

## **ITEM**

<b>Application Reference</b>	<b>DC/071823</b>
<b>Location:</b>	8 Highfield Parkway Bramhall Stockport SK7 1HY
<b>PROPOSAL:</b>	Demolition of existing garage and erection of a new dwelling fronting onto Patch Lane with existing access
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	06.12.2018
<b>Expiry Date:</b>	20190131
<b>Case Officer:</b>	Jane Chase
<b>Applicant:</b>	Mr P Hurley
<b>Agent:</b>	

## **DELEGATION/COMMITTEE STATUS**

Area Committee - More than 4 objections

## **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission to subdivide the rear garden to 8 Highfield Parkway and demolish a detached garage fronting Patch Lane. In lieu of the garage it is proposed to erect a detached dwelling comprising ground floor accommodation with that at first floor level within the roof space and served by rooflights to the side roof slopes and a window in the front and rear gable end. The forecourt would be laid out to accommodate 2 parking spaces with access off Patch Lane as existing.

The house will be of a simple traditional design with a pitched roof and gable ends to the front and rear elevation. Materials are not detailed but it is advised that brick and slate with UPVC windows is proposed.

The eaves level to the side elevations would be 2.5m above ground level with the ridge 6.5m. At ground floor level the proposed house would project beyond the first floor rear elevation by 5.6m with a 2.5m high flat roof over. The house would be positioned 5.8m to 7m back from the frontage to Patch Lane, 1.4m forward of 21 Patch Lane and 1.8m behind the forward most elevation of 23 Patch Lane. The house would be positioned 0.4m off the boundary with 21 Patch Lane and 0.9m to 2m off that with 23 Patch Lane. To the rear at ground floor level the house would project 2.4m beyond the ground floor rear elevation of 21 Patch Lane with the first floor projecting 1m beyond the first floor of this adjacent property. The ground floor would project 7.6m beyond the rear of 23 Patch Lane with the first floor projecting 2m. A rear garden just over 200m<sup>2</sup> in area is proposed to serve the new dwelling with over 150m<sup>2</sup> retained to the rear of 8 Highfield Parkway.

The application is accompanied by a Planning Statement, Energy Statement and Arboricultural Report.

## **SITE AND SURROUNDINGS**

The application site forms part of the rear garden of 8 Highfield Parkway, a 2 storey detached house and accommodates a small detached single storey garage with various outbuildings behind serving that house. Access to the garage and site is from Patch Lane which at this point is an unadopted road. Two large oak trees are present on the verge to Patch Lane. These are the subject of a Preservation Order and the canopies overhang the application site. The general character of the locality is that of 2 storey detached houses, however, that immediately opposite the site at 30 Patch Lane comprises first floor accommodation in the roof served by front facing dormer windows.

## **POLICY BACKGROUND**

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

### **The Development Plan includes-**

- Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17<sup>th</sup> March 2011.

### **LDF Core Strategy/Development Management policies**

SD-1 Creating Sustainable Communities  
SD-3 Delivering the Energy Opportunities Plans - New Development  
SD-6 Adapting to the Impacts of Climate Change  
CS2 Housing Provision  
CS4 Distribution of Housing  
H-1 Design of Residential Development  
H-2 Housing Phasing  
CS8 Safeguarding & Improving the Environment  
SIE-1 Quality Places  
SIE-2 Provision of Recreation and Amenity Open Space in New Developments  
SIE-3 Protecting, Safeguarding and Enhancing the Environment  
CS9 Transport & Development  
T-1 Transport & Development  
T-2 Parking in Development  
T-3 Safety & Capacity on the Highway Network

### **Supplementary Planning Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) initially published on 27<sup>th</sup> March 2012, subsequently revised and published on 24<sup>th</sup> July 2018 by the Ministry of Housing, Communities and Local Government sets out the government's planning policies for England and how these are expected to be applied. The revised National Planning Policy Framework will be a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

N.B. In respect of decision-taking the revised NPPF constitutes a "material consideration".

Para.1 *"The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied".*

Para.2 *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".*

Para.7 *"The purpose of the planning system is to contribute to the achievement of sustainable development".*

Para.8 *"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective*
- b) a social objective*
- c) an environmental objective"*

Para.11 *"Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".*

Para.12 “.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.124 “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Para.130 “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

Para.153 states “In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.

Para.213 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

## **Planning Practice Guidance**

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

## **RELEVANT PLANNING HISTORY**

DC029218 – 8 Highfield Parkway - Two storey rear extension, first floor rear extension, new part pitched roof and detached garage to the rear fronting Patch Lane - approved 2008 having been amended to reduce the garage to single storey. This has been partially implemented in that the 2 storey extension has been constructed. This permission is therefore extant and capable of completion.

DC/055865 - Land to the rear of 8 Highfield Parkway - erection of a 2 storey detached house fronting Patch Lane – refused 2014 - cramped form of development, out of keeping with the spacious character of the locality and detrimental to the visual amenities thereof; impact on the preserved tree on Patch Lane; failure to make provision for recreation and amenity open space for the proposed development in accordance with policies L1.2 'Children's Play' and SIE-2 'Provision of Recreation & Amenity Space in New Developments'; no information has been submitted to demonstrate how the proposed development would contribute towards reducing the impacts of climate change contrary to policies SD-1 'Creating Sustainable Communities', SD-3 'Delivering the Energy Opportunities Plans - New Development' and SD-6 'Adapting to the Impacts of Climate'.

DC/065642 – Land to the rear of 8 Highfield Parkway - new dwelling fronting onto Patch Lane with existing access – refused 2017 - cramped form of development, out of keeping with the spacious character of the locality and detrimental to the visual amenities thereof and impact on the preserved tree.

DC/069253 – Land to the rear of 8 Highfield Parkway - new dwelling fronting onto Patch Lane with existing access – withdrawn 2018

## **NEIGHBOUR'S VIEWS**

The occupiers of 15 neighbouring properties have been notified in writing of the receipt of this application. To date 4 letters have been received objecting on the following grounds:-

- Whilst access to the land where the proposed property is to be built has been established and in use for over 60 years, I am not of the opinion that there was ever the intention for a house to be built on the plot when permission/establishment of the route of access was granted. When I purchased the property at 21 Patch Lane, I asked my solicitor regarding the plot of land between 21 and 23 Patch Lane and the use of the same. At this time I was informed that there was an existing covenant over the land which did not permit for a dwelling to be built on the same for people to reside in.
- The application states that there will be no need for deep excavation in the construction of the dwelling. I object to this, and cannot see how this can be the case. Surely for a new house to be built, foundations will need to be created to the property which within their very nature require deep excavation to take place.
- The application states that there is an existing bungalow on Patch Lane. This is not true; there are no bungalows on this part of Patch Lane.
- The Arboricultural Report is out of date. At section 2 of the report, it very clearly states "the report is valid for a period of 6 months for the condition and 2 years for all other data". The date on the report is 20/07/2015. As such, the data relating to the condition was valid until January 2016, and all other points until July 2017. Should the applicant wish to raise and rely on points in regards to the trees supported by a report, a valid and in-date report needs to be submitted.

- The Planning Statement makes specific reference to the Local Authority's "Guidance for Design of Residential Development". Having considered this the following is noted "...in all cases and in support of policy CDH1.1, the requirement to make the best use of land will be balanced against the need to protect residential amenity and character...". I do not agree that building a residential dwelling on this land is the best use of the land. The purpose of the land is clearly intended as a parking space and cut through/access point to the existing property on 8 Highfield Parkway. The piece of land is not suitable in size for a dwelling. The shape of the existing land between Patch Lane and the property on 8 Highfield Parkway in itself by nature of its long and thin shape indicates it is merely a cut through to the existing property. Compared to the other plots in the surrounding area it is obvious it was not intended to have the same nature of use as they do.
- Also within the guidance at section 8.4, 'Plot, Layout and Grouping' it is noted that "...The rhythm of solids and voids (width of plots and spaces between buildings)..." needs to be taken into account when considering the proposed use for the land. Whilst I appreciate and accept that the proposed building has been moved (albeit very slightly) from the boundary line of 21 Patch Lane, I am still not of the opinion that the distance from the boundary line is sufficient. All the other properties on the lane are detached properties that sit in the centre of large plots with a considerable amount of distance between the walls of the properties and their own boundary lines. In turn this therefore results in large spaces being evident between all of the existing properties and their neighbours. Building this proposed property, even with the newly proposed width and size of the property, would still not be in-keeping with the widths of existing properties on the lane and the current spacing between the same.
- I do not agree that the proposed building does not fall under the definition of a 'backland development' as the application tries to suggest is the case. The erection of a fence between the existing property at 8 Highfield Parkland and the newly proposed dwelling would not stop the fact that the proposed building is being built in the back garden to an existing house and does not make the two separate buildings on 'clear separate plots'. The guidance clearly states that backland development can lead to "...inadequate access, and the loss of privacy and spaciousness caused by an over- reduction in garden size, which in turn affects the character as development has a 'cramming' effect on the locality....". In my opinion, allowing a property to be built as within this application would lead to those things specifically impacting upon my own property.
- There would clearly be insufficient room for contractors and builders to erect the property without having to encroach upon my land due to the lack of space to the side of the dwelling. I also am of the opinion that even with the proposed new location of the property within the plot, drainpipes, fascia boards and other structural additions would still overhang my boundary line, which I would also not accept.
- The drains used for the existing properties on Patch Lane are part of a private drainage system, due to the private nature of the road. As such, no permission has been sought for the proposed property to join this drainage system.
- Whilst I accept that the proposal has been reduced in size, the building as proposed would still not pass the 25° test for right to light and would continue to affect my right to light and be an intrusion on my living in my existing property.
- Whilst the applicant's point regarding the fact that the distance of the proposed dwelling from my boundary line is the same as within a previously granted application for a building, as the applicant has pointed out themselves the application was granted for the build of a garage. There is a huge difference in a building being erected for storage and one being built for the purpose of habitation.
- The street elevation drawings and the photomontage submitted to support the applications are misleading. From the proposed plans it is clear that there is not enough space on this plot for the proposed build. The plans are misleading and

when the plot is visited in person, it is clear that the plot is not intended to be one on which a house is built.

- The lane is maintained by the existing residents. The applicant has never contributed towards the upkeep of the same.
- The development is not in keeping with the existing character of the Road, where all dwellings are two storey detached (4-5 bed properties). This proposed development is of cramped form and therefore out of keeping with the spacious character of the locality and therefore be contrary to policies CS4, H-1 and CS8.
- The tree at the front of the proposed development is served by a preservation order, this development would impact its root zone and have a negative impact on its future health.
- The property is proposing to connect into the existing sewer network that has previously backed up. This private network was installed to serve the existing properties on Patch Lane and capacity cannot/should not be assumed (assuming connection rights are permitted).
- Patch Lane is a private road and repairs are funded by the residents on the road. Any additional traffic for both a proposed housing unit and during/after construction would needed to cover all costs for making good and future maintenance of the road (should access over private land be permitted).
- The applicant has incorrectly completed Certificate A on the application forms (stating that he is the only owner of all the land outlined in red on the site plan). This is not the case and that immediately fronting Patch Lane is not within his ownership.
- The scale/bulk of the proposed dwelling does not achieve the appropriate balance between the built form and the plot size and has a detrimental impact on the character and appearance of the area. It therefore fails to comply with paragraph 7.60 of policy CDH1.1.
- The kitchen is a dining kitchen and is therefore classed as a habitable room. The separation distances between the blank side elevation of the neighbouring property and the dining kitchen windows of the proposed dwelling do not achieve the minimum space standard of 12 metres as set out in 7.62 of policy CDH1.1. Similarly, the required space standard of 6 metres from the dining windows to the site boundary is not achieved. It is therefore considered that the siting of the proposed house relative to no.23 will result in an unacceptable loss of privacy and is also overbearing and unneighbourly.
- The applicant has previously referred to the erection of a substation on the opposite side of Patch Lane and the previous approval for a two storey garage on the site as being material considerations. I do not accept this as the fenestration on these types of buildings is entirely different in character and appearance and their use is not residential.
- The plot is too small to accommodate an appropriately sized dwelling, and a house of any size will affect the amenity and value of surrounding properties.
- The applicant uses Patch Lane for parking but has never contributed to the upkeep of the road. Construction vehicles will also cause damage to the road which most likely will have to be repaired at the expense of residents. The applicant's inconsiderate parking has resulted in the lane being blocked for access to properties beyond the proposer's driveway. On these occasions, access was only achieved with the co-operation of other neighbours. I am therefore concerned that, following completion of the proposed dwelling, that further inconvenience, disruption and conflict will result.

## **CONSULTEE RESPONSES**

Highway Engineer - The principle of access from the unadopted Patch Lane is established both by the existing and enlarged garage approval. The proposed

parking provision meets SMBC standards. Construction materials and drainage of the parking area/drive may be conditioned to ensure compliance with standards.

Arboricultural Officer – There are 2 preserved trees on the verge outside of this site which need to be retained and protected from the impact of the proposed development. The proposed access into the site is closer to one of these trees than recommended but it is noted that this access already exists. The construction of the forecourt using a no dig method with no alterations to ground levels together with a load spreading material to prevent compaction is acceptable and subject to the imposition of conditions to secure protective fencing to the retained trees and the submission of a method statement in relation to the construction of the access and forecourt there are no arboricultural objections.

United Utilities - In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy.

## **ANALYSIS**

### Principles of Development

Policy CS4 of the Core Strategy directs new residential development towards 3 spatial priority areas including sites within accessible locations using an accessibility model for scoring sites. As the Council is in a position of housing undersupply policy H2 'Housing Phasing' comes into effect. The primary aim of this policy has been to direct housing to the more accessible sites in the Borough whilst also attempting to increase the supply to a 5-year figure. This position has been regularly assessed to ensure that the score reflects the ability to 'top up' supply to a 5 year position. However, the scale of shortfall (2.8 years vs 5 years) is such that the score has been reduced to zero. Based on the accessibility model the site has an accessibility score of 38, which exceeds the current minimum of 'zero' when assessed against Policy H-2.

Policy CS4 also confirms that the focus is on making effective use of land within accessible urban areas and allows for the use of private residential gardens in accessible urban locations where proposals respond to the character of the local area and maintain good standards of amenity and privacy for the occupants of existing housing in accordance with policy H-1. Policy H1 states that the design and build standards of new residential development should be high quality. Proposals should respond well to the townscape character of the local area reinforcing or creating local identity and distinctiveness in terms of layout, scale and appearance. Good standards of amenity and privacy should be provided and maintained.

Accordingly there is no objection to the proposal from a housing policy context subject to an assessment of the impact of the development upon the character of the locality and residential amenity which is set out below.

UDP policies L1.1, L1.2 and CS policy SIE-2 require new residential developments to make provision for children's play space and formal recreation through the payment of a commuted sum. Revisions to the National Planning Guidance and the NPPF, however, mean that such contributions cannot now be sought on developments of 10 or less units.



### Impact on the Character of the Area

The character of the locality (particularly with regard to this section of Patch Lane up to the extent of the unadopted road) is considered to be derived generally from 2 storey detached houses. Immediately opposite the site at 30 Patch Lane however is a detached house with first floor accommodation in the roof served by front facing dormer windows. The application site fronting Patch Lane is significantly narrower than any others on this section of Patch Lane and contains a detached garage. Planning permission has been approved for the demolition of this garage and the erection of a larger replacement with a pitched roof above and gable ends to the front and rear (DC029218 refers). The presence of mature trees gives the streetscene a leafy and verdant character.

Members will note that this site has a long history of applications seeking the erection of a residential dwelling. Those applications have either been refused or withdrawn due to concerns about the size and design of the proposed development and its impact on the visual amenities of the streetscene and locality (amongst other matters).

Having regard to the continued undersupply of housing within the Borough and to reduce the need to build on greenfield sites outside of the urban area, the Council needs to give serious consideration to creative proposals within the urban area. Whilst individually applications such as this have little impact on the housing supply, cumulatively they can assist. In this respect, the applicant has entered into discussions with Officers in an attempt to overcome the earlier reasons for refusal. Crucial to these discussions has always been the acknowledgement that planning permission exists for a replacement detached garage in this location, the impact of which upon the streetscene and character of the area was considered acceptable. This permission which also includes extensions to the dwelling, has been commenced and therefore remains extant. As such the approved garage could still be constructed and represents a fallback position material to the consideration of this application. The size, siting and design of this garage has therefore formed the basis for this current submission and seeks to propose a development that will have little additional impact over that previously considered acceptable and capable of implementation.

To compare the approved garage with the dwelling now proposed the applicant has submitted overlays which are appended to this report (outline of approved garage shown in red). Members will see that the proposed house is in a virtually identical position within the site to the approved garage. The pitched roof element of the proposed house also has a very similar footprint being slightly narrower to the rear than the approved garage. In elevation the proposed house is virtually identical to the eaves and ridge height of the approved garage. As such it is concluded that the proposed development in terms of the streetscene would have a negligible impact over and above that already approved and capable of implementation. This is contrary to previous refused proposals which presented a larger building of differing design to that approved. On account of its simple design and low eaves/ridge level, it is considered that the proposed dwelling would not appear cramped or obtrusive in the streetscene but rather would appear subservient to the existing development adjacent with sufficient gaps to either side (building to building) to reflect the pattern of development in the locality.

The application proposes a garden circa over 200m<sup>2</sup> in area to serve the new dwelling with over 150m<sup>2</sup> retained to the rear of 8 Highfield Parkway. Both of

these gardens would exceed the 75m<sup>2</sup> to 100m<sup>2</sup> set out in the Council's Supplementary Design Guidelines (SPD) for 'Design of Residential Development' as being appropriate. As such, it is considered that sufficient garden would be retained and provided resulting in an acceptable level of amenity for the existing and future occupiers. Such gardens would also be reflective in terms of size, of the prevailing pattern of development in the locality where a variety of garden sizes are present.

#### Impact on Residential Amenity

Members are advised that none of the earlier applications seeking planning permission for a dwelling on this site were refused on grounds of harm to residential amenity. In assessing the impact of the proposed development in this respect, regard has been paid to the Council's Supplementary Design Guidelines (SPD) for 'Design of Residential Development'.

The front elevation of the proposed house is positioned over 21m from the front elevation of that opposite and as such exceeds the privacy distance in this respect set out in the SPD. On this basis it is not considered that a loss of amenity will arise to the occupiers of that property.

The front elevation of the proposed house is positioned 1.4m in front of 21 Patch Lane, 4.8m from this adjacent dwelling. The footprint of 23 Patch Lane is L shaped with a garage projecting 5m forward of the main front elevation of the house. The front elevation of the proposed dwelling will be 3.5m in front of the main front elevation of 23 Patch Lane, 5m from this dwelling. Given the distance from the front elevation to that of the neighbouring houses (4.8m and 5m), it is not considered that the forward projection of the dwelling would give rise to a loss of amenity from the front facing windows of these neighbouring houses.

21 Patch Lane has a door and ground floor window to the side elevation facing the application which are understood to serve a utility room (the door) and a dining room (the window) formed from the original garage to the house. It is understood that the dining room is also served by another window in the front elevation of the house. Noting that the utility room is not a habitable room and that the dining room is not original to the dwelling, the impact of the proposed development upon these windows has reduced weight. Notwithstanding this, a 45 degree angle taken from these openings would not be intersected by the proposed development which suggests that an unacceptable impact in relation to light or amenity will not occur.

The side elevation of 23 Patch Lane closest to the boundary with the application site is blank and this site is separated from the application site at this point by a 1.8m high fence beyond which is a conifer hedge approximately 3m high. The proposed kitchen/diner door and window would be positioned just over 4m from the blank side elevation of 23 Patch Lane, 1.3m to 1.7m from the boundary. Given the screening afforded from the existing boundary treatment and the lack of any openings in the side elevation of 23 Patch Lane, it is not considered that a loss of privacy would arise.

It is noted that the SPD states that there should be a distance of 12m between habitable room windows and a blank elevation, however, to apply this to the relationship between ground floor side facing elevations would stifle the efficient use of urban land by enforcing a greater degree of spacing than needs to be the case to protect amenity especially where privacy is protected by boundary treatments such as is the case in this instance.

The cill height of the rooflights in the side roof planes of the dwelling will generally be above eye level. In addition to this the angle nature of these windows will direct views up rather than down. On this basis it is not considered that a loss of privacy will arise to either neighbouring property from the side facing rooflights.

21 Patch Lane has been extended to the rear by a single storey extension across the rear elevation of that property. To the rear, the proposed ground floor will project 2.4m beyond the extended ground floor rear elevation of 21 Patch Lane with the first floor projecting 1m beyond the original first floor of this adjacent property. The ground floor projection will consist of a flat roofed 2.5m high element which is in a similar position and of a similar height to an existing outbuilding which is to be demolished as part of this application.

Members are reminded that the impact of a proposed development is generally assessed upon the neighbouring original dwelling and not any elements of it added at a later date. Noting the small projection beyond the original first floor elevation of 21 Patch Lane and the presence of the single storey rear extension to this neighbouring dwelling, it is not considered that a loss of amenity will arise to 21 Patch Lane from the rearward projection of the proposed development.

In relation to 23 Patch Lane, the proposed dwelling would project 2m beyond the rear of this adjacent house at first floor level and a further 5.6m at ground floor level. The dwelling at 23 Patch Lane is positioned 2.7m off the boundary with the application site and to the rear is separated from it by a conifer hedge approximately 3m high. Noting the small projection proposed at first floor level and the presence of the hedge on the boundary which will screen views of the lower ground floor projection, it is not considered that a loss of amenity will arise to 23 Patch Lane from the rearward projection of the proposed development.

Objectors have made reference to policy CDH1.1 of the UDP Review, this policy is no longer in force and has been superseded by those referenced above in the Core Strategy which seek to protect residential amenity (CS4, H1, SIE1). For the reasons stated above, it is not considered that the proposed development will contravene those policies.

In addition to the above analysis Members are reminded of the need to consider the fall back position arising from the approved garage. With the exception of the single storey rear projection proposed by this current application, the impact from the proposed dwelling upon the amenities afforded by the neighbouring occupiers would be little or no different to those arising from the approved garage.

On the basis of the above, it is not considered that the proposed development will give rise to a loss of amenity in relation to the neighbouring occupiers.

#### Highway Matters

Patch Lane at this point is an unadopted highway. To the west of the site are bollards that prevent access to the adopted highway beyond. As such, the application site is to all extents close to the head of a cul de sac with only 2 properties beyond it to the west (one on either side of Patch Lane). Traffic flows across the front of the site are therefore very low.

The application provides for 2 parking spaces for use in connection with the proposed dwelling in accordance with the Council's adopted parking standards. In addition to this, 2 parking spaces are retained to the front of the existing dwelling accessed from Highfield Parkway. The proposed access onto Patch Lane is of an acceptable width and the reversing of cars onto Patch Lane from the forecourt will not give rise to conditions prejudicial to highway safety noting the low levels of traffic and existence of adequate visibility.

#### Other Matters

The two mature trees on the verge outside the application are protected by Tree Preservation Orders. The access to the existing garage from Patch Lane runs between them and is off set, being closer to the eastern tree than the western tree. The application proposes the retention of this access and within the site, the creation of a forecourt parking area.

*The Arboricultural Report submitted with the application advises that 'the proposed dwelling will be located outside of the RPA's of all trees surveyed, however the development will require access across the rooting zones of the trees. There is an existing unmade track between the trees which is currently being used as access to a garage. A new permanent access will require special measures so that the trees are not damaged by the development or its future use.....Special measures involve a 'no dig' construction method with no alterations to ground levels. It will also require a load spreading material to prevent the compaction of the soil around the roots. The finished surface of the new access should allow for gaseous exchange and water penetration.....All retained trees will require protection during the construction work to make sure that they are not damaged.'*

The Council's Tree Officer has considered the proposed development and the Arboricultural Report and is of the view that subject to the imposition of conditions to secure no dig construction methods in relation to the drive and forecourt together with the provision of protective fencing to the trees and the submission of details to illustrate what load spreading material is proposed and how it will be laid, there will be no adverse impact on these adjacent trees. The foundations to the house will be outside of the root protection area and as such, there should be no adverse impact to either of the trees arising in this respect.

Objections relating to this report being out of date are noted. Members are advised that time caveats are often included in Arboricultural Reports to reflect the fact that trees grow over time and as such impacts from new development may change. Notwithstanding this, the Tree Officer is of the opinion that the report remains an accurate assessment of the condition of the trees and the impact of the proposed development. On this basis there is no justification or need to require this report to be redrafted.

An Energy Statement has been submitted to address the requirements of Core Strategy policy SD-3. This policy requires developments of the scale proposed to simply consider ways in which they can assist in the reduction of carbon emissions. There are no requirements that these measures actually be implemented on account of the small scale of the development proposed.

In this instance the Statement advises that the dwelling will be built to the current minimum Part L Building Regulations. In addition to this several technologies have been considered for inclusions although the Statement does not advise which may be incorporated into the development. As advised above, however,

there is no requirement that such technologies be incorporated given the small scale of the development and as such, the proposal is policy compliant in this respect.

In accordance with policy SD-6, the development should be designed in such a way as to avoid, mitigate or reduce the impacts of climate change and unless unfeasible, should include a sustainable drainage system (SuDS) so as to manage surface water run off from the site. A condition can be imposed to secure the carrying out of a survey to investigate the feasibility of a SuDS system and if appropriate, its design and implementation.

Members are advised that numerous objections have been made that are not material to the consideration of this application. These include the maintenance of this private road (who contributes to that and who does not), impact on property values (whether negative or positive), restrictive covenants in the deeds to the land, right to light, access required for construction purposes and connection rights to the private drainage system. Given the siting of the dwelling from the boundaries there will be sufficient room for the fascia's, drainpipes and guttering to be accommodated within the site rather than overhanging the boundaries.

In relation to the objection relating to whether the correct Certificate has been completed or not, Members are advised that if an applicant is the only owner of all of the land within the site edged red then Certificate A should be completed. If they are not (and they know who the other owners are) then Certificate B should be completed. As originally submitted the site edged red included a parcel of land beyond the front boundary to Patch Lane (which accommodates the 2 large trees). It would appear however that this land is not within the ownership of the applicant and as such, should either be excluded from the land edged red (in which case Certificate A is the appropriate Certificate) or if it is to be retained within the application site then notice should be served upon the owners of that land (and Certificate B completed). In this respect the site edged red has been amended to exclude this land from the application site and as such Certificate A has been correctly completed and included in this application.

**RECOMMENDATION** Grant Subject to Conditions