

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

03 June 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/0152/15/FL

Parish(es): Great Shelford

Proposal: Demolition of existing dwelling and erection of replacement dwellinghouse

Site address: 1 Mingle Lane, Great Shelford, Cambridgeshire CB22 5 BG

Applicant(s): Mr Haslam and Dr. Hussain

Recommendation: Approval subject to conditions

Key material considerations: Principle of development
Residential amenity
Character of the surrounding area
Highway safety and parking
TPO Tree

Committee Site Visit: Yes

Departure Application: No

Presenting Officer: David Thompson

Application brought to Committee because: The recommendation of Great Shelford Parish Council conflicts with the Officer's recommendation of approval.

Date by which decision due: 12/03/2015

1. Planning History

2. C/0792/61 – Full planning permission for the erection of a two storey side extension to form a garage and w/c at ground floor level and 2 bedrooms at first floor level - approved

3. Planning Policies

4. National

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

5. Local Development Core Strategy 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
 - NE/1 Energy Efficiency
 - NE/6 Biodiversity
 - NE/9 Water and drainage infrastructure
 - NE/10 Foul Drainage
 - SF/10 Outdoor Playspace, informal open space and new development
 - SF/11 Open Space standards
 - TR/1 Planning for more sustainable travel
 - TR/2 Parking Standards

7. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
 - Trees and Development Sites
 - District Design Guide

8. **Proposed Submission Local Plan**
 - S/1 Vision
 - S/2 Objectives of the Local Plan
 - S/3 Presumption in favour of sustainable development
 - S/8 Rural Centres
 - HQ/1 Design Principles
 - NH/4 Biodiversity
 - H/7 Housing Density
 - H/11 Residential space standards for market housing
 - TI/2 Planning for sustainable travel
 - TI/3 Parking provision
 - SC/7 Outdoor play space, informal open space and new development
 - SC/8 Open space standards

9. **Consultations**

Great Shelford Parish Council – object to the proposal (both original and amended schemes) for the following reasons:

- The revised scheme would still result in a detrimental impact on the outlook from the sitting room window of the neighbouring property at 1A Mingle Lane.

In relation to the original proposals, the Parish Council's comments were as follows:

- The two storey rear element of the proposed house will dominate, overshadow and cut out light to the windows at ground and first floor level on the south eastern side of 1B and to the rear conservatory of that property, which is not shown on the submitted block plan.
- The location of the rear building line of the proposed house is contrary to pre-application advice given by the planning officer. The proposal is contrary to policy DP/3 of the Local Plan and advice given on daylight and sunlight in the District Design Guide SPD.

- The location of the proposed driveway will have an intrusive impact on the occupants of no. 3 Mingle Lane and would therefore be detrimental to the residential amenity of that property.
- The location of the garage proposed to the rear of the property would result in harm to the residential amenity of no.1B Mingle Lane through the noise/disturbance generated by traffic movements.

Highway Authority – no objection subject to conditions relating to the provision of pedestrian visibility splays from the relocated access, the construction of the new driveway and the management of traffic and the storage of materials during the construction process.

District Council Environmental Health Officer (EHO) – no objections subject to standard conditions relating to the construction process.

District Council Tree Officer – No objections subject to compliance with the ‘no dig’ method for laying the paving at the front of the property and the installation of the protective fencing as specified in the Tree Survey submitted with the planning application.

10. Representations

Objections from the properties at 1B and 5 Mingle Lane have been received in response to the amended plans. The following concerns were raised:

- The proposed access running down the side of the property with parking and garaging at the rear would create possible access for future development at the rear of the site which would not be supported
- The relocation of the driveway (to the eastern side of the site) would result in noise and exhaust pollution to the neighbouring properties
- The large window on the eastern elevation has been retained in the revised plans – this is considered to be an unreasonable invasion of privacy
- The revised plans do not address the concern with the original scheme in that the window in the sitting room of 1B which faces the common boundary with the application site will still be overshadowed as the two storey development would block light to that window.

Objections were received from no.s 1B, 3 and 5 Mingle Lane in relation to the original proposals. The following concerns were raised (in addition to those raised in relation to the amended scheme):

- The first floor terrace proposed at the rear would overlook the gardens of the neighbouring properties to the east (3 and 5 Mingle Lane)
- There is a legal covenant on the land in the rear portion of the site which restricts the amount of development that can occur
- The development will allow unreasonable overlooking into the property at 3 Mingle Lane

11. Planning Comments

12. Site

13. The application site is 1 Mingle Lane, which is currently occupied by a two storey dwelling. The neighbouring property to the south east (no.3) is a bungalow, the property to the north west is a two storey dwelling. The existing vehicular access is close the location of a Sycamore tree which is protected by a Tree Preservation Order.

14. Proposal

15. The applicant seeks full planning permission for the demolition of the existing dwelling and the erection of a replacement dwelling, with alterations to the access to the property.

16. The scheme has been amended to address officers' concerns regarding the impact of the proposal on the neighbouring properties. The following alterations have been made:

- The property has been moved 1.5 metres forward (towards the front boundary) within the plot
- The gable section of the building closest to the south eastern boundary has been reduced in depth by 1 metre at both first and ground floor level, setting it back from the rear elevation of the central element of the proposal.
- The balcony originally proposed at first floor level on the eastern side of the dwelling has been removed
- The garage originally proposed at the rear of the dwelling has been removed
- The applicant has agreed to the removal of the hardstanding shown within the root protection area of the Sycamore which is the subject of the TPO

17. Principle of Development

18. The site is within the Great Shelford development framework. Great Shelford is classified as a Rural Centre under policy ST/4 of the Core Strategy and would retain this status in the emerging Local Plan (policy S/8). The principle of the development of a dwelling on the site is therefore acceptable, subject to all other material considerations being satisfied.

19. Residential amenity

20. The Parish Council and the occupants of no. 1B Mingle Lane consider that the revised proposals do not address the concerns expressed in relation to the impact on the residential amenity of that property. Pulling the proposed property forward by 1.5 metres has reduced the extent to which the dwelling would extend beyond the rear building line of 1B, ensuring that the development would remain clear of the 45 degree line taken from the centre point of the closest window on the rear elevation of the neighbouring property. It is therefore considered that the amended scheme would not result in unreasonable overshadowing of the rear elevation of that property.

21. The occupant of no.1B has made the point that the living room window in the side elevation of that property would still be overshadowed by the corresponding side elevation of the proposed dwelling, which would be located 0.5 metres from the common boundary. Given that the separation distance between the proposed dwelling and that window would be approximately 2 metres, it is acknowledged that the two storey height of the building would result in overshadowing to that window.

22. However, that window is considered to be secondary because it is immediately adjacent to the conservatory which extends from the rear elevation of that property and allows light into the room through the internal link door and window panels. The revised location of the proposed dwelling ensures that the rear elevation of that element of the scheme would only project 1 metre beyond the rear building line of the main rear elevation of the property at 1B. This revision means that the development would not result in unreasonable overshadowing of the side or rear elevations of the conservatory, which is the main source of light into the affected room. Within this context, it is considered that the proposed development would, on balance, not result in an unreasonable impact on the residential amenity of that property.
23. In relation to the impact on the properties to the south east, the scheme as originally submitted would have resulted in a two storey development projecting 7.5 metres beyond the rear elevation of the bungalow at no. 3, with a separation distance of just 4 metres across the common boundary. This situation would have contravened the 45 degree 'rule of thumb' and would have resulted in unreasonable overshadowing of the kitchen window of that property.
24. The revised scheme has reduced the length of the south eastern elevation and by pulling the building forward on the site, the proposal is now within the 45 degree line, with the extent of the projection of the dwelling beyond the rear elevation of no. 3 reduced down to 5 metres. The applicant has also provided evidence that the vertical 45 degree line (taken from the kitchen window of the neighbouring and extending upwards towards the proposed building.) This indicates that the proposed dwelling would not be of a height that would infringe this line. Given that the revised scheme accords with both elements of the 45 degree 'test,' it is considered that the development would not have an adverse impact on the amenity of that property through overshadowing.
25. Concerns have been raised by the occupants of no 3 and no. 5 that the large window in the south eastern side elevation of the proposed dwelling would allow unreasonable overlooking into the rear gardens of those properties. This window would serve a landing area on the staircase of the proposed property and not a habitable room. However, the applicant has agreed to a condition requiring this large window and all of the other high level windows on the two side elevations of the dwelling, at first floor level, to be obscurely glazed. This would be reasonable to the occupants of the property as all of the other affected windows are either secondary or serve bathrooms/en-suites and would prevent any unreasonable overlooking into any of the neighbouring properties.
26. In relation to the relocated access, due to the fact that the proposal is for the replacement of one dwelling as opposed to the creation of additional units on the site, it is considered that the level of traffic generated by the additional accommodation would not give rise to any harm to the amenity of neighbouring residents in terms of noise or environmental health.
27. It is considered that the re-siting of the property 1.5 metres forward in the amended scheme would not result in an adverse impact on the residential amenity of the front elevation windows of either of the neighbouring properties. The development would remain well within the parameters of the respective 45 degree lines and the separation distances to be retained to the potentially affected windows would avoid harm to the outlook from the front elevations of those dwellings. No opportunities for unreasonable overlooking would result from this alteration to the scheme.

28. Character of the surrounding area

29. The proposed dwelling would be significantly larger than the existing property it would replace. The amendment to move the property forward 1.5 metres within the plot is considered not to be detrimental to the character of the streetscene due to the fact that the development would not sit forward of the front building lines of the garage front extensions to 1A and 1B. In addition, the north western element is recessed behind the front building line of the south eastern element and this design feature is considered to respect the relatively subtle changes in the front building lines in the row of properties which include the application site.

30. The design approach is considered to be acceptable as the use of gabled frontages is evident on adjacent properties and similar designs have recently been approved at nos 6 and 10 Mingle Lane.

31. Highway safety and parking

32. The Highway Authority has raised no objections to the relocation of the access and has recommended standard conditions in relation to the maintenance of pedestrian visibility splays, the construction of the driveway (in terms of materials and avoiding surface water run off onto the highway) and the management of traffic and the storage of materials during the construction process. These can all be added to the decision notice. The plans indicate that two parking spaces would be provided at the front of the property and this would be sufficient to meet the requirements of policy TR/2 of the LDF.

33. TPO

34. The applicant has submitted a tree survey in support of the application. In relation to the protected Sycamore tree, the report indicates that the proposed development would not have any adverse impact on its condition. The survey proposes means of protection during the construction process, including a 'no-dig' method for the laying of hardstanding in front of the property and the erection of protective fencing to define the root protection area. The Council's Tree Officer has raised no objections to the proposals on the basis that these measures are implemented, following the applicant's confirmation that no hardstanding would be installed within the root protection area, as appears to be indicated on the plans. Details of both hard and soft landscaping can be secured by condition.

35. Other matters

36. The concerns expressed by neighbours and the Parish Council in relation to encroachment of the development into the rear portion of the site are noted and the garage originally shown to the rear of the property has been removed on the amended plans. Planning applications have to be determined on their own merits and as this scheme relates only to the replacement of the existing dwelling, the potential for future development at the rear of the site is not a material consideration in assessing this scheme. Any future applications would also have to be assessed on their own merits.

37. The Environmental Health Officer has raised no objections to the proposed development, subject to conditions being imposed in relation to restricting noise during construction which can be attached to the decision notice.

38. Conclusion

39. The amended proposal is considered, on balance, to have addressed officers' concerns in relation to the impact of the original submission on the residential amenity of the neighbouring properties. There are no objections to the design of the replacement dwelling within the context of the surrounding development and the impact on the protected Sycamore tree is likely to reduce as a result of the relocation of the access. There are no objections to the scheme in relation to highway safety or environmental health.
40. The revised scheme is therefore considered, on balance, to comply with the relevant local and national planning policies.

41. Recommendation

Approval subject to the conditions listed in paragraph 42.

42. Conditions

- a) Time limit
- b) Approved plans
- c) Details of construction materials
- d) Details of boundary treatments to be submitted and agreed
- e) Compliance with mitigation measures listed in Tree Survey
- f) Landscaping scheme
- g) Landscaping maintenance
- h) Car parking spaces to be laid out prior to occupation and retained free from obstruction
- i) Details of driveway construction
- j) Pedestrian visibility splays to remain free from obstruction
- k) Removal of permitted development rights for extensions to the dwelling
- l) Obscure glazing of specified windows
- m) Control of noise during construction
- n) Management of traffic and material storage during construction phase

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- 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
- Proposed Local Plan
- National Planning Policy Framework 2012

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