



Planning Committee Date	14 June 2023
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/00375/HFUL
Site	24 West Street, Comberton CB23 7DS
Ward / Parish	Comberton
Proposal	Replacement of existing outbuilding with 3 bay single storey garage with mono pitch low profile roof
Applicant	Mr Alistair Funge
Presenting Officer	Charlotte Spencer
Reason Reported to Committee	Application submitted by an officer of the Council and deferred from previous committee (10 May 2023)
Member Site Visit Date	12 June 2023
Key Issues	1. Character and Appearance and Impact on Heritage Assets 2. Neighbour Amenity
Recommendation	REFUSE

1.0 Executive Summary

- 1.1 The application seeks planning permission for the demolition of an existing outbuilding and erection of a 3 bay single storey garage with mono pitch low profile roof.
- 1.2 The proposal would have a detrimental impact on the setting of the Grade II Listed Buildings and in turn would fail to preserve or enhance the character of the Conservation Area.
- 1.3 Due to the siting of the garage in close proximity to windows within Nos.14 and 18 West Street, the garage would result in an unreasonable sense of enclosure and therefore, constitute an unneighbourly form of development.
- 1.4 The item was brought to committee on the 10th May 2023. The application was deferred to allow Members to conduct a site visit to provide clarity on the use of the room with the affected window.
- 1.5 Officers recommend that the Planning Committee refuse the application.

2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area	X	Local Nature Reserve	
Listed Building	Adj	Flood Zone	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The application relates to a two storey, detached dwelling house located to the North of West Street. The render and tile dwelling is set back from the road by over 17 metres of hardstanding and soft landscaping
- 2.2 The site lies within the Comberton Development Framework and Conservation Area. It is adjacent to Grade II Listed Buildings at Nos.14 and 18 West Street.

3.0 The Proposal

- 3.1 The application is seeking planning permission for the demolition of an existing outbuilding and erection of a 3 bay single storey garage with mono pitch low profile roof.

- 3.2 The proposed garage would be located in front of the existing dwelling, approximately 1.5 metres from the boundary with Nos.14 and 18 West Street and approximately 3.2 metres from the front boundary. It would have a width of 10 metres and a depth of 6 metres. It would be characterised by a mono-pitched roof with a maximum height of 3 metres.
- 3.3 The site plan includes a new gate to the front however, this does not form part of the application as it is considered to be permitted development as confirmed under 21/01633/CL2PD.

4.0 Relevant Site History

Reference	Description	Outcome
21/01633/CL2PD	Certificate of lawfulness under section 192 for the construction of a concrete base for the siting of a caravan within an existing residential planning unit, erection of 2 metre high gates and boundary fence and construction of a permeable gravel parking area.	Certificate Granted 05.08.2021
4.1	A certificate of lawfulness for the construction of a concrete base for the siting of a caravan in a similar location to the proposed has been granted.	

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Circular 11/95 (Conditions, Annex A)

5.2 South Cambridgeshire Local Plan 2018

S/1 – Vision

S/2 – Objectives of the Local Plan

S/3 – Presumption in Favour of Sustainable Development

S/7 – Development Frameworks

HQ/1 – Design Principles

NH/14 – Heritage Assets

6.0 Consultations

6.1 Parish Council – Object

6.2 Concern regarding the proximity to the listed building and light to ground floor of neighbour.

6.3 However, support the design of the outbuilding and feel it is fitting for the Conservation Area.

6.4 Conservation Officer - Object

6.5 The proposals are not supported as the site for the garage would affect the setting of the listed buildings and in turn would have a negative impact on the character and appearance of the conservation area.

6.6 The location of the garage should be reconsidered so that it is not directly adjacent to the neighbouring property. The description of the proposed garage looks to be acceptable for this location.

7.0 Third Party Representations

7.1 Two neighbour representations have been received.

7.2 Those in objection have raised the following issues:

- Proximity to listed buildings;
- Potential impact from drainage on the listed buildings;
- Impact on light

Design, Layout, Scale and Landscaping and Impact on Heritage Assets

7.3 Policy HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.

7.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significant of a heritage asset should require clear and convincing justification. Policy NH/14 of the South Cambridgeshire Local Plan (2018) requires

development affecting heritage assets to sustain or enhance the character and distinctiveness of those assets.

- 7.5 The application site is located within the Comberton Village Conservation Area and is characterised by a large open frontage which includes a small shed. There is a conifer hedge located on the eastern front boundary which provides some screening of the existing dwelling and its front garden. The dwellings along West Street have varying setbacks and it is noted that some are built to the back edge of pavement, making such dwellings prominent features within the streetscene. This is the case for no's 14 and 18 West Street (Grade II Listed Buildings) which lie adjacent to the site. They and other nearby listed buildings (9, 10, 13 and 17 West Street), form a cluster of dwellings which are sited up to the back edge of pavement. Their prominent siting mean they are prominent features which contribute positively to the character and appearance of this part of the Conservation Area. Outbuildings within front gardens are not a characteristic feature of the streetscene.
- 7.6 The proposed garage would have a maximum height of 3m and a footprint of 60m², which is significantly larger than the existing shed. The garage would be sited in close proximity to the Grade II Listed Buildings at Nos.14 and 18 West Street, bringing the built form in close proximity to them and in a much more visually prominent location in the streetscene. This is considered to cause harm to the setting of no.14 and no.18 West Street (Listed Buildings). Furthermore, because of its siting, it would also harm the character of the Conservation Area. Whilst it is acknowledged the existing hedge provides some screening, this is not considered sufficient mitigation to outweigh the harm identified. The harm identified is considered to be less than substantial harm to the setting of the listed buildings and character and appearance of the conservation area.
- 7.7 Paragraph 202 of the NPPF states that where less than harm is identified this must be weighed against the public benefits of the proposal. The proposal relates to a private garage for use by the applicant. Whilst there may be some employment generated through the construction of the garage, this would be limited and a temporary benefit. As such, it is not considered there are public benefits associated with the proposal which outweigh the harm identified.
- 7.8 The applicant has obtained a certificate of lawfulness (21/01633/CL2PD) for a proposed development which includes the provision of a concrete slab within the front garden. At the time of the application, the applicant indicated that the purpose of this concrete slab was to allow the positioning of a caravan within the front garden. The applicant indicated that the caravan would be 16.3m long, 6.8m wide, 3m high to the ceiling (with a further 3m high pitched roof); 6m overall in height. Although this certificate was obtained in August 2021, no caravan has been placed on the site. However, the applicant considers this to be a fallback position which carries material weight in considering the proposal for the garage.

- 7.9 However, this certificate of lawful development only confirms that a concrete base can be constructed, not the caravan itself. The siting of a caravan on the land is not operational development and therefore, does not require planning permission. A caravan, by definition, is moveable and this is materially different to the erection of a building. As such, the placing of a caravan on the land is not considered to provide a credible fallback position which carries material weight when assessing the proposal for a building.
- 7.10 Therefore, it is considered that due to siting of the proposed garage in close proximity of the Listed Buildings (no.14 and 18 West Street), the proposal will cause harm to their setting. This will also cause harm to their positive contribution and significance in the Conservation Area, to the detriment of its character and appearance. The harm identified is considered to be less than substantial and there are not sufficient public benefits which outweigh this harm. The proposal would therefore fail to preserve the setting of the Listed Buildings and fail to preserve or enhance the character or appearance of the Conservation Area. The proposal is therefore, contrary to the NPPF, Policies HQ/1 and NH/14 of the South Cambridgeshire Local Plan (2018) and the provisions of the Planning (LBCA) Act 1990.

Amenity

- 7.11 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.
- 7.12 The proposed garage would be located 1.5 metres from the neighbouring properties at Nos.14 and 18 West Street. The plans demonstrate that these properties have windows facing the application property. These are positioned on the flank boundary. It is considered that due to the limited height, the garage would not have a detrimental impact on the light to the first floor side window. Due to the limited height, and the slope of the roof, it would not intersect the 25 degree line from the ground floor windows. However, the garage would be located in close proximity to these windows, and one of them is currently used as a study as confirmed by the neighbour and previously approved plans for No.14. This is the only window that serves this room and due to the proximity it is considered that it would cause an unreasonable sense of enclosure, limiting outlook. As such, it is considered that the proposal would result in an unneighbourly form of development which is contrary to Policy HQ/1 of the South Cambridgeshire Local Plan (2018).

Third Party Representations

- 7.13 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third Party Comment	Officer Response
Impact on Listed Building	Discussed in paras 7.3 to 7.8
Impact on light	Discussed in paras 7.9 to 7.11
Drainage Issues	This is a civil matter between different landowners in which the local planning authority has no role. The Party Wall Act 1996 governs the process by which party walls and associated disputes are handled.

Planning Balance

- 7.14 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 7.15 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for refusal.

Recommendation

- 7.16 **Refuse** for the following reasons:
1. The proposed garage, by reason of its scale and siting in close proximity to Grade II Listed Buildings (No. 14 and 18 West Street) would result in harm to their setting and in turn, would harm the character and appearance of the Conservation Area. The harm is less than substantial however, there are not sufficient public benefits to outweigh this harm. Consequently, the proposal would fail to preserve the setting of the Listed Buildings and fail to preserve or enhance the character and appearance of the Comberton Village Conservation Area. The proposal is therefore, contrary to the National Planning Policy Framework (NPPF), Policies HQ/1 and NH/14 of the South Cambridgeshire Local Plan (2018) and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 2. The proposed garage by reason of its scale and proximity to the neighbouring properties would have a detrimental impact on the outlook of the ground floor windows of Nos.14 and 18 West Street causing an unreasonable sense of enclosure and therefore, unneighbourly form of development. The proposal is therefore, contrary to the National Planning

Policy Framework and Policy HQ/1 of the South Cambridgeshire Local Plan (2018).