

Application No: 14/5487M

Location: 128, OXFORD ROAD, MACCLESFIELD, SK11 8JG

Proposal: Proposed detached two storey dwelling house at garden plot (rear of 128 Oxford Road)

Applicant: Paul Simms, FCB

Expiry Date: 03-Feb-2015

**Date Report Prepared:** 23 January 2014

**SUMMARY RECOMMENDATION**

**Approve subject to conditions**

**MAIN ISSUES**

- Scale, siting and design; and
- Amenity to neighbouring occupiers.

**REASON FOR REPORT**

This application has been called in to the Northern Planning Committee by Councillor Andrew raising concern regarding:

- amenity
- highways access

**DESCRIPTION OF SITE AND CONTEXT**

This site forms part of the garden to the rear of 128 Oxford Road with the site plan showing the proposed access from the privately owned Holly Road. The new dwelling would effectively be a continuation of the built form as viewed along Holly Road with the location of the dwelling lying at the end of the road, adjacent to No.14.

The plot is currently laid to lawn with mature treeline and established hedgerows to the boundaries which conceals the garden area from public vantage points. However, the area is characterised by a varied streetscene of primarily terraced properties with intermittent detached dwellings of various ages mainly constructed from brick under tiled pitched roofscapes.

The site is located within a predominantly residential area of Macclesfield as defined by the Macclesfield Borough Local Plan (2004).

## **DETAILS OF PROPOSAL**

The proposal seeks outline consent for the construction of a detached two storey dwelling with approval of appearance, layout and scale being sought at this stage. Matters of access and landscaping are reserved for later approval .

The proposed development is to be sited on a similar building line to the adjacent row of terraced properties to the north and located between 2.3m to 3.5m from the side elevation of No.14 Holly Road due to the slightly angled position of the application site to the adjacent building. The south and eastern boundaries adjoin the curtilages of residences along Oxford Road whilst the west lies alongside school playing fields. The boundary treatments comprise of timber fencing panels and extensive tree, hedgerow and shrubbery coverage.

The dwelling is to be 8.9m wide x 8m in depth x 7.5m to the ridge (5m to the eaves) and constructed in timber and brick with a combination of rendering and timber cladding to the elevations under a pitched grey artificial 'riven' slate roof.

## **RELEVANT HISTORY**

11/2006M – New dwelling  
Approved with all matters reserved – Nov 2011.

## **POLICIES**

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design Guidance  
H2 Environmental Quality in Housing Developments  
H5 Windfall Housing  
H13 Protecting Residential Area  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC41 Infill Housing Development or Redevelopment  
DC63 Contaminated Land

### **Cheshire East Local Plan Strategy – Submission Version**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 – Presumption in Favour of Sustainable Development  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles

## SE1 – Design

Between them these policies aim to protect the living conditions of adjoining residential properties from harmful loss of amenity such as loss of privacy, overshadowing, loss of light or overbearing impact. They also aim to ensure that the design of any new building is sympathetic to the setting of the immediate built form and the wider street scene by virtue of being appropriate in size and scale whilst utilising corresponding building materials.

### National Planning Policy Guidance

#### National Planning Policy Framework

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable ‘full weight’ to be given to Development Plan policies adopted under the 2004 Act. The Macclesfield Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)”*.

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

### CONSULTATIONS (External to Planning)

**Design and Conservation:** No objection subject to conditioning materials.

**Highways:** No objection.

**Environmental Health:** No objection. It is recommended that a Phase 1 contamination report is submitted/approved prior to commencement. Additionally an hours of working condition and a site management plan condition are also requested.

**Forestry and Arboriculture:** No objection subject to conditions.

**United Utilities:** No objection. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

### OTHER REPRESENTATION

Nine letters of representation have been received in relation to the application, the main points of which are summarised below:

- Lack of suitable access (from Oxford Road via Barnett Street to Holly Road). Holly Road is very narrow and lorries will not fit past cars parked on Holly Road. The applicant will find it impossible to get any building traffic down Holly Road;
- Holly Road is an unadopted Road;

- The build could also cause damage to the cars and the road itself;
- The planned development is based in a back garden which is unsuitable for a development of this nature;
- The residents of No.116 Oxford Road feel that the proposal would cause a loss of light, overshadowing and loss of privacy;
- The garden of 128 also currently has trees and shrubs that add to the character, the environment and to the privacy of No.116 - any potential plans to cut these down would be of concern;
- Garden plots were considered Brownfield sites but amendments were put in place to limit this activity of "**Garden land Grabbing**" under Planning Policy Statement;
- This application 14/5487M should be appraised in the knowledge that 128 Oxford Road has been approved under 14/4544M for a house of multiple occupancy;
- No 14 Holly has as a side-elevating window. This window provides a majority of afforded light to the lounge and kitchen. The location and footprint of the dwelling will have a major impact on loss of light to No 14 Holly Road;
- An 'existing fence' along the northern boundary with No.14 is actually a mature hedge;
- Noise pollution would also occur during building work. The disturbance created by extra traffic on what is already a busy little unadopted road would be a great concern;
- The occupants of No.14 would lose their parking spaces as the proposed gates would open outwards onto Holly Road where residents currently park;
- The occupants of No.14 would lose a view to the south which they have enjoyed for over thirty years;
- The properties along Holly Road hold the lease hold and the freehold with the deeds referring to previous covenants and how the residents of Holly Road have right of access. 128 Oxford Road has no such access rights on the road; and
- The only occupier to be informed of the application was No.14 with other properties only being notified through a site notice. This is not adequate and the subsequent time between finding out about the application and the closing date for objections is patently too short over an extended holiday period.

A letter has been received from The Holly Road Residents Association who raise concerns about highway and traffic implications and concerns about access for fire vehicles.

Comments have been received with regards to any damage caused to the road and drainage issues as a result of the development. The road is un-adopted and as such these concerns are noted, but are not material planning considerations in this case.

Full copies of the representations received are available to view on the Council's website.

## **OFFICER APPRAISAL**

### **Principle of Development**

The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development.

Paragraph 49 of the NPPF advises that;

*“Housing application 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 does not currently have a five-year housing supply and therefore attention should be paid to Para 14 of the NPPF which advises that when Councils are decision taking, they should:

*“Approve development proposals that accord with the development plan without delay, and where the development plan is absent, silent, or relevant policies are out of date they should grant planning permission unless;*

- *any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or*
- *Specific policies in this framework indicate development should be restricted”*

Located within reasonable walking distance of Macclesfield Town Centre and therefore within close proximity of public transport and public amenities the site is considered to be in a sustainable location and therefore the principle of development in this predominantly residential area is acceptable.

### **Scale, siting and design**

Local Plan Policies BE1 and DC1 seek to promote high standards of design, with the overall vernacular, scale, density, height, mass, spacing and materials of new development being sympathetic to the character of the surrounding built form. It is important to note, however, that the NPPF informs that Local Authorities ‘should not attempt to impose architectural styles or particular tastes’ but does ‘seek to promote or reinforce local distinctiveness’.

The objections received have been carefully considered.

The proposal seeks to construct a detached dwelling located within a residential enclave of predominantly semi-detached properties. The surrounding built form is largely constructed from brick under plain tiled pitched roofs with the properties sited along Holly Road of limited architectural merit.

In comparison the proposed development, albeit detached, is considered to visually integrate with the proportionality of the surrounding built form due to the width and depth of the development being commensurate to the massing of neighbouring semi-detached properties of Nos.2-4 and Nos.12-14. Additionally, the proposal is sited at the end of an unadopted road where there is limited access and visibility from public vantage points to significantly impact upon the characteristics of the immediate built form.

In terms of appearance, the fenestration is comparative to that seen along Holly Lane and is sympathetically formed to ensure the continuity of the enclave is maintained. In respect to materials, the use of render and timber cladding would not integrate within the existing streetscene which is constructed from brick. However, given the position of the development

within an area of mixed construction and outside the vicinity of any designated sites, it is not considered that the alternative materials proposed would constitute a sound reason for refusal with material consideration given to the properties position within a relatively secluded plot, off a main thoroughfare and at the end of an un-adopted 'cul-de-sac'.

The development raises no objection from the Council's Design and Conservation Officer and having regard to the considerations detailed above, the proposals are considered to comply with policies BE1, DC1 and DC43 of the Local Plan.

## Amenity

Policies H13, DC3 and DC38 seek to protect the residential amenity of nearby properties having regard to space, light and privacy.

As indicated within the objection received, the impact of development upon the amenities of the neighbouring occupier is the most contentious issue in the determination of this application with the submitted scheme considered by the neighbouring occupier to represent an unacceptable loss of light and overbearing effect on No.14 Holly Road.

It is not considered that the proposal would impact upon the amenities of Nos.112, 114 or 118 Oxford Road to the south and eastern aspects due to appropriate distances, siting of windows and existing landscaping arrangements which will be dealt with under a separate application.

The representations received from No.116 in respect to a potential loss of privacy through the felling of existing hedgerow are noted however the proposals accord with Table 4 of DC38 in that the distance between habitable rooms exceed the suggested 25m with retained foliage offering a degree of privacy through a filtering effect.

In respect to the concerns raised in relation to the potential impact of development upon the amenities of No.14 to the north, consideration is given the delegated report prepared for the previous permission (11/2006m) which indicated that:

*'The indicative siting of the dwelling suggests that there could be some potential impact upon the side elevation window of the neighbouring dwelling No.14. This window appears to be a secondary window, however it does provide the majority of the light afforded to the lounge / galley kitchen. As the siting of the dwelling has not been agreed at this stage it is considered that the proposed dwelling **could** be relocated further away from No.14 in order to prevent any substantial loss of light to the dwelling.'*

Further to undertaking a site visit and reviewing the representations received from the occupiers of No.14, it is agreed that there would be a degree of light loss resulting from the proposal. Nevertheless the affected window is a secondary window to a habitable room (open plan kitchen/diner/lounge) with un-affected light entering from the eastern (rear) elevation which contains a larger opening serving this open plan room. As such and having regard to Local Plan policies H13, DC3 and DC38, it is not considered that the proposal would significantly injure the amenities of the occupiers of No. 14 Holly Road. However, given the relationship with this neighbouring property it is considered appropriate to remove permitted development rights for future extensions in order to protect the amenity of the occupiers of No.14.

Overall an adequate degree of space, light and privacy would remain to all neighbouring properties and the development accords with Local Plan policies DC3 and DC38.

## **Highways**

The proposed dwelling will utilise an existing access (although overgrown and concealed) from an unadopted road. The Strategic Highways Manager has commented on the proposal by stating that the site is situated at the head of a small cul-de-sac currently serving 7 dwellings, the access road Holly Road is narrow and unadopted. Although the road is narrow, it only serves 7 dwellings and the proposal is to provide one additional dwelling this will not materially change the use of the road in traffic terms. Off-street parking provision is consistent with standards being 200% and there is a turning space provided within the site and is sufficient for the house proposed.

As the road is private the applicant will need to ensure that they have a right of access over Holly Road in order to be able to access the property.

The proposal therefore is considered to comply with policy DC6 of the MBLP.

## **Forestry and Landscaping**

It appears that a number of trees have been removed from the site as part of enabling works. These formed part of a linear group forming the boundary of the site edged red on the southern aspect.

The retained mature tree aspect of the site relates to two Monkey Puzzles, two silver Birch and a single red leafed Maple, with a limited number of ornamental and fruit trees scattered within the garden. Some of the trees are clearly visible from Oxford Road (monkey puzzle) with other only identified by filtered partial views. Apart from the larger Monkey Puzzle (cat B moderate value 7 quality) all the remaining trees are considered to be category C those of low quality and value.

The development can therefore be carried out without a significant impact upon trees of amenity value, subject to conditions.

Landscaping details have been reserved for subsequent approval.

## **Other considerations**

Environmental Health advises that the application is for a new residential property which is a sensitive end use and could be affected by any contamination present. A condition requiring a phase 1 contaminated land survey is therefore recommended.

## **CONCLUSION AND REASONS FOR DECISION**

To conclude, whilst the objections have been carefully considered, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are

not considered to be any other material considerations that would carry sufficient weight to refuse the application.

Therefore a recommendation of approval is made, subject to conditions.

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 Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A03OP - Time limit for submission of reserved matters
2. A06OP - Commencement of development
3. A01OP - Submission of reserved matters
4. A01AP - Development in accord with approved plans
5. A02EX - Submission of samples of building materials
6. A22GR - Protection from noise during construction (hours of construction)
7. A32HA - Submission of construction method statement
8. A01GR - Removal of permitted development rights
9. A17MC - Decontamination of land
10. A02TR - Tree protection
11. A04TR - Tree pruning / felling specification
12. Dust/Mud Management





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