

Application No: 16/5743M

Location: Kingsley, 10, HOUGH LANE, WILMSLOW, CHESHIRE, SK9 2LQ

Proposal: Subdivision of an existing building comprising a dwelling and associated B&B into 3 dwellings and the construction of a two-storey side extension, single-storey side car port extension, dormer window, rear conservatory and detached garage

Applicant: Mr Jeremy Levy

Expiry Date: 13-Mar-2017

### **SUMMARY**

All objections and comments received have been noted and considered during the recommendation of this application. The proposal is considered to be inappropriate development in the Green Belt, however the presence of an extant permission for extensions, which would have a greater impact on the openness of the Green belt than the current proposal is considered to amount to the very special circumstances required to outweigh the harm to the Green Belt in this case. The proposal also provides two additional dwellings at a time when the Council cannot demonstrate a 5 year supply of housing land, which is an identifiable benefit of the proposal. No harm to other matters of public interest is considered to exist, and the proposal is therefore considered to be a sustainable form of development.

Accordingly the application is recommended for approval.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **REASON FOR REFERRAL**

This application is referred to the Northern Planning Committee as it has been called-in by the Ward Member, Councillor Rod Menlove for the following reasons:

*This is a low density housing area of large detached dwellings set in spacious gardens. The proposal would establish a terracing effect that would detract from the character of the area that is one of open aspects. It would change the streetscene from open to cramped and become a precedent for similar applications so destroying the character of the area.*

## **PROPOSAL**

Planning consent is being sought for the subdivision of an existing large property which has previously been used as a dwelling and a B&B, to 3 individual dwellings. The dwelling would be divided to create 1 two bedroom dwelling, 1 three bedroom dwelling and 1 four bedroom dwelling which would each have a private driveway, rear garden and 3 parking spaces. The existing 2 accesses to the dwelling would be retained and 2 of the dwellings would share a single access.

The application also includes a two-storey side extension, a single storey side car port extension, a dormer window, rear conservatory and a detached garage.

Positive pre-application advice was provided prior to the submission of a planning application and full consultation has been carried out on the plans submitted with the application.

## **SITE DESCRIPTION**

The application site comprises a large detached dwelling which is within substantial and private grounds. The dwelling is within the Green Belt to the south east of Wilmslow. The dwelling is part of a ribbon of development which continues along Hough Lane to the south, and sits within a corner plot with 2 existing accesses onto Hough Lane. The remaining boundary to Prestbury Road is well established mature trees and hedging, with a close boarded fence demarcating the boundary.

The design of the building itself does not reflect any specific design period, however it has a distinct style of its own and is aesthetically concordant with its surroundings. As there are no prevailing design features within the street scene the dwelling is of individual style and taste.

## **RELEVANT SITE HISTORY**

- 01/2389P – Two storey and single rear extension and first floor side. Refused 2001.
- 02/0089P – Two storey extensions to front and rear, new dormer windows to front and rear, and bay window to front. Approved 2002.
- 03/0168P – Removal of condition 6 of planning application 02/0089P requiring the property to remain in use as a single dwellinghouse only. Approved 2003.
- 05/1640P – Two storey and single storey side extension with swimming pool. Refused 2005.
- 05/2452P – Two store side extension incorporating double garage, gym and office. Refused 2005.
- 06/1635P – Two storey and single storey side extension with swimming pool (amendments to approval 05/1640P). Approved 2006.
- 11/3760 – application for Lawful Development Certificate for existing single storey extension. Granted 2012.

## **LOCAL AND NATIONAL POLICY**

### **National Planning Policy Framework**

Paragraph 17 – Core Planning Principles  
Section 7 – Requiring Good Design  
Section 9 – Protecting Green Belt Land  
Section 11 – Conserving and Enhancing the Natural Environment

### **Macclesfield Borough Local Plan**

BE1 (Design)  
GC12 (Alterations and Extensions to Houses in the Green Belt)  
GC8 (Re-use of buildings in the Green Belt)  
GC9 (Re-use of buildings in the Green Belt)  
DC1 (Design)  
DC2 (Extensions and Alterations)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC38 (Space, Light and Privacy)  
DC42 (Subdivision of Property for Residential Purposes)  
DC43 (Side Extensions to Houses)  
H13 (Protecting Residential Areas)

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

MP1 (Presumption in Favour of Sustainable Development)  
PG2 (Settlement Hierarchy)  
PG3 (Green Belt)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)  
SE4 (The Landscape)

### **Wilmslow Neighbourhood Plan**

Area has been designated as a Neighbourhood Plan area; however a draft plan is not yet available.

### **CONSULTATIONS**

**Highways** – No objections  
**Environmental Health** – No objections  
**Arboricultural Comments** – No objections  
**Wilmslow Town Council** – No objections raised.

### **REPRESENTATIONS**

8 letters of objection received, summarised as follows:

- Material change of use

- Previously extended
- Light pollution
- Noise disturbance
- Congestion
- Negative affect on the character of the area.
- Would set a precedent
- Purchase agreement that properties remain as single dwellings

## APPRAISAL

### Sustainability

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

## ENVIRONMENTAL SUSTAINABILITY

### Green Belt

Local Plan policy GC8 relates to the reuse of existing buildings in the countryside. The presumption of policy GC8 is that where possible, buildings with an existing commercial use

are reused as a commercial property. This policy is not considered to be consistent with paragraph 90 of the NPPF.

Paragraph 90 of the NPPF states that certain forms of development are not inappropriate in the Green Belt, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. One of these defined forms of development is the reuse of buildings, provided that the buildings are of permanent and substantial construction. The specific use (commercial, residential, retail, etc.) is not defined.

The key issue is whether the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

10 Hough Lane is an existing large property with an existing use as a B&B and an associated dwelling. The existing building has 8 bedrooms and a number of reception rooms. The proposed 3 individual dwellings will have a total of 9 bedrooms across the units, and therefore the levels of activity associated with the proposed use are considered to be similar to the levels of activity experienced when the building is used as a dwelling and a B&B.

However, the proposal does include extensions and an outbuilding which will result in the some loss of openness to the Green Belt compared to the existing development. Whilst there is not considered to be any conflict with the purposes of including land in the Green Belt, due to the openness of the Green Belt not being preserved, the proposal is considered to be inappropriate development in the Green Belt, as defined by paragraph 90 of the Framework.

Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by the considerations. As outlined further below, no other harm is considered to exist in this case.

### Very Special Circumstances

Very special circumstances (VSC) have been laid out within the Planning Statement submitted with the application. These have been provided to support the scheme and are considerations in favour of development.

1. Appeal Decision (06/1635P) – The inspector concluded that the property lay within a ribbon of development.
2. Exceptions under GC12 – It is stated that the proposed development falls within the exception relating to a ribbon of development.
3. Extant permission in place – An extant permission is in place for a swimming pool extension to the rear of the dwelling.

VSC 1 & 2 refers to an appeal decision in which the inspector has concluded that the existing property lies within a ribbon of development, which is an exception to the normal 30% extension allowance under Local Plan Policy GC12. However GC12 only allows for extensions to “dwellings” as opposed to broader allowance of “buildings”, which are permitted

under paragraph 89 of the Framework. This is not an application to extend a dwelling, but to extend a building to accommodate its re-use as 3 dwellings. GC12 and paragraph 89 of the framework also allow for extensions which are not disproportionate to the original building. In this case, it is considered that the proposed extensions to the building, in conjunction with existing extensions, will result in a floor area measuring over double that of the original dwelling, which is considered to be a disproportionate addition to the original building.

VSC 3 references an extant permission for a single storey swimming pool extension to the rear of the dwelling. This permission has been partially implemented, meaning the swimming pool could be constructed at any time. This is considered to be a realistic fall back position which could be implemented, and which would add more floorspace than is currently proposed, and due to its positioning and projection into the rear garden it could therefore have a greater impact on the openness of the Green Belt than the proposed scheme.

The fall back position is considered to result in greater harm to the openness of the Green Belt than the current proposal, and therefore the very special circumstances required to clearly outweigh the identified harm to the Green Belt are considered to exist. The proposed development is therefore considered to comply with paragraph 90 of the NPPF and is considered to be acceptable within the Green Belt.

In order to ensure that the dwellings once subdivided are not able to be further extended without the prior written consent from the Local Planning Authority, a condition is recommended to remove permitted development rights in the interests of the openness of the Green Belt.

### **Design / character**

Macclesfield Local Plan policies DC1 and DC2 ensure that development must be sympathetic to the character of the local environment and street scene. The prevailing style and design of an area must be considered in order to ensure that incongruous structures are not permitted.

Although 10 Hough Lane has had a number of extensions approved within the past 15 years, many of which have been constructed. The two storey extension, conservatory and construction of a detached garage, inclusion of a dormer window and the erection of boundary detail between the 3 dwellings will not have a significant impact on the design of the dwelling or the character of the surrounding area as the alterations will not be visible from the highway due to the existing boundary detail. This, along with the property being set down and away from the highway will ensure that there is no harm to the character of the area.

Significant objection has been received stating that the subdivision of the large dwelling into 3 separate dwellings will have a significant impact on the character of the area. The prevailing style of the area is large detached dwellings which are set within large grounds with well established boundary detail.

Although the dwelling will be divided into 3 relatively large dwellings, as the design of the dwelling will not be significantly altered, nor will an additional access be created, the character of the dwelling will not be significantly altered when viewed from the highway.

### **Arboricultural Impacts**

Macclesfield Borough Local Plan policy DC9 states that development which would result in a threat to the continued wellbeing of trees which are considered worthy of protection will not be allowed. The site contains a number of large well established trees which make a positive contribution to the character of the site itself and the surrounding area. Although these are not protected by any TPOs it was considered necessary to consult the Arboricultural Officer due to their significance.

As the proposed works will not directly or indirectly impact on the trees on the site, an Arboricultural Impact Assessment was deemed unnecessary. The existing structures on the site and an existing retaining wall already restricts the extent of the rooting activity within the area of development.

Therefore, in order to ensure that the boundary planting of trees and shrubbery is not compromised during the construction period, by way of damage by either materials or machinery, a tree protection scheme will be required which will be dealt with by condition.

## **Highways**

10 Hough Lane has 2 existing accesses to the highway, which has allowed acceptable ingress and egress to and from the highway in a forward motion by vehicular traffic. The parking area to the front of the dwelling is considered appropriate to allow for 3 off road parking spaces for each of the 3 proposed dwellings which complies with the Cheshire East Council parking standards.

The NPPF places great emphasis on encouraging sustainable development, including the use of sustainable modes of transport. The site is also considered to be within a sustainable location with good access to local amenities and public transport links. The dwellings will be within a 20 minute walk to the local railway station and town centre. The railway station provides links to Manchester to the north and Stoke to the south which could reduce the use of private vehicles.

Concerns have been raised by members of the public that the increase in traffic movement to and from the proposed dwellings the safe use of the highway will be compromised. As the proposal will utilise the existing points of access to Hough Lane the highway access is considered acceptable by the Head of Strategic Infrastructure and as such has no objection to the planning application.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

Macclesfield Local Plan policy DC3 places significant weight on the protection of the amenity of existing neighbours and future residents of new properties. Development should not have a detrimental impact on the privacy, light or comfort of neighbouring residents. The two storey side extension and car port to the south elevation, and the additional dormer window to the rear will not cause harm to the amenity of residents at the neighbouring dwelling as the boundary detail is significant between the two dwellings, as such there will be no loss of privacy.

The proposed detached garage to the north will not affect the amenity of neighbouring residents as there are no dwellings directly to the north.

The subdivision of the dwelling and the dividing of the grounds of the property into outdoor amenity space has been carefully considered in order to provide the new residents with an acceptable level of outdoor space. The boundary detail has been considered in order to ensure that each dwelling (and neighbouring dwellings) maintain an acceptable level of privacy.

Concerns have been raised stating that the subdivision of the dwelling will result in noise pollution by virtue of both the construction and the intensification of use of the property. The extent of construction works would be relatively limited and would not raise any significant noise issues for this temporary period.

With regard to the intensification of noise pollution due to the subdivision of the dwelling, it is considered that there will be no significant increase in residents at the site compared to the potential number of guests at the B&B. Therefore any increase in noise levels is not considered to be so significant to warrant a refusal of the planning application.

## **ECONOMIC SUSTAINABILITY**

A development of this size would bring the usual economic benefit to the closest shops in Wilmslow 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.

As such, it is considered that the proposed development would be economically sustainable.

## **Housing Land 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.

The creation of an additional 2 dwellings at the property will create dwellings which are affordable and within a desirable area of Wilmslow, without affecting the character of the area. This, in conjunction with the close proximity of the dwelling to Wilmslow railway station and the town centre will result in 2 additional dwellings being provided within a sustainable location within the Borough.

## **Other Matters**

Comment has been raised that the subdivision of this dwelling into 3 separate units will set a precedent within the area. However, any future similar applications will be assessed on its merits at that time.

A comment has also been received regarding a legal document regarding the retention of dwellings on Hough Lane to be single dwellings. This would be considered a legal matter which will not be considered during the determination of the application as it is not a material planning concern.

## **Summary and Planning Balance**

All objections and comments received have been noted and considered during the recommendation of this application. The proposal is considered to be inappropriate development in the Green Belt, however the presence of an extant permission for extensions, which would have a greater impact on the openness of the Green belt than the current proposal is considered to amount to the very special circumstances required to outweigh the harm to the Green Belt in this case. The proposal also provides two additional dwellings at a time when the Council cannot demonstrate a 5 year supply of housing land, which is an

identifiable benefit of the proposal. No harm to other matters of public interest is considered to exist, and the proposal is therefore considered to be a sustainable form of development.

Accordingly the application is recommended for approval.

*In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Enforcement Manager has 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.*

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Removal of permitted development rights
5. Tree protection details to be submitted
6. Permission invalidated by exercise of PD rights

