

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1513/12/FL - WATERBEACH

**Extension to Existing Dwelling and Erection of New Dwelling at 10 Burgess Road
for Mr A. De Simone**

Recommendation: Approval

Date for Determination: 21 September 2012

Notes:

This Application has been reported to the Planning Committee for determination because Waterbeach Parish Council has recommended refusal of the application and this conflicts with the officer recommendation

To be presented to the Committee by Karen Pell-Coggins

Site and Proposal

1. The site is located within the Waterbeach village framework. No. 10 Burgess Road is detached, two-storey, painted brick and tile house that is set close to the south side of the road. It has a detached garage to the side adjacent to No. 8 with a parking space to the front. There is a low fence along the front boundary and a small tree in the north eastern corner of the site in front of No. 10. A public footpath runs along the eastern boundary to the side of No. 10. The site lies within flood zone 1 (low risk). The site measures 0.05 of a hectare in area and the density, when developed, would equate to 40 dwellings per hectare.
2. No. 8 Burgess Road has a garage set back to the side and a driveway adjacent the site. It has two ground floor windows and one first floor window in its side elevation facing the site. No. 41 Rosemary Road, beyond the footpath, has a parking area to the rear with access off Burgess Road. There is a shed on the boundary within the rear garden beyond the parking area. There is also planning permission for a garage with storage above. No. 39 Rosemary Road lies side on to the rear of the site and has a ground floor and first floor window in its side elevation facing the site.
3. The proposal seeks the erection of a part two-storey and part single storey rear extension and rebuilding of the existing front porch to the existing dwelling together with the demolition of the existing garage and the erection of a new detached, two-storey, three bedroom dwelling. The two-storey elements of the rear extension would be located either side of the existing two-storey rear gable projection squaring off the existing T shape and result in the side elevation having a double pitched roof. The single storey element of the extension would enlarge the existing single storey flat roof rear element by a short length and the addition of a pitched roof. The new porch would also have a pitched roof. Two parking spaces would be provided to the front of the existing dwelling. The new dwelling would be set in line with No. 10, 6 metres back metres from the road. It would have a width of 4.7 metres, a depth of 9.9 metres, and a height of 4.9 metres to

the eaves and 7.2 metres to the ridge. Two parking spaces would be provided to the front of the dwelling. The materials of construction would be buff bricks for the walls and slate for the roof.

Planning History

Site

4. **S/2054/11** - Erection of Two Dwellings following Demolition of Existing Dwelling and Garage - Refused (Housing Mix)

Adjacent Site (No. 41 Rosemary Road)

5. **S/1892/12/FL** - Dwelling - Pending Decision
6. **S/2032/08/F** - Extensions, Garage and Vehicular Access - Approved

Planning Policy

7. **South Cambridgeshire LDF Core Strategy DPD, 2007:**
ST/5 Minor Rural Centres
8. **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
DP/7 Development Frameworks
HG/1 Housing Density
NE/6 Biodiversity
NE/11 Flood Risk
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
9. **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
Landscape in New Developments SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010

Consultation by South Cambridgeshire District Council as Local Planning Authority

10. **Waterbeach Parish Council** – Recommends refusal of the application on the grounds that the development would represent overdevelopment of the site and that there is inadequate space for vehicles to turn on site and leave in forward gear which represents a danger to highway safety.
- 11.. **Trees and Landscapes Officer** – Has no objections.
12. **Local Highways Authority** – Comments are awaited.

13. **Environmental Health Officer** – Comments that concerns are raised in relation to noise and request conditions in relation to the hours of use of power operated machinery, and hours of deliveries in order to minimise the impact of the development upon the amenities of neighbours. Also suggests informatives with regards to the burning of waste on site, a demolition notice for the existing garage, and pile driven foundations.
14. **County Council Rights of Way and Access Team** – Has no objections but comments that Public Footpath No., 8, Waterbeach is adjacent the east boundary of the site and requests that points of law in relation to the footpath are added as informatives to any consent.

Representations by members of the public

15. The occupier of No. 8 Burgess Road has no objections providing the submitted plans are adhered to.

Material Planning Considerations

16. The key issues to consider in the determination of this application are the principle of the development, density, developer contributions, and the impacts of the development upon the character and appearance of the area, the amenities of neighbours, and highway safety.

Principle of Development

17. The existing garage is not of any significant historic or architectural merit and there are no objections in principle to its demolition.
18. The site is located within the village framework of a 'Minor Rural Centre' where there is a good range of services and facilities and residential developments of up to 30 dwellings are considered acceptable in principle subject to all other planning considerations.

Density

19. The site measures 0.05 of a hectare in area. The existing dwelling and the erection of a new dwelling would equate to a density of 40 dwellings per hectare, thereby complying with the density requirement of least 40 dwellings per hectare for sustainable villages such as Waterbeach as set out under Policy HG/1.

Character and Appearance of the Area

20. The proposed extensions would be proportionate in height and scale to the existing dwelling and be in keeping with its traditional design. The materials would be likely to match the existing and this would be agreed as a condition of any consent.
21. The siting, scale, design and materials of the new dwelling are considered to be in keeping with the character and appearance of the surrounding area. Burgess Road has no defining characteristics and comprises a variety of different sizes, styles, and materials of dwellings. The siting would reflect the linear pattern of development along Burgess Road and be in line or very close to the position of existing dwellings. The height would be similar to adjacent dwellings being slightly higher than the existing dwelling at No. 10 Burgess Road but slightly lower than the neighbouring dwelling at No.

8 Burgess Road. The scale, design and materials would replicate the smaller existing properties along Burgess Road.

Neighbour Amenity

22. The proposed new dwelling is not considered to seriously harm the neighbour at No. 8 Burgess Road through being unduly overbearing in mass, through a significant loss of light, or through a severe loss of privacy. It would be orientated to the east of that property and situated 4 metres from the kitchen and bathroom windows in the side elevation of that property beyond its driveway. Such a relationship is considered acceptable due to these windows being secondary in nature or serving a non-habitable room.
23. The proposed extension is not considered to have an unacceptable impact upon the neighbour at No. 41 Rosemary Road set obliquely to the rear through being unduly overbearing in mass, through a significant loss of light, or through a severe loss of privacy. It would be orientated to the north west and 5 metres off the boundary with that property beyond the public footpath. It has a shed on the boundary in the most rear part of its garden with a parking area beyond adjacent to Burgess Road. A garage has been granted planning permission to replace the parking area and the rear part of the garden and an application for a dwelling in its place is currently under consideration. A condition would therefore need to be attached to any consent to ensure the first floor bathroom window in the side elevation of the extension would be obscure glazed and hinged on its south side so not to result in overlooking to the garden of the proposed dwelling.
24. The proposed extension and new dwelling are not considered to adversely affect the neighbour at No. 39 Rosemary Road directly to the rear through being unduly overbearing in mass, through a significant loss of light, or through a severe loss of privacy. They would be orientated to the north with the extensions being situated a distance of 17 metres off the boundary and 24 metres from the first floor landing window in its side elevation. The new dwelling would be situated 13 metres off the boundary and 20 metres from the ground floor kitchen window in the side elevation. These distances are considered satisfactory given that the windows serve non-habitable rooms. No undue overlooking of the garden of No. 39 would occur.
25. A condition would need to be attached to any consent to ensure the first floor bathroom window in the side elevation of the new dwelling would be obscure glazed and hinged on its south side to avoid overlooking to the existing dwelling.

Highway Safety

26. The erection of one additional dwelling would not result in a significant increase in traffic generation along Burgess Road.
27. The proposed development would provide two on-site parking spaces for each dwelling in accordance with the Council's maximum standards. On-site turning is not required for individual properties in built-up streets. The majority of houses along Burgess Road have no on-site turning.
28. Pedestrian visibility splays measuring 2.0 metres x 2.0 metres would be provided on both sides of each access and maintained from obstruction over a height of 600mm. A condition would be attached to any consent to ensure that the driveway would be constructed of bound materials and have adequate surface water drainage measures.

Developer Contributions

29. The South Cambridgeshire Recreation Study 2005 identified a shortfall of sport and play space within Waterbeach. No open space is shown within the development. The increase in demand for sport and playspace as a result of the development requires a financial contribution of approximately £3,104.38 (index linked) towards the provision and management of open space off-site and in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant has agreed to this contribution through the submission of a Heads of Terms.
30. The South Cambridgeshire Community Facilities Assessment 2009 did not audit indoor community space in Waterbeach. However, due to the increase in the demand for the use of this space from the development, a financial contribution of £513.04 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant has agreed to this contribution through the submission of a Heads of Terms.
31. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide. In accordance with the guide, developers are requested to provide for household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling (net increase). This would be secured via a legal agreement that would be a condition of any planning consent. The applicant has agreed to this contribution through the submission of a Heads of Terms.

Other Matters

32. The proposal would not increase the risk of flooding to the site and surrounding area subject to satisfactory methods of surface water drainage.
33. The development would not impact upon the public footpath. Informatives would be attached to any consent with regards to points of law in relation to the footpath.
34. The proposal would not result in the loss of any important trees that contribute to the visual amenity of the area. The existing tree in the north eastern corner would be retained and a hedge planted along part of the front boundary of the site that would enhance and soften the impact of the development. Landscaping would be a condition of any consent.

Conclusion

35. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should not be granted in this instance.

Recommendation

36. It is recommended that the Planning Committee approves the application subject to the following Conditions and Informatives: -

Conditions

- a) 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.)
- b) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 17, 24, 25, 26, 27, 28A, and 29.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- c) No development of the extension and/or new dwelling shall take place until details of the materials to be used in the construction of the external surfaces of the extension or new dwelling as appropriate hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- d) No development of the new dwelling shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the new dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- e) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- f) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use or occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

- g) Visibility splays shall be provided on both sides of the two accesses 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.)
- h) No development shall take place until details of the method of surface water drainage for each driveway has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- i) The new dwelling and/or extension as appropriate, hereby permitted, shall not be occupied until two vehicle parking spaces for each dwelling have been laid out within the site as shown on drawing number 25. The spaces shall thereafter be retained for vehicle parking and turning.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- j) During the period of demolition and construction, no deliveries or collections shall take place and no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- k) No further windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the first floor side elevations/roof slopes of the new dwelling and rear extension at and above first floor level unless the windows are (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; or 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.)
- l) The proposed first floor windows in the side elevations of the extension and new dwelling, hereby permitted, shall be permanently glazed with obscure glass and hinged on the south side of the window.
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- m) No development shall begin until details of a scheme for the provision of outdoor sport and playspace, indoor community facilities, and waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and DP/4 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 outdoor sport and playspace, indoor community facilities, and waste receptacles in accordance with the above-mentioned Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)

Informatives

- a) During demolition and construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.
- b) Before the existing property is demolished, a Demolition Notice will be required from the Environmental Health Department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.
- c) Should pile driven foundations be proposed, then before works commence a statement of the method for construction of these foundations shall be submitted to the District Environmental Health Officer so that noise and vibration can be controlled.
- d) The adjacent public 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 Section 137 of the Highways Act 1980 to obstruct a public footpath).
- e) The adjacent public footpath must not be used for access to the site unless the applicant is sure that they have lawful authority to do so (it is an offence under s. 34 of the Road Traffic Act to drive on a public footpath).
- f) No alteration to the surface of the adjacent public footpath is permitted without the consent of County Council Rights of Way and Access Team (it is an offence to damage the surface of a public right of way under s.1 of the Criminal Damage Act 1971). If any works are to affect the public footpath, these should be agreed in advance.
- g) Landowners are reminded that it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s. 54 of the Highways Act 1980).
- n) The driveways need to be constructed from bound materials with details submitted and agreed under the hard and soft landscaping condition of the consent.

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- Planning File References: S/1513/12/FL and S/2054/11

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