

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

**S/0045/11 –Foxton
Dwelling (Revised Design to include single storey side and rear extensions) for
Amber Homes Ltd.**

**Recommendation: Delegated approval subject to correct plans being
submitted showing the revised site area.**

Date for Determination: 25th March 2011

**Notes: This Application has been reported to the Planning Committee for
determination because the recommendation of approval is contrary to that of
the Parish Council and the local member Councillor Roberts.**

Site and Proposal

- 1 Mortimer's Lane is a rural lane/cul de sac located in the village framework of Foxton. The site is located between a listed building No. 3 Mortimer's Lane and a newly built two storey brick property. The site is bound by thick mature hedging. Land levels differ marginally from the front to the rear of the site. The dwelling type in the immediate vicinity is varied though predominately rural in character, comprising barn conversions, thatched roofs and modest bungalows.
2. The full application proposes an amendment to the design of a previously approved dwelling under planning reference S/1941/09/F. The amendments include the erection of a single storey side extension comprising an extended kitchen area and a rear single storey orangery that opens into the rear garden.

Planning History

- 3 An application for two houses (S/0476/93/F) was refused in June 1993 on the grounds that it would harm the character of the area and the setting of the Listed Building. These grounds were subsequently upheld at appeal in January 1994.
- 4 An outline application for three dwellings and garaging (S/1674/04/O) was approved in September 2006. A full application for three dwellings (S/1806/07/F) was approved in March 2008. The three plots were then referred to as plots 5, 7 and 9 as they sat between the existing plots 3 and 11 Mortimers Lane.
- 5 Two further applications to amend the design of the previously approved dwellings at plots 7 and 9 (S/1941/09/F and S/1942/09/F) were approved 24th February 2010.

- 6 S/0610/10/F an application for the omission of Plot 5, the erection of a detached garage building and single storey extensions to plot 7 were refused and recently dismissed at appeal.
- 7 An application for exactly the same proposal as that currently being determined at Committee today was submitted under S/1154/10/F, this was refused under delegated powers on the grounds of its negative impact on the setting of the listed building and is now currently being appealed.
- 8 S/1186/10/F saw the revised design for Plot 5 recommended for approval under delegated powers.

Planning Policy

- 9 South Cambridgeshire Development Control Policies DPD July 2007
DP/2 - Design of Development
DP/3 – Development Criteria
DP/4 – Infrastructure and New Developments
DP/7 – Development Frameworks
HG/3 – Affordable Housing
CH/4 - Development within the curtilage or setting of a Listed Building
- 10 South Cambridgeshire LDF Supplementary Planning Documents (SPD):
Open Space in New Developments SPD - Adopted January 2009
Trees & Development Sites SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
Listed Buildings SPD - Adopted July 2009
Landscape in New Developments SPD - consultation draft October 2009
District Design Guide SPD – Adopted March 2010
- 11 Government Circulars:

Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Circular 05/2005 - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

- 12 Foxton Parish Council recommends refusal with the following comments:
13. The curtilage shown plan number A-267/P/1 does not take account of the recent amendment, submitted for application ref S/1186/10 on plot 5, which allocated two car parking spaces from plot 7 to plot 5. Although the agents letter 12/01/11 refers to the site plan and block plan ref 09/1038/PL.01 Rev D, the plan number submitted to the council with S/0045/11/F is ref 09/1038/PL.07 Rev E.
14. Paragraph 3.12 of the planning design and access statement states that confirmation is awaited that the on-site archaeological work has been

satisfactorily concluded. The council is concerned at the extent of building works already completed to the dwellings and garages on plots 7 and 9 in the absence of such confirmation.

15. Proposed Development - The proposed single storey extensions to the approved dwelling on plot 7 increases the footprint of the dwelling now built in the direction of the adjacent listed building at No. 1 and 3 Mortimers Lane and the Council considers that, if permitted, the scale of the resultant development on Plot 7 from this proposal would be excessive, harm the setting, including the outlook of the listed building and unreasonably affect the living conditions of the residents of No. 3 Mortimers Lane.
16. Conservation Manager - comments are as follows:
17. 7 Mortimers Lane is adjacent numbers 1 & 3 Mortimers Lane, a pair of modest thatched grade II listed buildings. The application is a resubmission of part of an application previously dismissed at appeal and the Inspector's comments are a material consideration.
18. There is no Heritage Statement, nor adequate consideration of the significance of the adjacent listed buildings, and therefore the application should fail under PPS5 policy HE6.
19. As the proposed side and rear extension are unchanged from the previous scheme, our concerns remain. These related to the cumulative impact of the extensions in proximity to the listed buildings, the resulting increased footprint, bulk, and cramped relationship, and the design of the extensions, including non-traditional roof forms, an over-long and slack roof, wraparound roof and overly horizontal proportions.
20. Nevertheless, the Inspector found that the bulk and spacing was acceptable, although in coming to that decision he was mindful that number 5 could not be practicably built and that he did not have an alternative scheme before him for this. This situation has now changed. Number 5 could be built, and therefore the cramped impact would be increased adjacent the listed buildings, particularly number 3.
21. On that basis, I would still recommend refusal due to the cumulative bulk, position, proximity, proportions, design and cramped appearance of the proposed development, which would be harmful to the setting of the listed building, contrary to CH/4 and PPS5 Policies HE6, HE7, HE9 and HE10 (including HE6.1, HE7.2, HE7.5, HE9.1, HE9.4 and HE10.1).
22. Local Highway Authority - raise no objection subject to conditions being included if the application were minded for approval. These include, pedestrian visibility, surface water drainage requirements, and hard standing requirements.

Representations

Cllr Roberts comments are as follows:

23. With ref to the latest application from Amber Homes (Mortimer's Lane development). This further attempt to add to number 7 appears to be an exact

replica of earlier ones refused by your dept on behalf of the council and in turned refused at appeal.

24. I would expect consistency here in the approach that the planning dept will take in this matter.
25. Having attended Foxton Parish Councils meeting on this application last evening (22nd February) I can confirm that this is exactly the decision that they have taken in that they are recommending refusal. I think that this further attempt to enlarge this already substantial dwelling should be refused for the following reasons:
26. This is an attempt to further erode the general rural setting of the lane by the constant changing of those previously approved approvals.
27. The dwelling is already dominating the whole area by its size, height and general massing, which is entirely out of keeping with its surroundings.
28. These additions would in effect close up the whole of the street scene.
29. Its effect on both the recently approved plot 5 and very importantly on the setting of the listed building would be to entirely enclose number 3 Mortimer's Lane and be so close to number 5 to surely make it an impossibility of being built as an entirely separate (rather than annexe to number 7) dwelling.
30. Even if number 5 were to be built as approved it would be very detrimental to the life style of the owners by way of its close proximity and the activities that would then occur so close to its very restricted curtalage.
31. Since the planning committee site visit work has started on the garage area between numbers 7 and 9 and one can already see that due to this garage areas considerable bulk the whole area is being consumed by bricks and mortar and now gives an oppressive and detrimental feel to all surrounding homes and gardens.
32. In the light of the above I would hope and expect that this application be refused on delegated powers, however, if this consistent approach is not adhered to then I am asking formally now that it is taken to committee.

Planning Comments – Key Issues

33. The key issues to consider in this instance are the impact of proposals upon the residential amenity of No. 3 Mortimers Lane and the impact on the adjacent Listed Building. Of material consideration is the recent decision made by the Inspector in dismissing the recent appeal for planning reference S/0610/10/F that has been included for reference at appendix one of this report.

Impact on Neighbour amenity

34. The extensions to the dwelling are single storey and located to the side and rear of the already approved dwelling under planning reference S/1941/09/F. The extensions are considered to be far enough away from No. 3 Mortimers Lane not to create an adverse impact on neighbour amenity by way of being

overbearing or overlooking. Additionally it is not considered that the extensions would have an adverse impact on light.

Impact on the neighbouring Listed Building

- 35 The setting of the listed building located at No. 3 Mortimer's Lane is very important and should be protected. Whilst it is agreed that the siting of the extensions are of sufficient distance not to have an impact on the occupiers of No.3 it is still considered that the design of the extensions would still detract from its wider setting. The side extensions would be predominately hidden by the dwelling proposed at plot 5; however, the extensions assessed on their own merits still raise concern. It is considered that the proposed increase in bulk of plot 7 with a lean-to and wrap-around conservatory towards the listed building would further increase the comparative bulk and cramped appearance of the development to the detriment of the setting of the listed building.
- 36 The extensions are considered to be detrimental to the wider setting of the listed building by introducing additional bulk to a plot that is close to an existing Listed Building. The development proposed competes with its modest nature and sensitive setting and therefore is considered to be contrary to the requirements of the Local Development Framework Policy 2007.
37. Notwithstanding the above it is necessary to point out that the inspector at a recent appeal disagreed with the view taken by the local authority. Whilst the inspector dismissed the appeal as a whole, the appeal statement clearly points out that the proposed extensions were not part of the reason for the dismissal. It is with great reluctance that officers are going against the original view taken but are minded of the potential implications a further refusal could have on the local authority.

Inspector Comments

37. Paragraph 14 of the Inspectors report clearly states that the proposed single storey elements of Unit 7 are not considered to be dominant due to its design scale or location, additionally it states that the inspector did not believe the additions would appear cramped and nor would they dominate the neighbouring listed building. Paragraph 18 reiterates officers views that the side extension and rear conservatory would not have an unreasonable effect on the living conditions at No 3 Mortimers Lane due to their size and siting.

Other Matters

38. Public Open Space Contribution – the applicants have already secured a contribution towards open space for the development of Plot 7 under planning reference S/1941/09/F.
39. Inaccurate Plans as raised by the Parish Council - It would seem that in light of the number of applications that have been proposed for this site the agents have reproduced a large element of the submissions. The Parish Council are right in what has been pointed out regarding the Planning, Design and Access Statement referenced A-267/P Rev A.

40. The agents letter dated 12th January is inaccurate, however, a letter dated 27th January has appropriately superseded this that the Parish Council may not have received. The correct drawings are 09/1038/PL.03/D franked 13th January 2011 and 09/1038/PL.07/F franked 28th January 2011. These plans reflect the correct site area. I am sure the agent and the applicant would be happy to make sure any inaccurate plans the plans are amended to reflect this.

Conclusion

41. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account and the significant weight that has been afforded by the recent Inspectors report for the planning appeal of S/0610/10, it is considered that planning permission should be approved in this instance.

Recommendation

Approve

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason – To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which would not have been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: 09/1038/PL.03 Rev D franked 13th January 2011 and 09/1038/PL.07 Rev F franked 28th January 2011.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority, unless the scheme is the same as that approved under planning reference S/1941/09/F drawing WD.01.**
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
4. **Notwithstanding the development, hereby approved, no development shall commence until details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details, unless the details are the same as that approved under planning reference S/1941/09/F.**
(Reason - To ensure that visually the development accords with the visual quality of the street scene in accordance with the requirements of Policy DP/3 of the Local Development Framework policies adopted 2007)

- 5. No further windows, doors or openings of any kind shall be inserted in any elevation of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

(Reason – To safeguard the privacy of occupiers of the adjoining properties and the street scene in accordance with the requirements of Policy DP/3 of the Local Development Framework policies adopted 2007).
- 6. All planting, seeding or turfing comprised in the approved plan 225-01B franked 24th February 2010 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**

(Reason - To enhance the quality of the development and to assimilate it within the area in accordance with the requirement of policy DP/3 of the Local Development Framework policies adopted 2007).
- 7. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf: -**

 - i) PART 1, (Development within the curtilage of a dwellinghouse, all classes).**
 - ii) PART 2, (Minor operations), Class A (erection of gates, walls or fences).**

(Reason – To safeguard the character of the area and to ensure that additions or extensions which would not otherwise require specific planning permission do not overdevelop the site with consequent harm to the setting of the nearby Listed Building).
- 8. During the period of construction no power operated machinery shall be operated on the site before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.**

(Reason – To protect the occupiers of adjacent properties from an unacceptable level of noise disturbance during the period of construction)
- 9. The development shall not be occupied until the area shown hatched on drawing No. 09/1038/PL.07 Rev F franked 28th January 2011 has been drained and surfaced (or other steps as may be specified), and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.**

(Reason – To ensure adequate space is provided and thereafter maintained on site for the parking and turning of vehicles in accordance with the

requirements of Policy DP/3 of the Local Development Framework policies adopted 2007).

- 10. Apart from any top hung vent, the proposed first floor windows in the northeast and southwest elevation of the development, hereby permitted, shall be fixed and fitted and permanently maintained with obscured glass.**

(Reason - To safeguard the privacy of occupiers of the adjoining properties in accordance with the requirements of Policy DP/3 of the Local Development Framework policies adopted 2007).

- 11. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary**

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

INFORMATIVES

A Section 106 Agreement was completed in respect of the above with effect on 23rd February 2010. The effect of the Agreement is to secure payment of an off-site open space contribution of £4,258.90, subject to indexation, prior to occupation of the permitted dwelling.

Should driven pile foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

Awarded Drains

No additional surface water run off to the Local Authorities Award Drain will be permitted without the prior consent of the councils Land Drainage Manager

No obstructions, fencing or buildings shall be erected within 5 metres of the Award Drain

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:

1. South Cambridgeshire Core Strategy 2007:
ST/6 Group Villages
2. South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
 - DP/2 - Design of Development
 - DP/3 – Development Criteria
 - DP/4 – Infrastructure and New Developments
 - DP/5 – Cumulative Development

DP/7 – Development Frameworks

CH/4 - Development within the curtilage or setting of a Listed Building

2. 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:

- South Cambridgeshire Local Development Framework 2007
- South Cambridgeshire Local Plan 2004
- Planning applications: S/1941/09/F, S/0610/10/F, S/1154/10/F,

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