

<b>Planning Reference No:</b>	10/1746C
<b>Application Address:</b>	Owls Hoot, Blackden Lane, Goostrey, CW4 8DG
<b>Proposal:</b>	Demolition of the existing dwelling, garage and brick wall/piers and the erection of a new four bedroom detached dwelling with a detached double garage.
<b>Applicant:</b>	Coventry Building Society
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Congleton Rural
<b>Registration Date:</b>	13 <sup>th</sup> May 2010
<b>Earliest Determination Date:</b>	24 <sup>th</sup> June 2010
<b>Expiry Date:</b>	8 <sup>th</sup> July 2010
<b>Date report Prepared</b>	11 <sup>th</sup> June 2010
<b>Constraints:</b>	Open Countryside, previous enforcement history.

**SUMMARY RECOMMENDATION:** Grant planning permission with conditions.

**MAIN ISSUES:**

- Principle of the development
- Highways
- Appearance
- Scale
- Layout
- Impact on amenity of neighbouring properties

## 1. REASON FOR REFERRAL

Called in by Councillor A Kolker for the following reason:

“This site has a very high profile past, since the current house has been built without planning permission. Consequently the Council's Planning Enforcement Department has ordered the demolition of this house.

The proposed replacement house is large and the architecture is unlike surrounding properties. The committee should therefore consider:

The design, scale, character and/or relationship of existing buildings and proposed buildings,  
and

The effect of the proposal upon the character or amenity of adjoining land and buildings and/or the impact on the surrounding area.”

## 2. DESCRIPTION AND SITE CONTEXT

The application site is occupied by a property that fronts onto Blackden Lane and is set back into the site by approximately 20 metres. The site was previously occupied by a white rendered cottage typical of the local farmhouses within the area and is designated in the adopted local plan as being within the Open Countryside.

In 2005, planning permission was granted for 2 storey side and rear extensions to the original dwelling (05/0800/FUL) and in addition consent was granted for a detached garage (05/1083/FUL). The garage was not constructed in accordance with the approved plans and was subject to enforcement action. A subsequent amended design was approved however this was not implemented in compliance with conditions and therefore it remains unlawful and subject to the enforcement notice which requires its demolition. In 2006 an application was submitted for a replacement dwelling (06/0197/FUL). This was necessitated because the majority of the original dwelling was demolished and only the front wall remained. The application for the replacement dwelling took an identical form to that which had been approved for the extensions to the original dwelling and was approved. Later in 2006 an application for a revised replacement dwelling was submitted which included the addition of a conservatory. This was refused due to inappropriate design and size.

In 2008 the Council issued enforcement notices as the dwelling constructed at the site was not as approved, in that it was significantly larger and differed in design terms and a retrospective application was refused (08/0429/FUL). The refusal was issued because the dwelling was significantly larger than the original dwelling and because the bulk, design and materials were inappropriate to its location in the open countryside.

An appeal was dismissed in 2009 and required that the building be demolished. The property subsequently reverted to the ownership of the mortgage holders and this application seeks to gain consent for a replacement dwelling more appropriate in size and design to the area.

Members should be aware that the previous owner has no interest in the site and this application is being made by the Coventry Building Society. This is in order that the site can be marketed successfully. The enforcement notice runs with the land therefore it will be incumbent on any new owner to meet its requirements, ie demolish the unauthorised dwelling. In addition it will be necessary for them to comply with the enforcement notices, which require demolition of the unauthorised garage and front boundary walls and piers.

### **3. DETAILS OF PROPOSAL**

The proposal seeks full planning permission for the demolition of the existing dwelling, garage and brick walls and piers and replacement with a four bedroom detached dwelling with detached double garage to the rear.

### **4. RELEVANT HISTORY**

09/0004/ENFAPP	2008	Enforcement action appeal dismissed	2009
08/0429/OFUL	2008	Refusal for replacement dwelling	
06/0562/FUL	2006	Refusal for replacement dwelling	
06/0197/FUL	2006	Approval for replacement dwelling	
05/1083/FUL	2005	Approval for detached garage	
05/0800/FUL	2005	Approval for extensions to dwelling	

## **5. POLICIES**

### **National Guidance**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

### **Congleton Local Plan 2005**

PS8 – Plan strategy

GR1 - General criteria for new development

GR2 - Design

GR6 – Amenity & health

GR9 - Highways safety & car parking

H6 – Residential development open countryside

## **6. CONSIDERATIONS (External to Planning)**

### **Environmental Health:**

None received at the time of report writing.

### **Highways**

None received at the time of report writing.

## **7. VIEWS OF TOWN/PARISH COUNCIL**

None received at the time of report writing.

## **8. OTHER REPRESENTATIONS**

No other representations have been received at the time of report writing

## **9. APPLICANT'S SUPPORTING INFORMATION**

- Design and Access Statement, which highlights the fact that the proposed dwelling would represent a modest increase of 30% when compared to the original dwelling on the site and that the layout and traditional design and materials to be used would enhance the quality of the appearance of the area.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The principle of allowing a replacement dwelling on this site was established under application number 06/0197/FUL in 2006. This was following the approval for extensions that resulted in the almost total demolition of the original building, the replacement as approved was identical to the original building with the additional extensions. The building subsequently constructed was significantly different and larger to that approved and a retrospective application for the building as constructed was refused in 2008. Enforcement action was taken and an appeal against this was dismissed in 2009. The appeal decision required the dwelling to be demolished and the current owners (Coventry Building Society) approached the Council for advice as to how to proceed. The applicants were advised that

if the building were demolished prior to an approval being granted, it would be unlikely that consent would be granted for a new dwelling in the open countryside.

### **Highways**

No response has been received relating to this application, however there were no highways objections to previous applications for replacement dwellings on this site and there is adequate space for the parking of at least 4 vehicles and safe access and egress.

### **Appearance**

The submitted proposal is the result of prolonged discussions between the applicants and the Council and the applicants have clearly heeded the advice given at officer level. The dwelling would have an Oak timber frame with render infill, brick chimneys and plinth, timber casement windows and a slate roof finish. The garage would be sited to the rear of the dwelling in the northwestern corner of the plot and would be constructed of a brick plinth, stained timber weatherboard and a slate roof finish. Whilst the proposal does not seek to copy the various styles of properties in the locality, it is considered to be of an appropriate and sympathetic scale and design. The proposal is therefore considered to be in compliance with Policy GR2 in terms of appearance.

### **Scale**

The application for extensions to the original building was determined in the light of Policy H16 of the adopted local plan that states that modest extensions in the range of a 30% increase in volume are acceptable. The Council approved these extensions and the subsequent replacement dwelling, and these represented an increase of approximately 178%. The unauthorised dwelling that was constructed on site and will be demolished represents an increase of approximately 412% in volume to that of the original dwelling house. It should be noted that the replacement dwelling that was approved in 2006 could not be constructed because that consent has now expired.

The original dwellinghouse on the site had a total building volume of 393.91 cubic metres and the proposed replacement dwelling would have a total building volume of 521.75 cubic metres. This would represent an increase in volume of 127.84 cubic metres or 32.4%. It is therefore considered that this proposal would represent an acceptable increase in volume, not being significantly larger than that of the original dwelling, in compliance with Policy H6 of the adopted local plan. The height of the new building would be 6.4 metres, which is considered acceptable and is a reduction of 1.8m from that currently on site.

### **Layout**

The new dwelling would be set back approximately 19.5 metres from the boundary with Blackden Lane, and would be in a similar position to the unauthorised dwelling on the site. The original dwelling was also in a similar position. The proposal is considered to be acceptable. The proposed garage would be sited to the rear of the proposed dwelling, which is considered to be an improvement on the existing layout at the site.

### **Impact on the Amenity of Neighbouring Properties**

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking. There are residential properties in the vicinity of the site, however all are in excess of 75 metres away. As such it is considered that the proposed dwelling would have no adverse impact on their amenities. In fact the demolition of the existing dwelling would

improve the appearance of the area, which would represent a benefit in terms of visual intrusion. The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan provided that conditions are imposed to limit hours of demolition, construction and piling.

## **11. CONCLUSIONS AND REASONS FOR THE DECISION**

In conclusion it is considered that the development, subject to the suggested conditions, would not be detrimental to the visual amenities of the area, or the living conditions of adjacent occupiers, and would, upon its implementation bring a successful resolution to the ongoing enforcement issues relating to the site.

## **12. RECOMMENDATION:**

**Approve subject to the following conditions**

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials including driveway**
- 4. Submission of full details of boundary treatments**
- 5. Limit on hours of demolition**
- 6. Limit on hours of construction**
- 7. Limit on hours of piling**

Location Plan: Cheshire East Council Licence No. 100049045

