

Application No: 14/3185M

Location: 5, HALSTONE AVENUE, WILMSLOW, SK9 6NA

Proposal: Demolition of one dwelling and the construction of two new dwellings with accesses

Applicant: Herring Properties Ltd

Expiry Date: 01-Sep-2014

Date Report Prepared: 19 September 2014

## **REASON FOR REPORT**

The application is for the demolition of the existing bungalow and the erection of two dwellings and is to be determined by the Northern Planning Committee following a call-in by Councillor Fitzgerald due to concerns over the impact on the character of the area and the impact on neighbours.

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is located in a cul-de-sac within a predominantly residential area of Wilmslow, as allocated within the Macclesfield Local Plan. The cul-de-sac mainly consists of bungalow style properties of varying styles and sizes, also displaying varying plot widths and sizes.

The application property is set within a generous sized plot and protected trees are situated in the north-east corner of the site and offsite to the north of the rear garden within the garden of 112 Gravel Lane partly overhanging the application site.

## **DETAILS OF PROPOSAL**

The application seeks full planning permission for the demolition of the existing bungalow and garage and the erection of two, four bedroom, replacement mirror image properties, both two-storey, with the first floor located within the roof space.

Each property would have two off-road parking spaces to the front with an area of lawned garden to the front and rear. The front elevation would be positioned between one and three metres further forward in the plot than the existing property and would be positioned approximately 1.5m closer to the boundary with number 4 and just over 1m closer to number 6 Halstone Avenue.

## **RELEVANT HISTORY**

PRE/1333/13 - Demolition of existing bungalow and erection of two, two- storey, dwellings - letter issued 13 February 2014

## **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 predominantly residential area of Wilmslow, therefore the relevant Macclesfield Local Plan policies are considered to be: -

NE11 (Nature Conservation Interests)  
BE1 (Design Guidance)  
DC1 (Design: New Build)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Protected Trees)  
DC38 (Space, Light and Privacy)  
DC41 (Infill Housing Development or Redevelopment)  
H1 (Phasing Policy)  
H2 (Environmental Quality in Housing Developments)  
H5 (Windfall Housing)  
H13 (Protecting residential areas)

### **Other Material Considerations**

The National Planning Policy Framework (NPPF) 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.

Chapters 4, 6 and 7 of the NPPF are of particular relevance.

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 are as follows:

MP1 (Presumption in Favour of Sustainable Development)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)

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

Highways: two spaces per property is sufficient and complies with the Cheshire East draft parking standards. No objections.

Nature Conservation: no objection subject to a condition regarding breeding birds

Forestry: The development is outside of the root protection areas of the protected trees. No objections subject to tree protection conditions.

### **TOWN/ PARISH COUNCIL**

Wilmslow Town Council: no objections but expressed concerns regarding the effect of the development on the streetscene.

### **REPRESENTATIONS**

Amended plans were received on 5 September with the position of number 5A moved further back into the site. Letters were sent out on 19 September requesting any updated comments by 26 September 2014.

Letters of objection relating to the original plans have been received from four different properties. Below are the main issues that were raised:

- Noise, dust, parking issues, access etc during the building works would cause unreasonable distress. – Conditions will be issued to address this.
- Car parking will become an issue – there is not enough room for all the extra vehicles.  
- Dealt with in the appraisal section
- Adverse impact on the character of the area - Halstone Avenue is characterised by individually designed bungalows with relatively modest roof heights, set in wide plots with substantial gardens. The proposal displays a cramped appearance. - Dealt with in the appraisal section
- Impact on residential amenity – the proposed property adjacent to number 6 would be positioned closer than the existing property which would have an impact on the amount of light to the side elevation of number 6. The side elevation contains a window to a kitchen diner which is a habitable room. - Dealt with in the appraisal section
- The statement suggests that the proposed buildings will be in line with the frontage of number 6 when in fact it will project approximately 2m in front of the bungalow. – Amended plans have changed this relationship.
- 24 hour access to number 2 is required due to the special circumstances of the occupants. - Not a material planning consideration.
- The side elevation of number 4 contains a bedroom window at first floor and the development would lead to a loss of light and privacy to this window. Also concerns are raised regarding the first floor front window. - Dealt with in the appraisal section

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant entered into pre-application discussions which received a broadly favourable response. The depth of the properties has been reduced as a result. During the course of the application the position of the properties has been moved further back into the site in order to address concerns from the case officer regarding the prominence of the proposed buildings.

## **OFFICER APPRAISAL**

Design / impact on the character of the area

The cul-de-sac in which the existing bungalow is situated comprises of bungalow style properties of varying style and scale, set within fairly spacious plots. At the head of the cul-de-sac, on Gravel Lane, there are two plots that formerly contained two bungalows that have recently been replaced with two dwellings of a similar style to the proposed dwellings.

The proposal would comprise the demolition of an existing bungalow, the division of the existing plot into two and the construction of 2no. dwellings of the same design but a mirror image of each other.

The dwellings would be of the same design with a feature gable and 'catslide' roof to the front elevation with front dormer and two and single storey rear elements. The dwellings would take the appearance of a dormer bungalow with gable to the front and a two storey dwelling to the rear.

The property immediately to the west, number 4 contains a two storey front gable and so this feature would not be totally alien to the cul-de-sac. The total height would also not increase over existing.

The proposal would replace an existing bungalow set within a fairly spacious plot with two thinner dwellings, of a size not currently seen within the cul-de-sac. The gap to the side boundaries of each property would be reduced relative to the existing situation; however there would still be a gap of 1m between the side elevation of the properties and the side boundary.

As mentioned above the recently constructed dwellings similar in style to the proposal are located at the entrance to the cul-de-sac. Although positioned facing onto Gravel Lane and not within the cul-de-sac the new dwellings are visible from within the cul-de-sac and do have an impact on the character of the area.

The proposed properties would have a lower eaves height than the recently built dwellings giving more of a bungalow style. This along with the height remaining the same and the fact the adjacent property at number 4 displays a two storey front gable mean that on balance the proposed properties are considered to have an acceptable impact on the character of the area.

### **Residential Amenity**

The property directly to the west, number 4, contains three side windows at ground floor and a side window at first floor facing the proposed new dwellings. All of the windows are obscurely glazed; however the window at first floor facing onto the application property serves a bedroom. The fact that this is obscurely glazed means that the proposal would not have an overbearing impact on this window. There are two rooflights to this room in the rear roof plane and so the impact on the levels of light to the side window would be within acceptable limits.

The front window on number 4 at first floor serves a bedroom and so is classed as a habitable room. The proposed dwelling closest to number 4 would contain a sloping roof at the point closest to the adjacent building and so the impact on this window would be reduced. The roof at this point would not cross a 45 degree line taken from the mid-point of this window and so the impact on this window would be acceptable. Overall the impact on number 4 is considered to be acceptable.

The impact on the properties to the front and rear would be within the limits set out in policy DC38 of the Local Plan.

To the east number 6 contains side facing windows at ground floor serving a kitchen diner. This section of number 6 is an extension and also contains large windows to the rear and a

glazed door to the east elevation of the extension, which would all help to compensate for any loss of light that the property would experience.

The proposed first floor window to the rear of number 5A would have a view of part of the rear garden of number 6, albeit at an angle. The main seating area of number 6 is positioned behind the extension and so would remain private. The area that would be visible from the rear of number 5A would be limited and at an angle.

For these reasons it is considered that the impact on number 6 is considered to be acceptable.

Due to the relationship with the other neighbours within the cul-de-sac it is considered to be appropriate to condition the hours of construction and to submit a scheme for dust control.

### **Highways**

The applicant proposes to retain the existing vehicular access to serve one of the proposed dwellings and to construct a new access to serve the second proposed dwelling. The proposed use of the existing access is unlikely to result in different vehicle access requirements than the extant use, and the proposed continuation of the existing access arrangements is therefore acceptable. The position of the second access is also considered to be acceptable.

Emerging CEC parking standards recommend the provision of two parking spaces per four bedroom properties such as those proposed. The Strategic Highways Manager is therefore satisfied that the proposal would not cause a highway safety issue.

### **Ecology**

The proposed development has been assessed by the Nature Conservation Officer and he does not anticipate there being any significant ecological issues associated with the proposed development.

### **Trees**

A Tree Preservation Order protects an individual tree, a Beech situated in the north eastern corner of the rear garden of 5 Halstone Avenue. A Group of trees stands offsite to the north of the rear garden within the garden of 112 Gravel Lane and partly overhang the application site.

The footprint of the proposed dwellings are positioned outside the Root Protection Area (RPA) of both the protected Beech and offsite protected group of trees; the position of Plot 5a and juxtaposition in terms of its social proximity to the protected Beech provides a distance of 15 metres. On a north facing aspect, this is considered to be broadly acceptable.

Subject to conditions the Forestry Officer is satisfied that the proposal would not cause an adverse impact to the protected trees.

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

The objections raised have been considered, however the development complies with Local Plan policies in respect of design, amenity, character, highway safety and nature conservation.

The application is therefore recommended for approval.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

#### Application for Full Planning

#### RECOMMENDATION:

1. A03FP - Commencement of development (3 years)  
A01AP - Development in accord with approved plans  
A06EX - Materials as application  
A06GR - No windows to be inserted  
A01GR - Removal of permitted development rights  
A25GR - Obscure glazing requirement  
A01HP - Provision of car parking  
A22GR - Protection from noise during construction (hours of construction)  
A23GR - Pile Driving  
A01TR - Tree retention  
A02TR - Tree protection
2. Dust Control  
Scheme for breeding birds to be included



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