

Application No: 13/3727C

Location: Gwenstan, 14, SMITHFIELD LANE, SANDBACH, CHESHIRE, CW11 4JA

Proposal: 3 bungalows in garden area

Applicant: Smithfield

Expiry Date: 30-Oct-2013

**SUMMARY RECOMMENDATION:** Approve with conditions.

**MAIN ISSUES:**

- Principle of the development
- Highways
- Design, layout and scale
- Impact on the amenities of neighbouring properties
- Amenities of future occupiers
- Landscaping

**REASON FOR REFERRAL**

Called in by Councillor S Corcoran on the following grounds:

*"The proposed development is out of keeping with the surrounding area and will disturb the amenity of the neighbourhood. The proposed development would harm the character and appearance of the area. I am also concerned about the access, which I believe should be constructed to adoptable standards and adopted. I look forward to reading the Highways report.*

*The Inspector in rejecting the appeal on the previous planning application on this site (11/1722C) said:*

*"The access, which is relatively narrow and does not provide for a separate footway, would be shared by the four proposed semi-detached dwellings, for which five parking spaces would be provided. This would effectively create a courtyard between the rear of the proposed detached dwelling and No.12, and the front of the four proposed dwellings. The urbanising effect would be significant – transforming a garden setting into a high density, relative to the surrounding area, urban courtyard."*

*"The proposed development would contrast sharply to the existing open and green character of the garden land to the rear of Smithfield Lane and to a lesser extent, behind Hawthorne Drive to the northeast. This would lead to significant harm to the garden suburb*

*characteristics that help to define the pleasant character and appearance of the area."*

*The plans are an improvement on the previous application, but although described as 'bungalows', the proposed dwellings are in reality 2 storey 3 bedroom houses."*

## **DESCRIPTION AND SITE CONTEXT**

The application site is currently occupied by a bungalow with a large rear garden and is situated on the eastern side of Smithfield Lane. It is located within the Settlement Zone Line of Sandbach. The surrounding development comprises a mixture of styles of residential dwellings.

## **DETAILS OF PROPOSAL**

The proposal is for three dormer bungalows and the existing bungalow would also be retained and renovated.

All the dwellings would be sited in the rear garden and served off a private drive between numbers 14 and 16 Smithfield Lane. The proposed dwellings would be dormer bungalows with one dormer window on the front roof slope and two on the rear roof slope.

Parking provision is proposed for number 14 to the rear.

## **RELEVANT HISTORY**

09/3069C      2009    Refusal for the erection of 7 dwellings

10/1179C      2010    Refusal for the erection of 7 dwellings (Appeal dismissed)

11/1722C      2011    Refusal for the erection of 5 dwellings (Appeal dismissed)

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Congleton Local Plan 2005**

PS4 – Plan strategy

GR1 - General criteria for new development

GR2 - Design

GR6 – Amenity & health

GR9 - Highways safety & car parking

H1 – Provision of new housing development

H2 – Housing supply

H4 – Residential development in towns

SPG2 –Private Open Space

## **Other Material Considerations**

National Planning Policy Framework.

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

### **Environmental Health:**

Recommend conditions relating to contaminated land and hours of construction and piling.

### **Highways:**

The Strategic Highways Manager has assessed this application and notes that the development can only provide private drive status in terms of a private access road. The junction detail provides visibility in accordance with Manual for Streets and offers 4.2m radii kerbs and a carriageway width of 4.5 metres which is acceptable for a private drive arrangement. Parking provision is at a minimum of 200% and some units have 300% parking. This is in line with the new draft parking standards.

This proposal would not offer sufficient public utility to warrant formal adoption as public highway.

The Strategic Highways Manager recommends conditions related to detailed junction design drawings and access formation prior to construction and occupation of the dwellings.

### **United Utilities:**

None received at the time of report writing; however they had no objection to the previous proposal for 7 and 5 dwellings respectively.

## **VIEWS OF TOWN/PARISH COUNCIL**

Object on the grounds that this 'garden grabbing' development is over intensive for the site area, thus contravening local plan policy GR2.

## **OTHER REPRESENTATIONS**

At the time of report writing 5 representations have been received expressing the following concerns:

- The properties are 2 storey and not bungalows
- Loss of privacy
- Loss of Daylight
- Visual intrusion
- 'Garden grabbing'
- Opportunity for future extensions would affect the outlook of properties on Booth Avenue
- Single track road not adequate
- Difficult access for service vehicles

- Bins left on the road
- Lack of sufficient detail
- Proximity of the access road and driveway to number 14 to number 12 Smithfield Lane

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the Settlement Zone Line of Sandbach where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town.

Members should note that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15<sup>th</sup> June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".*

Given that the site is contained within the settlement zone line of Sandbach, the proposal is considered to be acceptable in principle.

### **Highways**

Some of the objectors have expressed concerns about the access road. It is noted however that the Strategic Highways Manager has not objected to the proposal, subject to conditions being imposed. These conditions would ensure that detailed drawings of the access should be approved prior to the commencement of development, the access must be substantially constructed prior to the construction of the dwellings and the access must be completed prior to the occupation of the dwellings. In addition the Inspector that determined the previous appeal for 7 dwellings concluded that a development of seven houses would not have an adverse impact on highway safety. It is therefore considered that a refusal on the grounds of adverse impact on highway safety could not be sustained.

### **Design, Layout and Scale**

Following the refusal and dismissal at appeal of the previous applications, the amount of dwellings has been reduced to 3 dormer bungalows. These would be constructed of traditional materials to match the existing bungalow.

Having regard to design, there are a variety of property types within the vicinity of the site including two new dwellings at the end of Mill Row, that are situated on the southern

boundary of the site. These are large detached dwellings with rooms in the roof. To the east Booth Avenue contains semi-detached 2 storey properties and Smithfield Lane comprises a mixture of bungalows and two storey properties. As such it is not considered that the design of the dormer bungalows would appear incongruous in this location.

The existing dwelling is to be renovated to help maintain the existing street scene and no plans to extend it have been submitted.

It is considered that subject to a condition requiring the submission of external materials for written approval, the development would be in compliance with Policies GR1 and GR2 of the adopted local plan.

### **Impact on Existing Amenity Levels**

Having regard to neighbouring amenity, the properties at the rear of the site would face the rear elevations on Booth Lane. All of these dwellings would be in excess of the required 21.3 metres away from the properties on Booth Avenue, which exceeds the requirements set out in SPG2 (Private Open Space). There would be no significant adverse impact on the amenities of the dwellings on the side boundaries of the site.

The parking provision for number 14 Smithfield Lane was originally adjacent to the boundary with 12 Smithfield Lane, this has now been moved to the other side of the rear of the property in order to address the concerns of neighbours.

### **Amenity Levels of Future Occupiers**

Having regard to the amenities of future occupiers of the proposed dwellings, it is considered that the usable amenity space provided for each dwelling would be in compliance with SPD2 and would be acceptable.

As discussed above, the new dwellings would be sited in such a way as to meet the required separation distances set out in SPD2.

### **Landscaping**

The site is currently a large suburban garden containing a number of trees and some lengths of hedge. The plans do show basic landscaping details, however it is considered necessary to require submission of detailed landscaping and tree/hedge protection details by means of condition.

### **Previous Appeal Decision**

The previous proposal for 5 dwellings at the site (11/1722C), was refused by Southern Planning Committee and a subsequent appeal was dismissed.

The Inspector highlighted the fact that the proposed dwellings would be higher than is typical on Smithfield Lane, where bungalows and dormer bungalows predominate. He concluded that the impact would be intensified by the five dwellings being grouped together in small plots and

when seen in the context of the low density of development on Smithfield Lane, the development would be out of character.

The proposal put forward with this application has sought to address the issues raised by the Inspector by reducing the number of dwellings from five to three, changing the dwellings to dormer bungalows and retaining and renovating the existing bungalow at the front of the site to help retain the continuity of the street scene.

It is considered that this proposal has addressed the issues highlighted by the Inspector on the previous application when he dismissed the appeal. As such this proposal for three dormer bungalows on the site is recommended for approval.

### **CONCLUSIONS AND REASONS FOR THE DECISION:**

In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission of detailed drainage scheme**
- 5. Submission of a Phase 1 contaminated land survey**
- 6. Limits on hours of construction**
- 7. Limits on hours of piling**
- 8. Submission of detailed access and junction plans**
- 9. Access substantially completed prior to commencement of construction of the dwellings**
- 10. Access fully completed prior to occupation of the dwellings**
- 11. Submission of landscaping scheme**
- 12. Implementation of landscaping scheme**
- 13. Submission of details of boundary treatments**
- 14. Tree protection scheme**



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