

Application No: 16/4943M

Location: FAIRFIELD, 25, CHAPEL ROAD, ALDERLEY EDGE, WILMSLOW, CHESHIRE, SK9 7DX

Proposal: Self build construction of one detached infill dwelling with new access and associated car parking

Applicant: Mr Tim Conniff

Expiry Date: 16-Jan-2017

### **REASON FOR THE REPORT**

The application has been called in to committee at the request of Cllr Craig Browne for the following reasons:

*The application is linked to application no. 16/4674M which has also been called in at the request of the Parish Council and in response to the concerns of local residents about infill development within the Conservation Area.*

#### **SUMMARY**

Full planning permission is sought for self build construction of a detached two and a half storey dwelling with new access and associated car parking within the garden of Fairfield, 25 Chapel Road in Alderley Edge located within the Trafford Road Conservation Area.

The Council has worked proactively with the agent to address a number of issues relating to the application. However it is considered that the impact of the proposal on the conservation area including the potential threat to the trees which have a positive contribution to the conservation area would collectively not be considered to preserve or enhance the character or appearance of the conservation area. The proposal also fails to provide adequate car parking for the existing and proposed dwellings. The harm to the Conservation Area is considered to be less than substantial harm, but the public benefits to the scheme are not considered sufficient to outweigh the potential harm to the Conservation Area.

**SUMMARY RECOMMENDATION:** Recommended for refusal

### **PROPOSAL**

Full planning permission is sought for self build construction of a detached two and a half storey dwelling with new access and associated car parking within the garden of Fairfield, 25 Chapel Road in Alderley Edge.

## **SITE DESCRIPTION**

The application site currently forms the rear section of garden with a detached garage and parking area serving 25 Chapel Road in Alderley Edge and can be accessed from Steven Street. 25 Chapel Road comprises of a semi-detached property dating from the turn of the last century, located within the Trafford Road Conservation Area in Alderley Edge.

## **PLANNING HISTORY**

31908P EXTENSION TO FORM SUN TERRACE AND DINING AREA AND A REPLACEMENT DETACHED DOUBLE GARAGE AND INTERIOR ALTERATIONS  
Withdrawn 17-Dec-1982

32450P REPLACEMENT DOUBLE GARAGE Approved 16-Feb-1983

16/4674M FORMATION OF NEW DRIVEWAY ONTO CHAPEL ROAD, WITH DROPPED KERB. Not yet determined.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

50 Wide choice of quality homes

56-68 Requiring good design

128, 129,13, 132-134 Conserving and enhancing the historic environment

### **Development Plan**

#### **Macclesfield Borough Local Plan**

BE1 Design Guidance

BE2 Historic Fabric

BE3 Conservation Areas

H2 Environmental Quality in Housing Developments

H5 Windfall Housing Sites

H13 Protecting Residential Areas

DC1 New Build

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC35 Materials and Finishes

DC37 Landscaping

DC38 Space, Light and Privacy

DC41 Infill Housing Development

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

## **Cheshire East Local Plan Strategy – Proposed Changes Version**

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient use of land

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE7 The Historic Environment

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 aim to ensure that the design of any extension or new building is sympathetic to the existing building on the site, surrounding properties and the wider street scene by virtue of being appropriate in form and scale and utilising sympathetic building materials.

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

Trees & Development Guidelines (SPG) – 2004

1982 Tree Preservation Order

Cheshire East Borough Design Guide

## **CONSULTATIONS**

**Highways** - Raise concerns regarding tree affecting access to parking spaces and length of parking space.

**United Utilities** - No objections

**Environmental Protection** - No objections subject to conditions relating to Construction hours of operation, Pile Foundations, Dust Control, and Contaminated Land

## **VIEWS OF THE TOWN COUNCIL**

**Alderley Edge Parish Council** - recommend refusal and calling in to the Northern Planning committee. The grounds given are inappropriate infill development within the Conservation Area, impact on the Conservation area, overbearing overdevelopment and arguably a loss of amenity to neighbours in loss of natural light and privacy.

## **OTHER REPRESENTATIONS**

Forty five representations have been received from neighbours. The full comments can be found on the Cheshire East Council website. A summary of the key issues raised are as follows:

- Impact on the character of the conservation area
- Subdivision of the plot, long plots being a characteristic of this part of the conservation area.
- Application 01/0336P relating to 13 Chapel Road which was refused and dismissed at Appeal – similar issues to the current application
- Impact on trees covered by a TPO
- Lack of natural light to rooms adjacent to the trees
- Scale of proposal in relation to the plot
- Loss of privacy, natural light to neighbouring properties
- Insufficient separation distances
- Concern for flat roof being converted to a balcony in the future
- 18 Steven Street should not be a precedent
- Insufficient parking
- Application should be considered alongside 16/4674M.
- Concerns over increase in traffic
- Potential for similar developments to follow in the future

## **APPLICANTS SUPPORTING INFORMATION**

The following documents have been submitted in support of the application:

Planning Statement

Design & Access Statement

Location Plan

Existing Site Plan

Topographical Survey

Proposed Site Plan

Proposed Floor Plans

Proposed Elevations

Street Scene

Arboricultural Statement

Supplementary Arboricultural Statement

Revised Site Plan

Revised Floor Plans

Letter from Emery Planning and Analytical Plan

## **APPRAISAL**

Key Issues:

- Principle of Development
- Design and Impact on the Conservation Area
- Highway/parking Issues
- Trees/landscaping
- Impact on amenity

- Sustainability

### **Principle of Development**

The site lies within the settlement boundary, where development is normally acceptable in principle subject to all other material considerations being satisfactory. The site is within a designated conservation area and there are protected trees within the site, meaning development is subject to stricter control with a policy focus on preserving or enhancing the character or appearance of the conservation area, and protecting the trees subject to a preservation order.

## **SOCIAL SUSTAINABILITY**

### **Housing supply**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision

on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### **Residential Amenity**

The distance back to back between first floor habitable rooms of the proposed property and the existing house at 25 Chapel Road, is 22m, which is slightly less than the distances set out in Local Plan Policy DC38. Although such a distance is sufficient based on the minimum recommended distances of the draft Cheshire East Borough Design Guide (Part 2). Both properties have ground floor rooms projecting further back than the first floor habitable rooms, reducing the distances back to back at ground floor level to just over 15m at the closest point. Any boundary treatment between the two properties would help to create privacy at ground floor level.

Concerns over the use of the proposed flat roof as a balcony or roof terrace could be addressed through a restrictive condition preventing this should the application be approved.

Policy DC41 relating to infill housing development states that “in areas which enjoy higher space, light and privacy standards than the minimum prescribed standards then new dwellings should meet the higher local standard” and “the garden space should reflect the typical ratio of garden space within the curtilages in the area and the location, size and shapes should be suitable for the intended purpose”. In this case many of the properties on the north side of Chapel Road have long gardens with significant distances at the rear. Whilst the proposal is commensurate with the adjacent properties (23 Chapel Road and 18 Stevens Street), these are an exception in the area.

Taking all of the above into consideration, it is considered that the proposed new dwelling and in its relationship with the existing dwelling at 25 Chapel Road would result in amenity of less than other properties in the area and the proposals are therefore not in compliance with policy with regard to amenity. This does weigh against the proposal but is not considered to amount to a reason for refusal in its own right.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design and Impact on the Conservation Area**

Several comments received in representation refer to policy BE12 of the local plan. However, it should be noted that policy BE12 relates to Alderley Edge Conservation Area and not to the Trafford Road Conservation Area in which the application site is located.

The plots between Chapel Road and Stevens Street are on the whole long plots with traditional properties facing south onto Chapel Road, and gardens behind. Stevens Street predominantly has a number of south facing properties on the north side, looking towards the backs of these gardens on the south side. The south side of Stevens Street is characterised by mature gardens with small scale garages. The boundary treatment is relatively consistent comprising fences and mature hedges with mature trees behind creating a strong visual edge.

The prevailing character of the Conservation Area is well designed traditional properties with substantial gardens. This has been reinforced by the appeal decision for a proposal relating to 13 Chapel Road which was refused in 2001 (01/0336P). Concern has been raised by the Conservation Officer, and neighbours, with regard to the subdivision of the long plot, a characteristic feature of the Conservation Area. The Conservation Officer has concluded that the proposal would erode this character and therefore would not preserve or enhance the character or appearance of the Conservation Area.

The agent has responded to the comments from the Conservation Officer with an analysis of plots within the Conservation Area, demonstrating that 55% of dwellings have a garden of a similar size to the proposed dwelling. However it is a particular characteristic of properties between Chapel Lane and Stevens Street that have long plots, other streets within the Conservation Area are acknowledged to have a slightly different character. Although the properties either side of the application site do not have long plots, the plot to the east fronts onto Trafford Road, a road with a slightly different character to Chapel Lane, and the plot to the west is that of 18 Stevens Street, which is not considered to make a positive contribution to the character of the Conservation Area and, as the Conservation Officer has confirmed, conservation guidance is clear that where harm has already been caused it does not justify further harm.

The height of the proposal as evident on the drawings of the street scene is higher than that either side – 18 Steven Street and 48 Trafford Road. Given the openness of the adjacent site at the eastern end of Stevens Street, the ridge to the proposal should be similar if not lower than 18 Steven Street to step down visually at the end of the street rather than stepping up and down again as is currently proposed. Whilst the proposal is lower in height than properties opposite and to the rear this does not necessarily justify it being higher than properties either side within the street scene.

The protected trees on the site are a positive feature which contribute to the character of the Conservation Area which are important to preserve or enhance through the planning process. Whilst the technical issues relating to trees are considered separately, if there is a valid concern in risk to the future of the trees this is an important consideration in the evaluation of the impact on the Conservation Area.

The current view down Stevens Street from Trafford Road is a predominantly hedged boundaries with mature trees and gardens behind. The application site is bounded by fencing rather than hedges; however the combined impact is a strong boundary along the length of the road. However, the proposal would a site frontage that appears from the plans to be absent of any boundary treatment at all. Such a gap in this relatively continuous boundary treatment would be out of keeping with the established character.

The Conservation Officer's consultation response includes the following:

*The duty under section 72 of the Act, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, for the reasons noted above the proposal will fail to preserve the character of the conservation area.*

*The harm identified to the significance of the designated heritage asset, the Trafford Road Conservation Area, is considered less than substantial, paragraph 134 of the NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.*

An assessment of any identified public benefits is included in the planning balance section of the report below.

### **Highways/Parking issues**

Currently the application site houses a garage and parking space serving 25 Chapel Road. Parking is restricted on both Stevens Street and Chapel Road and has been raised as a concern by neighbours. Application 16/4674M also relates to 25 Chapel Road and if approved it would provide alternative parking should the plot be divided and the current parking arrangements to the property removed. Currently there is no alternative parking for the existing property at 25 Chapel Road.

The initial scheme for the new dwelling included two parking spaces whereas the council’s parking standards requires 3 off road parking spaces for a property of four or more properties. Revisions have been made to the internal layout of the property showing it as a three bedroom property, and two parking spaces are now shown to the front of the property. However, Highways still raise concerns regarding the large tree which restricts access to both of the proposed parking spaces. In addition the parking area adjacent to the front door of the proposed dwelling should be a minimum of 5.5m long, to allow pedestrian circulation around a parked car without the vehicle overhanging the footway on Chapel Road. These matters have been raised with the applicant and any further details will be provided as an update.

### **Trees/Landscaping**

Two trees on the site (Horse Chestnut and Lime) and a further Sycamore Tree in the north east corner of the adjacent 18 Stevens Street are protected by Tree Preservation Order. Further trees are protected as part of the Trafford Road Conservation Area.

The Arboricultural Officer initially raised the following concerns with the application:

- Impact on tree roots of the construction of vehicular crossing over the adopted footway to an adoptable standard.
- Seasonal “honeydew” deposits on cars parked under the Lime and off site sycamore.
- Impact of construction of the proposed new dwelling on roots of protected trees
- Social proximity

A revised layout addressed the first of these issues by altering the access to utilise the existing dropped kerb and propose two parking spaces with separate access, either side of one of the trees. Whilst this is acceptable to the Arboricultural officer, it has raised further issues which have been outlined in the Highways section which are not fully resolved from a highways perspective.



The Arboricultural officer's second consultation response (14/12/16) following the receipt of additional information states : "*There are still concerns in respect of nuisance and 'honey dew' deposits but it is accepted that this is not inferior to what exists at present.*" However, whilst these comments are acknowledged, given the presence of an existing garage on the site, the current occupiers are able to choose whether they park their cars in the garage or in the open below the trees. Such a choice would not be available to the occupants of the new dwelling as there is no garage or car port proposed. The applicants would be forced to park their cars below the trees, which is an inferior situation to what exists at present in terms of the honeydew deposits.

The issue regarding the lack of natural light due to the presence of the trees has been considered in the internal layout, where the location of habitable rooms which would benefit most from natural light on the ground floor being at the rear of the property away from trees at the front.

The Arboricultural officer initially raised the issue of social proximity. The trees concerned at the front of the site are all between 16 and 18 metres in height, and the Arboricultural states in the original consultation response that the relationship and social proximity to these trees will cause undue apprehension to future occupiers and would be indefensible if an application was submitted to remove these trees. The second consultation response discusses a requirement for cyclical pruning of the trees to address issues of social proximity. The recommended cyclical pruning would, however, place a burden upon both the future occupants of the new dwelling and the local authority, which does not currently exist. Taking this into account, and that the Arboricultural Officer has identified the species as reactive to pruning, which is likely to result in extensive regrowth, there could in the future be pressure to fell the trees. The solution should be to design out the problem from the outset, and currently the position of the trees to the proposed dwelling is unacceptably close.

To summarise there are a number of tree related issues which have been raised and whilst some have been addressed it is considered that overall the proposals would result in a genuine threat to the long term well being of the trees and the significance of the trees to the character of the conservation area also raises the importance of protecting the trees. The proposal is therefore considered to be contrary to policy DC9 of the local plan.

## **ECONOMIC SUSTAINABILITY**

It is accepted that the construction of a new dwelling would bring the usual economic benefit to the closest shops in Alderley Edge for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. However, given the scale of the development this impact would be limited.

## **PLANNING BALANCE**

The proposed dwelling is considered to result in less than substantial harm to the Trafford Road Conservation Area, which is a designated heritage asset. Paragraph 134 of the NPPF

states that in such cases, this harm should be weighed against the public benefits of the proposal.

The benefits in this case are:

- The provision of one additional house, which would make a very limited contribution to the Council's housing land supply.
- The provision of one family dwelling would provide some benefit to local shops and services, but again this would be very limited due to the scale of the development,

The adverse impacts of the development would be:

- Harm to the character and appearance of the Conservation Area
- Threat to protected trees
- Inadequate car parking
- Shortfall in separation distances between existing and proposed dwelling, not commensurate with area.

It is considered that the impact of the proposal on the Conservation Area including the potential threat to the trees which make a positive contribution to the Conservation Area would not preserve or enhance the character or appearance of the Trafford Road Conservation Area of which the site forms a part. In addition the proposal provides inadequate parking for both the existing and proposed dwellings. The harm to the Conservation Area is considered to be less than substantial harm, however the public benefits of the scheme are not considered to be sufficient to outweigh the identified harm in this case. Accordingly, the application is recommended for refusal.

## **RECOMMENDATION:**

Refuse for the following reasons:

1. The proposed development by virtue of its size, siting and design would have an unacceptable impact on the Trafford Road Conservation Area of which the site forms a part. The proposal would neither preserve nor enhance the character or appearance of the Conservation Area.
2. The proposed development by virtue of its size and siting would result in an unsatisfactory relationship with, and a threat to the continued well being of existing trees which are the subject of the Macclesfield Borough Council Alderley Edge (Stevens Street/The Avenue) Provisional Tree Preservation Order 1982. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the Conservation Area in which the application site is located.
3. The proposal would be contrary to the interests of highway safety by reason of inadequately sized and restricted parking for the new dwelling, and no parking provision for the existing dwelling.

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

