant sought the following changes to the approved scheme;

- Increase the depth of the approved property to the rear by 0.675 metres
- Add a single-storey extension to the western side elevation
- Increase the overall dimensions of the approved garage (depth by 0.6 metres and height by 0.377 metres)
- Move the overall siting of the dwelling to the east by 0.5 metres

This application again seeks approval for all of these proposals minus the siting of the dwelling. It therefore seeks

- Increase the depth of the approved property to the rear by 0.675 metres
- Add a single-storey extension to the western side elevation
- Increase the overall dimensions of the approved garage (depth by 0.6 metres and height by 0.377 metres)

It should be noted that at the time of submission, this application also referred to the variation / removal of Condition 15 (Removal of permitted development rights). This reference has now been amended and no variation or removal of this condition is now sought.

RELEVANT HISTORY

13/1097N - The erection of a detached property, double garage and associated access provision – Refused 7th May 2013.

12/0267N - Erection of Detached Property, Double Garage & Associated Access Provision – Approved at appeal 17th December 2012.

7/14765 – Planning permission refused for a residential dwelling on 5th November 1987.

Approval was granted for a detached dwelling on this site at appeal on the 17th December 2012 following refusal by the Cheshire East Council Southern Planning Committee on the 28th March 2012.

A re-submission (ref: 13/1097N) was refused by Cheshire East Southern Planning Committee on the 7th May 2013 which was for the following changes to the approved scheme;

- Increase the depth of the approved property to the rear by 0.675 metres
- Move the overall siting of the dwelling to the east by 0.5 metres
- Add a single-storey extension to the western side elevation of the property
- Increase the overall dimensions of the approved garage

This application was refused because the Committee considered that;

1. *The increase in the dimensions of the proposed dwelling and its re-location closer to existing properties would create an overbearing feature within the streetscene, contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the design advice within the NPPF.*
2. *The increase in the dimensions of the proposed dwelling and its re-location closer to existing properties would have an adverse impact upon the amenity and living conditions of neighbouring occupiers in particular Corner Cottage, contrary to Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and paragraph 17 of the NPPF.*

This refusal is currently under appeal.

POLICIES

Local Plan Policy

NE.2 (Open Countryside)
 NE.5 (Nature Conservation and Habitats)
 NE.9 (Protected Species)
 BE.1 (Amenity)
 BE.2 (Design Standards)
 BE.3 (Access and Parking)
 BE.4 (Drainage, Utilities and Resources)
 BE.5 (Infrastructure)
 RES.5 (Housing in the Open Countryside)
 TRAN.9 (Car Parking Standards)

Other Considerations

National Planning Policy Framework (NPPF)

CONSULTATIONS (External to Planning)

None

VIEWS OF THE PARISH COUNCIL

Sound and District Parish Council – Object to the proposal on the following grounds;

'Loss of Amenity being the main reason and as recommended by the Appeal Judge when the application was considered at that stage.

The appeal judge that granted the planning permission realised this and specifically set the condition 15 precisely to stop any more encroachment on the two adjacent properties by saying "no extensions shall be constructed on the east and west side elevations of the dwelling.

This application is to build an extension on the west side and to increase the depth of the property thereby enlarging the mass of the wall on the east side. The size of the garage is also enlarged again.

The appeal judge also noted that "The proposal was amended during the course of the planning application to reduce the scale of the development closest to Corner Cottage and to remove single storey elements. Notwithstanding that the house would fill much of the plot width, some space would remain between the house and the site boundaries to reflect the character of the surrounding area and prevent the proposed dwelling from appearing overly-dominating in its plot.

The appeal judge was clearly protecting the surrounding area from an overly-dominating building in the plot and particularly the neighbouring properties from any extension to the property to the east and west. This application is contrary to this protection afforded by the judges decision.'

OTHER REPRESENTATIONS

8 letters of neighbouring objection have been received to this proposal. The main material issues raised include;

- Loss of amenity
- Design – Impact upon streetscene
- Contrary to the inspectors decision
- Application similar to previously refused permission
- Principle of development

The applicant has submitted a response to these concerns.

APPLICANT'S SUPPORTING INFORMATION

Covering letter
Design and Access Statement
Tree Report
Ecology report
Response to letters of objection

OFFICER APPRAISAL

Principle of Development

The principle of a new dwelling being constructed on this site has already been established following the approval of planning permission 12/0267N on appeal on 17th December 2012. As such, it is considered that the proposals would adhere with Policy NE.2 of the Local Plan subject to detailed assessment of the amendments to the approved scheme.

Amenity

Policy BE.1 of the Local Plan advises that planning permission should only be granted where the proposed development would not have a detrimental impact upon neighbouring amenity in terms of overshadowing, overlooking or visual intrusion.

The two neighbours closest to the proposed extensions and alterations would be Corner Cottage to the east and Pritch House to the west.

In terms of the additional impact upon Corner Cottage, one of the proposed changes could potentially impact upon this neighbour. This is the minor two-storey rear extension.

The proposed 0.675 metre increase in depth of the dwelling to the rear of the property would be positioned approximately 9.1 metres away from the southeast of this proposed change.

The closest impacted room on Corner Cottage by this development is a conservatory. It was considered as part of the original officer assessment that there was sufficient distance between the conservatory and the proposed dwelling to ensure that the development would not be overbearing for this neighbour. It is not considered that this additional 0.675 metres would change this conclusion. Also, as part of the original officer assessment, it was concluded that the proposal would result in some loss of daylight to the conservatory towards the late afternoon/early evening, but, again, due to the siting, spacing and aspect, it was considered that this would not cause significant harm. Due to the minor nature of this proposed extension, it is not considered any significant additional loss of light would be created.

Assuming no further openings are sought in the relevant side elevation of the new dwelling to this side, it is considered that this change to the approved dwelling would not create any additional amenity issues to this side. As such, it is recommended that this be conditioned, should the application be approved.

In terms of the additional impact upon Pritch House, given that the closest aspect of the proposed development would be over 30 metres away from the closest aspect of this neighbouring property, it is not considered that there would be any additional impact created on the amenities of this neighbour by the proposed changes.

The proposal includes the creation of a single-storey side extension on the western elevation that would extend approximately 3 metres to the west. This would be approximately 16.5 metres away from Pritch House. Given this large separation distance and because the development would be single-storey, it is not considered that this addition would have a detrimental impact upon the amenities of the occupiers of Pritch House in terms of loss of privacy, loss of light or visual intrusion.

It is also considered that the marginal re-sizing of the garage (depth by 0.6 metres and height by 0.377 metres) would have no additional amenity impacts for the same reasons.

Reference has been made by objectors to the inspector's agreement with the Council's condition removing Permitted Development Rights for extensions to the approved property. Specifically, it was advised within paragraph 21 of the inspectors decision that;

'There was some discussion at the hearing about whether permitted development rights for extensions should be withdrawn. As set out above, the proposal was amended to address concerns about the impact of the development on the adjacent occupiers, and in particular Corner Cottage, and also to increase the space around the proposed dwelling to respect the character of the surrounding area. Having considered all the representations and assessing the situation at the site visit, I conclude that it is necessary to withdraw permitted development rights in respect to the 2 sides of the dwelling and in particular, extension which would come closer to Corner Cottage. The Council's suggested condition has therefore been amended to address these specific concerns.'

Although permitted development rights have been removed, this does not prevent the applicant from extending the development or moving the approved development closer to these neighbouring dwellings. It only means that if the applicant wishes to do this, they would require planning permission in order for the specific issues to be addressed.

As a result of the above reasons, it is considered that the development would adhere with Policy BE.1 of the Local Plan.

Design Standards

Policy BE.2 of the Local Plan advises that any new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used.

The proposed 0.7 metre deep, two-storey rear extension would be the same width and height as the approved dwelling and would be finished in materials to match the dwelling approved. As such, it is not considered that this proposed amendment would have a detrimental impact upon the overall design of the dwelling.

The single-storey side extension and the increased sizing of the garage would both appear subordinate to the associated dwelling and would therefore be of an acceptable scale. Subject to the finish / use of materials of these changes / developments matching the approved dwelling, it is considered that these additional changes would also be of an acceptable design.

As a result of the above, the proposed changes would be of an acceptable design that would adhere with Policy BE.2 of the Local Plan.

Trees

In terms of the impact of this amendment upon trees, the Council's Tree and Landscape Officer has advised that the proposal does not create any additional issues subject to the implementation of the tree protection measures identified on the tree protection plan dated 3/1/13.

As such, subject to this condition, it is considered that the proposed development would not have a detrimental impact upon trees and would adhere with Policy NE.5 of the Local Plan.

Ecology

The proposed changes would have no additional ecological impact than the approved scheme. As such, the development would adhere with Policy NE.9 of the Local Plan.

Access and Parking

The proposed development would have no additional impact upon highway safety or parking than the scheme approved. As such, the development would adhere with Policy BE.3 of the Local Plan.

CONCLUSIONS

In conclusion, the proposed changes to the approved scheme are not considered to create any significant issues in relation to the Open Countryside, nature conservation, protected species, neighbouring amenity, design, access and parking, drainage or parking standards.

As such, the proposed development would adhere with the following policies within the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), RES.5 (Housing in the Open Countryside), TRAN.9 (Car Parking Standards). The proposal would also accord with the NPPF.

RECOMMENDATION

APPROVE subject to the following conditions

1. Time (3 years)
2. Plans
3. Prior submission of facing and roofing details
4. Prior submission of hard or soft surfacing materials
5. Prior submission of landscaping scheme
6. Implementation of approved landscaping scheme
7. Prior submission of drainage
8. Prior submission of boundary treatment
9. Obscure glazing (x2)
10. Hours of construction
11. PD removal for extensions to the East and West elevations
12. Nesting birds
13. Implementation of tree protection plan
14. Any gate, bollard, chain or other means of obstruction across the approved access should be inset by 5.5 metres from public highway
15. Visibility splays of 2 metres by 25 metres to the east and 2 metres by 35 metres to the west of the proposed access onto Newtown Road shall be provided with no obstruction within the splay above 1 metre in height.

