

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> October 2004  
**AUTHOR/S:** Director of Development Services

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**S/1385/04/F – Newton  
Bungalow and Garage – Land r/o 22 Town Street for Mr & Mrs Russell**

**Recommendation: Approval**

Members will visit the site on Monday 4<sup>th</sup> October 2004.

**Site and Proposal**

1. The application site is a 0.1 hectare plot of land located to the rear of, and forming part of the garden area to, No.22 Town Street, a 2 storey detached dwelling. The site is served by a grassed access situated between Nos. 6 and 10 Town Street. Surrounding development is a mix of 2 storey and 1<sup>1</sup>/<sub>2</sub> storey dwellings, save for No. 16 which is a bungalow. To the northeast is a plot of land upon which planning permission has been granted for one dwelling. There is a 2 metre high mixed hedge along the field boundary to the northwest, a chain link fence together with hedging/trees along the boundary with Nos. 24 and 26 Town Street and a 1.7 metre high beech hedge defining the boundary with No. 30. The north east and south east boundaries of the site are undefined whilst there is a mix of post and rail, post and wire, feather edged boarding and hedging, all 1-1.5 metres high, along the boundary to properties in Town Street. On the site itself is a row of 6 silver birch trees.
2. The full application, submitted on 5<sup>th</sup> July 2004 and amended on 31<sup>st</sup> August 2004, seeks to erect a 3-bedroom detached bungalow and double garage on the site. The bungalow would be 5.3 metres high to ridge and 2.5 metres high to the eaves. It would comprise brick walls and a tiled roof. The silver birch trees and conifer would be removed. Vehicular access to the site would be via the track sited between Nos. 6 and 10 Town Street which it is proposed to continue directly beyond the rear boundaries of Nos. 10, 14, 16 and 22 Town Street. The density of the development equates to 10 dwellings per hectare.

**Planning History**

3. **S/2306/89/O** – An outline application for 3 dwellings on this site together with the plot of land to the north-east was refused on the grounds that such development would not constitute infilling; it would be out of keeping with the linear character of development in the vicinity; the vehicular movements associated with the development would result in loss of amenity to occupiers of 6 & 10 Town Street; and would detract from open aspect and outlook from Nos. 10, 14, 16, 22 and 24 Town Street.
4. **S/0439/90/O** – A further application for 3 bungalows on the same site as above was also refused for the first 3 reasons referred to above. The application was subsequently dismissed at appeal with the Inspector agreeing with all 3 reasons for refusal in this Authority's decision.

5. **S/1597/02/F** – An application for a bungalow on the adjacent plot to the north-east was refused on the grounds that the use of the driveway would result in disturbance and loss of privacy to occupiers of the adjacent properties; the development would be out of character with the linear pattern of development in the area; the required hard fencing along adjoining property boundaries would have an adverse impact on the rural character of the area. A subsequent appeal was allowed in June 2003 with the Inspector commenting that the development would not be out of keeping with the general form of development in Newton and there would be no unacceptable harm to the occupiers of surrounding dwellings resulting from the use of the bungalow or the access.
6. **S/0759/04/F** – An application for a 1½ storey dwelling on the above plot was approved at Committee in June 2004.

### **Planning Policy**

7. The site is within the village framework of Newton, an Infill-Only Village as defined in the Local Plan 2004.
8. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 requires a high standard a design which responds to the local character of the built environment for all new development.
9. **Policy SE5** of the South Cambridgeshire Local Plan 2004 states that residential development within the village will be restricted to no more than two dwellings provided the site does not form an essential part of village character and development is sympathetic to the character and amenities of the locality.
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 HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
  - Result in overbearing, overlooking or overshadowing of existing residential properties;
  - Result in noise and disturbance to existing residential properties through the use of its access;
  - Result in highway dangers through the use of its access; or
  - Be out of character with the pattern of development in the vicinity.

### **Consultation**

12. **Newton Parish Council** objects to the application stating:

“The previous appeal APP/W0530/A/03/1110733 for a bungalow on land adjacent to the plot in question covered many of the arguments relating to development within this area. However the proposed development will provide a further loss of amenity and privacy to the dwellings of both Town Street and Harston Road, given the increases in both (additional) vehicle movement and general noise that yet another dwelling would cause. Inevitably there would be additional requirements for servicing

the plot – utilities, sewage, rubbish, post, and visitors ignoring the extra vehicle movements from the occupiers. There will also be the necessity for more boundary/fencing/demarcations increasingly spoiling the 'open plan' nature of the village and landscape. The development could be considered 'over development' of the land giving a) even more possibility of other, future applications for the land(s) at the back of 24/26/30 Town Street and even off Coach House Lane itself and b) opening the way to possible extensions/alterations of any approved dwelling(s) as has already happened with the 'appeal' bungalow, allowing both a larger unit and increased on-site parking after the initial appeal/approval/design”.

13. **The Trees and Landscape Officer** raises no objections to the loss of the trees subject to replacement planting being undertaken by means of a landscaping condition.
14. The comments of **The Chief Environmental Health Officer** are awaited and will be reported verbally at the Committee meeting.
15. **The Building Inspector** confirms that the submitted plan appears to demonstrate that a fire engine could negotiate the bend in the access. He also confirms that: a fire engine will need to turn to exit the site and this needs to be clearly shown; the access will need to be maintained clear of growth and parking; and the applicant should have some legal control over the access in the future to maintain access provisions.

### **Representations**

16. Letters of objection have been received from 5 local residents – No.6 Town Street, Nos. 7, 9 and 15 Harston Road and The Queens Head. The main points raised are:
  - The application must be seen in the context of the recent approval for the bungalow on land to the rear of Nos. 10-16 Town Street. This proposal represents planning creep;
  - The land behind Nos. 10-16 must originally have been sold by the applicants with an easement to give a right of way along the south east boundary of the site to their boundary at No.22. The existence of this right of way was not made clear at the time of the application on the adjacent site. Would the Inspector have come to the same view had he known this?
  - The access is so tight that removal or emergency vehicles would not be able to negotiate it;
  - With the exception of Whittlesford Road and Coach House Lane, development in Newton takes the form of houses along the roads with a buffer of gardens and trees bordering the edge of the Green Belt;
  - The development would result in the loss of trees which contribute to the rural aspect of adjacent properties;
  - The development would result in another building line along the edge of the Green Belt;
  - Approving this application would set a precedent for further backland development;

- The access track is of insufficient width to serve two properties. The tight right angled turn could not even be negotiated in a small car;
- The use of the access by twice the number of vehicles would result in noise and disturbance to adjoining properties, Nos. 6, 10, 14 and 16 Town Street;
- The new dwelling will be unacceptable close to the Green Belt boundary;
- Contrary to comments made by the Inspector in the appeal decision on the adjacent plot, No.6 Town Street has a bedroom window in its side elevation.
- The development is backfill and thereby contrary to the Local Plan.

### **Planning Comments – Key Issues**

17. The key issues to consider in the determination of this application relate to:
  - The impact of the development upon the character and appearance of the area;
  - Neighbour impact;
  - Loss of trees; and
  - The suitability of the access.
18. Concerns have been raised about this application due to the adverse impact upon the character of the area. Historically, applications to erect dwellings on this site and the adjacent land were rejected by this Authority on the grounds that such development would be out of keeping with the character of the area and would affect the amenities of adjoining residents through use of the access. The successful appeal on the adjacent plot, however, supersedes the appeal decision relating to the erection of 3 bungalows on the larger site and means that it is now difficult to resist the principle of backland development on this site on the basis that it would be out of keeping with the character of the area.
19. The proposed dwelling would be a 5.3 metre high bungalow. That approved on the neighbouring backland plot is a 6.3 metre high 1<sup>1</sup>/<sub>2</sub> storey dwelling and the new dwelling would therefore not appear incongruous on this backland site. It is in excess of 30 metres away from the rear elevations of No. 22 Town Street and the bungalow at No. 16. As such, it would not affect the outlook from these neighbouring properties nor would there be an overlooking problem given that the dwelling is single storey. The boundary with No. 22 is presently open and a condition requiring details of the treatment to this boundary would be required.
20. It is considered essential that the hedge along the countryside/north-western boundary be retained in order to minimise the visual impact of the bungalow upon its surroundings. As such, the scheme has been amended to site the bungalow a total of 5 metres away from the hedge, a distance that the Trees and Landscape Officer considers to be sufficient to ensure its retention.
21. No objections have been raised by the Trees and Landscape Officer to the loss of the trees. The requested replacement planting can be secured by standard landscaping condition.

22. Concerns have been raised in respect of the width of the access and its suitability for two vehicles as well as larger emergency and delivery vehicles. The access is a minimum of 5 metres wide for a distance of some 40 metres back from the highway boundary. There is enough room for 2 cars to pass for a sufficient distance back from the highway to ensure that vehicles would not be forced to back out onto the road. The remainder of the access is 4 metres wide. A 3.7 metre wide access is required for fire engines and the width of the access is therefore adequate in this respect. A plan showing how a fire engine would negotiate the tight corner has been submitted and the Building Inspector has confirmed that it shows that a fire engine could negotiate the corner.
23. In the application on the adjacent site that was eventually allowed at appeal and in the subsequent approved application, a belt of landscaping was shown along the rear boundaries of Nos. 10 – 16 Town Street and in the position of the presently proposed access. Whilst previous applications did show landscaping along this boundary, it was not considered by the Inspector as being essential in order to protect neighbours from undue noise disturbance or in order to protect the rural character of the area. If the currently proposed development were to proceed, it would not be possible for a hedge to be planted along the rear boundaries of Nos. 10 – 16 Town Street. However, a 1.8 metre high close boarded fence could be erected along this boundary thereby protecting the adjoining residents from undue noise and disturbance arising from the use of the access. I would also argue that the retention of the hedge along the north-western/countryside boundary of this and the adjacent site is more essential, in order to minimise the impact of the development upon the surrounding countryside, than the provision of a new hedge on the inner/built-up part of the site.
24. In the appeal decision relating to planning ref: S/1597/02/F, the Inspector did not consider the relationship of the access with Nos. 6 and 10 Town Street would result in undue noise and disturbance to the occupiers of these properties. No.6 has written in stating that the first floor landing window referred to by the Inspector does, in fact, serve a bedroom. However, given that the access exists at present and that it is intended to erect improved fencing along the boundaries with the adjoining properties, the small increase in the number of traffic movements associated with one extra dwelling would not, in my opinion, result in an unacceptable level of noise and disturbance to the occupiers of Nos. 6 & 10 Town Street.

### **Recommendation**

25. Subject to confirmation that a fire engine could turn within the site, approval, as amended by letters and plans date stamped 31<sup>st</sup> August 2004, subject to the following conditions:
  1. Standard A (Reason A);
  2. Sc5a – Details of materials to be used for external walls and roofs of dwelling and garage (Reason – To ensure the satisfactory appearance of the development);
  3. Sc51 – Landscaping (Rc51);
  4. Sc52 – Implementation of landscaping (Rc52);
  5. Sc60 – Boundary treatment details (Rc60)

### **Informatives**

## Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3** (Sustainable design in built development);
  - **South Cambridgeshire Local Plan 2004: SE5** (Development in Infill Villages), **HG10** (Housing Design) and **HG11** (Backland Development).
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Residential amenity;
  - Impact upon the character and appearance of the area.
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

**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 Refs: S/1385/04/F, S/0759/04/F, S/0328/04/F, S/1597/02/F, S/0439/90/O and S/2306/89/O.

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