

Application No: 14/0971C

Location: 38, BROOKLANDS DRIVE, GOOSTREY, CREWE, CHESHIRE, CW4 8JB

Proposal: New dwelling in the grounds of 38 Brooklands Drive, Goostrey

Applicant: Steven Occleston

Expiry Date: 17-Apr-2014

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

Amenity and Design

REASON FOR REPORT

This application has been referred to the Southern Planning Committee by Councillor Andrew Kolker for the following reason:

"The proposal is for a large dwelling on a contentious site. There are local concerns as to whether this is over development of the site, which would result in significant loss of amenity."

DESCRIPTION OF SITE AND CONTEXT

The application site relates to the extensive garden area located to the east of 38 Brooklands Drive, Goostrey. The Goostrey Settlement Zone Line runs through the site and as such the proposed dwellinghouse lies within Settlement Zone Line and most of the curtilage would lie within the Open Countryside.

Residential development surrounds the site to the east, south, and west and Open Countryside lies to the north.

A band of trees protected by a Tree Preservation Order lies to the north of the site.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a dwellinghouse. The dwellinghouse would have a front single-storey aspect and rear two-storey aspect due to the significant gradient of land on the site. An approval for a detached dwelling on the site has already been given under permission 13/4504C.

Due to the sloping application site the proposed dwelling will measure approximately 6 metres in height to the front elevation and approximately 8.5 metres to the rear.

This applications seeks changes to the approved development which are of too large a scale to be classed as a non-material minor amendment or dealt with via a variation of condition application. The footprint of the dwelling has been moved by approximately 1.3 metres to the east with the length of the dwelling increasing by approximately 5.7 metres – 2.5 metres to the west and 3.2 metres to the east.

The changes from the approved development are as follows:

- An attached garage to the west elevation which will project by 3.9 metres, with a length of 6.8 metres, a height of 5 metres to the front elevation and 8.3 metres at the rear.
- A cinema room would project from the approved front elevation by 1.4 metres.
- A plant room to the east elevation which will project by 1.8 metres, with a length of 3.8 metres and a height of 4.5 metres to the front and 6.5 metres to the rear.

RELEVANT HISTORY

7654/1 - One detached dwelling with garage - Refused 1978

The reasons for refusal were, the site was not allocated for development within the Village Plan, the proposal would set an undesirable precedent for similar development and in the interest of public or highway safety.

28731/5 - Certificate of lawfulness for use as domestic garden - Certificate issued 1997

T0582/21 - Application to fell one TPO tree - Approved 1999

34674/3 - Single storey porch extension & first floor extension with rear facing balcony - Approved 2002

06/0627/FUL - Conservatory - Approved 2006

09/1763C - Erection of new residential dwelling house 2 storey - Withdrawn 2009

10/3571C - Alterations and Extensions To Provide Altered Living Space And Improved External Appearance - Approved 2010

10/4947C - New family dwelling and associated works to provide turning area separate from existing dwelling – Withdrawn 2011

11/4579C - New family dwelling and associated works to provide turning area separate from existing dwelling – refused 2011 (appeal dismissed).

13/4504C – New dwelling – approved with conditions 2013

POLICIES

Congleton Borough Council Local Plan Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
MP.1 – Presumption in Favour of Sustainable Development

Congleton Borough Council Local Plan Policy

Goostrey Settlement Boundary

PS4 Towns
PS6 Open Countryside
GR1 New Development
GR2 Design
GR4 Landscaping
GR6 Amenity & Health
GR9 Accessibility, servicing and parking provision
NR1 Trees & Woodland
H1 Provision of new housing development
H2 Housing Supply

H4 Residential Development in Towns

SPG2 Provision of Private Open Space in New Residential Developments

National Planning Policy Framework

CONSIDERATIONS (External to Planning)

Highways

This application offers a drawing which demonstrates that the proposal is served by a level of junction visibility which complies with standards.

This site is unusual in that the access to the existing property is narrow and runs between two existing frontage properties.

The proposal to serve a second dwelling from this access mirrors the existing situation which serves 46 and 48 Brooklands Drive just 55 metres away.

Given the available visibility splay and the set precedent which is seen to operate safely, the Strategic Highways Manager has no objection to this proposal.

Environmental Protection

No objection

United Utilities

No objection

Jodrell Bank

No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Goostrey Parish Council objects for the following reasons:

- 1 with the addition of the garage the building is close to the neighbouring property, it could give a terracing effect.
- 2 The garage and increased size of the Cinema room increases the footprint of the building.
- 3 The staircase moved into the glazed semi-circular tower and the increased amount of glazing on the rear elevation could create privacy issues to the existing dwelling facing this elevation.

OTHER REPRESENTATIONS

Five letters of representation have been received which object to the proposed development for the following reasons:

- Have any restrictive covenants been considered?
- Proposed development is still inappropriate and will bring the dwelling closer to number 26 Brooklands Drive
- Still no details regarding the proposed landscaping
- Proposal would significantly reduce the open rural character of the location
- Proposed garage will be too near neighbouring dwelling and is inappropriately large
- Intrusion of privacy
- Highway safety
- No need for the garage
- Increased noise from outdoor area
- Site vehicles parking on Brooklands Drive
- Land ownership issues re 46 Brooklands Drive
- Tree Preservation Orders
- Drainage
- Plenty of houses for sale in Goostrey
- Detrimental to surrounding properties

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
 Arboricultural Statement

OFFICER APPRAISAL

Principle of Development

The Settlement Boundary Line for Goostrey runs through the application site. However it should be noted that the proposed dwelling would be sited within settlement boundary.

There is a presumption in favour of new residential development within the Settlement Zone Line but not within the Open Countryside.

The principle of residential development on this site has already been accepted with permission 13/4504C. The proposed development some changes/additions which are considered to be significant enough to require a fresh application rather than a non-material minor amendment or variation of condition application.

The site is currently used as residential curtilage and is significantly screened from the wider Open Countryside to the north by woodland protected by a Tree Preservation Order. In addition, the dwellinghouse would be positioned within a band of residential development and would project no further north into the Open Countryside than surrounding residential development within the Settlement Zone Line.

Due to such reasons it is considered that it would be unreasonable to apply Open Countryside policies to the application and on balance the principle of the development is acceptable.

The previous Appeal Decision relating to this site (APP/R0660/A/12/2173016) found that the main issues of the previous application (11/4579C) were:

- The effect on the character and appearance of the area; and
- The effect on the living conditions of neighbouring residents, with particular reference to visual impact and privacy.

In conclusion the Inspector found that the previous proposal had an acceptable impact on the character and appearance of the area, however it would have an unacceptable impact upon the living conditions of the residents of Nos 34 and 36 Brooklands Drive.

Therefore, as this application seeks permission for a dwelling of similar design the impact of the dwelling upon the surrounding area has been accepted. The main issue of this application is the effect upon neighbouring dwellings.

Amenity

The proposal site is located within a cluster of residential properties which surround the site from the east, west and south. SPG2 states that the distance between principal windows directly facing each other is 21.3m and the distance between flanking elevations and elevations containing primary windows should be at least 13.8m. The position of the dwelling has been altered from the original refusal in a bid to overcome the amenity concerns.

There is a minimum distance of 24.1m between the principal windows on the rear of No.34 Brooklands Drive (to the south) and the proposal site and 22.1m between the site and No.36. This distance meets the 21.3m as the standard stated within SPG2, and therefore would not warrant a refusal on amenity grounds. The majority of the front (south-west) elevation of the dwelling will be 22m away which meets the separation distance.

There would be a suitable distance between the existing dwellinghouse at 38 Brooklands and the proposal site, with a distance of approximately 2 metres at the closest point. Given that no principal windows will be sited on the side elevation and there is an existing close boarded fence around the side of the dwelling to the balcony/veranda section to the rear.

There is a distance of approximately 19m between the side elevation of the proposal dwelling and the rear elevation of No.26 Brooklands which given there will be no principal windows in the side elevation of the proposed dwelling it is considered acceptable and meets the standard of 13.8m.

No.24 Brooklands Drive appears to be a fairly modern (recently modernised) property which has a fairly glazed front elevation. There are no principal windows on the side elevation of the building and the proposed dwelling will be sited approximately 19m to the south west of the front elevation. The proposed dwelling is now off set from No. 24 with no directly facing principal elevations.

The proposed dwelling would not impact on the dwelling house by means of overlooking and the introduction of landscaping/boundary treatment at this point will help to reduce the impact further. A condition to this effect will be attached to any permission.

Addressing the concerns that the proposed development would appear overbearing and imposing, it is noted that the proposal would have an eaves height which would be similar to the eaves of neighbouring bungalows located to the south and the dwellinghouse would have a ridge height approximately 1 metre lower than the ridge of the same properties. As a result, it is not considered that the dwellinghouse would appear imposing and the impact upon the amenity afforded to the properties located to the south is considered acceptable.

It is acknowledged that occupiers of adjacent premises may consider that a view of a dwellinghouse would not be as visually pleasing as one of existing trees/woodland however; the disruption of views over other people's land is not a material planning consideration for which the application could be refused.

Concerns have been raised within representations that increased vehicular movements at the site would contribute to additional noise at the site however, it is considered unlikely that one additional dwellinghouse would give rise to a long-term significant rise in traffic to sustain a refusal of the application. During the construction of the development it is acknowledged that there would be increased noise however, the development could be controlled via condition to ensure that development only occurred during reasonable hours.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Design

The proposed dwellinghouse would be located behind an existing row of dwellings which front onto Brooklands Drive and would be accessed via a long private drive, shared with 38 Brooklands Drive. Whilst the proposed dwellinghouse would not replicate the predominant building pattern of the area, there is another pair of detached dwellings which replicates a similar layout to the proposed development (46 & 48 Brooklands Drive); the layout is therefore considered to be acceptable.

The proposed dwelling has been designed and positioned to fit with the existing natural landscape of the site, which has a relatively steep gradient running in a south to north direction. As a result the dwellinghouse would provide accommodation over three floors, with the lower level of the property being set into the slope of the landscape. When viewed from the south, the property would be viewed as a single storey dwellinghouse. It is only from a northerly direction that the two storey element would be visible.

The proposed dwellinghouse would be of a modern, contemporary design. Given that the surrounding residential area encompasses no strict vernacular, a modern style dwellinghouse would be acceptable. It is acknowledged that the proposed dwellinghouse would be of a large scale however, it would be of a similar footprint to the adjacent property 38 Brooklands Drive, and the foot print has been reduced from the original application (reference number 10/4947C) and as such is considered acceptable.

With regard to the impact upon the street scene and Open Countryside, it is appreciated that concerns have been raised in relation to the visual impact of the development however, it is noted that there would be no significant views of the dwellinghouse from public vantage points

as existing dwellings on Brooklands Drive would screen the development to the east, south, and west and the protected woodland would screen it from the north.

Furthermore, the position of the garage attached to the dwelling rather than set within the garden area keeps the development within the settlement boundary line and therefore will be seen in the context of the surrounding residential development rather than as a new structure within the open countryside.

The submitted supporting information states that the materials to be used within the development would achieve a high level of thermal performance, energy efficiency and air tightness, which would contribute to the dwelling meeting a majority of criteria for level 3 and 4 of the code for sustainable homes.

With regards to landscaping details these will be conditioned should approval be granted.

As a result the proposed development is in accordance with Policy BE.2 (Design Standards) and BE.9 (Listed Buildings – Alterations and Extensions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

TPO trees

The proposal would not result in the direct loss of any trees protected by a tree preservation order and the proposed dwellinghouse would be located a significant distance away from such. Notwithstanding this tree protection conditions will be attached to any permission.

Whilst it is appreciated that concerns have been raised that trees have already been removed from the site, such trees were not protected and could be removed at any time without the consent of the Local Planning Authority.

Highway safety

The proposed new dwelling would utilise the existing access off Brooklands Drive which serves No. 38. A new driveway and turning area have been provided within the development which would allow for vehicles to be stored on the site and enter/leave in a forward manner.

The application also includes visibility splay to the front of the site which show acceptable visibility in both directions. It is noted that Brooklands Drive is fairly narrow however there is more than sufficient space to park a car on one side of the road and for other vehicles to pass safely.

The Strategic Highways Manager raises no objections to the previous proposal, or this, and it is therefore considered that, as the access arrangement are the same as the previous application the proposed development is acceptable and will not have a significantly detrimental impact on highway safety.

The issue raised regarding site vehicles potentially parking on Brooklands Drive is not something that can be controlled or enforced by the LPA.

Ecology

In order to ensure that impact upon wildlife is limited, it is considered reasonable to attach a condition requiring a detailed breeding bird survey to be carried out if any works to trees are carried out between 1st March and 31st August, in the case where any are found, exclusion zones shall be left around any nests until nesting is complete.

Other issues

It is noted that within one of the objections a previous refusal on the site in 1979 for a dwellinghouse was subsequently dismissed at appeal. In this case planning policy has changed significantly since the 1970's and as noted above as this application meets current planning policy it must be considered on its own merits, in line with the most relevant planning policies.

Any restrictive covenants which may relate to the application site are a separate legal issue outside of the control of the LPA and cannot be considered as part of this application.

In the same vein land ownership issues are also a private matter between the interested parties and cannot be controlled by the LPA.

The actual need for a garage is not part of the considerations during the determination of this application, the issue is whether or not the addition of a garage significantly affects the amenity of neighbouring dwellings.

The fact that there are already houses for sale in Goostrey is also not a material planning consideration and has no bearing this application what so ever.

The drainage and sewer arrangement, as with the previous application, can be dealt with via condition should approval be granted.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development respects the size and character of the existing dwellings and the surrounding open countryside and will not have a significant impact upon neighbouring amenity. The proposed development is of a suitable design appropriate to the purpose it will serve in and will not have a harmful effect upon the Listed Building in keeping with Policy SE.1 (Design). The proposal therefore complies with Policy BE.1 (Amenity), Policy SE.1 (Design), Policy PG.5 (Open Countryside) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the Emerging Local Plan Strategy Policy.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard time 3 years**
- 2. Materials**
- 3. Plans**
- 4. Hours of construction**
- 5. Pile driving method statement**
- 6. Removal of PD classes A and E**

7. Tree protection measures

8. Scheme of landscaping

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