

## ITEM

<b>Application Reference</b>	<b>DC/078018</b>
<b>Location:</b>	39 Moss Lane Bramhall Stockport SK7 1EQ
<b>PROPOSAL:</b>	Proposed erection of 2no. (a pair) semi-detached dwellings including demolition of existing conservatory to 39 Moss Lane together with new vehicular access and new dropped kerbs to Moss Lane.
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	15.09.2020
<b>Expiry Date:</b>	20201110
<b>Case Officer:</b>	Jane Chase
<b>Applicant:</b>	Atkins Building Services (M/C) Ltd
<b>Agent:</b>	PHD Architects Ltd

## DELEGATION/COMMITTEE STATUS

Area Committee – called up by Cllr Bagnall

## DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of a conservatory to the side elevation of Moss Lane and the making good of that exposed elevation. It is then proposed to subdivide the plot by erecting a new means of enclosure to the side of 39 Moss Lane running parallel with the newly formed side (south) elevation. In the newly created plot it is proposed to erect a pair of semi detached dwellings (2no. dwellings) with 2 newly created access points and 2 forecourt parking spaces per dwelling. The existing dwelling would retain its vehicle access and parking to the north of the dwelling.

As originally submitted the development was proposed as follows:

The flank elevation of the proposed houses would be positioned 2.7m from the newly formed flank elevation of 39 Moss Lane, a minimum of 8m from the front site boundary onto Moss Lane and 4m to 5m from the flank elevation of 37 Moss Lane. At ground floor level each house would be positioned 5.8m off the rear boundary with 1 Milverton Drive, 8.8m at first floor level.

The houses would be of a traditional design each with a 2 storey projecting bay to the front elevation with a gable roof over and a small canopied porch to the side. To the rear each house would have a full width, 3m deep projection at ground floor level with a lantern in the flat roof. Each house would have 4 bedrooms with that at second floor level in the roofspace served by rooflights to the front elevation and a small pitched roof dormer window to the rear elevation.

The creation of the new access points and new dwellings would result in the removal of 2 sections of the existing hedge and 2 trees (T7 a weeping willow to the rear of the

site and T9 an ornamental plum tree). The 2 parking spaces per dwelling would be positioned side by side with a small landscaped area in between.

Since the submission of the application the development has been amended and is now proposed as follows:

The flank elevation of the proposed houses would be position 2.4m from the newly formed flank elevation of 39 Moss Lane, a minimum of 8.5m from the front boundary onto Moss Lane and 3.7m to 4.5m from the flank elevation of 37 Moss Lane. At ground floor level each house would be positioned 6.5m off the rear boundary with 1 Milverton Drive, 9m at first floor level.

The houses would remain of a traditional design each with a 2 storey projecting bay to the front elevation and a small canopied porch to the side. The gable roof as previously proposed is now proposed as a hipped roof and the dormers to the rear elevation have been deleted. The houses now each have 3 bedrooms with a small study in the roofspace served by rooflights to the front and rear elevation. To the rear the full width single storey projection has been reduced to 2.4m deep.

To the front garden the existing hedge would be removed and 2 new vehicle access points created. A hedge would be replanted between the access points to a height of 600mm. 2 tandem parking spaces are proposed to each dwelling with the front garden behind the new hedge soft landscaped. The application as amended still proposes the removal of 2 trees (T7 a weeping willow to the rear of the site and T9 an ornamental plum tree).

To 39 Moss Lane, it is now proposed that the 2 garages positioned to side/rear of the dwelling be demolished and that the garden to the rear of the dwelling be extended around the side/rear of the dwelling. Off street parking within the site capable of accommodating 3 cars is proposed.

The application is supported by the following documents:-

Design and Access Statement

Arboricultural Report

## **SITE AND SURROUNDINGS**

The application site is located on the south side of the junction of Moss Lane with Milverton Drive and accommodates a 5 bed detached house with a conservatory to the south side elevation. The house benefits from accommodation at ground, first and second floor level with that in the roofspace being served by rooflights to the front elevation and a small dormer to the rear elevation. The existing dwelling benefits from a vehicle access to the north of the site leading to a forecourt to the front and side of the house and garages to the rear. The private garden to the house comprises a hardsurfaced patio area to the rear and a lawned area to the side (south).

The site enclosed to Moss Lane by a hedge approximately 2-3m high. On the same line as this hedge is a large oak tree (T8) and behind the hedge a small ornamental plum tree (T9). None of these trees nor the hedge are legally protected.

Adjacent to the site on Moss Lane and to the south is 37 Moss Lane, a 2 storey detached house of traditional design. This house is positioned close to the boundary with the application site with its garden being to the south side (away from the application site) and to the rear.

To the rear of the site is 1 Milverton Drive, a 2 storey detached house positioned side on to the rear of the application site such that it straddles the position of the existing dwelling and garden where the houses are proposed. The boundary of 1 Milverton Drive with the application site is formed from a high hedge and a tree positioned in the rear garden of 1 Milverton Drive, close to the rear elevation of the dwelling.

Opposite the application site are detached 2 storey houses of varying age positioned behind front gardens enclosed by established 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 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.

#### **Saved policies of the SUDP Review**

L1.1 Land for Active Recreation

L1.2 Children’s Play

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

SD-3 Delivering the Energy Opportunities Plans – New Development

SD-6 Adapting to the Impacts of Climate Change

CS4 Distribution of Housing

H1 Design of Housing

H2 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 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 Sum 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.

## **NEIGHBOUR'S VIEWS**

In respect of the plans as originally submitted, the occupiers of 9 neighbouring properties have been notified in writing of this application. In this respect:

3 letters have been received objecting to the application on the following grounds:-

- Impact on highway safety due to the location of a blind bend to the south of the site and the resulting increase in traffic congestion.
- The building process will cause severe disruption to access to our property, safe parking and general highway safety.
- Permanent removal of our ability to park outside our house as a result of the proposed development.
- Visitors, delivery people, service people, postal workers and the like routinely park on the road directly outside and opposite the proposed development, to be clear of the hazardous bend. These neighbouring houses have developed a staggered parking regime which includes the part of the road which is to be the access to the proposed development. This is primarily to keep the parking safe and this will not be able to be maintained if this part of the road becomes the access to the proposed development.
- The proposed driveways are in the exact area of the road that is currently under consultation for traffic calming measures and Stockport Council has already proposed to place a chicane system ten metres south of the proposed driveways. This chicane, combined with existing street parking needs of residents and their guests would make any new driveways additionally dangerous.
- We accept that Stockport cannot currently demonstrate a 5 year supply of housing, but the delivery of two homes would have a negligible impact on the supply and very limited weight, if any should be given to this, and more importantly this does not mean that the policies referenced above can be swept aside.
- Erecting two three storey townhouses and removing the hedges and trees destroys the distinctiveness of this part of Moss Lane, which is characterised by detached houses, where all dwellings are set back from the road behind front gardens, bordered by large hedges and trees will harm the character of the area. This proposed development is entirely contrary to the current street scene. It does not safeguard or enhance the character and value of the street scene - instead, it significantly detracts from it. All houses from number 34 downwards are detached.
- The current proposal introduces a higher density development, which undermines the prevailing character of the area; there are no other high-density semi-detached properties close to the site. All properties close to the site are large detached homes set in large gardens with boundaries defined by mature vegetation.
- All dwellings on this part of Moss Lane are set back from the road and have front gardens. The new proposed vehicular access of block paviors is not in keeping with this.
- The height of the proposed roofline for the proposed development will create a lack of symmetry with surrounding buildings.
- The removal of the hedges and trees removes important habitat for many varieties of garden birds and wildlife.

1 letter has been received from the owner of the site supporting the application.

1 letter has been received neither objecting to or supporting the application but making the following comments:-

- We seek assurance that the boundary trees between the new properties and our property will remain intact and that there is no plan to reduce or remove them within the scheme as this would significantly impact on privacy to our patio and garden.

- A single dwelling on the proposed plot would be more in keeping with the area rather than sandwiching two houses in what is quite a small space.

In respect of the amended plans submitted 3 letters have been received to date making the following comments:-

- The amended scheme is an improvement on the original, as is less intrusive. However, I still have concern that there will be direct views from the upstairs windows of the new builds into my bedroom through the side where the trees are deciduous.

- It is difficult to understand what trees are covered by the preservation orders and I would like assurance that there will be a limit placed on the new houses cutting down/ causing damage to the hedge between my property and the proposed new builds. Most of the vegetation and trees are on my land but will cause significant shadow to the new properties.

- There is no significant change to the plans. The change to driveway access will retain a very small amount of hedgerow (that was previously lost) but there is no other change and so I feel that my comments made previously remain valid.

- Note that the drawings show a garage adjacent to 37 Moss Lane, which does not exist, presumably to give the impression that closely adjacent buildings are in keeping. The garage is in fact a mature garden.

### **CONSULTEE RESPONSES**

Highway Engineer - Two parking spaces are provided for each dwelling, with each having a separate entrance off Moss Lane.

The proposed development will not result in any significant increased level of traffic on the local highway network. I find no reason to object to the development in principle though there are matters of detail to be resolved.

The submitted information suggests that adequate pedestrian visibility would be afforded at each side of the vehicular access points. This provision may be secured by condition.

It appears that the existing lighting column would interfere with use of the driveway to proposed plot 37a and may require repositioning/replacement at cost of applicant/developer.

Given close proximity to other dwellings I recommend that a condition requiring submission of a construction method statement be submitted prior to commencement.

Tree Officer – subject to there being a no dig option of construction within the root protection area of tree, I have no objections to the application.

United Utilities – no objections subject to the imposition of conditions with regard 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 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 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 the adverse impacts of approving planning permission 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.

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. Whilst this application proposing only 2 dwellings will have a limited impact in terms of addressing this undersupply, collectively such applications do assist.

Having regard to this continued undersupply, not only is the titled balance in favour of residential development as set out in para 11 of the NPPF invoked but to help reduce pressure for development in the Green Belt, it is also important that the development potential of sites within accessible urban and suburban locations are explored. The accessibility of a site is scored using a model having regard to the location of that site in relation to public transport, town centres, places of employment and other services. Policy H-2 confirms that when there is less than a 5 year deliverable supply of housing (as is currently the case) the required accessibility scores will be lowered to allow the deliverable supply to be topped up by other sites in accessible locations. 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 is such that in order to genuinely reflect the current position in that regard the score has been reduced to zero.



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 and 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.

Notwithstanding the focus on previously developed sites, policy CS4 does allow for the redevelopment of urban greenfield sites. In this respect policy CS4 sets out a sequential approach with the second priority being the use of private 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 H1. As such the Council has no policy restricting what is commonly referred to as 'garden grabbing' but on the contrary, confirms through policy CS4 that the redevelopment of residential gardens is acceptable subject to no adverse impact on character and amenity. Subject therefore to a satisfactory assessment in this respect, the proposal accords with policy CS4.

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 50 dwellings per hectare which exceeds the expected minimum density set out in policy CS3 for this suburban location. Notwithstanding this and noting that the NPPF advocates the efficient use of land, 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 the Character of the Area and Residential Amenity

Policy H1 of the Core Strategy confirms that development should be of a high quality, respond to the character of the area within which they are located and provide for good standards of amenity. This is reinforced in Core Strategy policy CS8 which 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. Policy SIE-1 of the Core Strategy also confirms that development which is designed to the highest contemporary standard, paying high regard to the built/and or natural environment within which it is sited, will be given positive consideration. 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 confirms that development proposals affecting trees that make a positive contribution should make provision for retention unless there is a strong case to enable the development to proceed.

The NPPF at Chapter 12 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. 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.

Planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using spaces, building types and materials to create attractive, welcoming and distinctive places to live; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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.

The character of the locality at this point on Moss Lane is mixed. On this west side of the road, south of the junction with Milverton Drive are 4 houses before the sharp bend in the road. That on the application site and at 37 Moss Lane adjacent, have large side gardens, however, 35 Moss Lane is sited closer to the side boundaries of the site and 33 Moss Lane being on the bend in the road is positioned within a spacious plot with garden all around the dwelling. To the north of the junction with Milverton Drive detached houses are also positioned within generous plots but with varying degrees of separation to side boundaries; it is noted that 43 and 45 Moss Lane both occupy most of the full width of their plots. On the east side of Moss Lane, development is generally more closely sited with significantly smaller gaps between dwellings.

Houses are positioned behind landscaped front gardens and are typically 2 storeys high with hipped and pitched roofs. There is evidence of accommodation within the roofspace at second floor level served by rooflights and dormers at the application site and 7 Milverton Drive. Architectural styles are generally mixed and materials generally comprise red brick, white render and red or grey roof tiles.

Front gardens generally benefit from soft landscaping however forecourt parking is prevalent with varying degrees of hardstanding to accommodate parked cars in the front garden areas. Hedges are common to the street frontage and along with garden and street trees, contribute to a verdant character.

The proposed houses would be positioned slightly forward of the front elevation of 37 and 39 Moss Lane (0.9m forward of no.37 and 1.2m of no.39). Given the degree of landscaping that exists in the form of mature trees and other planting in front gardens, it is not considered that this slight projection forward would be unduly apparent in the streetscene.

Submitted with the application is a proposed streetscene which shows that to the front elevation the pair of dwellings would be positioned 2.4m from the resulting side elevation of 39 Moss Lane and 3.7m from the side of 37 Moss Lane. At this section of Moss Lane on the west side of the street and south of the junction with Milverton Drive, houses are positioned circa 11m to 17m apart thus creating a more spacious character than that on the east side of the road opposite the site or on the west, north of the junction with Milverton Drive. Opposite the site, detached houses when measured at ground floor level are positioned between circa 1m and 4m apart, circa 3m to 4m at first floor level. Whilst the proposed development would clearly reduce the spaciousness on this side of Moss Lane, noting the variation in the wider character of the street with houses positioned closer together elsewhere, it is not considered that the siting of the proposed development relative to the neighbouring dwellings would cause unacceptable harm to the character of the wider area.

The proposed streetscene also shows the height of the proposed development relative to that either side. In this respect it is noted that the ridgeline of the proposed dwelling despite the provision of accommodation within the roofspace would be lower than both neighbours by 0.5m. Noting that the eaves level is similar to those adjacent, it is not considered that the resulting variation in the rooflight will be that apparent nor will cause harm to the streetscene.

It is also noted that at this position on Moss Lane houses are typically detached whereas that proposed would introduce a pair of semi detached houses. There are however semi detached houses on Moss Lane further to the north of the site. Notwithstanding the type of housing proposed, the design approach is considered reflective of the character of the area with a traditional approach being adopted. The provision of projecting bays with a hipped roof above, canopied porches and traditional glazing patterns with the use of brickwork, tiles and render reflects elements evident in the locality. Noting also the siting of the development relative to the road frontage and neighbours, it is not considered that the provision of a pair of semi detached houses would cause harm to the character of the area.

The three storey nature of the development is noted, however, that at second floor is contained within the roofspace and would only be evident by the provision

of rooflights. Most houses in the locality are 2 storeys in height although it is noted that some, including 39 Moss Lane which has rooflights to the front and a dormer to the rear, together with 7 Milverton Drive which has dormers to the front, clearly comprise 3 storeys of accommodation. That proposed is acceptable noting that despite the provision of accommodation in the roof, the proposed dwellings will be lower than those adjacent.

In terms of the proposed works to the front of the dwellings, the existing hedge would be removed and replanted to a height of no more than 600mm between the two access points. This height is necessary to afford adequate visibility to and from the access points. T9, an ornamental plum tree is to be removed however a replacement tree is shown on the proposed layout. Behind the hedge and in between the 2 parking areas, the front garden would be soft landscaped.

Neither the existing hedge nor tree T9 are legally protected and as such can be removed at any time without the consent of the Planning Authority. Whilst the replacement hedge will be lower than that existing or those in the immediate locality, it is noted that the sense of enclosure that forms the character of this stretch of Moss Lane is somewhat eroded to the north and south by lower means of enclosures and deep verges. Areas of hardsurfacing within the site to accommodate parked cars have been kept to a minimum and elsewhere the forecourt will be soft landscaped. Subject to the imposition of conditions to secure full details of the landscaping of the forecourt and to ensure that a no dig method is used in the root protection area of retained tree T8, it is considered that the layout of the forecourt will not unduly detract from the character of the area nor harm the retained tree. A condition can also be imposed to ensure that there is no felling/lopping or topping of any trees or removal of hedges other than that shown on the plans; this would safeguard the retention of the hedge to the boundary with 1 Milverton Drive.

In considering the impact of the proposed development upon residential amenity, regard is paid to the existing adjacent occupiers and the future occupiers of the proposed development. In this regard, the Council's SPD 'Design of Residential Development' is material to the consideration of this application.

The Council's SPD confirms that a feeling of privacy both within a dwelling and garden, is a widely held desire that the Council has a duty to secure for the occupants of existing and new housing. In general terms 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. Minimum space standards are set out in the SPD.

The side elevation of both neighbouring houses contain small secondary windows at first floor level. Noting that these rooms appear to be served by principle and larger windows to the front and rear elevations, any impact on these secondary windows will not be unacceptable. The siting of the development relative to the front elevation of the houses opposite is also acceptable being nearly 30m distant (vs the 21m required at ground and first floor level and 24m required at second floor level by the SPD). In this respect the proposed development will not cause an unacceptable loss of privacy to these neighbouring occupiers.

With regard to 1 Milverton Drive, the proposed ground floor rear elevation will be positioned 6.5m from the centreline of the hedge along the rear boundary, at first floor level 9m and at second floor level the rooflights will be 10.9m distant. On the

other side of this hedge is the rear garden of 1 Milverton Drive. The SPD requires a distance of 6m between habitable room windows and the site boundary at ground and first floor level, 9m for those at second floor level. That proposed complies with and exceeds the requirements of the SPD at all levels thus suggesting that there should not be an issue with regard to overlooking of 1 Milverton Drive. The removal of the rear facing dormers and amendments to propose a hipped roof rather than a pitch roof with gable ends has also reduced the bulk of the development at roof level. The tree on, and hedge along the boundary with 1 Milverton Drive are of such a height that in summer months they screens most views of this neighbouring property and vice versa. Whilst it is accepted that in the autumn, winter and spring reduced leaf cover will lessen this screening, it remains the case that compliance with the space standards set out in the SPD should ensure that there is no a loss of amenity to these neighbouring occupiers.

The assessment of residential amenity applies to the future occupiers of the proposed development as well as to the existing occupiers of neighbouring properties. In this respect the SPD advises that whatever the size or location of a dwelling there will always be a requirement for some form of private amenity space. This provision should be usable, accessible, reasonably free from overlooking, allow for adequate daylight and sunlight and have regard to the size of the dwelling proposed. Unusable spaces such as narrow strips adjacent to roads and parking, steeply sloping areas or those in excessive shade should be avoided. For larger houses (4/5 beds) there should be 100m<sup>2</sup> and for small family housing (2/3 beds) there should be 75m<sup>2</sup> of amenity space.

That to the rear of 39 Moss Lane, a 5 bed dwelling, following the demolition of the garages, would provide 223m<sup>2</sup> of amenity space; this exceeds the requirement for this dwelling of 100m<sup>2</sup>. Subject to a condition requiring the demolition of the garages and extension of the garden as proposed prior to the subdivision of the plot and construction of the proposed houses, the development will retain an acceptable level of amenity space for the existing dwelling in accordance with the SPD

In respect of the proposed dwelling it is noted that they are shown as having 3 bedrooms at first floor level together with a study at second floor level. For the purposes of calculating the amenity space provision the study has been discounted as a bedroom as the headroom in this room is restricted in virtually its entirety. In this respect the slope of the roof to the side and rear leaves this room with only a small area 0.19m deep (measured from the landing) with a headroom of 2.3m. On this basis this room in the roof is unlikely to be used as bedroom and the amenity space provision is calculated on the basis of each house comprising 3 beds. As such the development should propose 75m<sup>2</sup> of amenity space for each dwelling to accord with the SPD.

The plans submitted with the application indicate that the proposed dwellings would have 70m<sup>2</sup> and 60m<sup>2</sup> of amenity space to the rear. This appears however to have been calculated to include the narrow strips to the side of each house and up to the boundary line that sits within the centre of the hedge along the boundary with 1 Milverton Drive and 37 Moss Lane. The SPD advises that amenity space should be useable and allow for adequate lighting. It also advises that narrow strips should be avoided. Given the presence of the hedge along the boundary with 37 Moss Lane, the space to the side of 37A within the rear garden measures 1.3m to 1.8m wide; that to 37B measures 1.1m to 1.5m wide. Whilst this space could be used as a means of access to the rear gardens it would not

be of sufficient size to provide any meaningful level of amenity space. Furthermore, given that the application proposes the retention of the hedge to 1 Milverton Drive and 37 Moss Lane, clearly it cannot be used in the calculation of amenity space provision even if the legal boundary sits within the centre of the hedge. On this basis, these parts of the rear garden have been discounted from any assessment. Taking that into account, 37A would have circa 48m<sup>2</sup> of amenity space and 37B circa 44m<sup>2</sup>; as such both dwellings fail to provide the 75m<sup>2</sup> of amenity space required by the SPD.

The SPD confirms that the amenity space standards are intended to allow for sufficient space to accommodate anticipated future extensions without having a prejudicial effect on the amenity of existing and future residents. As such if gardens of 75m<sup>2</sup> were proposed, these could then be reduced as a result of future extensions built under permitted development or with planning permission. In this instance it is noted that each dwelling is proposed as already having a single storey rear projection and as such it could be argued that this may reduce the pressure or desire to further extend each house at ground floor level. In the event that permission is approved, a condition could be imposed to remove permitted development rights in relation extensions and outbuildings within the rear garden thus ensuring that any future proposals to extend the dwellings further are fully considered in light of the reduced amenity space provision by way of a planning application.

Members are also reminded that in order to secure the efficient use of land to deliver additional dwellings in urban and suburban locations so as to address the undersupply of housing and reduce pressure to develop the Green Belt, the Council has shown some flexibility in the application of amenity space standards where development is acceptable in all other respects. Recent development on Moss Lane comprising 4 bed houses has been approved with 65m<sup>2</sup> to 72m<sup>2</sup> of amenity vs the 100m<sup>2</sup> required by the SPD. Members are also reminded of the appeal decision on land adj to 78 Midland Road, Bramhall where Members refusal of a residential development (contrary to Officer advice) on insufficient amenity space was not upheld at appeal. In that instance the 3 bed houses proposed had as little as 48m<sup>2</sup> of amenity space to the rear however in allowing the appeal the Inspector concluded that there would be sufficient levels of outdoor amenity space for future occupants to plant a garden, hang out washing or to create a small patio on which to sit out and relax. He also noted the presence of a nearby park where residents of the development could play or walk. Whilst there is no such park close to 39 Moss Lane (South Park being a 15 minute walk), the level of amenity space provision is comparable with that allowed on appeal on Midland Road and would still afford future residents with a meaningful level of amenity. On this basis, it is not considered that the level of amenity space is reduced to a level which would result in an unacceptable level of accommodation and in any event would have no impact on anyone other than the future occupiers of the site. In this respect prospective occupiers would clearly be able to make an informed decision as to whether or not the level of amenity would meet their needs or not. For these reasons, and noting the tiled balance in favour of residential development invoked by para 11 of the NPPF, it is considered that a refusal may be difficult to sustain in this respect.

For these reasons it is considered that the proposal in terms of residential amenity generally accords with policies CS4, H1, CS8 and SIE1 of the CS DPD together with advice contained within the NPPF and the Council's SPD 'Design of Residential Development'.

### Parking and 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 having regard the accessibility score set out in policy H2 of the Core Strategy. The proposed houses will each benefit from 2 parking spaces in full accordance with the Council's maximum parking standards. The parking and access points are laid out in a manner than is safe and practical to use. Whilst tandem parking potentially results in the need for additional movements, it is no different to that of a single garage with a forecourt space in front. Subject to the imposition of details relating to the construction of the driveway, electric vehicle charge facilities, cycle parking and visibility splays, the proposal as confirmed by the Council's Highway Engineer, accords with policies CS9, T1, T2 and T3 of the CS DPD.

In response to objections, Members are advised accordingly:

- The visibility afforded from each access will ensure that the development is safe to use. The blind bend referred to by objectors is some 65m to the south of the site and as such will afford those approaching the site from the south ample opportunity to react to vehicles entering or leaving the application site and vice versa. The provision of 2 additional dwellings will result in a negligible increase in traffic compared to that existing. On this basis there is no evidence to support objections that that there will an adverse impact on highway safety.

- It is accepted that construction works can cause disruption and inconvenience however as the application proposes only 2 dwellings, such works are unlikely to extend for a significant period of time. There is no evidence to suggest that the impacts of construction work could not be managed to an acceptable level through the imposition of a condition requiring the submission, approval and compliance with a construction method statement.

- Moss Lane is a public highway which is unfettered by traffic regulation orders. Everyone has the right to park on that highway and no one can claim rights to park on the highway outside their house. All the houses on this stretch of Moss Lane appear to have off street parking sufficient to accommodate at least 2 cars. As such any overspill parking should in any event only be limited to deliveries, service vehicles and larger numbers of visitors for which ample on street parking exists.

- The provision of 2 additional access points will reduce the ability to park on street. Notwithstanding this, levels of on street parking are not high and certainly not to the level where any displaced parking would cause harm to highway safety.

- The proposed traffic calming scheme in the locality primarily involves kerb realignments at some junctions on Moss Lane and Acre Lane and some upgrades to road markings. None of these works are in the vicinity of the

proposed development. The development would therefore have no impact on the proposed traffic calming scheme.

### 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.

### Conclusions

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 benefit from 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