

Application No: 16/2622M

Location: 109, WHIRLEY ROAD, MACCLESFIELD, CHESHIRE, SK10 3JW

Proposal: Development of a new house within the existing site boundary

Applicant: Mr & Mrs Fury

Expiry Date: 22-Jul-2016

Summary

The application site is to the rear of 109 Whirley Road in Macclesfield. The plot is accessed from a driveway serving number 109A Whirley Road. The site is rectangular in shape and runs behind numbers 109-95 Whirley Road.

The application proposes a single dwelling on the site. The proposed dwelling is a 3 bed dormer bungalow.

The benefits of the development include the creation of a new residential unit within a sustainable location in the predominantly residential area of Macclesfield.

The proposal has been assessed against the relevant policies in the development plan. It is considered that the proposed development is sustainable and will not have a detrimental impact on the amenity of future or existing residents.

The proposed development is considered to be acceptable, the National Planning Policy Framework states proposals for sustainable forms of development should be approved without delay. It is considered that the proposed development is acceptable and accords with the Development Plan policies outlined in policies section of the report and the National Planning Policy Framework.

Therefore the proposed development is recommended for approval subject to suitably worded conditions.

DESCRIPTION OF SITE AND CONTEXT

The application site is to the rear of 109 Whirley Road in Macclesfield. The plot is accessed from a driveway serving number 109A Whirley Road. The site is rectangular in shape and runs behind number 109-95 Whirley Road. The site has a number of trees within the site, which are protected by a group TPO. There are standard boundary treatments of 1.8m high fencing along the rear boundaries of the dwellings backing onto the site. The site is set at a higher level than the properties along Whirley Road, and is set below number 109A. The

boundary with 190A is good providing adequate screening. The windows of 109A are close to the boundary of the site however only the top of the windows are visible from the site. The site is to the north of the properties along Whirley Road, and to the south of 109A.

DETAILS OF PROPOSAL

The application proposes a single dwelling on the site. The proposed dwelling is a 3 bed dormer bungalow. The design is a dual pitch single storey dwelling with the sides of the dwelling orientated to face neighbouring properties. With principal windows to the front and rear elevations. The bungalow has rooms in the roof, with a blank dormer to provide head height for the staircase with rooflights in the roof of the dormer. There are velux rooflights in the roof. The proposal is a resubmission of a previously withdrawn application, the design and position have been amended to ensure there is no direct overlooking from the bungalow. The application proposes 2 car parking spaces, and two new parking spaces for the host dwelling number 109. There is an area of retained garden to the south of the proposed dwelling, therefore the buffer between the proposed dwelling and existing dwellings to the south will be retained. The buffer measures approximately 5.6m in width. The main garden is to the rear of the property and measures approximately 11-12m in length with trees beyond, which will be retained. Details of landscaping and boundary treatments are not included however these will be secured by condition.

Planning History

15/2386M, Development of a new house within the existing site boundary, Withdrawn

POLICIES

Local Plan Policy

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.

DC1 New Build
DC3 Amenity
DC9 Tree Protection
DC38 Spacing Light and Privacy
DC41 Infill Housing Development or Redevelopment

Material Considerations

National Planning Policy Framework

Paragraph 14 decision making.

Supporting Information

Design and Access Statement
Arboricultural Method Statement

CONSULTATIONS (External to Planning)

Councillor Comments – Called in to committee by Councillor Durham, objections on policy DC3 – Amenity and DC9 – Tree protection (received 23/06/2016)

Environmental Health – No objections subject to conditions and informatives (received 20/06/2016)

Macclesfield Town Council – Objections on the grounds of negative impact on the amenity for neighbouring properties, contrary to policies DC3 – amenity and DC9 – tree protection (received 27/06/2016)

Macclesfield Civic Society - The changes from the earlier scheme 15/2386M are noted. The impact may have been lessened in terms of dominance and relation to adjacent dwellings and occupiers. This requires careful assessment as the basic issue remains whether it would be appropriate to insert additional development in a situation where space around and between dwellings is so limited (received 03/06/2016)

Highways - It is proposed to construct a new dwelling fronting 109A Whirley Road, the access to the new unit is taken from a private access drive that serves two existing properties.

The development proposals provide a new parking area for the new units and also parking for 109 Whirley Road. The number of parking spaces provided for the new unit meets with requirements and the existing access is acceptable to serve three units.

There are no highway objections to the proposed development (comments received 01/08/2016)

REPRESENTATIONS

Neighbour Comments – (received between 03/06/2016 and 28/06/2016)

12 letters of objection received from 7 properties raising the following points:

- Overbearing impact on neighbouring properties
- Detrimental to amenity
- Building is inappropriate size to the site and design is inappropriate
- Trees to be felled covered by a TPO
- Potential structural damage
- Loss of privacy
- Surface water
- Construction traffic

OFFICER APPRAISAL

- Principle of Development
- Housing supply

- Neighbour amenity
- Highways Issues
- Trees
- Ecology
- Other Issues
- Conclusions

Principle of Development

The application proposes a new dwelling within a single dwelling within the garden of number 109 Whirley Lane within the settlement of Macclesfield. The property is located within the settlement where there is a presumption in favour of sustainable development and where development should be approved without delay, providing there are no material planning considerations indicating otherwise.

The principle of residential development within a settlement boundary is acceptable, providing it delivers a sustainable form of development. It is considered that in this case the principle of development is acceptable.

Housing

The Council does not currently have a 5 year housing supply as required by the National Planning Policy Framework. The site is a windfall site, and will make a contribution of 1 net dwelling to the Council's 5 year supply of housing land.

Amenity

The proposed dwelling has residential development, either side, to the north and south, with no dwellings immediately to the front or rear of the property. The property will fill in an existing gap between numbers 109 and 109A Whirley Road, and 109A is set back off a private drive. The proposed dwelling is single storey with a pitched roof. There is a separation distance from the properties to the south of 14m with a short separation distance of 3m to the north facing the side elevation of the property.

No windows are proposed in the north elevation of the new dwelling save for a window to allow light into the entrance hall at ground floor level and two rooflights serving the stairwell and two in the roof of the blank dormer. Therefore there will be no direct overlooking between the dwelling to number 109A. Due to the position of the dwelling in relation to number 109A it is not considered that a loss of light will result of the new dwelling to the garden and due to the distance and the levels involved it is not considered that there will be a loss of light to windows on the side elevation of 109A.

In relation to the dwellings along Whirley Road, there is a separation distance between the rear and side elevations of 14m, however it is accepted that the proposed dwelling is at a higher level, however 14m is the standard as set out for 1 or 2 storey dwellings, therefore the proposal meets this requirement. The proposed dwelling is to the north of the dwellings along Whirley Road, therefore it is not considered that loss of light or overshadowing will occur as a result of the proposals. Sufficient boundary treatments within close proximity to the side elevation of the proposed dwelling will ensure that there is no overlooking from ground floor

windows.

It is not considered that the proposed dwelling will create overlooking due to the juxtaposition with surrounding dwellings and the proposed fenestration. There will be a buffer of existing garden to be retained by the host dwelling approximately 7m wide which will reduce any overbearing impact from the new dwelling on the properties along Whirley Road.

An objection has been received regarding the outlook from the glazed rear gable, however due to the juxtaposition, the distance involved and the oblique nature of views it is not considered that this element would negatively impact on neighbour amenity.

Having regard to all objections raised, whilst the development will be visible from certain properties, it is not considered that the proposed development would have a detrimental impact on the amenities of surrounding residents nor on the future residents. Therefore the proposed development is in accordance with policies DC3 and DC38 of the Macclesfield Borough Local Plan.

Design / Character

The proposed design of the dwelling is sympathetic to the surroundings and would not detract from the character or amenity of the area, therefore the proposals accord with policy DC1.

Highways

The application proposes two formal car parking spaces per dwelling (including the host dwelling) and additional driveway space which could accommodate a third vehicle which is adequate for a property of this size and no objections have been raised by CEC highways. Therefore the proposal is acceptable in terms of highways implications.

Trees

The application is supported by an Arboricultural Implication Assessment. The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed site Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

It is considered that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The majority of the site edged red including the garden area is covered by an existing Area Tree Preservation Order which was served in 1996. This excludes the section of the site located immediately to the south of the existing property 109a Whirley Road. The TPO does extend in a narrow strip within the site to the rear of the properties located on the Whirley road frontage.

At the point an Area Order is served all trees are protected if the description within the first schedule is all encompassing "the trees of whatever species within the area marked on the plan". If in this case the Local Authority may limit the protection to those species within the

area which make a significant contribution to amenity, and this is made clear in the first schedule by listing the species. The Order only protects Silver Birch, Larch, Beech, Scots Pine, Black Pine, Sycamore, Holly, and Rowan within the Area marked A1. This clearly omits the more dominant Spruce located within and close to the proposed build footprint. It is assumed these were omitted from the Order to reflect their dominating growth potential and incompatibility within the landscape context.

The arboricultural submission identifies the removal of three individual trees (T1 – T3) and the whole of G1. Taking into consideration the limitations of the TPO which has been discussed above, only two protected trees require removal to facilitate the development proposals. These are the large mature Silver Birch and the adjacent smaller Rowan located within the site to the rear of 101 & 103 Whirley Road. The loss of both trees is not considered to be significant in terms of an impact on the amenity of the immediate area or the wider landscape context, with both trees screened from public vantage point apart from the upper canopy of the Silver Birch by the existing Whirley Road properties. The social proximity the Silver Birch presents to the adjacent dwelling is considered to be less than desirable; with mid and upper canopy branches dominating the rear habitable rooms and the limited rear external living space. The tree cannot be considered a long term feature, with an application to heavily prune being inevitable. The Rowan's contribution to the collective value of the TPO is considered to be negligible.

Consideration has been given to the trees which presently stand outside the scope of the existing 1996 TPO in respect of their suitability for formal protection. It has been concluded that for the reasons previously identified that the dominant Spruce are considered whole unsuitable for inclusion within a new Order. The dead Spruce requires removal as soon as possible under the land owner's duty of care. The remaining trees which form part of G1 and the specified individual trees including the ornamental specimens are considered to be low value category C specimens, which are not worthy of formal protection.

In terms of replacement planting for the loss of the two protected trees in the case of Area Orders, the position of each individual tree is not depicted on the TPO map. Best practice states that replacement planting should be planted as near as reasonable practicable to the position of the original tree/trees. It could be argued that it would be more suitable to facilitate any replacement planting within the main body of the woodland to the east removing any trees from the southern most protrusion of the Order in keeping with the absence of trees associated with the similar northern protrusion. There is a clear net gain to ensure the main body, high amenity value aspect of the Order is preserved and managed.

A detailed Arboricultural Method Statement has been submitted which addresses the issues of Tree Protection should the application proceed. A suitably worded condition has been suggested by the Arboricultural Officer. It is considered that the proposed development is acceptable in respect of trees and accords with policy DC9 of the Macclesfield Borough Local Plan.

Ecology

The application site supports a number of trees. The site is divided in two halves in terms of its habitats/character. The western part of the site supports a number of trees but is in use as

a lawned domestic garden and would not be considered to be woodland habitat. It is advised by the Council's ecologist that this part of the site is of limited nature conservation value.

The eastern portion of the site however supports semi-natural woodland that is worthy of retention.

It is advised that whilst the site is likely to offer foraging opportunities for bats a roost is not reasonable likely to occur on site. No other protected species are reasonable likely to be present.

It is advised that provided the proposed development is limited to the western part of the site and the eastern part is excluded from any development proposals including use as domestic curtilage then there would be unlikely to be any significant nature conservation issues. It is therefore recommended that development proposals for the site are formulated on this basis.

Other Issues

A representation has been made in relation to surface water run off. United Utilities have commented on the application and have raised no objections subject to conditions, therefore it is considered that the site can be adequately drained in terms of foul and surface water. All representations have been taken into account and all material planning considerations raised have been addressed in the main body of the report.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is considered to be acceptable, the National Planning Policy Framework states proposals for sustainable forms of development should be approved without delay. It is considered that on balance, the proposed development is sustainable acceptable and accords with the Development Plan policies outlined in policies section of the report and the National Planning Policy Framework.

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.

RECOMMENDATION

APPROVE subject to conditions:

1. Standard Time Limit 3 Years
2. Approved Plans
3. Material Details to be submitted
4. No additional windows to be inserted into the north or south elevations of the approved dwelling.
5. Obscured glazing as shown on the approved plan to be maintained for the lifetime of the development

6. Permitted development rights to be removed classes A-E to ensure protection to the amenity of neighbouring properties.
7. All arboricultural works shall be carried out in accordance with Mulberry Arboricultural Implications Assessment ref TRE/109WR and Arboricultural Method Statement TRE/109WR/RevA dated 28th May 2016 received by the Local Authority on the 1st June 2016
8. Tree Retention on trees shown to be retained
9. Piling method statement
10. Dust control measures to be submitted
11. Details of boundary treatments to be provided
12. Levels to be agreed
13. Drainage details to be submitted
14. Nesting birds to be protected



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