

Application No: 13/3536M

Location: 44, CHESTER ROAD, POYNTON, STOCKPORT, SK12 1HA

Proposal: Demolition of an existing house and the erection of 2 No pair of Semi-detached houses

Applicant: Edmund Carley

Expiry Date: 24-Oct-2013

Date Report Prepared: 4th December 2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- the principle of the development,
- Impact on neighbouring amenity,
- Impact on the character and appearance of the street scene,
- any highway issues regarding access and parking,
- sustainability of the site and
- ecological issues

REASON FOR REPORT

Cllr West has called this application in to be heard by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached two-storey dwellinghouse located on the corner of Chester Road and Hilton Grove within the predominantly residential area of Poynton. The site currently has two accesses, one to each road. A number of trees are located around the boundaries of the site, however none are formerly protected.

DETAILS OF PROPOSAL

Full planning permission is sought to demolish the existing dwellinghouse and erect 4no. 3-storey houses in the form of two pairs of semi-detached dwellings.

RELEVANT HISTORY

12/4196M Demolition of an existing house and the erection of 2 No pair of Semi-detached houses Refused 21-Dec-2012

- 11/3290M Erection of Three 3 Storey Houses and 3 Flats with Parking and Service Space,
Relocation of Vehicular Access on Both Chester Road and Hilton Grove
Refused 12-Dec-2011
Appeal Dismissed 03-May-2012
- 10/4317M Erection of four 3 storey houses and 3 flats with parking and service space.
Relocation of vehicle access onto Hilton Grove.
Withdrawn 02/02/2011

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Local Plan Policy:

The application site lies within a predominately residential area therefore the relevant Plan policies are considered to be: -

NE11 Nature Conservation
BE1 Design Guidance
H1 Phasing Policy
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H13 Protecting Residential Areas
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC35 Materials and Finishes
DC37 Landscaping
DC38 Space, Light and Privacy
DC63 Contaminated Land Including Landfill Gas

Other Material Considerations

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency

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

Supplementary Planning Documents:

- Poynton SPD

CONSULTATIONS (External to Planning)

Environmental Health: no objection subject to conditions

Highways: no objections

VIEWS OF THE PARISH / TOWN COUNCIL

Poynton Town Council – Recommend refusal - on the grounds of RO2RD - loss of privacy by reason of overlooking, RO3RD - cramped development, RO5RD - inadequate space with regard both to adjoining houses and between the proposed houses, RO7RD - development unneighbourly, being unduly dominant when viewed from adjoining property, RO3TR - the proposed development by virtue of its size and siting would result in the direct loss of existing trees which are of amenity value to the area as a whole, RO6HW - parking provision detrimental to highway safety.

Members also noted that parking provision of two spaces for each four-bedroomed house was inadequate, and would lead to parking on Chester Road and on Hilton Grove to the side of the development. They also asked that United Utilities' conditions with regard to drainage and sewerage, as previously set out in the UU letter of 23rd November 2012, is still taken into account.

In summary Members felt that this application had not changed materially from previous applications for this site, which had been rejected by Cheshire East and on appeal.

REPRESENTATIONS

Fourteen objections have been received to date, the main points raised were:

- loss of light
- overlooking/inadequate separation distances
- overbearing
- height and location will impact on privacy
- contrary to policy
- impact on character of the area/streetscene
- plans include an additional bedroom/study in the attic
- plans incorrect as they show trees to be retained which have already been removed/loss of existing tree and shrub screening
- intensification of site increases road safety problems and concerns
- loss of landscaping/loss of trees/too much hardstanding
- concerned the internal layout is possible to convert to HMO

- inadequate parking provision/congestion around the site/result in on street parking/no visitor parking
- no provision for bins/waste disposable implications
- solid block on a prominent corner location/eyesore/impact on the character of the surrounding area
- scheme too dense/increase from one house to four houses is excessive/overdevelopment/cramped
- scheme fails to adequately address all of the concerns with the previous application/plans unchanged/changes to plans insignificant

APPLICANT'S SUPPORTING INFORMATION

A Planning, Design & Access Statement, Bat Survey, Tree & Landscape Report, Sun Study, Birds Eye View and Agents Supporting Letter were submitted with or during the life of the planning application.

OFFICER APPRAISAL

Principle of Development

There is no objection in principle to providing new dwellings in Predominantly Residential Areas, subject to an acceptable design, impact on residential amenity, highway safety and ecological matters and compliance with prevailing policy.

Housing Policy

Paragraph 49 of the NPPF, states that: 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'

The Council cannot demonstrate a five year supply of housing, and there is need for additional housing within the Borough.

The application site is located within a sustainable location in close proximity to public transport links, local shops and services and a short distance from Poynton town centre. Accordingly, the redevelopment of the site for housing would help contribute towards achieving a 5-year housing land supply and this would weigh in favour of such an application.

Design/character and appearance of the area

The proposed development would result in the demolition of a detached two-storey dwellinghouse with an attached garage. In its place it is proposed to erect two pairs of three-storey semi-detached dwellinghouses.

A gap of 3m would be provided between the two blocks of properties (previously 1.1m 11/3290M and then 2m 12/4196M). Both units would have a similar design with feature gables, hipped/half-hipped roofs, accommodation in the roofspace, rooflights, and a mix of brick and render to the walls and natural slate roofs.

Two vehicular accesses would be provided off Chester Road, one to serve each pair of semi's (with a pedestrian access off Hilton Grove). The existing front garden will be largely covered in hardstanding to provide the proposed off-street parking. Private amenity space including a patio area will be located to the rear of each dwellinghouse.

The site is surrounded by other residential properties. These are, in the case of Hilton Grove, two storey semi-detached properties of fairly regular design and on Chester Road, either Victorian or substantial Edwardian or later semi detached dwellings. Most present two-storey elevations to the road frontages although there is a dwelling sited a number of properties to the west which presents a steeply pitched gable to the front elevation with a second floor window. Most of these properties have a driveway or equivalent space separating the dwelling from the side boundary of the plot.

The applicant's agent has been advised to modify the design of the dwellings, taking into account the prominent corner location and character of the surrounding dwellings. Furthermore, the Inspectors raised concern in terms of creating a vertical emphasis which contrasts with the adjoining Victorian houses. Officers have suggested the removal of the gables to the second floor as well as a reduction in the overall height of the blocks. These revised plans have taken this advice on board; the height of the dwellings has been reduced by 0.4m, from 9.5m to 9.1m. Although the depth of the dwellings have increased, the dwellings as proposed are considered to be commensurate to the existing character of the dwellings 46 to 62 Chester Road in terms of spacing and style.

Based on the revised plans it is considered that the design would no longer appear incongruous to the existing streetscene, following omission of the front gables and the reduction in height, and the increase in the spacing between the two pairs of semi's (3m from 2m). The character of the dwellings is considered more akin to the existing character and appearance of the area than the previous refusals.

The proposed development is therefore considered to be acceptable in terms of LP policies BE1 and DC1.

Amenity

The application site is bounded to the east by Hilton Grove and to the south by Chester Road. Residential properties bound the site to the north and west, whilst further residential properties are located on the opposite side of the roads. In respect of the properties on the opposite side of Chester Road, the proposed dwellings would exceed the separation distance outlined in policy DC38 of the Local Plan and therefore they are not considered to have a detrimental effect on the amenity of these properties.

Previously Officers' have noted that the windows in the side elevation of no. 42 Chester Road are secondary. Policy DC38 states that in this situation a distance of 16.5 metres would need to be maintained for three-storey properties. The proposed development would exceed this distance with no. 42, resulting in a separation distance of 23m and therefore it is not considered that it would have a detrimental effect on the amenity of this property.

No. 46 Chester Road is located to the west of the application site and comprises a three-storey semi-detached property which has windows within the side elevation of all three floors. The ground floor bay window serves a living/dining room and the first floor window serves a bedroom. Whilst both these rooms have windows to the side and rear, the windows in the side elevations are the larger of the two windows and therefore it is these that are deemed to be the principle window to each room. To the second floor, the two windows each serve a bedroom and are the only window to each room. All of the windows in the side elevation of No. 46 Chester Road face in an easterly direction and therefore they provide a significant function in providing light to these rooms.

In respect of policy DC38 of the Local Plan, the proposed development should be sited 16.5 metres away from these windows when considering a three-storey building. The proposed development would be sited 9.8m from the windows on the main side elevation of no. 46 (previously, just 5.5m - 11/3290M & 9m - 12/4196M) and 8.8m from the ground floor bay window. Once again constituting a significant breach to the policy requirement. Whilst this separation distance has been improved, it is still considered that the proposed buildings would be unduly overbearing and dominant causing an unacceptable overbearing impact, loss of light and outlook to the detriment of the neighbouring property's amenity.

The applicant has submitted a sun study in an attempt to demonstrate that sunlight to the affected window will not be overshadowed. The study indicates that there will be minimal overshadowing from the morning sun based on snapshots in February, June and November. The loss of sunlight is only one factor to be considered and has not been the determinative issue previously when considering impact on amenity. It should also be noted that there will be overshadowing from the morning sun at certain times of the morning during certain times of the year.

Policy DC38 provides guidelines (normally minimum standards). When considering impact on amenity the overbearing impact and dominating effect of the development from the principal window of a habitable room must be considered. In this case the spacing distances are materially substandard, achieving only 60% of the minimum guideline separation distance. So whilst it is acknowledged that some flexibility can be applied depending on site conditions the proposal is considered to be substandard to the extent that living conditions of the adjoining occupier will be significantly injured. This is contrary to policy DC3 and one of the core planning principals set out in paragraph 17 of the NPPF.

The property to the rear of the application site, No. 1 Hilton Grove is sited at right angles to the plot and therefore has its side elevation and rear garden along the full length of the shared boundary.

As per the previous submission, the LPA is sympathetic to the issues faced by the neighbouring property from an increase in the amount of development, an increase in the bulk and height of development, and an increase in the number of windows that would face across this property's rear garden however it is not considered to be significantly detrimental to the amenity of this property. Whilst the distance to the shared boundary with no. 46 Chester Road and the first pair of semi's has been increased (albeit still substandard) the distance to Hilton Grove has been reduced.

The existing dwellinghouse on the application site faces towards the neighbouring property and has principle habitable windows at first floor level that currently overlook the rear garden of no. 1 Hilton Grove. The proposed dwellinghouses would be located on a similar building line as the existing dwellinghouse; a substantial hedge (in the neighbour's ownership) and trees (to be retained) are located along the shared boundary that provide a high level of screening. The Government in the latest GPDO allow rear extensions of more than one storey in height to come within 7 metres of a rear boundary, the proposed dwellinghouses would be set back circa 11 metres (minimum) at ground floor and 12 metres (minimum) at first and second floors therefore exceeding this distance; and the rooflights within the rear elevation could be conditioned to be positioned a minimum distance above internal floor level to prevent any overlooking issues. For these reasons it is not considered that this revised proposal would have a significantly detrimental effect on the amenity of this property.

The Environmental Health Division have previously assessed the application and recommend that should permission be granted conditions should be attached to control the hours of construction, demolition and pile driving (if required) to specific days and times in order to minimise noise and disturbance to the residents in the neighbouring dwellings.

To conclude, the proposal namely the sizing, siting and scale of the pair of semi's located to the western boundary of the site (shared with no. 46) are considered substandard to the guidance set out in policy DC38, resulting in an unacceptably harmful impact on principle light sources at no. 46.

Heritage & Design – Forestry

The Council's Arboricultural Officer noted that the site has been subject of an amount of historic pre-determination felling and pruning which has established a relatively open site with a limited number of retained low value trees scattered around the perimeter. Numbers are significantly less than has been depicted on the submitted plans.

The absence of any category A or B trees as defined within BS5837:2012 removes any objection to the application from an arboricultural perspective; with a net gain envisaged if a suitable specimen landscape scheme is implemented replacing those trees which have been removed. A quality scheme will be required given the sites position immediately adjacent to on of the main access routes serving Poynton This could be controllable by condition should the application be approved.

Ecology

The Council's Nature Conservation Officer noted that the accompanying bat survey was completed slightly late in the season and is now just over 12 months old. No evidence of bats was recorded and considering the location of the building and the absence of any bat field signs. Accordingly the Ecologist is satisfied that roosting bats are not reasonable likely to be present or affected by the proposed development.

It is therefore considered that the proposed development would comply with policy NE11 of the Local Plan.

Highways

The proposal would be accessed by two vehicular access points off Chester Road and a pedestrian access off Hilton Grove.

The parking for the housing is 200%, this level of provision accords with the Highways Department's parking standards and both access points provide adequate visibility. However, there is an existing bus stop on the frontage of the property that would need to be moved if these new accesses were constructed. The Strategic Highways Manager raises no issues with the relocation of the bus stop although the siting needs to be agreed with the Council's Integrated Transport Unit. It is for these reasons that the Strategic Highways Manager raises no objection to the application subject to conditions requiring no gates to be erected across the drives.

Whilst concerns have been raised regarding highway safety, subject to such conditions, it is considered that the proposed development would not have a detrimental effect on highway safety and would comply with policy DC6 of the Local Plan.

Land Contamination

The Environmental Health Division has assessed the application in respect of land contamination. They note that the site is within 50m of a known landfill site or area of ground that has the potential to create gas and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with the NPPF, they recommend that a condition and note in respect of contamination be attached should planning permission be granted.

Other Matters

Should members be minded to approve the scheme, they are recommended to apply the informatives raised in the consultation response from United Utilities' with regard to drainage and sewerage, as previously set out in their letter dated 23rd November 2012.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The LPA cannot currently demonstrate a five year supply of housing land and significant weight should be attached to the presumption in favour of sustainable development in accordance with paragraphs 49 and 14 of the NPPF. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole

However, this site could still make a contribution to housing needs by the potential reduction of 1 or 2 units from the proposal. This is also not a scheme which makes any significant contribution to housing land supply. The adverse impact on the adjoining property is significant and demonstrable and is supported by the framework as a core planning principle – to safeguard a good standard of amenity. Section 38(6) of the Planning and Compulsory Purchase Act 2004 still applies. The proposal is contrary to policies of the Local Plan which are consistent with objectives in the Framework.

It is acknowledged that the previous concerns in terms of design and the character and appearance of the streetscene have, on balance and despite objections received, been resolved. However, the amenity concerns have not been adequately addressed and this revised scheme is duly recommended for refusal as the proposed development would be contrary to policies DC3 and DC38 of the Local Plan.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

RECOMMENDATION:

1. R07RD - Development unneighbourly

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