

Application No: 18/3205M

Location: Land To The South Of, GASKELL AVENUE, KNUTSFORD

Proposal: Construction of a single dwelling (Victorian Garden Walled Dwelling)

Applicant: Mr A Vale, Cranford Estates Ltd

Expiry Date: 12-Oct-2018

### **SUMMARY**

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means “approving development proposals that accord with the development plan without delay”

The site is located in the Knutsford Town Centre Conservation Area and the proposals are considered to have a detrimental impact on the character and appearance of this conservation area by virtue of the scale and location of the dwelling.

The proposal involves access being taken directly in front of a separate dwelling and the proposal will therefore have a detrimental impact on the amenity of this property by way of the disturbance from vehicle movements and potential overlooking of the habitable room windows at ground floor.

The proposal is considered acceptable in terms of access and parking and raises no environmental issues that cannot be mitigated against through conditions.

### **SUMMARY RECOMMENDATION**

**REFUSE**

## **REASON FOR REPORT**

The application has been referred to Northern Planning Committee because of the other application on the site (17/5071M) requires a committee resolution for a decision as the application is subject to an appeal against non-determination.

## **PROPOSAL**

The application is for the erection of a single dwelling to the rear of 18 Gaskell Avenue. The property is proposed to have 4 bedrooms.

## **SITE DESCRIPTION**

The application site is located to the rear of 18 Gaskell Avenue and is located close to Knutsford Town Centre. The site is accessed through the property known as Hamlet House which is a large property that has been sub-divided into apartments and passes a detached property known as the Coach House. The site adjoins the rear of semi-detached residential properties on Stanley Road to the west and south and residential gardens to the north and east.

The site is currently covered in unmaintained trees and plants. Some of the trees around the boundaries of the site are large, mature trees.

## **RELEVANT HISTORY**

56936P – 2 two-storey dwellings to rear of existing house. Refused 10 May 1989 and subsequently dismissed at appeal 25 June 1990.

A separate application for two properties on the site is subject to appeal against non-determination (17/5071M).

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy**

The following are considered relevant material considerations as indications

- MP1 – Presumption in Favour of Sustainable Development
- PG2 – Settlement Hierarchy
- PG7 – Spatial Distribution of Development
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE 1 - Design
- SE 2 - Efficient Use of Land
- SE 3 - Biodiversity and Geodiversity
- SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE7 – The Historic Environment

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

### **Macclesfield Borough Local Plan**

BE2 - Historic Fabric  
DC3 - Protection of the amenities of nearby residential properties  
DC6 - Circulation and access  
DC8 - Landscape scheme  
DC9 - Tree protection  
DC37 - Landscaping  
DC38 - Guidelines for space, light and privacy for housing development  
DC41 – Residential – Infill Housing Development  
NE11 - Nature conservation

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

### **Other Material Considerations:**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

The Knutsford Neighbourhood Plan has reached Regulation 14 stage and the draft plan has been subject to a period of public consultation. The relevant policies are;

D1 – The Knutsford Design Guide  
D2 – Local Distinctiveness  
D3 – Landscape in New Development  
D4 – Sustainable Residential Design  
HE2 – Heritage Assets  
HE3 – Conservation Areas  
H1 – Housing Mix  
H2 – Previously Developed and Infill Development  
T1 – Walking in Knutsford  
T2 – Cycling in Knutsford  
T3 – Public Transport  
T4 - Parking

### **CONSULTATIONS (External to Planning)**

Environmental Health – Conditions have been requested relating to method statements relating to details of electric vehicle charging points and site investigations.

Highway Engineer – No objection. The use of the access by one additional dwelling is acceptable and there is sufficient space within the site for off-street parking provision.

Nature Conservation – No objection. Conditions have been requested relating to timing of works in respect of the bird nesting season and the provision of features in the development for breeding bats and birds.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

**Knutsford Town Council** – *The Council **OBJECTS** to the proposal for which neither blends nor compliments the area of grounds of the locally listed heritage asset. The proposal must pay due regard to the heritage asset, having some relationship in terms of material and architectural merit. The proposed development fails to enhance or preserve the locally listed Heritage Asset or the Conservation Area, contrary to Policies SE7.5 of the Local Plan Strategy and section 8.2 in the Knutsford Conservation area appraisal*

## **OTHER REPRESENTATIONS**

Representations have been received from 18 properties in respect of the application and the points raised are summarised as follows;

In objection to the application;

- Loss of amenity caused by vehicles passing directly in front of habitable room windows.
- Inadequate access on to Gaskell Avenue.
- Access to the property is too narrow and was only designed to accommodate the present number of properties on the site.
- The proposal will have an adverse impact on the character of the Conservation Area because of the scale and mass of the proposed dwellings.
- No public benefit in approving the application.
- The proposal is contrary to the Cheshire East Design Guide.
- Lack of drainage details shown as part of the application.
- Impact on local ecology, bats and barn owls use the site.
- The trees screen the neighbouring properties from local road noise.
- The proposal results in the loss of mature trees.
- The site has been allowed to get into such a state and this should not be a reason to allow development.
- Development will result in a loss of sunlight and cause overshadowing.
- Impact on amenity caused by overlooking.
- The dwellings are out of keeping with those around them.
- Inappropriate access for delivery and refuse vehicles.
- Disruption caused during the construction process.
- The proposal is contrary to the Knutsford Neighbourhood Plan

## **APPRAISAL**

Key Issues

- Principle of development
- Impact on the character and appearance of the Conservation Area.
- Residential Amenity
- Impact on Local Highway Network / Access
- Trees
- Response to Representations

## **PRINCIPLE OF DEVELOPMENT**

Knutsford is identified as one of the key service centres in Cheshire East where CELPS Policy PG 2 seeks to direct 'development of a scale, location and nature' to each town to maintain their vitality and viability.

The proposal is for a residential use site and the surrounding land uses are primarily residential properties. No policies in either the Macclesfield Local Plan or the CELPS seek to prohibit this proposed residential use taking place on the site.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined "in accordance with the plan unless material considerations indicate otherwise".

As per para 11 of the NPPF and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The Council can now demonstrate a 5 year housing land supply but it is important to note that this site will deliver 1 new property within a key service centre. Proposals such as this that bring forward development of such sites make a contribution to maintaining a 5 year housing land supply and preventing inappropriate development elsewhere.

Therefore the principle of residential development on the site is accepted and the key material considerations are detailed below.

## **IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA**

This property lies within the Knutsford Town Centre Conservation Area, the main consideration is whether or not the proposed development would preserve or enhance the character or appearance of the Conservation Area.

The conservation area at this point is characterised by Georgian and Victorian large detached houses, fronting onto Gaskell Avenue. Modern development does sit close by, but the large imposing buildings along Gaskell Avenue and Stanley Road dominate. Combined with their spacious plots, green infrastructure and traditional appearance, contributes positively to the

character of the conservation area, and forms part of its significance as a designated heritage asset at this point.

A detailed heritage assessment/significance summary has been provided, and aside from the impact of the proposed scheme on the Knutsford Conservation Area, the assessment and the chronology of the land and the relationship, past and present the application site has to Hamlet House, as required by para 189 of the NPPF is accepted.

Para 193 of the NPPF, states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 says any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The proposal is for the construction of a single dwelling in the rear garden of 18 Gaskell Avenue. This area of land has been in use as an orchard for some time and has the character of a large house and garden together with its orchard, typical of property in that area. Although the proposed property may well be somewhat hidden from public view the new roof line will be visible given it is proposed to be 7.2 metres in height: It is considered that by developing the rear garden that it would be harmful to the conservation area, as the character of the area is houses with large gardens, this proposed development would harm that character, seen or not from public view points.

When viewed in the context of the traditional form and layout of houses in the area the size, scale and siting of the scheme would lead to an incongruous form of development in this location. Whilst curtilage buildings may have been a feature of large Georgian and Victorian properties, the proposal would be significantly larger than a traditional, ancillary outbuilding such as a coach house or stable block. These have been present in this area as evidenced by historic mapping records.

However the proposed property is considerably larger than what would be expected from an ancillary outbuilding and appears very much as back land development. This will erode the existing green infrastructure afforded to the conservation area by the land to the rear of Gaskell Avenue, and being at odds with the established character of the conservation area. It will also result in a higher density of development on this part of the site.

Historically an appeal decision under application 56936P, identifies the gardens to the rear of Gaskell Avenue as very large gardens "which act as a foil to the buildings around". The erosion of the land which makes a positive contribution to the conservation area, together with the scale and design of the proposed house would fail to preserve or enhance the character or appearance of the Knutsford Town Centre Conservation Area.

The heritage statement suggests; *"The site lies on the edge of the conservation area and owing to its negligible visual contribution and historic and evidential values makes a neutral contribution to the character, appearance and significance of the conservation area. In relative terms, the significance of the application site within the context of the conservation area as a whole is therefore considered to be low"*. This statement under values the

contribution made by the open land to the backs of the houses and the erosion of the land for development, and the impact the proposed development will have to the entire row, if the remaining land is then subsequently developed. It is also totally irrelevant that the site is on the edge of the conservation area. Neither the NPPF nor any local policies differentiate between sites in the middle or on the edge of conservation areas.

The Knutsford Town Centre Conservation Area Appraisal identifies Gaskell Avenue as being an area of particular character and states the following;

*Along Gaskell Avenue are a number of 18th and 19th century houses, mostly listed grade II, overlooking the Heath.*

Hamlet House, a locally listed building, and the neighbouring listed buildings would continue to be appreciated in the context of a large, mature landscaped garden tantamount with their significance, but when viewed in the context of the traditional form and layout of houses in the area, the size, scale and siting of the scheme would lead to an incongruous form of development in this location. The design of the proposed dwelling is clearly of high quality and consideration has gone into creating a quality scheme, and the sedum roof, which would appear to be a response to the mature gardens and green infrastructure which is currently afforded too/contributes to the conservation area at this point. The design is positive, however, it is felt not in this sensitive location.

It is considered the proposal will lead to a less than substantial level of harm to the character and appearance of the conservation area. The harm identified through the proposed design and scale, together with the loss of open, green land should therefore be weighted accordingly as required in Para 196. This states that such proposals should be refused unless it can be demonstrated the level of harm is necessary to achieve some public benefits.

No public benefits of the development have been put forward by the applicant to outweigh the harm caused by the proposal. Therefore the proposal is contrary to Part 16 of the NPPF, Policy SE7 of the CELPS, Policy BE2 of the Macclesfield Local Plan and Policies HE2, HE3 and H2 of the Draft Knutsford Neighbourhood Plan.

## **IMPACT ON RESIDENTIAL AMENITY**

Local Plan policies DC3, DC38 and DC41 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments proposing two storey properties should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

The proposal meets the required separation distances with all properties that surround the site and therefore the proposal is acceptable in respect of overlook, overshadowing and it will not have an overbearing impact on adjacent properties.

Policy DC41 sets out a number of criteria that new housing development must meet and of particular relevance to the proposal in respect of its amenity impacts are as follows;

*5. THE PROPOSAL SHOULD NOT RESULT IN EXCESSIVE AMOUNTS OF NEW TRAFFIC INTO A QUIET AREA OR ON UNSUITABLE ROADS. WITHIN THE SITE THE LOCATION AND AMOUNT OF VEHICLE SPACE SHOULD NOT LEAD TO ANNOYANCE OR INTRUSION TO NEIGHBOURING PROPERTIES*

*6. THE PROPOSAL SHOULD NORMALLY ENJOY OPEN OUTLOOK ONTO HIGHWAY OR OPEN SPACE FROM ONE ELEVATION. TANDEM AND BACK LAND DEVELOPMENT WILL NOT NORMALLY BE PERMITTED WHERE THIS WOULD RESULT IN SUBSTANDARD OUTLOOK, OVERLOOKING AND DISTURBANCE BY THROUGH TRAFFIC*

The vehicular access into the site passes directly in front of habitable room windows in the property known as the Coach House. This property is to the rear of the main building on site and does not currently suffer from any through traffic past it. The proposal for a large dwelling on a backland site will result in a number of vehicles passing directly in front of habitable room windows of The Coach House. No way exists to mitigate against this impact and whilst the level of harm may not be significant it needs to be weighed in the balance with the other issues considered in this report.

A level of disturbance not currently experienced by the occupiers of The Coach House such as noise from traffic and the potential for people to look into the property will therefore be created. The proposal is contrary to Policies DC3 and DC41 of the Macclesfield Local Plan.

## **IMPACT ON LOCAL HIGHWAY NETWORK / ACCESS**

The Strategic Infrastructure Manager has made no objections to the proposal. It is considered the use of the access for one additional property is acceptable as it will not materially alter the function of the access point on to Gaskell Avenue.

Sufficient space exists within the site to allow the required 2 parking spaces and allow vehicles to leave and enter the site in forward gear. Refuse vehicles would not be able to access the site and any future residents would have to ensure that bins are taken to the roadside on Gaskell Avenue.

## **TREES**

Trees within the site are afforded preemptive protection by virtue of their location within the Knutsford Town Centre Conservation Area . A group of protected trees, Group G2 of the Macclesfield Borough Council (Knutsford-Sandilands, Gaskell Avenue., Revised) Tree Preservation Order 1989 stands to the north west of the application site adjacent to Gaskell Avenue where it is assumed access will be gained to the site utilising the existing access arrangements alongside Hamlet House.



The application is supported by an Arboricultural statement and a Tree Constraints Plan which has identified that the majority of the trees within the site are Low (C) category individuals and groups as defined by BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. In this regard, the Arboriculturist's assessment is accepted.

The Category B moderate value trees T14 and G15 along with a number of the identified Category C low value trees have also been retained; their social proximity to the proposed development footprint will necessitate regular on going maintenance and management to preserve a reasonable tree property relationship and adequate external utilisable space.

The relationship between the development and trees G15 and T14 is considered an improvement to the proposals for application 17/5071M. The Tree protection details are considered acceptable including the revisions for the ground protection. Service drainage details have not been provided, it is assumed they can follow the line of the proposed access road outside the identified RPA's; this can be addressed by condition

Subject to conditions relating to tree protection and tree pruning the proposal is considered acceptable in respect of its impact on trees.

## **COMMENT ON OBJECTIONS**

Many points made in objection have been addressed in the main body of the report. A number of residents raised issue with the disturbance caused as part of the construction works. This is inevitable with the nature of the site but would only be for a temporary period and if the application is approved a condition requiring a construction management plan would be included on the decision notice.

## **CONCLUSIONS AND PLANNING BALANCE**

The proposal is considered to have a detrimental impact on the character and appearance of the conservation area. Whilst this harm has been less than significant and in line with paragraph 196 of the NPPF this harm should be weighed against the public benefits of the proposal.

No significant benefits have been identified in support of the application.

The Council can demonstrate a 5 year supply of housing and the provision of an additional dwelling will assist in providing a continual supply. However as it only a single dwelling this benefit can only be given limited weight.

In respect of highway and tree issues the impact of the development is neutral. This is because whilst no adverse impact has been identified there is neither any benefit.

The impact on the amenity of the occupiers of The Coach House clearly weighs against the proposal with the impact being considered as being less than substantial.

It is not considered that the limited benefit of the provision of a dwelling to the continuing 5 year supply of housing outweighs the harm the character of the conservation area and the impact on the development on the amenity of the neighbouring property. The application is recommended to be refused for the reasons below.

## **RECOMMENDATION**

The application is recommended to be minded to refuse for the following reasons;

- 1. The proposal will have a substantial detrimental impact on the character and appearance of the Conservation Area by way of the scale and location of the development and the loss of green open space between dwellings. No public benefits of the development have been put forward by the applicant to outweigh the harm caused by the proposal. Therefore the proposal is contrary to Part 16 of the NPPF, Policy SE7 of the CELPS, Policy BE2 of the Macclesfield Local Plan and Policies HE2, HE3 and H2 of the Draft Knutsford Neighbourhood Plan.**
- 2. The proposal will result in vehicles passing directly alongside The Coach House and this will have a detrimental impact on the amenity of this property by way of disturbance and potential overlooking caused by inappropriate vehicle movements. The proposal is therefore contrary to Policies DC3 and DC41 of the Macclesfield Borough Local Plan.**

*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.*

