

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee      4<sup>th</sup> January 2006  
**AUTHOR/S:** Director of Development Services

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**S/2204/05/O – Great Shelford**  
**Erection of House Including Part Demolition of Existing House at 2 Mingle Lane**  
**for S L Nightingale**

**Recommendation: Refusal**  
**Date for Determination: 12<sup>th</sup> January 2006**

### Site and Proposal

1. The application site is a 0.09 hectare plot of land sited to the rear of Nos. 2 and 4 Mingle Lane. The site forms part of the garden area to No. 2 Mingle Lane, a two storey brick/render and tile dwelling, and comprises a number of mature trees. To the south of the site are the rear gardens of dwellings within Leeway Avenue whilst to the west are properties within Hinton Way. The site is approximately 1.8 metres lower than the garden land of No.3 Leeway Avenue which lies directly to the south.
2. The outline application, submitted on 17<sup>th</sup> November 2005, seeks consent for the erection of a house on the site. The means of access to the site forms part of the application with details of siting, design and landscaping reserved for further consideration. The proposed access would be on the west side of the existing dwelling. In order to accommodate the access, a lean-to car port on the west side of the house and part of the existing dwelling would need to be demolished and the west side wall rebuilt. This would provide a 4m wide access, increasing to 4.5m to the rear of the house. Rebuilding the end wall would rectify a structural problem with the existing building. A conservatory sited to the rear of the dwelling would also be demolished as part of the proposal. The access would then continue for approximately 70 metres along the rear/east boundaries of dwellings in Hinton Way. The submitted plan indicates that 2 metre high fencing and hedging would be provided along both sides of the access. The density of the development equates to 11 dwellings/hectare.

### Planning History

3. **S/1013/05/O** – Members may recall that, following a site visit, an outline application to erect a dwelling on this site was refused at Committee in October 2005 (Agenda Item 10) for the following reasons:
  1. “By virtue of the length and position of the access and the resultant loss of trees along the boundary with properties in Hinton Way, the proposed development would detract from the character of the area. The proposal is therefore contrary to Cambridgeshire & Peterborough Structure Plan 2003 Policy P1/3, which requires all new development to respond to the local character of the built environment; and South Cambridgeshire Local Plan 2004 Policy SE2, which requires residential development in Great Shelford to be sensitive to the character of the village, and Policy HG11, which states that development to the rear of properties will only be permitted where the development would not be out of character with the pattern of development in the vicinity.

2. The use of the access by residents of and visitors to the proposed dwelling would result in an unacceptable level of noise and disturbance to the occupiers of neighbouring properties, and the occupiers of No.2 Mingle Lane in particular. The proposal is thereby contrary to South Cambridgeshire Local Plan 2004 Policy SE2, which requires residential development in Great Shelford to be sensitive to the amenities of neighbours, and Policy HG11, which states that development to the rear of properties will only be permitted where the development would not result in noise and disturbance to existing residential properties through the use of its access.”

### **Planning Policy**

4. Great Shelford is identified within **Policy SE2** of the South Cambridgeshire Local Plan 2004 as a Rural Growth Settlement where estates, groups of dwellings and infilling are acceptable subject to development being sympathetic to the character and amenities of the locality.
5. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
  - a. Result in overbearing, overlooking or overshadowing of existing residential properties;
  - b. Result in noise and disturbance to existing residential properties through the use of its access;
  - c. Result in highway dangers through the use of its access;
  - d. Be out of character with the pattern of development in the vicinity.
6. **Policy EN5** of the Local Plan requires trees to be retained wherever possible in proposals for new development.
7. **Policy P1/3** of the County Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.

### **Consultations**

8. The comments of **Great Shelford Parish Council** will be reported verbally at the Committee meeting.
9. **The Trees and Landscape Officer** has not commented on the current application but raised no objections to the previous proposal stating that it would be possible to accommodate a dwelling on the site subject to the footprint size being constrained by the requirements of BS:5837:1991.
10. **The Chief Environmental Health Officer** raises no objections subject to a condition restricting the hours of use of power operated machinery during the construction period being attached to any consent in order to minimise noise disturbance to neighbours.

### **Representations**

11. Objections have been raised from Nos. 2, 4, 4a, 6 and 12 Hinton Way, and No.4 Mingle Lane. The main points raised are:
  - a. The application does not differ significantly from that refused earlier this year and, hence, does not appear to address the reasons for refusal;

- b. The erection of a fence and hedging along the access will not overcome the reasons of refusal relating to the unacceptable level of noise and disturbance to occupiers of properties in Hinton Way and No.2 Mingle Lane itself;
  - c. The access would result in extensive tree felling along the boundaries of houses in Hinton Way, whilst trees would need to be removed to accommodate a dwelling on the site;
  - d. Backland development would be out of keeping with the character of the area;
  - e. Any dwelling on this site would overlook rear gardens and windows of up to 20 adjoining properties;
  - f. The proposed development would destroy the outlook from adjoining properties;
  - g. The position of the access road along the rear gardens of properties in Hinton Way would result in an increased security risk to the occupiers of these properties;
  - h. A boundary wall or fence tall enough to overcome security problems would result in harm to the outlook from adjacent properties;
  - i. It is difficult to make specific comments until further details have been submitted;
  - j. An investigation into whether the site would need to be levelled and whether suitable drainage can be achieved should be carried out.
12. A letter has also been received from the occupier of No.10 Hinton Way who raises no objections in principle subject to no first floor windows being inserted in the reconstructed end wall of the existing property and to the driveway being constructed of a material such as tarmac to reduce noise disturbance.

### **Planning Comments – Key Issues**

13. The key issue to consider in the determination of this application relates to whether the current proposal has overcome the reasons for refusal set out in the previous application reference S/1013/05/O.
14. The only differences between the previous and current applications are:
- a. The current proposal has clarified that the rebuilding of the end wall of the existing house and removal of the existing conservatory form part of the application. The previous application only specified the removal of the car port.
  - b. A more detailed access plan has now been submitted showing that a 2 metre high fence and hedging would be erected along the east and west side boundaries of the access, where it bounds No.2 Mingle Lane and properties in Hinton Way respectively.
15. The rebuilding of the end wall would result in a maximum increase of around 200mm in the width of the access where it runs alongside the house whilst the demolition of the conservatory would enable the access to be increased in width to 4.5 metres for the length of the garden. This would provide sufficient width to erect a fence and hedging along both sides of the access. However, the access is still the same length and in the same position as previously proposed and would still compromise the trees along the

boundary with properties in Hinton Way. As such, I consider that this revised application has failed to overcome the first reason for refusal relating to the harmful impact of the development upon the character of the area.

16. With regards to the second reason of refusal, it is considered that erecting a 2 metre high fence and hedge along both sides of the access would not be sufficient to overcome the problems of noise and disturbance to occupiers of adjoining properties in Hinton Way and of No.2 Mingle Lane itself. Had Members considered, when discussing the previous application, that the harm from the access could be overcome by erecting a fence, this could not have formed part of the reason for refusal given that such a measure could be covered by a condition of any planning consent.
17. In summary, in light of the decision made by Committee Members on the previous application, it is difficult to see how the minor changes and additional information set out in the current application overcome the previous reasons for refusal.

### **Recommendation**

18. Refusal:
  1. By virtue of the length and position of the access and the resultant loss of trees along the boundary with properties in Hinton Way, the proposed development would detract from the character of the area. The proposal is therefore contrary to Cambridgeshire & Peterborough Structure Plan 2003 Policy P1/3, which requires all new development to respond to the local character of the built environment; and South Cambridgeshire Local Plan 2004 Policy SE2, which requires residential development in Great Shelford to be sensitive to the character of the village, and Policy HG11, which states that development to the rear of properties will only be permitted where the development would not be out of character with the pattern of development in the vicinity.
  2. The use of the access by residents of and visitors to the proposed dwelling would result in an unacceptable level of noise and disturbance to the occupiers of neighbouring properties, and the occupiers of No.2 Mingle Lane in particular. The proposal is thereby contrary to South Cambridgeshire Local Plan 2004 Policy SE2, which requires residential development in Great Shelford to be sensitive to the amenities of neighbours, and Policy HG11, which states that development to the rear of properties will only be permitted where the development would not result in noise and disturbance to existing residential properties through the use of its access.

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

- Cambridgeshire and Peterborough Structure Plan 2003;
- South Cambridgeshire Local Plan 2004;
- Planning application references: S/1013/05/O and S/2204/05/O.

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