

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/0842/11 - HISTON

**Extension and conversion of house to form two dwellings. - 1, Kingsway,
Histon, Cambridge, Cambridgeshire, CB24 9HB for Mrs Jenny Clark**

Recommendation: Delegated Approval

Date for Determination: 15 June 2011

Notes:

This application has been reported to the Planning Committee for determination as the Officer recommendation is contrary to the recommendation of the Parish Council.

Site and Proposal

1. The application site is located within the Histon village framework and is occupied by an end-terraced render and tile dwelling that has previously been extended on its south side. The dwelling has no vehicular access or parking, with pedestrian access being obtained via Kingsway, a pedestrian footpath located on the west side of the dwelling. To the south-west are the front elevations of properties fronting Symonds Close whilst, to the rear, the site backs onto a garage and parking court at the end of Symonds Close. Between the garden and parking area is an overgrown strip of land that is a Right of Way providing individual access to the rear of properties on Kingsway. On the opposite side of the footpath to the west are dwellings located within Nuns Orchard.
2. The full application, received on 20th April 2011, proposes to extend the existing dwelling, and to convert the extended property into two dwellings. The proposed extension would be set 1.2 metres off the boundary with No.2 Kingsway and would comprise a 2 metre deep two-storey element, attached to which would be a single-storey (4.1 metre high) addition that would project for a further 4 metres beyond the existing rear elevation. The existing property is a four-bedroom dwelling and the proposal would result in the creation of 2 no. two-bedroom properties.
3. The submitted plans and supporting information show that provision would be made for the storage of three bins, as well as a shed, within the rear garden area of each property.

Planning History

4. S/0975/89/F – Extension – approved. This permission was subject to conditions requiring the provision and subsequent retention of 3 parking spaces on the site.

Planning Policy

5. **South Cambridgeshire LDF Core Strategy DPD, 2007:**
ST/4: Rural Centres
6. **South Cambridgeshire LDF Development Control Policies DPD 2007:**
DP/1: Sustainable Development
DP/2: Design of New Development
DP/3: Development Criteria
DP/4: Infrastructure and New Developments
HG/1: Housing Density
HG/2: Housing Mix
NE/1: Energy Efficiency
NE/15: Noise Pollution
SF/10: Outdoor Playspace, Informal Open Space and New Developments
SF/11: Open Space Standards
TR/1: Planning for More Sustainable Travel
TR/2: Car and Cycle Parking Standards
7. South Cambridgeshire Local Development Framework Supplementary Planning Documents:
Open Space in New Developments – Adopted January 2009
District Design Guide – Adopted March 2010
8. **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.
9. **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.

Consultations

10. **Histon Parish Council** - Recommends refusal, stating:

“Committee felt the extension likely to interfere with daylight to rear windows of No.2, and noted permission given in 1989 for extension (S/0975/89/F), conditional on parking being provided. This condition appears not to have been complied with; this may have increased the problems in surrounding areas of Nuns Orchard, Symonds Close and Clay Street which has become a real problem. Committee feel if this application approved it will exacerbate problems. For these reasons Committee recommend refusal.
11. **The Local Highways Authority** – Raises no objections although states that, if the application is approved, it may lead to an increase in demand for on street parking in an area of already intensive on street parking.

12. ***The Environmental Health Officer*** – Raises no in-principle objections, although expresses concern that problems could arise from noise and recommends that the hours of use of power operated machinery be controlled during the construction period.

Representations

13. Letters of objection have been received from the occupiers of No.2 Kingsway, Nos. 12 and 13 Nuns Orchard, No.14 Symonds Close and from the Narrow Lane Estate Residents Society. In addition, 2 further letters of objection have been received from local residents, but with no postal address provided. The following concerns have been raised within the letters of objection:
- Due to the height of the proposed single-storey extension and its proximity to the boundary with No.2 Kingsway, it would have an overbearing presence upon the rear courtyard area.
 - The proposed extension would dominate and overlook adjoining properties.
 - Kingsway residents currently park in Nun's Orchard and opposite the Old Farm Close junction on Clay Street. This contributes to problems such as blocking the turning area at the end of Nun's Orchard (particularly for emergency and service vehicles), parking on the pavement, obstructing visibility from private driveways, and obstructing the Old Farm Close/Clay Street junction.
 - Due to problems of on-street parking in the area, off-road parking for at least two cars should be provided on the site.
 - The previous planning application for the property was subject to a condition requiring the provision and maintenance of 3 parking spaces. For many years, the access track to the rear has been impassable to vehicles and these conditions have not therefore been complied with.
 - One local resident notes that re-establishing the right of way to provide parking could be detrimental to pedestrian safety as this right of way is also the entrance for the Kingsway footpath.
 - How would access be obtained for building works? The Narrow Lane Estate Residents' Society would object to any proposed access across either the garage forecourts to the rear, which are jointly owned and maintained by the 22 garage owners, or across the grassed areas at the front of Nos. 12 – 17 Symonds Close, which are owned and maintained by the Residents' Association.
 - No.2 Kingsway has a legal right of access across the existing property. The plans should therefore ensure this right is maintained.
 - If the land to the rear is to be cleared in order to provide vehicular access, the trees at the bottom of the garden should be retained and maintained at their existing height.

Planning Comments

Principle of development – density and mix issues

14. The subdivision of the existing dwelling in order to create two separate properties would equate to a density of approximately 71 dwellings per hectare. This is in compliance with the minimum density of 40 dwellings per hectare required by Policy HG/1 within the more sustainable settlements such as Histon.
15. Policy HG/2 of the Local Development Framework requires 40% of all new dwellings to comprise one or two bedrooms. In this case, the replacement of the existing four-bedroom property with 2 x two-bedroom dwellings would be in compliance with Policy HG/2.

Impact upon the character of the area

16. The proposal involves the addition of a part two-storey, part single-storey extension to the rear of the existing dwelling. The rear elevation of the house is relatively prominent in views of the site from Symonds Close to the rear. However, the two-storey element would be just 2 metres deep and would incorporate a hipped roof and a lower ridge line than that of the main dwelling. It would therefore be subservient in appearance to the main house.
17. The conversion of the extended property to form two dwellings would result in the subdivision of the existing rear garden into two narrower plots. No.1 Kingsway occupies a wider plot than that of the other dwellings within Kingsway, and the resultant plot widths would be comparable to those of nearby dwellings.
18. Taking the above points into consideration, it is considered that the development would not result in undue harm to the character and appearance of the area.

Residential amenity

19. The proposed two-storey extension would be approximately 2 metres in depth and would protrude no further into the garden than No.2 Kingsway's single-storey rear extension. As this element would also be set off the boundary by around 1.2 metres, it would not result in an unacceptable loss of light or outlook to either the ground floor kitchen window in the single-storey or the first floor window in the main rear elevation.
20. The proposed single-storey extension would project a further 4 metres beyond the two-storey element. As referred to above, there is a kitchen window in the rear elevation of No.2 Kingsway, whilst there are also two-bathroom windows in the south side elevation of this property's single-storey rear element. A 45 degree line drawn from the centre of the kitchen window would clip the very end of the proposed single-storey extension. However, this would be set 1.2 metres away from the boundary and would be designed with the roof sloping away from the boundary. In addition, the adjacent part of the neighbour's property is used as an access/footpath to the garden, with the main sitting-out area being located to the rear of the longer single-storey element at the back of the house. As a result, this extension is not considered

to result in an unacceptable loss of amenity to the occupiers of No.2 Kingsway.

21. The proposal seeks to insert two additional first floor windows into the side elevation of the existing house. In order to prevent overlooking of No.17 Symonds Close to the south-west, these should be required by condition to be fixed shut and obscure glazed (apart from any top-hung vent). A condition should also be added to any consent preventing the insertion of any further first floor windows in the side elevations without planning permission, in order to protect the amenities of residents in Symonds Close as well as No.2 Kingsway.

Parking and highway safety issues

22. Significant concerns have been raised by the Parish Council and local residents on the basis that the existing property has no off-street parking, and that the creation of an additional property would exacerbate existing on-street parking problems in the area. The Local Highways Authority has also referred to this problem, although has not specifically recommended refusal on highway safety grounds.
23. The streets in the vicinity of the site, namely Clay Street, Symonds Close and Nuns Orchard, have no on-street parking restrictions. In addition, the proposal, whilst increasing the number of dwellings on the site, would not result in any increase in the current number of bedrooms. The parking requirements for two small properties are therefore unlikely to be substantially different to a single large family dwelling. A further factor to take into consideration is that the site is located within Histon, a large, sustainable settlement with a very good range of services and facilities within easy walking and cycling distance of the site, as well as good public transport and cycle links to Cambridge. Unlike the situation in more isolated villages, therefore, residents would not necessarily need to own or rely upon a car. Taking these factors into consideration, together with the lack of any specific objections from the Local Highways Authority, the application is considered, on balance, to be acceptable from a highway safety perspective.
24. Reference has been made to the fact that conditions attached to the 1989 planning permission, requiring the provision of three parking spaces on the site, have not been complied with. It appears from the evidence provided within the responses and Design and Access Statement, as well as from the physical condition of the land, that this situation may well have been in existence for in excess of 10 years, in which case it would be immune from enforcement against any breach of condition.
25. The Design and Access Statement explains that the rear access has fallen into disuse but that the applicant is making enquiries at present to establish the legal status of the land, and hopes to be in a position in the future to provide two parking spaces (one for each property) within the garden area. These spaces have been indicated on the site plan but, it must be stressed, do not form part of the application and, as per the discussion above, the application has been considered on the assumption that there would be no off-street parking provision for either dwelling.

Infrastructure requirements

26. The proposal would result in the need for a financial contribution towards the provision and maintenance of open space, in accordance with the requirements of Policies DP/4 and SF/10 of the Local Development Framework. Based on the increase in the number of dwellings and a comparison of the number of bedrooms in the existing and proposed properties, this amounts to £230.90, as calculated at the time of the application. It would also result in the need for a contribution towards the provision of indoor community facilities (£38.97), and household waste receptacles (£69.50), together with additional costs relating to Section 106 monitoring (£50) and legal fees (minimum £350). The applicant's agent has confirmed the client's agreement to such payments.

Access arrangements

27. A number of concerns have been raised regarding how access would be obtained for building works. The applicant's agent has confirmed that no access would be sought across the garage forecourts and grassed areas within Symonds Close. All materials used in the development would be off-loaded from goods vehicles parked temporarily in the turning area of Nun's Orchard. From there, they would be met by the contractor's labourers and wheeled in barrows (or similar) along the footpath, through the entrance gate and onto the site. Removal of debris and demolition materials would follow a similar pattern. Non-hazardous materials would be loaded onto the truck and taken to a licensed recycling centre whilst any hazardous materials uncovered would be dealt with in accordance with statutory regulations.
28. With regards to the concerns raised by No.2 Kingsway regarding maintenance of the existing legal right of access across the property, the Design and Access Statement makes reference to this arrangement. However, a copy of the neighbour's response has been forwarded onto the applicant's agent and any response received will be reported to Members in an update prior to the Committee meeting.

Recommendation

29. Approval:
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 have not been acted upon.)
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 site location plan, 2010-1039-03, 04, 05 and 07.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. The materials to be used for the external walls and roofs of the extensions hereby permitted shall accord with the specification in the application form and approved plans, unless otherwise agreed in writing by the Local Planning Authority.

(Reason – To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the Local Development Framework 2007.)

4. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and 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.
(Reason – To minimize noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification, no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the side elevations of the development at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason – To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. Apart from any top hung vent, the proposed first floor windows in the side elevation of the existing dwelling shall be fixed shut and fitted and permanently glazed with obscure glass.
(Reason – To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. No development shall begin until details of a scheme for the provision of recreational infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason - To ensure that the development contributes towards recreational infrastructure in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007 and to the Supplementary Planning Document, Open Space in New Developments, adopted January 2009)
8. No development shall begin until details of a scheme for the provision of community facilities infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy DP/4 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason - To ensure that the development contributes towards community facilities infrastructure in accordance with Policy DP/4 of the adopted Local Development Framework 2007)
9. No development shall begin until details of a scheme for the provision of household waste receptacles to meet the needs of the development in

accordance with adopted Local Development Framework Policy DP/4 has been submitted to and approved in writing by the Local Planning Authority.

(Reason - To ensure that the development contributes towards the provision of household waste receptacles in accordance with Policy DP/4 of the adopted Local Development Framework 2007)

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: Open Space in New Developments – Adopted January 2009, District Design Guide – Adopted March 2010.
- Circular 11/95 and 05/2005
- Planning File References: S/0842/11 and S/0975/89/F.

Contact Officer: Lorraine Casey - Senior Planning Officer
01954 713251