

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

5 December 2012

**AUTHOR/S:** Planning and New Communities Director

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### **S/1402/12/FL – MELBOURN**

**Erection of detached single storey dwelling, Land to rear of 151-155 High Street,  
for Mr Graham Newton**

**Recommendation: Refusal**

**Date for Determination: 11 October 2012**

#### **Notes:**

**This Application has been reported to the Planning Committee for determination, following a request from the local member because the officer recommendation of approval is contrary to the recommendation of approval from Melbourn Parish Council.**

**Members will visit this site on 4 December 2012**

**To be presented to the Committee by Paul Sexton**

#### **Site and Proposal**

1. The full application, as amended by revised site plan received 7 November 2012, proposes the erection of a detached flat roof dwelling on land to the rear of a terrace of listed cottages, 151-153 High Street, Melbourn.
2. The site is currently an overgrown area of land. To the north west the site adjoins the fenced rear garden to a terrace of three Grade II Listed Buildings fronting High Street. To the south west the site adjoins the side boundary of a detached house in High Street. The land immediately beyond the north east and south west boundaries, and the vehicular access into the site are in the Conservation Area.
3. To the north east the site adjoins the rear garden of a detached house in High Street and to the south east the rear gardens of properties in The Lawns, the boundary of which is formed by a high wall. Access to the land is via a 5m wide roadway between the listed cottages and No.149 High Street. A small section of the land at the rear of the listed cottages was sold to the owners of No.151 High Street for use for car parking, with a right of way granted over the access.
4. The proposed single storey dwelling, which will have a flat 'sedum' roof, is two-bedroom and 'L' shaped, with an overall height of 3m, and brick walls to match those of the existing cottages at 151-155 High Street. The main section of the building will be sited parallel to, and within 2m, of the rear boundary, with a narrower section projecting forward on the east side to within 12m of the rear boundary of the listed buildings.
5. The site will be accessed from the existing driveway and two parking spaces are provided for the new dwelling. The existing parking spaces for 151 High Street are

retained as part of the scheme. New planting is proposed to the rear of the listed cottages. The site falls away slightly to the south west.

6. The application is accompanied by a Design and Access Statement, Heritage Statement and draft heads of terms.

### **History**

7. **S/1611/11** – Erection of detached house – Withdrawn  
**S/1945/09/F** – Erection of pair of chalet bungalows - Refused  
**S/1362/07/F** – 3 Dwellings – Refused  
**S/1092/07/O** – 4 Dwellings – Withdrawn  
**S/0361/01/F** – Dwelling - Refused  
**S/1841/99/F** – Dwelling – Refused  
**S/0130/98/F** – Bungalow and garage – Refused  
**S/1770/97/F** – Bungalow and garage – Refused – Appeal Dismissed  
**S/0504/97/F** – Bungalow and Garage – Refused
8. In dismissing the appeal in respect of the 1997 application, the Inspector, whilst raising concerns about the form of the property proposed at that time, referred to the site as being a relatively narrow space between the somewhat restricted back gardens of the listed buildings and the high wall and new residential development to the south. He commented that ‘the evidence points to this site as having been in a largely open land use. Consequently its development by means of a new and completely autonomous dwelling would unreasonably hem in historic buildings between the main road frontage and the restricted backland site, which at present remains open and vacant.’ He also commented that ‘although the site is outside the conservation area, its open state is important as regards both the setting of the listed buildings and views across and out of the area. The listed buildings are key elements in the local street picture. The effect of building so closely behind them would be to reduce their townscape value and partially undo the enhancement of the area obtained by their recent and seemly rehabilitation.’

### **Planning Policy**

9. National Planning Policy Framework 2012

#### **Local Development Framework Development Control Policies 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/2 Housing Density  
CH/4 Development Within the Curtilage or Setting of a Listed Building  
CH/5 Conservation Areas  
NE/1 Energy Efficiency  
TR/2 Car and Cycle Parking Standards

10. **South Cambridgeshire LDF Supplementary Planning Documents**  
Development Affecting Conservation Areas SPD - Adopted January 2009  
Open Space in New Developments SPD - Adopted January 2009  
Listed Buildings SPD - Adopted July 2009  
District Design Guide SPD – adopted March 2010

**Consultation by South Cambridgeshire District Council as Local Planning Authority**

11. **Melbourn Parish Council** recommends approval.
12. The **Local Highway Authority** has no objection but requests that dimensions of parking spaces are shown, that no unbound material be used in the surface finish of the driveway within 6 metres of the highway boundary, that the access be constructed with adequate drainage measures to prevent surface water run-off to the public highway, and the provision of 2.0m x 2.0m visibility splays.
13. The **Conversation Manager** comments that “the site abuts and is partly within the Conservation Area and is significant as the curtilage, setting and backdrop of 151-155 High Street, a prominent terrace of grade II listed buildings. Contrary to the applicant’s statement, the relevant setting of the listed buildings are both public and private.
14. The open space and rural character of this site is significant in order to visually separate the cottages and development along this part of the High Street, from development outside the Conservation Area along The Lawns and to avoid the listed cottages being cramped by more recent development.
15. The gardens and former parking area were recently divided off from the houses by the current owner. The aerial photograph in 1988 shows the gardens of the listed buildings extending to the full depth of the plot. Therefore at the time of their listing in 1985, it is likely that this was also the case, and therefore the site was and remains within the curtilage of the listed buildings, despite the later fencing.

I recommend refusal due to:

- i. The loss of the undeveloped open site which is essential to the local character, views and backdrop of the Grade II listed cottages, contrary to CH/4
- ii. The loss of the separation of the Grade II listed cottages from the modern development to the south, contrary to CH/4
- iii. The separation of buildings from High Street in this part of the Melbourn Conservation Area from modern development to the south, contrary to CH/5
- iv. The intrusion of a house into the backdrop of the historic cottages and into significant views to and from, including the Grade II listed cottages, contrary to CH/4
- v. The intensification of the site, including the access into the site in conjunction with the minimal and cramped parking area left with the listed buildings, contrary to CH/4

16. The lower scale of the building, together with its green roof, follows advice to lessen the scale and impact of the proposed house, but does not overcome the issues of principle as above.
17. The application follows an appeal in 1997 for the site, which was dismissed. This is not overcome by subsequent policy and under NPPF principles, the harm to the interests of the heritage assets makes the proposed development unsustainable. Under NPPF policy 131 the new development would not make a positive contribution to local character and distinctiveness. Under NPPF policies 132 and 134, the harm would be significant, but less than substantial, and outweighs any minimal public benefit derived from the proposal.'

### **Representations by Members of the Public**

18. Letters have been received from the occupiers of 153 and 157 High Street objecting to the application on the following grounds:
19. Proposal deprives 153 High Street of two parking spaces at the rear of that property. The land was originally garden until 1996/7 when the smaller gardens were created and two parking spaces provided by the applicant, which have been used for the past 15 years. These spaces are not shown on the application plans and are in addition to the two spaces provided for 151 High Street, which are shown.
20. Loss of rear access to 153 High Street. A rear gate was provided by the applicant in 1997 when the cottages were refurbished. If lost the three waste bins will need to be stored at the front of the property, which will detract from the appearance of the listed buildings.
21. In the application it is stated that the 'development would be inclusive by retaining the facility for the residents to park their vehicles if required and agreed.
22. Loss of parking to 153 High Street will lead to increase in parking on a busy section of High Street.
23. Should consent be granted a condition should be included which states that access to flat 'sedum' roof should be for maintenance purposes only to avoid overlooking from the roof space if used for garden/leisure purposes.

### **Material Planning Considerations**

24. The key issues to consider in this instance are the impact of the development on the character of the area, the setting of the adjacent listed buildings and conservation area, neighbour amenity, highway safety, and other matters.
25. Prior to the submission of the current application the applicant undertook extensive pre-application discussions with officers, concentrating on details of form and design for any proposed dwelling, in an attempt to minimise impact as far as possible, however it was stressed that officers remained concerned about any development of this site.

#### *Principle of Development*

26. The site is within the village framework and therefore the principle of development is acceptable provided it can comply with the criteria set out in Policy DP/7 and other policies of the development plan, which are addressed below.

27. Policy DP/7 supports development provided, amongst other criteria, that retention of the site in its present state does form an essential part of the local character and that development is sensitive to the character of the location, local features of landscape, ecological or historic importance and the amenity of neighbours.
28. The site has been identified in previous decisions (including the appeal decision in respect of the 1997 application) as a piece of land which in its existing undeveloped form is important for the reasons cited by the Inspector in his appeal decision, and which have already been set out in paragraph 8 of this report. Officers are of the view that this position has not changed.
29. The overall density of development would be 21dph, which is below the 30dph required by Policy HG/1, however this increases to 27dph if the narrow driveway is excluded from the overall site area. Given the other constraints on the development of this site outlined in this report it would not be appropriate to seek a higher density of development on this site.

*Impact on the Setting of Adjacent Listed Buildings*

30. This matter has been dealt with partially in the preceding paragraphs. The undeveloped space to the rear of 151-155 High Street, separating these buildings from the more modern development to the rear, is important to the historic setting of the buildings and this will be compromised as a matter of principle by building in this area. The concerns are set out in more detail under the Conservation Managers comments above.
31. Whilst the design and flat roofed form of the single storey dwelling now proposed seek to minimise that impact, and which when combined with the new planting proposed, will reduce the impact of any new building when viewed from High Street, the setting of the cottages when viewed from other areas, which can be private views, will be adversely affected by the loss of the currently open area.
32. The applicant has pointed out that the site previously contained a range of glass-house style buildings along the rear boundary of the site, an element of which projected towards the listed buildings. The applicant is of the view that in total these buildings were 650m<sup>2</sup>. These outbuildings are not present on the 1885 map of the area which forms part of the Heritage Statement, but begin to be evident on the 1901 map. The drawings submitted in 1996, as part of the planning application for the three dwellings to the south of the site, show the existence of the buildings, which have been subsequently removed.
33. Officers are of the view that these buildings will have reflected the former horticultural use of the land and will not have intruded into the space to the rear of the listed buildings to the same degree as the dwelling now proposed, with its associated residential paraphernalia.

*Impact on adjacent conservation area*

34. The access driveway into the site is in the Conservation Area, which then adjoins the north and south west boundaries of the site. The site in its undeveloped form is considered to afford views out and across the Conservation Area, which would be compromised as a result of the proposed development, although the low flat roofed

form of the building now proposed helps to maintain views from outside of the site to a far greater extent than the previously refused schemes.

#### *Neighbour amenity*

35. The driveway to the side of the existing listed cottages is currently used by the occupiers of both 151 and 153 for parking, although from the information supplied by the applicant only No.151 has a legal right of access. If the proposed dwelling was erected the current use of the access by No.153 would cease, and officers are of the view that the use by the new dwelling and No.151 would not materially change the impact of use on the adjacent dwelling.
36. The low flat roof single-storey form of the proposed dwelling will not cause problems of overlooking or be overbearing to the occupiers of adjoining properties, although if approved, a condition would need to be included, as requested by the occupier of No 157 High Street, to prevent use of the flat roof for garden/leisure purposes, to prevent overlooking.

#### *Highway safety and parking*

37. The Local Highway Authority has not objected to the principle of the development and officers are of the view that the use of the existing access by two dwellings maintain the existing situation.
38. The occupier of No.153 has objected to the loss of existing parking provision for that property, although the applicant has confirmed that no legal right of access for parking exists for that property. Officers have asked the Local Highway Authority for its view as to whether the use of the access, which has visibility restrictions at the junction with High Street, by three dwellings would be acceptable, however this is unlikely to be the case. Parking on High Street can take place at this point if required.
39. If approval for this development were to be granted officers would wish to see if pedestrian access to the rear of No.153 could be achieved, so that bin storage could continue to take place at the rear of the property.

#### *Other matters*

40. Policy SF/10 requires all new developments to contribute towards outdoor playspace. It is accepted that it would not be appropriate to provide open space on the site due to the scale of the development and the applicant has agreed to provide an off site contribution and required by Policy SF/10. A scheme to comply with the requirements of the policy could be secured by condition were consent to be granted.
41. A draft heads of terms has been submitted which also accepts the requirement for community infrastructure and waste receptacle contributions.

#### *Conclusion*

42. Whilst the form of the proposed dwelling overcomes concerns regarding the impact of previous dwellings on the amenity of adjoining occupiers, and reduces the impact of views across and into the site, officers are of the view that the loss of the currently open area to the rear of the listed building remains unacceptable in principle for the reasons outlined above.

## **Recommendation**

43. It is recommended that the application is refused for the following reason.

The proposed development of the site is unacceptable as in its existing undeveloped form it is essential to local character in that it represents a relatively narrow space between the existing Grade II Listed Buildings, Nos 151-155 High Street, and their current garden areas, and modern development to the south, which contributes significantly to the setting of these buildings and the adjacent Conservation Area, and which would be lost as a result of the proposed development. The erection of a dwelling on this land is therefore unacceptable in principle as it would be contrary to the aims of Policies HG/7, DP/2, DP/3, CH/4 and CH/5 of the adopted South Cambridgeshire Local Development Framework 2007.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/1402/12/FL and S/1770/97/F

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