

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	4 th January 2006
AUTHOR/S:	Director of Development Services	

S/1860/05/F- Linton
Erection of Dwelling & Garage & Erection of Replacement Garage for
Existing Dwelling at Land Adj. 22 Crossways for Mr & Mrs J Chamberlain

Recommendation: Approval
Date for Determination: 24th November 2005

Site and Proposal

1. The application site is a 0.23 acres/0.095 hectare plot of land located to the rear of, and formerly part of the garden area to No 7 Bakers Lane. The site is adjacent to a public footpath which runs along the western side boundary, and a side garden area of No 22 Crossways. To the west is No 22 Crossways, a bungalow with an existing double garage to the front elevation. The sitting out area and garden of 22 Crossways are to the south of the property. No 22 Crossways has 2 bedroom windows and a porch to the north elevation, and a side door and 2 windows serving utility and kitchen facing the application site. To the east of the site is Barhams, Bakers Lane, a single storey dwelling set approximately 6m from the application site. Barhams has a kitchen window, front door, study room window and a high-level studio/bedroom window facing the site. The land rises up towards a Listed Building, Tosca Cottage, to the north. The rear garden of Tosca Cottage is long and has a number of mature trees and fencing on the rear boundary.
2. The full application, registered on 29th September 2005, proposes the erection of a 7m high four-bedroom red brick, black board and plain tile dwelling and a double garage at the south end of the site. The existing garage at No 22 would be demolished to form an access from Crossways leading to the new dwelling across the public footpath. A replacement garage for No 22 would be located in the side garden. A Pine tree and two Cypress trees are on the west boundary of the site and they would need to be removed to accommodate the access and the new dwelling.
3. Amended plans date stamped 17th November 2005 have been submitted showing the visibility splays, a site section with existing and proposed levels and changes to the windows.
4. The proposed development represents a density of 10.5 dwellings per hectare.

Planning History

5. **SC/0597/68/O** – planning permission for 2 dwellings and garages at land rear of Bakers Lane (including Barhams, Nos 7 and 8 Bakers Lane and the application site of the current proposal), was refused.

Planning Policy

6. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 requires a high standard of design which responds to the local character of the built environment for all new development.
7. **Policy P7/6** of the Structure Plan 2003 states Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.
8. **Policy SE2** of the South Cambridgeshire Local Plan 2004 identifies Linton as a Rural Growth Settlement and states, in part, that residential developments will be permitted on unallocated land within village frameworks providing the development would be sensitive to the character of the village, local features of landscape and ecological importance and the amenities of neighbours.
9. **Policy SE8** of the Local Plan 2004 outlines the presumption in favour of residential developments within village frameworks.
10. **Policy HG10** of the Local Plan states that the design and layout of residential development should be informed by the wider character and context of the local townscape and landscape.
11. **Policy EN 28** of the Local Plan aims to protect the setting, well-being and attractiveness of Listed Buildings.

Consultation

12. **Linton Parish Council** recommends refusal and makes the following comments:

Councillors continue to have concerns regarding the lack of information of the roof height in respect to the neighbouring properties; councillors request that Listed Buildings Officer visit the site to ensure that the proposed dwelling does not dominate Tosca Cottage; John Cooper, the Area Right of Way Officer be consulted over the footpath which crosses the access point; councillors request that visibility splays should be provided along with a commuted sum for the footpath to be tarmaced and re-iterate their concerns that a condition be attached to any consent to ensure hedges are kept at their present height.
13. **Conservation Manager** considers that the proposed development will not impact on the adjacent listed building due to the fall in ground level, coupled with the mature trees along the site boundary and the length of the garden to the listed building. He does comment, however, that the design could be a more modest proposal with less first floor accommodation. Having considered that the velux windows to the bedroom and bathroom in the rear elevation of the new dwelling facing Tosca Cottage will be above the line of the fencing and the close proximity to the boundary, these windows will need to be fixed and obscure glazed to prevent overlooking. Permitted development rights should be removed to ensure no further extensions to the structure.
14. **The Chief Environmental Health Officer** raises no objection in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that conditions restricting hours of use of power operated machinery be applied to any planning consent.

15. **Trees and Landscape Officer** raises objections although notes that the developer wishes to cross the public footpath. As such, the following comments are made:
16. **County Council's Definitive Map Officer** raises no objections although notes that the developer wishes to cross the public footpath. As such, the following comments are made:
- Adequate visibility should be provided on both sides of the public footpath to enable safe crossing of the right-of-way by vehicles;
 - The public footpath must be clearly delineated from the access and there must be some restriction on the land to ensure that vehicles crossing the right of way stop for pedestrians;
 - Pedestrians using the public footpath would have right of way over the vehicles using the access; and
 - The County Council requires that the developers tarmac the footpath to improve conditions for members of the public and this should be discussed with the Area Rights of Way Officer before works commence.
17. **Ramblers Association** comments that
- Speed-humps should be placed at the exit from the site where it meets the path;
 - Warning notices should be fixed on the footpath to alert pedestrians;
 - The surface of the footpath should not be unduly disturbed by increased traffic during building work;
 - No materials should be stored/dumped on the right of way; and
 - Any footpath signs should not be affected during building work.

Representations

18. Residents at Barhams, Bakers Lane object to the revised proposal on the following grounds:
- Loss of residential amenity interests;
 - French doors and window on the eastern block look directly to study/office, entrance and kitchen/utility/dining area;
 - The outlook of Barhams will be dominated by the 6-7m high dwelling and 5m high garage and that the distance between the edge of the new dwelling to Barhams is only 2m;
 - The proposal is out of character with properties in Bakers Lane, Horseheath Road and Crossways;
 - Loss of property value; and
 - Safety issues on using the public footpath with an access for cars going to/ from the application site.

Planning Comments – Key Issues

19. The key issues in relation to this application are the amenity of neighbours; the impact on the wider setting of the listed building, the affect of the development on the character of the area, and access to the new dwelling across the public footpath.

The amenity of neighbours

20. The ground level to the north of the proposed dwelling would be reduced from 100.617 ODN to 99.450m ODN and the finished floor level would be 99.60m ODN.

Due to the cut around the rear of the site to create a platform for the new dwelling and the fall in ground level for the garage, the proposed dwelling and garage are not considered to seriously harm the amenities of Barhams, Bakers Lane, through being unduly overbearing in terms of its mass when viewed from the kitchen/dining, study windows and the high-level studio/bedroom window in the front elevation. Amended plans have been submitted to delete the first floor windows in the east, south and north elevations to ensure that only a high-level velux serving a landing would face Barhams and ground floor patio doors in the south elevation of the east gable block would look down the garden of the new dwelling. I do not consider that the proposal would result in any serious overlooking of Barhams. I consider that the proposal is acceptable in terms of the residential amenities of Tosca Cottage through overlooking subject to the imposition of conditions relating to the rooflights in the north elevation.

The impact on the setting of the Listed Building

21. A cross section has been provided with the amended plans that sets out the relative levels for the new dwelling and garage in comparison with the existing ground level. This illustrates that the new dwelling would be set lower than the existing ground level. The Conservation Manager considers that the proposal will have no adverse impact on the setting of the adjacent Listed Building.

Character and appearance of the area

22. The properties in the locality are a mix of designs and sizes. The proposed dwelling would be 6.5-7m high to the ridge and 2.5m high to the eaves and with a length of 17.2m of the west gable and 9m of the east gable, I do not consider that the proposed development would detract from the character and appearance of the area. Given that the new dwelling will be set on a lower ground level and a first floor dormer window in the west elevation has been deleted in the amended plans, it is my opinion that the proposal will not be detrimental to the street scene when viewed from the public footpath and Crossways.

Access to the new dwelling across the public footpath

23. Adequate visibility on both sides of the public footpath has been shown on the amended plans. The vehicle-pedestrian visibility provided is considered acceptable (this can be secured by condition) and the County Council's Definitive Map Officer has no objections to the proposal. I do not consider that the use of this access across the public footpath would materially harm the safety of users of the public footpath. Informatives could be added to any consent to cover the concerns of the Definitive Map Officer and Ramblers Association.

Other Matters

24. The loss of property value is not a material planning consideration. Concerns have been expressed by the Parish Council about the retention of the existing hedge height but I do not consider that imposing a condition to retain the hedge height is justifiable in order to safeguard the character of the area or to protect the privacy of the residents of adjoining properties.

Recommendation

25. Approval, as amended by plans 05020-02B, 05020-03A (level added), 05020-03A (splay lines indicated), 05020-04 date stamped 17th November 2005, subject to conditions:
1. Standard Condition A – Time limited permission, 3 years. (RC A)
 2. SC 51 – Landscaping (RC 51)

3. SC 52 – Implementation of landscaping (RC 52)
4. SC 60 – Details of boundary treatment (RC 60)
5. SC 5 – the materials to be used for the external walls and roof (RC 5ai & aii)
6. No further windows, doors, openings, of any kind shall be inserted at first floor level in all elevations of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning authority in that behalf. (RC 22).
7. The first floor velux windows in the north elevation of the building, hereby permitted, shall be permanently fixed and maintained with obscured glass. (Reason – To safeguard the privacy of occupiers of the adjoining property, No.28 Tosca Cottage, Horseheath Road.)
8. No power operated machinery shall be operated on the premises during the period of demolition and construction, before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. (Reason – To minimise noise disturbance to adjoining residents.)
9. The vehicular access shall remain ungated. (RC – In the interests of highway safety.)
10. Visibility splays as shown on plan 05020-03A (splay lines indicated) shall be provided and thereafter maintained. (Reason - In the interests of highway safety.)
11. The finished floor level of the dwelling hereby permitted shall be 99.600m ODN as shown on 05020-03A (level added). (Reason – To ensure that the heights of the buildings are well related to ground levels and is not obtrusive.)

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
Policy P1/3 (Sustainable Design in Built Development)
Policy P7/6 (Historic Built Environment)
 - **South Cambridgeshire Local Plan 2004:**
Policy SE2 (List of Rural Growth Settlements)
Policy SE8 (Resident Development within the Village Frameworks);
Policy HG10 (Housing Design); and
Policy EN28 (Development within the Curtilage or Setting of a Listed Building)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: residential amenity interests, impact upon the character and appearance of the area, impact on the setting of the Listed Building and impact upon the public footpath.

General

1. During construction, there shall be no bonfires or burning waste on site except with the prior permission of the District Council's Environmental Health Officer in accordance with best practice and existing waste management legislation.
2. Pedestrians using the public footpath would have right of way over the vehicles using the access and vehicles crossing the right of way must stop for pedestrians.
3. The County Council requires that the developers tarmac the footpath to improve conditions for members of the public. This should be discussed with the Area Rights of Way Officer, John Cooper (tel: 01223 718401) before works commence.
4. There must be no encroachment onto the width of the public footpath, which has a legally recorded width of 4ft.
5. The footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it (it is an offence under s.137 of the Highways Act 1980 to obstruct a public right of way). If the developers feel that the safety of the public will be compromised by the development they must seek to temporarily divert or stop up the public footpath by contacting Gary Wesley, Streetworks Coordinator at 01354 753814.
6. No alteration to the surface of the footpath is permitted without the consent of the County Council. It is an offence to damage the surface of a public right of way under S1 of the Criminal Damage Act 1971. If the applicants intend to run services under the footpath they must contact Gary Wesley of the County Council to organise the temporary closure/diversion of the public footpath.
7. The public footpath crossing the site shall be retained on its existing alignment and delineated from the access. The applicant is advised to erect warning notices to alert pedestrians of traffic crossing the footpath.

Background Papers: the following background papers were used in the preparation of this report:

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- File references: S/1860/05/F and SC/0597/68/O

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