

ITEM

Application Reference	DC/078006
Location:	58 St Michaels Avenue Bramhall Stockport SK7 2PG
PROPOSAL:	Erection of 3 bedroom 1.5 storey detached dwelling house along with associated external works, car parking and landscaping.
Type Of Application:	Full Application
Registration Date:	17.09.2020
Expiry Date:	20201112
Case Officer:	Jane Chase
Applicant:	Mr & Mrs I Milligan
Agent:	Grays Architecture Ltd

DELEGATION/COMMITTEE STATUS

4 or more objections. Called up by Cllr Holt

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of a detached dwelling in the side garden of 58 St Michael's Avenue. The house would, in the main, be positioned 2.6m from the side elevation of 58 St Michael's Avenue and 2.8m from the side elevation of 60 St Michael's Avenue. The main front elevation would be aligned with that of 58 St Michael's Avenue and 0.4m behind the front elevation of the garage to 60 St Michael's Avenue. To the rear the proposed dwelling has a single storey flat roofed projection; the main 2 storey dwelling would be aligned such that it projects 2m beyond the 2 storey mass of 58 St Michael's Avenue with the single storey projection projecting 0.8m beyond the adjacent single storey projection at 58 St Michael's Avenue. The proposed dwelling in its entirety would project no further than 60 St Michael's Avenue with the 2 storey mass of the proposed dwelling being positioned 3.2m behind the 2 storey mass of this neighbouring house and the single storey projection being 2.2m behind the rear elevation of the single storey projection to 60 St Michael's Avenue.

The proposed dwelling will measure 5.8m wide, 13.9m deep at ground floor level, 10.1m deep at first floor level, 3.3m to eaves and 6.9m to the ridge. Accommodation is proposed at ground and first floor level with that at first floor level being positioned within the roofspace and served by windows in the gable ends to the front and rear elevation together with rooflights to the side roof planes. A single storey projection is proposed to the side of the house facing 58 St Michael's Avenue with a pitched roof above. This would be positioned 5.7m behind the front elevation of the proposed house. The single storey flat roofed projection to the entire rear elevation would measure 3.8m deep. There is no access to the flat roof of this extension from first floor level.

The side elevation facing 58 St Michael's Avenue contains the main entrance door and 2 rooflights above at first floor level. To 60 St Michael's Avenue there are no

windows or doors other than 2 rooflights at first floor level. A pitched roof is proposed over the main dwelling with gable ends to the front and rear elevation.

The house is designed and detailed in a traditional manner with brickwork to ground floor level and decorative timberwork and render to the first floor front and part side elevations. Precise details of materials are not proposed at this stage.

Internally the development proposes a kitchen/diner, utility room and WC at ground floor level. It is also suggested that the lounge to the front of the house could be utilised as a bedroom. At first floor level 2 further bedrooms are proposed each with a dressing area and ensuite together with a small office.

Externally, access to the dwelling will utilise the existing vehicle access adjacent to 60 St Michael's Avenue, widening it from 3.4m to 6.8m to provide access to forecourt parking for 2 cars, the front door and to the rear garden by a footpath to the left of the house. The remainder of the front garden together with that to the rear will be soft landscaped. The widening of the driveway will result in the removal of a Lawson Cypress tree. In addition to this, forward of the new dwelling a laburnum is also proposed to be removed on account of its condition. The other Lawson cypress to the front garden will be retained as will the laurel which will be coppiced so to grow back as a shrub.

The application is accompanied by the following documents:

Design & Access Statement
Arboricultural Report

SITE AND SURROUNDINGS

The application site is located on the west side of St Michael's Avenue to the south of the junction with Huxley Drive and accommodates a large 2 storey detached house with forecourt parking and a dual access onto St Michael's Avenue. The existing house is positioned such that the front elevation is flush with that adjacent at 60 St Michael's Avenue and is sited 10m from the southern side boundary with this neighbouring house. Due to the presence of a single storey side extension, the existing house is positioned immediately adjacent to the northern side boundary with Huxley Drive. To the rear, the existing house has a part single, part 2 storey extension adjacent to 60 St Michael's Avenue. The main dwelling is positioned over 21m from the rear boundary with 1 Huxley Drive (reduced to 16.5m taken from the rear extension) and benefits from a large garden to the side and rear of the house.

Adjacent to the site to the south is 60 St Michael's Avenue. This detached house occupies the full width of the site and has a large forecourt occupying half the width of the plot providing off street parking. Adjacent to the application site this house is a full 2 storeys however that furthest from the application site comprises the first floor accommodation within the roofspace and served by dormer windows to the front elevation.

To the rear of the site is 1 Huxley Drive. This 2 storey house is positioned off the boundary with the application site, however, a flat roofed car port fills the gap between the house and boundary. The first floor accommodation closest to the application site is located partially within the roofspace and served by front facing dormer windows, that furthest from the application site is a full 2 storeys high.

Elsewhere the locality generally comprises 2 storey detached houses of varying age and design although some semi detached houses are present such as those opposite the application site on St Michael's Avenue and Holland Road. Roofs are hipped and pitched with forward projecting gables being present. Front gardens accommodate parking to varying degrees however landscaping is generally mature and contributes to a verdant character. Houses are generally enclosed to the street frontage either by low level walls and railings with planting behind or hedges.

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 31st 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 17th March 2011.

Saved policies of the SUDP Review

L1.1 Land for Active Recreation

L1.2 Children's Play

MW1.5 Control of Waste from Development

LDF Core Strategy/Development Management policies

SD-3 Delivering the Energy Opportunities Plans – New Development

SD-6 Adapting to the Impacts of Climate Change

CS2 Housing Provision

CS3 Mix of Housing

CS4 Distribution of Housing

H1 Design of Housing

H2 Housing Phasing

CS8 Safeguarding & Improving the Environment

SIE-1 Quality Places

SIE2 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 Developments

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.

Design of Residential Development

Open Space Provision and Commuted Payments

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, 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. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

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

Reference: DC/072726; Type: FUL; Address: 58 St Michaels Avenue, Bramhall, Stockport, SK7 2PG; Proposal: Demolition of existing property and erection of two pairs of semi-detached houses with associated access, parking and landscaping.; Decision Date: 22-MAY-19; Decision: WDN

Reference: DC/073722; Type: FUL; Address: 58 St Michaels Avenue, Bramhall, Stockport, SK7 2PG; Proposal: Demolition of existing property and erection of three detached houses with associated access, parking and landscaping (Re-submission of DC072726); Decision Date: 04-NOV-19; Decision: WDN

Reference: DC/076969; Type: FUL; Address: 58 St Michaels Avenue, Bramhall, Stockport, SK7 2PG; Proposal: Erection of 3 bedroom detached dwelling house along with associated external works, car parking and landscaping.; Decision Date: 06-AUG-20; Decision: WDN

NEIGHBOUR'S VIEWS

The occupiers of 65 properties have been notified of the receipt of this application. To date 30 letters have been received objecting on the following grounds:-

- the site is not large enough to accommodate the proposed dwelling which will be much closer to its neighbours than other houses on St Michael's Avenue.
- the design is out of keeping with neighbouring properties
- the property does not maintain the established plot size or spacing between dwellings on St Michaels Avenue and does not reflect the established character of the street with the side entrance and lower ridge height.
- the loss of landscaping will detract from the area.
- will result in the loss of garden area for the existing house.
- existing properties on the surrounding roads are generally large houses in sizeable grounds with large front and rear gardens. Driveways also feature in the vicinity rather than the proposed formal dual parking bays that front straight on to the pavement.
- will result in the loss of parking for the existing house.
- will impede access to houses opposite the site
- there is no detail on the boundary between the proposed development and the existing no 58 St Michaels Avenue. We would expect there to be a formal boundary signifying where the differing properties now lie.
- if this application were to be allowed it would set a precedent for the area and lead to many more houses being squeezed into small gaps or houses demolished to be replaced by numerous buildings. This would have an adverse effect on the overall area.
- the proposal would demonstrably harm the amenities enjoyed by local residents, in particular safe and available on-road parking, valuable green space, privacy and the right to enjoy a quiet and safe residential environment.
- overlooking of the rear gardens on Huxley Drive.
- overshadowing and loss of light to neighbouring houses.
- overbearing and increased sense of enclosure when viewed from neighbouring gardens.
- obstruction of access to the rear garden of the existing house.
- there appear to be 6 bed spaces and if this property was to be let then there could be 6 cars sharing 2 parking spaces. This would increase the intense congestion experienced at start and finish of the school day with St Michaels Avenue being used as the linear de facto car park for Pownall school where there is no pick up/drop off facility.
- will give rise to more traffic thus affecting highway safety and resulting in more congestion.
- insufficient visibility from the proposed parking.

- loss of on street parking will cause additional problems at the school drop off and pick up times.
- vehicle access for the existing dwelling will have to be accessed via the drive adjacent to Huxley Drive, close to the corner. Along with street parking twice a day for children being dropped off at Pownall Green School this causes further traffic disruption at key times of the day, with concern for very young children.
- the drains & sewage system in this street is already struggling, and adding in-fill houses will add to the speed of run-off water in the area as well as the sewage & drain water. Ultimately this just flows down to the Bramhall Park roundabout and floods the area even more & again.
- it remains a concern that if permission were approved for this dwelling a further application to demolish the main house and erect further properties in its place would follow.
- construction traffic will cause disruption and traffic problems.
- devaluation of existing property.

1 letter has been received supporting the application on the grounds that a single 3 bedroom house will not add to the existing traffic congestion in the area.

CONSULTEE RESPONSES

Highway Engineer - I have no objection in principle to the development provided matters of detail around surfacing and drainage of driveway; provision of electric vehicle charging point; provision of secure cycle storage and provision of satisfactory visibility at site entrance are provided. I recommend that these matters be secured by condition.

Tree Officer - There is no legally protected tree within this site or affected by this development. The proposed development will and has had a negative impact on trees located on site. The existing trees are however a mix of low value conifer trees, ornamental small trees subject to excessive pruning over the years and other low value trees along the boundaries as well as inappropriate mature species in proximity to neighbouring properties, which have been categorised as poor specimens from suppressing each other. The existing trees do not warrant legal protection due to their location in the rear garden and proximity of other trees. The loss incurred can be replaced through a good quality landscaping plan.

The arboriculture report submitted with the application is acknowledged as a true representation of the tree stock on site and details the health and condition of all trees present on site, this includes the two mature trees in the rear of the property. The main concern for the development is the lack of detailed information in relation to any landscaping plan to enhance the site and therefore further detail will be required to offset the trees lost over time in the rear garden to replace and enhance the screening of the site.

The sites front and rear boundary has a fair level of vegetation and trees and as such, in the absence of a landscaping plan showing replacement planting, any loss of trees on site will have a negative impact on amenity and biodiversity. Further consideration will therefore need to be given to the proposed replacement planting within the site with several species considered for the site to replace the lost trees including Quercus, Tilia and Betula and some ornamental species along the new frontage of the development to include Crataegus monogyna Stricta or Prunus spp. In addition to the new tree planting more understorey species such as Holly and Yew should be considered.

In principle the scheme as a whole will have a minimal negative impact on the trees in the area. The trees can be easily compensated for through the landscaping plan and as such there are no arboricultural objections. If the scheme is considered for approval then an enhanced landscaping plan showing replacement planting with appropriate species for the local environment will be required to limit any damage to the local environment and remove any relating tree issues.

United Utilities – no objections subject to the imposition of conditions relating to drainage.

ANALYSIS

At the heart of the NPPF is a presumption in favour of sustainable development (para10). Para 11 of the NPPF reconfirms this position and advises that for decision making this means:-

- approving developments that accord with an up to date development plan or
- where the policies which are most important for the determination of the application are out of date (this includes for applications involving the provision of housing, situations where the LPA cannot demonstrate a 5 year supply of housing), granting planning permission unless:
 - the application of policies in the Framework that protect areas or assets of importance (that includes of the Green Belt and heritage assets, neither of which are applicable in this instance) provides a clear reason for refusing planning permission or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In this respect, given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2 which seek to deliver housing supply that are considered to be out of date. That being the case, the tilted balance as referred to in para 11 of the NPPF directs that permission should be approved unless:

- there are compelling reasons in relation to the impact of the development upon the Green Belt to refuse planning permission or
- the adverse impacts of approving planning permission (such as the loss of the recreational land or impact on residential amenity, highway safety etc) would significantly and demonstrably outweigh the benefits.

This assessment is explored below.

Housing Delivery

Policy CS2 of the Core Strategy seeks to ensure that a wide range of homes are provided to meet the needs of existing and future Stockport households. The focus will be on providing housing through the effective and efficient use of land within accessible urban areas.

Policy CS4 of the Core Strategy directs new residential development towards the more accessible parts of the Borough identifying 3 spatial priority areas (Central Housing Area; Neighbourhood Priority Areas and the catchment areas of District/Large Local Centres; and other accessible locations). This policy confirms that the focus is on making effective use of land within accessible urban locations with the priority for development being previously developed land in urban areas. Comprising the garden of an existing dwelling the application site falls outside of the definition of previously developed land and is therefore greenfield land. Policy

CS4 confirms that the use of private residential gardens in accessible urban locations will be acceptable 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 H1.

In terms of housing need, the NPPF requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. The supply of specific deliverable sites should in addition include a buffer of 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

In response to this it should be noted that the Council is in a continued position of housing undersupply and only has a 2.8 year supply vs the 5 year supply plus 20% as required by the NPPF. Having regard to this continued undersupply and to help reduce pressure for development in the Green Belt, it is important that the development potential of sites in the urban area are explored to their maximum potential subject to there being no adverse impact on the locality and amenity.

Subject to a satisfactory analysis of the impact on the character of the area and amenities of neighbouring the proposal is compliant with policies CS2 and CS4 of the Core Strategy.

Core Strategy policy CS3 confirms that developments in accessible suburban locations may be expected to provide the full range of houses from terraced properties to large detached and should contain fewer flats. Within District Centres housing densities of 70 dwellings per hectare (dph) is commonplace. Moving away from these central locations densities should gradually decrease first around to 50 dph then to around 40dph as the proportion of housing increases. Development in accessible urban locations should achieve a density of 30 dph.

The NPPF at para 122 confirms that planning decisions should support development that makes efficient use of land taking into account several factors including the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well designed and attractive places. Para 123 confirms that where there is a shortage of land for meeting identified housing need it is especially important that policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances:-

- Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible
- The use of minimum density standards should also be considered and it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas
- Local planning authorities should refuse planning applications which they consider fail to make efficient use of land.

The density of the proposed development equates to 33 dwellings per hectare which is in compliance with the expected density set out in policy CS3 for this suburban location. Notwithstanding this the consideration of density is not simply the application of a numerical figure and regard also has to be paid to the impact of the development upon the character of the area, amenities of existing and future occupiers together conditions of highway safety. Subject to a satisfactory

assessment in this respect (set out below), the density may be considered acceptable and in generally in compliance with policy CS3.

Impact on Character of the Area

Core Strategy policy H1 confirms that the design of new development should be to a high standard, respond to the townscape and landscape character of the local area, reinforcing or creating local identity in terms of layout, scale and appearance. Policy CS8 welcomes development that is designed and landscaped to a high standard and which makes a positive contribution to a sustainable, attractive, safe and accessible built and natural environment. This position is supported by policy SIE-1 which advises that specific regard should be paid to the use of materials appropriate to the location and the site's context in relation to surrounding buildings (particularly with regard to height, density and massing of buildings). Policy SIE3 seeks to protect the natural environment. Proposals affecting trees and other vegetation which makes a positive contribution should be retained unless there is justification for its loss to enable the development to take place.

The NPPF sets out the Government's most up to date position on planning policy and confirms that the Government attaches great importance to the design of the built environment. Planning decisions should ensure that developments function well and add to the quality of the area, establish a strong sense of place, optimise the potential of a site to accommodate development, respond to local character and history, reflecting the identity of local surroundings and materials whilst not preventing or discouraging innovative design and are visually attractive as a result of good architecture and appropriate landscaping. Planning decisions should not attempt to impose architectural styles and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness.

The character of the locality generally comprises detached houses of varying design and age although a limited number of semi detached houses are also present. Houses are generally two storeys high however 56 St Michael's Avenue comprises a single storey dwelling and 61 St Michael's Avenue opposite the site has first floor accommodation in the roofspace served by a small dormer to part of the front elevation as does 60 St Michael's Avenue immediately adjacent to the application site. In terms of St Michael's Avenue, development north of the junction with Huxley Drive and Holland Road is typically arts and craft style with houses being typically generous in their size/width and of a similar age/design. Generally these houses occupy much of the width of the plot with small gaps, circa 2m to 3.5m between them. On this section of St Michael's Avenue, however, south of the junction with Huxley Drive and Holland Road, there is a greater variety of development in terms of age, size and siting. Here the arts and craft style is significantly diluted with dwellings of more recent construction and varying design. Other than the application site, which has an uncharacteristically wide side garden, houses are positioned fairly close to each other, often on or very close to the boundary with gaps between dwellings ranging from circa 1m to 4m.

There is a regular rhythm to development which follows an established building line to the road frontage on St Michael's Avenue with houses being positioned behind typically 10m deep front gardens which are maturely landscaped. All houses have forecourt parking in some form or other with varying degrees of hardstanding.

Houses in the locality are constructed from a mix of red/brown brick and render, however, there are limited examples of fully rendered houses on St Michaels Avenue. Roof forms are mixed comprising hipped and pitched roofs with gables to the front and side elevations. Projecting bays with hipped and pitched roofs above are commonplace to front elevations.

The submission of this application follows pre application engagement by the applicant with Council Officers and acknowledges the concerns raised in relation to the previous applications submitted and subsequently withdrawn. In agreement with Officers the application now proposes a dwelling which in terms of its appearance and scale seeking to reflect a converted ancillary building associated with 58 St Michaels. In this respect the proposed dwelling follows the same elevational appearance as 58 and 60 St Michaels Road with painted render and decorative timberwork and the lower eaves and ridge level reinforcing the subservient scale of the proposed dwelling to those either side. To reduce the appearance of a separate dwelling, the main entrance is positioned to the side of the house and the boundary between the front garden of the existing and proposed dwelling is intentionally low key comprising low level hedging and railings behind the existing brick pier (as shown on the proposed site plan). Whilst the provision of 2 forecourt spaces may allude to separate occupation, this might be slightly ambiguous to anyone viewing the development from the street given the concealment of the main entrance and the low level nature of the boundary to the front between the two plots.

There is already a variety in ridge heights and roof forms on this section of St Michael's Avenue. No.56 to the north side of the application site comprises a bungalow whilst no.60 to the south reduces from being 2 storey immediately adjacent to the application to single storey with accommodation in the roof space served by dormers and a lower eaves level as does no.61 opposite the site. The Scout building on the opposite side of the road is also clearly of a lower height than either neighbouring property. This is evident in the images attached to this agenda. The proposed development continues this variety and the provision of a gable end facing the street reflects the pattern of development clearly evident in the streetscene.

Objectors comment that the proposed dwelling will be much closer to its neighbours than other houses on St Michael's Avenue and that in this respect the development will not respect the established pattern of development. They also comment that the gardens and spaces around existing properties make the greatest contribution to the verdant character of the locality. Members are again referred to the images attached to this agenda as well as the photographic location plan. In response to this it is noted that apart from the application site, the siting of most houses relative the side boundaries and neighbouring properties is such that there are not spacious gaps between dwellings. On the contrary, it is considered that houses are positioned fairly close to each other, often on or very close to the boundary such that there is not a great sense of spaciousness between dwellings. The siting of the proposed dwelling relative to 58 and 60 St Michael's Avenue is therefore not considered to be out of keeping with the pattern of development in the locality nor will it cause harm in this respect.

The siting of the development in relation to the front boundary and adjacent front elevations reflects the character of development on this section of St Michael's Avenue. The formation of 2 forecourt parking spaces echoes the character of St

Michael's Avenue where most houses have front gardens hardsurfaced to varying degrees to accommodate parked cars. It is accepted that the width of the proposed driveway may be greater than others (being double width rather than single width) and that there will be 2 cars parked at 90 degrees to the highway. Most houses have either 1 car parked such or a greater number of cars parked parallel to the highway, however, it is not considered that the proposed development in this respect will cause such harm to the character of the streetscene as to justify the refusal of planning permission. The layout of the parking to the front garden also keeps the required area of hardstanding to a minimum unlike many other houses which also have large areas within their front gardens for manoeuvring. The restricted extent of hardsurfacing allows for meaningful soft landscaping to the side and behind the parking spaces which together with the retention of the Lawson cypress, laurel and part of the existing low level wall and railings will ensure an appropriate response to the streetscene.

Objections regarding the loss of trees and shrubs are noted. Members are however advised that none of the trees are legally protected nor of an amenity value to warrant protection. As such there is no impediment to their removal whether that be as part of the proposed development or not. Shrubs are not in any event legally protected and therefore the landowner is entitled to do with them what they wish. Replacement planting can be secured by condition and subject to this it is not considered that the siting of the dwelling relative to St Michael's Avenue and layout of the front garden would give rise to an unacceptable impact on the character of the area.

For the reasons set out above, it is not considered that the proposed development will be harmful to the character of the locality. The proposal is thereby compliant with policies H1, CS8, SIE1 and SIE3 of the Core Strategy DPD together with advice contained in the NPPF.

Impact on Residential Amenity

Core Strategy policy H1 confirms that good standards of amenity and privacy should be provided for the occupants of new and existing housing. This is reinforced by policy SIE1 which confirms that satisfactory levels of amenity and privacy should be maintained for future and existing residents. The NPPF confirms that development should create places that promote health and well-being, with a high standard of amenity for existing and future users.

The consideration of amenity extends to that afforded not only by existing neighbouring occupiers (including 58 St Michael's Avenue) but also that of the future occupiers of the proposed dwelling. This is to ensure that a satisfactory level of amenity is afforded to all existing and future occupiers whether they be a neighbour or the applicant.

In this respect regard has been paid to the Council's SPD 'Design of Residential Development' which offers guidance to applicants on the size, siting and design of residential development. The SPD confirms that the design and layout of a development should minimise overlooking and should not impose any unacceptable loss of privacy on the occupiers of existing dwellings. Clearly in a suburban location such as this, there will already be a degree of mutual overlooking so it would be unrealistic to expect a development to have no impact in this respect. The aim of the SPD is to ensure that overlooking is kept to a minimum and that which does occur is not unacceptable or out of keeping with the character of the area. To this aim, the SPD suggests that for 2 storey developments there should be a distance of 21m between habitable room

windows on the public or street side of dwellings and 25m between habitable room windows on the private or rear side of dwellings. A distance of 6m should be provided between habitable room windows and the site boundary.

The proposed dwelling will be positioned over 30m from the houses on the opposite side of St Michael's Avenue exceeding that required by the SPD. To the rear the application site adjoins the side boundary of the rear garden to 1 Huxley Drive. The side elevation of the house on this plot is off set from the rear of the proposed house such that they do not directly face each other. The proposed house is positioned 16m from the rear garden boundary of 1 Huxley Drive at ground floor level and over 20m at first floor level. This significantly exceeds the guidance in the SPD of 6m to the boundary. Views from ground floor windows will be restricted by boundary treatments and any views afforded from the first floor windows into adjacent gardens on St Michael's Avenue opposite and to either side of the application site together with rear gardens on Huxley Drive will not be out of keeping with this suburban locality.

For these reasons the siting of the proposed dwelling accords with and exceeds the privacy distance set out in the SPD and as such objections regarding overlooking and loss of privacy cannot be maintained.

In relation to 60 St Michael's Avenue, the proposed dwelling will be positioned slightly behind the front elevation of this neighbouring house. To the rear the proposed dwelling will not project beyond this neighbouring house at ground or first floor level. As such and being of a lower height with a flat roof to the rear projection, it is not considered that the siting of the proposed dwelling will be visually obtrusive nor overbearing when viewed from 60 St Michael's Avenue. Being to the north of this neighbouring house, it is not considered that the proposed dwelling will give rise to an unacceptable impact in terms of loss of light or overshadowing to 60 St Michael's Avenue. The presence of a door and windows in the side elevation of this neighbouring house is noted, however, these windows do not serve habitable rooms (being to a utility room at ground floor level and an ensuite at first floor level). As such the impact upon these rooms in terms of loss of light and visual amenity would not be unacceptable.

In relation to Huxley Drive, the siting of the house over 16m from the closest rear garden boundary at ground level and 20m at first floor level will ensure that the development is not visually obtrusive or overbearing. Equally, it is not considered that there will be any overshadowing or loss light to these adjacent houses on account of the height of the development and its distance from the boundary.

Whilst 58 St Michael's Drive is within the ownership of the applicant it remains necessary to assess the impact of the proposed development upon that property to ensure a satisfactory level of amenity for future occupiers. The proposed dwelling at ground floor level would project only 0.8m beyond the rear elevation of the single storey extension to 58 St Michael's Avenue. At first floor level the proposed house would project only 2m beyond the first floor rear elevation of 58 St Michael's Avenue. This is not expected to result in an unneighbourly relationship nor will give rise to an unacceptable overshadowing of this neighbouring house.

In terms of amenity space provision the Council's SPD advises that whatever the size or location of a dwelling there will always be a requirement for some form of amenity space provision. For small family housing (2/3 beds) there should be 75m² of private amenity space, 100m² for larger (4/5 bedroom) housing. That

proposed to the rear of the new dwelling equates to circa 144m² and that retained to the rear of the existing dwelling is in excess of 400m². Both these provisions not only significantly exceed the requirements of the SPD but are also reflective of the character of the area. In response to objections, the rear garden of the existing house will continue to enjoy access from the front as the boundary with the new dwelling will be 1m away from the side of the house.

Any noise generated by the occupation of the proposed dwelling will not be out of keeping with normal domestic levels. On this basis objections regarding increased noise could not be sustained.

For the above reasons, it is considered that the proposed development will retain an acceptable level of amenity for the existing neighbouring occupiers together with providing an acceptable level for the future occupiers of the new dwelling. The proposal therefore accords with policies H1 and SIE1 of the Core Strategy DPD together with advice contained within the NPPF and the Council's SPD.

Impact on Highway Safety

Policy CS9 of the Core Strategy DPD requires development to be sited in locations accessible by walking, cycling and public transport. The Council will support development that reduces the need to travel by car. This position is followed through in policy T1. Policy T2 requires parking in accordance with the maximum standards and policy T3 confirms that development which will have an adverse impact on highway safety and/or the capacity of the highway network will only be permitted if mitigation measures are proposed to address such impacts. Developments shall be of a safe and practical design.

The application site is considered to be in an accessible location. The proposed house will benefit from 2 parking spaces in full accordance with the Council's maximum parking standards. Details relating to the construction of the driveway, electric vehicle charge facilities, cycle parking and visibility can be secured by condition.

In response to the objections received Members are advised as follows:-

- despite the subdivision of the plot, the existing house will retain 2 off street parking spaces in accordance with the Council's maximum standards. These will continue to be accessed via the existing driveway to the north of the site close to the junction with Huxley Avenue.

- it is not clear how the proposed development would impede access for the houses opposite the site. The application through the widening of the southernmost driveway will result in a reduction of on street parking capacity by 1 space (with the resulting driveway being 3.4m wider than existing) however this will not affect the ability to access existing properties.

- a single dwelling will not generate a significant number of vehicle movements in a day and any increase in traffic movements on the local network will be negligible. It is acknowledged that St Michael's Avenue suffers from school traffic however the construction of a single dwelling will not have a material impact on these existing conditions.

- the loss of a single off street parking space arising from the widening of the access will not have a material impact upon parking associated with the school drop off and pick up times.

- there will be sufficient visibility to and from the proposed forecourt parking which will be secured in perpetuity by condition.

- it is not clear how the use of the existing access for 58 St Michael's Avenue adjacent to Huxley Drive results in additional harm to highway safety. This is an existing access which is clearly used; that will not change as a result of the proposed development.

- construction traffic will inevitably cause disruption with the need to off load from the street and for contractors to park. This is however the case for most developments of this nature; given that the development is of a small scale and straightforward there is no reason to believe that this would extend for a long period of time or cause unacceptable levels of disturbance. In any event, the impacts of the construction works are not a material consideration in the determination of the application.

For the above reasons the proposal is considered compliant with policies CS9, T1, T2 and T3 of the Core Strategy DPD.

Other Matters

Policies L1.1, L1.2 and SIE2 seek to ensure that applications for residential development contribute towards children's play and formal recreation noting that there is a shortfall of such facilities within the Borough. For a small scale development such as that proposed, compliance is expected by way of a commuted sum payment calculated in accordance with the formula set out in the accompanying SPD. Compliance with this policy position will be secured by way of a S106 agreement in the event that planning permission is approved.

Policy SD3 requires development to demonstrate how it will assist in reducing carbon emissions through its construction and occupation through the submission and approval of an energy statement. Given the small scale of the proposed development, the application is not required to include an energy statement. Notwithstanding this policy SD-3 requires new development to demonstrate how it will contribute to the reduction of carbon emissions. In this respect a condition can be imposed in the event that planning permission is approved.

The application site is not identified on the UDP Proposals Map as being in an area liable to flood and the Environment Agency identify the site as being within Flood Zone 1. Having regard to the size of the site and scale of the proposed development there is no requirement for the application to be accompanied by a Flood Risk Assessment. Notwithstanding this, policy SD6 requires all development to be designed in such a way as to avoid, mitigate or reduce the impacts of climate change. In this respect development is required to incorporate sustainable drainage systems so as to manage run off water from the site. Given the small scale of the proposed development, compliance with this policy is not required to be demonstrated at this stage, however, in the event that planning permission is approved a condition would require the submission and approval of a SUDS compliant drainage scheme for the site. On this basis the proposed development is considered compliant with policy SD6 of the Core Strategy.

Objections as to how the approval of this application may lead to a further application to demolish the existing house and secure the development previously proposed are noted. Members are advised that the application must

be determined on its own merits and could not be refused because of concerns that it may lead to other development being sought.

The impact of the development upon the value of existing properties, negative or positive is not a material consideration in the determination of this application.

Conclusion

The delivery of residential development on this site accords with policies CS2, CS4 and H-2 of the Core Strategy.

The development is considered to be of a size, siting and design that will be in keeping with the character of the locality and will not harm the amenities of the existing neighbouring occupiers or the future occupiers of the houses. The proposal is therefore compliant with policies H1, CS8, SIE1 and SIE3 of the Core Strategy DPD together with advice contained within Chapter 12 of the NPPF.

The proposed development will therefore benefit from an access that is practical and safe to use. Parking in accordance with the Council's maximum standards is proposed and details of cycle parking and electric vehicle charging points can be secured by condition together with the other detailed matters as requested by the Highway Engineer. In this respect the proposed development is considered compliant with CS policies CS9, T1, T2 and T3 together with advice in the NPPF.

Matters relating to drainage and sustainable design can be secured by condition thus ensuring compliance with CS policies SD3 and SD6.

The signing of a S106 agreement to secure a contribution to children's play and formal recreation will ensure compliance with saved UDP policies L1.1 and L1.2 together with Core Strategy policy SIE2 and advice contained within the accompanying SPD.

Having regard to the tilted balance in favour of the residential development of this site as set out at para 11 of the NPPF, Members are advised that there would be no adverse impacts arising from the grant of planning permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As such in accordance with para 11 of the NPPF it is recommended that the application should be approved subject to the conditions referenced in this report together with others considered reasonable and necessary, and subject to a S106 agreement to secure compliance with saved policies L1.1 and L1.2 of the UDP Review and SIE2 of the Core Strategy in relation to formal recreation and children's play.

RECOMMENDATION GRANT SUBJECT TO CONDITIONS AND A S106 AGREEMENT