

Application No: 15/2069M

Location: Willowmead, Willowmead Drive, Prestbury, Cheshire, SK10 4BU

Proposal: Proposed 4 bedroom house using existing access.

Applicant: Gemma Schofield, Willowmead LLP

Expiry Date: 30-Jun-2015

Date Report Prepared: 30 June 2015

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Impact on:

- Principle of Development;
- Housing;
- Siting, Scale and Design on the Character and Appearance of the Area;
- Neighbouring Amenity;
- Highways;
- Trees;
- Nature Conservation; and
- Environmental Health

REASON FOR REPORT

This application has been called in at the request of Cllr Paul Findlow on the 21st May due to concerns raised in respect to the proposed:

- 1) Siting, scale and design which is appropriate for the size of the proposed curtilage;
- 2) The access is not 'existing' and was used informally by the previous occupier;
- 3) The height of the fencing is excessive;
- 4) Drainage and flooding issues;
- 5) Construction of the lowest floor will necessitate the removal of soil causing damage to protected trees and root systems;
- 6) Adverse impact on amenity to neighbouring properties through a loss of privacy and natural sunlight;

- 7) Distances recorded could be misleading as there is local concern that the poor experience in the building of "Willowmead" itself will be repeated, when a 2 story house became a 3 storey one.

DESCRIPTION OF SITE AND CONTEXT

The application site is located within the curtilage of Willowmead, a large detached dwelling sited within a predominantly residential area of Prestbury.

The area to which this application relates is positioned to the southern portion of the existing curtilage, accessed via Willowmead Drive and adjacent to Thorne Close which follows along the southern boundary and accesses three dwellings, one of which, No.1 Thorne Close, lies to the south east of the proposed dwelling. The side garden of No.2 Northmead is located to the rear (eastern) boundary whilst Willowmead lies immediately north. The detached dwellings of Broadhaven and Stonehaven lie beyond Willowmead Drive to the western aspect with the topography of the land sloping down towards the east.

The plot is characterised by the dwelling of Willowmead which lies within an accommodating landscaped curtilage with grouped Tree Preservation Orders and 2 metre high timber boarded fencing to the boundaries.

The immediate area is recognised by the suburban character and conventional appearance of the surrounding built form which utilises alternating materials (predominantly brick) and traditional pitched/hipped roofscapes with detached bungalows to the west, dormer bungalows along Thorne Close to the southern aspect and two storey properties located along Northmead to the east. This respects the topography of the land and the resulting differentiation in levels to individual plots.

DETAILS OF PROPOSAL

The proposal seeks the construction of a three storey detached 4 bedroomed dwelling located to the south of Willowmead. The property would appear two storey as viewed from Willowmead Drive with excavation work undertaken to the rear elevation to provide a part-subterranean lower ground floor. The materials are Cheshire brick to the walling with Furness Ember Brick Blend to the upper cornicing under a main slate hipped roof with gable projection to the principle elevation and integral garage. Access is provided via an existing gate opening to Willowmead Drive.

The development follows informal pre-application advice regarding tree issues and design specifications which were of concern in the previous planning applications.

RELEVANT HISTORY

06/3199P – Approved 7th March 2007

Replacement dwelling incorporating attached triple garage and alterations to existing access.

07/3070P – Approved 15th April 2008

Replacement dwelling incorporating attached triple garage and alterations to existing access.
Amendment to 06/3199P

14/4767M – Withdrawn 19th December 2014
Proposed 5 bedroom house using existing access

15/0532M – Withdrawn 2nd April 2015
Proposed 4 bedroom house using existing access

POLICIES

Local Plan Policy

BE1	– Design Guidance
NE11	– Nature Conservation
H5	– Windfall Housing
H13	– Protecting Residential Areas
DC1	– New Build
DC3	– Amenity
DC6	– Circulation and Access
DC8	– Landscaping
DC9	– Tree Protection
DC38	– Space, Light and Privacy
DC46	– Demolition

Cheshire East Local Plan Strategy

The following draft policy are material considerations

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

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.

Other Material Planning Considerations

National Planning Policy Guidance (NPPG)

CONSULTATIONS (External to Planning)

Forestry and Arboriculture: No objection subject to conditions requiring information on a no dig hard surface construction for the driveway, a scheme for the protection of the trees and a tree pruning/felling specification.

Highways: No objections subject to the submission of visibility splay plan prior to the commencement of works.

Environmental Health: No objection subject to conditions requesting details of pile foundations, dust control, floor floating, a limit to the hours of construction and an informative for the awareness of potential contaminated land issues.

VIEWS OF THE PARISH / TOWN COUNCIL

Prestbury Parish Council: objects to this application as an overdevelopment, which also offends the amenity of neighbouring residents and is an inappropriate overdevelopment in an attractive residential area. This application contravenes the Village Design Statement in respect of the character of this area. The views from its windows offend the 45 degree line of sight rule from existing windows on Thorne Close.

All of our objections to the previous similar application are still relevant, with the exception of the facing material.

OTHER REPRESENTATION

Prestbury Amenity Society: Strongly objective as this is an overdevelopment of the site with a building out of character with the area and existing house which looks cheap and tacky. The new drive way is a potential traffic hazard onto Willowmead road. The planned dwelling upsets the balance of the area.

Ten representations have been received in relation to the application, the main points of which are summarised below:

Siting, scale and design

- Represents overdevelopment with it being shoe-horned into the plot;
- Out of keeping with the character of the area;
- Contrary to the Village Design Statement;
- Accommodation is compact and small compared to Willowmead;
- Would appear as one continuous block of development as viewed from Northmead;
- The height of the proposed structure is not specified but would still appear as one structure combined with Willowmead;

- The two properties would dominate the area from an elevated permission thereby looking down on the prevailing homes in Thorne Close and Northmead;

Amenity to neighbouring occupiers

- Adverse impact on the amenities of neighbouring properties through the proposal contravening the 45 degree angle taken from 1 Thorne Close and resulting in a loss of privacy and overbearing effect;
- Concern in regards to the potential erection of a 4 meter high fence to the eastern boundary which would be unneighbourly and costly;
- Side bedroom window of No.2 Northmead would look directly at the rear of the proposed dwelling;
- Direct loss of amenity through overlooking into habitable room windows of Stoneleigh;

Trees

- Concerns in regard to unlawful felling and potential impact of development upon the health of existing trees;
- Social proximity of the new dwelling to existing trees would impact upon the amenity of the occupants - does the design comply with natural light requirements?;

Miscellaneous

- Drainage issues throughout and after the construction process;
- Planning permission would not be conceivable if the plots were in separate ownership;
- Questioning motives of the applicant;
- No authorised access to the proposed development;
- Damage to the road during construction;
- Legalities of constructing fencing along Thorne Close;

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

APPLICANT'S SUPPORTING INFORMATION

Planning Statement

OFFICER APPRAISAL

KEY ISSUES

Principle of Development

The site lies within the settlement boundary of Prestbury and within a Predominantly Residential Area where policies within the Local Plan indicate that there is a presumption in favour of development.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted. Policy H5 within the

Local Plan seeks to direct residential development to sustainable locations – this policy accords with guidance within the NPPF and therefore carries full weight.

The site constitutes a sustainable location as it is located within the settlement boundary and by virtue of its proximity to shops and services within Prestbury and nearby settlements. Therefore, permission should only be withheld where any adverse impacts would significantly and demonstrably outweigh the benefits as noted above.

Housing

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Although the construction of one additional dwelling is unlikely to significantly impact upon deliverable supply the proposal still represents an opportunity to build within a sustainable location and therefore represents a material consideration in the determination of this planning application.

Siting, Scale and Design on the Character and Appearance of the Area

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 locality, surrounding buildings and site itself.

The objections received have been carefully considered.

The proposal seeks the construction of a detached dwelling located within the southern portion of Willowmead's curtilage.

Further to reviewing the characteristics of the site it is appreciated that the position and size of the Willowmead corresponded with the original openness of the curtilage. However, this does not denote the undesirability of additional development in this location and despite the proposal being located to the southern portion of the site the Case Officer does not consider the proposals to represent overdevelopment.

It is acknowledged that Willowmead and the properties adjacent to this occupy sizeable curtilages however the main pattern of development to the surrounding area is characterised by tightly knit properties with noticeably smaller curtilages as indicated within the Prestbury Village Design Statement (2007). In addition to this consideration is given to the heavily screened nature of the application site and set down position from public vantage points – a feature which corresponds directly in the construction of Thorne Close and other properties along Willowmead. This would suggest that the form of the proposed development is unlikely to sit uncomfortably within the streetscene or demonstrably impact upon the character and appearance of the Willowmead Drive to any discernible degree.

As viewed from Northmead the proposal would appear more prominent on the streetscene due to the elevated position of the plot and a reduction in natural screening to the boundaries. However, the development would be seen at a minimum distance of over 40 meters and given the reduced height compared to Willowmead and comparative height to No.1 Thorne Close the development would not overly dominate the streetscape or significantly alter the character of the surrounding built form. In respect to the concerns raised which highlight the sites likely reduction in openness this has been moderated by the condensed scaling of the proposed development and alterations to the design to help reduce massing as viewed from Northmead. Furthermore an appropriately worded condition for additional landscaping could also help to filter the massing of development from the eastern aspect.

As indicated under para.60 of the NPPF *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'*

Further to discussion with the agent the proposed materials, design and fenestration detailing was amended to present a more traditional appearance and integrate more sympathetically with the general architectural features of the surrounding built form. Consequently the form of the dwelling would not be too dissimilar to other properties and would therefore reinforce the local distinctiveness within the locality.

It is now considered that the proposed development negates the concerns raised in the previously withdrawn applications which considered the principle to be acceptable providing the siting, scale and design was amended.

Neighbouring Amenity

Policies H13, DC3 and DC38 of the Local Plan seek to ensure the amenities of neighbouring occupiers are not adversely affected in the determination of planning applications.

There has been contention from adjoining properties as to the suitability of constructing a dwelling in this location and the impact of development upon the amenities of the occupiers.

In this respect it is considered appropriate to individually assess each of the affected parties below.

Stoneleigh, No.59 Willowmead Drive

The occupier makes reference to the proximity of the development to the habitable room windows of No.59 facing onto Willowmead Drive and the potential for overlooking and a loss of privacy.

Further to reviewing the submitted plans it is approximated that the proposed dwelling would be sited around 40 meters from the principal elevation of No.59 which accords with the guidance contained within policy DC38 of the Local Plan (recommends a minimum spacing of 21 meters). The proposal therefore exceeds the recommendations of DC38 and is therefore considered to be acceptable. The level of overlooking would also be negated through existing boundary treatments, mature trees and the elevated position of No.59 to the application site.

No.2 Northmead

Concern has been raised regarding the erection of a 2.1 meter timber fence on the boundary with No.2 Northmead and whether this is in addition to the existing 2.1 meter high Cheshire brick wall. It is confirmed that this is typographical error and a 2.1 meter timber fence will not be constructed on top of the brick walling. However it is reminded that a 2 meter high fence can be constructed on a boundary without the need for planning permission.

In respect to the potential impact of development upon the bedroom window to the side of No.2 the separation distance coupled with existing boundary treatments is sufficient to negate any perceived impact of overlooking or overbearing effect.

No.1 Thorne Close

The representations made by the occupants of the adjacent property have been taken into full consideration and further to undertaking a site visit it is considered that although the development would be visible from habitable room windows of No.1 the proposal is unlikely to adversely affect the amenities of the occupier to warrant a reason for refusal.

In reaching this decision consideration has been given to the 45 degree angle taken from the mid-point of the nearest ground floor habitable room window of No.1. In following the line the proposal would intrude upon the 45 degree angle but this is at a distance of around 20 meters with interruption by a 1.5 meter high fence and an established protected treeline. Thus sufficient space, light and privacy remains to comply with policy.

Although it is appreciated that the proposal would just intrude upon a 45 degree angle taken from the ground floor window to the principal elevation attention must be made to the distances involved which the guidance does not reference as being infinite. Other material considerations such as scale and massing, in addition to the degree of natural screening to the boundaries have been considered with the proposal having a negligible overbearing impact or loss of privacy.

In respect to taking the 45 degree angle from smaller ground floor windows to the side elevation of No.1, these are smaller secondary windows for the lounge and dining room (lounge to the front and dining room leading to conservatory to the rear) and therefore carry little weight in the determination of this application.

Furthermore, due to the orientation of the proposal and the neighbouring property in relation to the sun's path, there is not considered to be any adverse impact in terms of loss of sunlight. The adequate spacing ensures no undue impact on levels of daylight.

It is important to note that the erection of a boundary fence to 2 meters in height does not require planning permission and therefore an additional height of 100mm is unlikely to represent a material increase to significantly impact upon amenities of No1 beyond what can be constructed under the General Permitted Development Order (2015).

No.2 Thorne Close

Given the distances involved and level of screening from an established treeline it is not considered that the proposed development would have an adverse impact upon the amenities of No.2.

Willowmead

In facilitating the construction of the proposed dwelling to allow for improved spacing between properties a small section of Willowmead is due for demolition. Nevertheless the spacing is sufficient to allow for the proposal to sit comfortably within the plot without significantly impacting upon the amenities of Willowmead. Additionally there are no principal habitable room windows facing the proposed development to cause a loss of light or overbearing effect.

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

Highways

The Strategic Highways Manager raises no objections to the formation of an entrance into the proposed development providing a visibility splay condition is attached an informative to enter into and sign a Section 184 Agreement under the highways Act 1980 and provide a new vehicular access over the adopted footpath/verge in accordance with Cheshire East Council specification.

The Strategic Highways Manager also notes that there is enough room to park three cars off street which meets with Cheshire East minimum parking standards for a four bed roomed dwelling.

No highway objections are raised and therefore the scheme would comply with policy DC6 of the Local Plan.

Trees/ Landscaping

Concern has been raised by neighbouring occupiers as to the impact of development upon the further loss and potential risk to the root protection areas of existing trees.

In this respect a report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The Council's Tree Officer considers that given the build footprint being re-positioned and aligned outside the RPA's of all the trees located on the site the construction of development is acceptable. The Officer acknowledges that a single tree (T4) requires removal to facilitate the development however the tree presents a chlorotic appearance of low vigour and vitality, hence the reason for its omission in the 2006 TPO which extends across the site.

Additionally by moving the build footprint over to the north east this has established additional space between the trees and the proposed house. The Officer comments that *'the only area highlighted as requiring pruning relates to T3 and providing a clearance for the garage. These works are considered acceptable. The internal layout of the property has in the main sited secondary usage rooms (hall utility play en-suite & bedrooms) on the southern and easterly elevations, with the living room on the lower ground floor with only bi-folding doors facing east and the lounge on the ground floor also facing the same way into the openness of the plot. The garage faces directly onto the trees to the west. An amount of limited pruning is also proposed but these accords with current best practice.'*

The issues appertaining to access onto the site for both construction and residential purposes still remain with the whole of the access extending through the RPA of a number of the protected trees. It is suggested that this can be overcome with the use of geotextile based no dig construction.

However, the Officer does go on to say that *'this was an issue in relation to the previous application, the soils on site are of a clay texture, the problem of achieving adequate soil air levels below any hard surface on this site must be considered as clay acts as a very low lateral diffusion rate for water and air, see Roberts.et al (2006) Tree Roots and the Built Environment page 29. It may be the only way forward would be to bridge over the RPAs using precast sections of concrete. This is especially applicable given the excavation required on site to facilitate the lower ground floor and the need to utilise large machinery.'*

The removal of both T6 & 7 to facilitate the required visibility splay is not contested with neither tree included within the TPO served in 2006 and are not worthy of formal protection.

It is therefore considered that subject to conditions the development would accord with policy DC8.

Nature Conservation

The Nature Conservation Officer raises no objection to the partial demolition of the property or construction of an additional dwelling on the site given its location within a domestic curtilage which would not have any adverse impact on protected species. The proposal is in accordance with Local Plan policy NE11.

Environmental Health

The Environmental Health Officer raises no objection to the development subject to conditions attached for pile foundations, dust control, floor floating, a limit to the hours of construction and an informative for the awareness of potential contaminated land issues.

United Utilities

United Utilities do not object to the development, subject to informatives being attached relating to drainage.

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.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

- | | |
|----------|---|
| 1. A03FP | - Commencement of development (3 years) |
| 2. A01AP | - Development in accord with approved plans |
| 3. A06EX | - Materials as application |
| 4. A01LS | - Landscaping - submission of details |
| 5. A04LS | - Landscaping (implementation) |

- 6. A02TR - Tree protection
- 7. A04TR - Tree pruning / felling specification
- 8. A15LS - Submission of additional landscape details
- 9. A04NC - Details of drainage
- 10. A23MC - Details of ground levels to be submitted
- 11. A01GR - Removal of permitted development rights
- 12. A06GR - No windows to be inserted
- 13. A26GR - Obscure glazing requirement
- 14. A06HP - Use of garage / carport
- 15. A03HA - Vehicular visibility at access (dimensions)
- 16. Contaminated Land
- 17. Nppf
- 18. Pile Foundations
- 19. Dust Control
- 20. Floor Floating
- 21. Construction Hours

**PROPOSED 5 BEDROOM DWELLING
WILLOWMEAD HOUSE
1.1250**

