

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

5th April 2006

AUTHOR/S: Director of Development Services

**S/2160/05/F – Haslingfield
One Dwelling (Revised Design) (Part Retrospective) at Plot 2, 1 Butler Way for Vona
Enterprises Ltd**

**Recommendation: Approval
Determination Date 6th January 2006**

Site and Proposal

1. The site lies off a cul-de-sac, Butler Way, a narrow road with narrow footpaths. It forms one half of a larger plot for 2 dwellings. Three other properties, two bungalows and a chalet dwelling, are also accessed from Butler Way.
2. To the south, approximately 30m away from the back edge of the site, lies a two storey property, No. 10 Church Street with windows at ground and first floor level in its northern elevation, facing the site.
3. To the south east of the site lies The Vicarage, a Grade II Listed Building. There are two further Listed Buildings to the north east approximately 25-40m from the site.
4. The full planning application, received on 11th November 2005, proposes to revise the design of a single house already granted planning permission and erect a single detached garage to the side. The proposal is part retrospective as the dwelling, as revised, is currently under construction.
5. The application has formally been amended three times since submission with the final amendment received in February 2006 to revise the internal layout and further revise the positions of windows and doors and to exclude the garage proposed in the application as originally submitted.
6. The proposed dwelling is detached and approximately 7.2m in height, set back from the road by 5.5m. The essential differences between the approved dwelling and that revised by this application are that the eaves height at the rear of the dwelling has been increased, the internal layout has been altered to provide an additional first floor habitable room and the position of windows and doors has been changed. The differences are explained more fully below.

Approved dwelling	Application dwelling as amended
Ridge height: 7.2m Eaves height front: 2.7m Eaves height rear: 2.5m	Ridge Height: 7.2m Eaves height front: 2.5m Eaves height rear: 3.2m
Footprint: 88.2m ²	Footprint: 88.2m ² (siting unchanged)
Ground floor layout: Kitchen, living room, dining room, study, WC	Ground floor layout: Kitchen, living room, dining room, family room, utility, WC
First floor: 3 bedrooms, bathroom and en-suite	First floor: 3 bedrooms, bathroom and study
Front elevation ground floor: dining room	Front elevation ground floor: dining room,

hall and study windows	hall and family room windows
Front elevation first floor: 2 bedroom windows and landing rooflight	Front elevation first floor: 2 bedroom windows and landing rooflight
Rear elevation ground floor: door, kitchen window and French doors to living room	Rear elevation ground floor: door, kitchen window and French doors to living room
Rear elevation roofslope: 5 rooflight windows – bed, bed, bath, bath, en-suite. The two habitable room windows will look towards the rear of No. 10 Church Street.	Rear elevation roofslope: 5 rooflight windows – bed, bed, study, study, bath. One each of the bed and study windows are high level, therefore two habitable room windows will look towards the rear of No. 10 Church Street.
East elevation: ground floor WC window, first floor blank.	East elevation: ground floor blank, obscure glazed en-suite window at first floor.
West elevation: blank	West elevation: ground floor WC window, and utility room door.
Western boundary: 3.2m wide access and parking area, 1.8m wide planting strip	Western boundary: 4.3m wide access and parking area, 0.7m wide planting strip
Parking for 3 cars and turning	Parking for 3 cars and turning

Planning History

7. The original chalet bungalow, now demolished was granted approval in 1964.
8. In March 2004 planning permission was granted in Outline for the erection of two dwellings (on plots 1 and 2) following the demolition of the existing bungalow – matters of siting, design, means of access and landscaping were reserved.
9. In July 2004 a full planning application was withdrawn for two 4 bedroom dwellings approximately 7.5m in height with each having a footprint of approximately 106m² and 112m² on plots 1 and 2 respectively.
10. In February 2005 planning permission was approved for two 3 bedroom dwellings, approximately 7.2m in height with each having a footprint of approximately 85.1m² and 88.2m² on plots 1 and 2 respectively.
11. In October 2005 a planning application was withdrawn for a dwelling and garage (revised design) on plot 2.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003 (the Structure Plan) Policy P1/3 – Sustainable Design in Built Development.

11. This policy stresses the need for a high standard of design and a sense of place which responds to the local character of the built environment, amongst a whole host of other sustainability considerations.

Structure Plan Policy P7/6 – Historic Built Environment

12. Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

South Cambridgeshire Local Plan 2004 (the Local Plan) Policy SE4 – List of Group Villages

13. Haslingfield is listed as a Group Village

Residential development and redevelopment up to a maximum scheme size of 8 dwellings will be permitted within the village frameworks of Group Villages provided that:

- (a) The retention of the site in its present form is not essential to the character of the village;
- (b) The development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours;
- (c) The village has the necessary infrastructure capacity; and
- (d) Residential development would not conflict with another policy of the Plan, particularly policy EM8

14. Development may exceptionally consist of up to 15 dwelling, if this would make the best use of a brownfield site.
15. All development should provide an appropriate mix of dwelling size, type and affordability.

Local Plan Policy HG10 – Housing mix and design.

16. Residential developments will be required to contain a mix of units providing accommodation in a range of types, sizes (including 1 and 2 bedroom dwellings) and affordability, making the best use of the site and promoting a sense of community which reflects local needs.
17. The design and layout of schemes should be informed by the wider character and context of the local townscape and landscape. Schemes should also achieve high quality design and distinctiveness, avoiding inflexible standards and promoting energy efficiency. The District Council will support the preparation of Village Design Statements to secure these aims.

Local Plan Policy EN30 – Development in Conservation Areas

18. The District Council will require that applications for planning permission for development in Conservation Areas or affecting their setting, be accompanied by sufficient details to allow the impact of the proposals to be assessed. This must include drawings or other pictorial material which illustrates the proposed buildings in their context, and in most cases outline applications will not be acceptable. Proposals will be expected to preserve or enhance the special character and appearance of Conservation Areas especially in terms of their scale, massing, roof materials and wall materials. The District Council will refuse permission for schemes which do not specify traditional local materials and details and which do not fit comfortably into their context.

Local Plan Policy EN28 – Development within the Curtilage or Setting of a Listed Building.

19. Where it appears that proposals would affect the curtilage or wider setting of a Listed Building, the District Council will require the submission of sufficient illustrative and

technical material to allow its impact to be clearly established. The District Council will resist and refuse applications which:

- (1) Would dominate the Listed Building or its curtilage buildings in scale, form, massing or appearance;
- (2) Would damage the setting, wellbeing or attractiveness of a Listed Building;
- (3) Would harm the visual relationship between the building and its formal or natural landscape surroundings;
- (4) Would damage archaeological remains of importance unless some exceptional, overriding need can be demonstrated, in which case conditions may be applied to protect particular features or aspects of the building and its setting.

Consultation

20. **Haslingfield Parish Council (initial submission)**

Recommends refusal

“We feel that the addition of a garage represents an over-development of a small site and is unacceptable. Some of the upstairs rooms on the south side have changed from a 1-window bathroom to a 2-window study – this represents a loss of privacy for neighbours on that side. Therefore the rooflights should be raised further up the roof or obscure glazed.

With regard to the proposed new double doors and windows on the west elevation, we feel that the double doors are unnecessary. However we understand that the building is not being built according to the plans, so we find it difficult to discuss the issue.”

21. **Haslingfield Parish Council (first amendment)**

Recommends refusal

“We feel that the roof lights should be raised further up the roof above eye-line to prevent loss of privacy to 10 Church Street.”

22. **Haslingfield Parish Council (second amendment)**

Recommends refusal

“We still require the rooflights to be raised to protect the privacy of neighbours at the rear.”

23. **Haslingfield Parish Council (third amendment)**

“We are still concerned that the two larger rooflights to the rear of the property are low. We understand that workmen can be seen from waist up working in the rooms.”

24. **Conservation Manager**

“No objection to amendment to house – however, garage will compromise the adjacent tree and should therefore be avoided.”

25. **Chief Environmental Health Officer**

No objections subject to safeguarding conditions to control disturbance to neighbours during the period of construction.

26. **Trees and Landscape Officer**

Concerned about impact of garage on a mature tree in the garden of No. 10 Church Street.

Representations

27. Twelve letters of objection have been received, six from the occupiers of 4 Butler Way and six from the occupiers of 2 Butler way. The points of objection are summarised below (comments related to the garage have not been included since this no longer forms part of the application):
28. Construction is well underway and the works are not in accordance with the approved plans. Conditions on the approved permission have not been complied with.
29. Excessive scale and footprint and out of keeping with the pattern of development in Butler Way – will impact on the street scene.
30. Four parking spaces should be provided for a four bedroomed house. Added parking and manoeuvring problems with extra vehicles due to extra bedroom.
31. Driveway is too wide – space for planting along the fence with No. 2 has been reduced.
32. Overbearing impact on No. 2 and noise through the manoeuvring of vehicles along the driveway.
33. Drainage problems.
34. Loss of privacy to front of No. 4 and its garden and to the front of No. 2 and its garden – breach of Human Convention on Human Rights, Article 8.
35. New openings in the west elevation facing No. 2 Butler Way can be seen above the fence level from No. 2's living room window and will result in a loss of privacy.
36. Gateposts have been installed 4m apart. A five barred gate would not be appropriate in this location.
37. Loss of privacy to No. 10 Church Street from rear facing rooflights.
38. Adverse impact on Conservation Area and Listed Buildings.
39. Inappropriate design.
40. Garden is not deep enough for a property of this size.
41. Vegetation has been removed from the site.
42. Increased eaves height at the rear.
43. WC now to be in the west elevation. This faces No. 2 and will harm amenity.

Planning Comments – Key Issues

44. Since planning permission for the erection of a dwelling on this plot is extant, the key issue to consider in this application are the proposed revisions to the proposal. I have not addressed the objections relating to the principle of erecting a dwelling on this site

or other matters that have already been considered and are approved. It is regrettable that the developers have decided to go ahead with the development before gaining consent but this fact is not material to the consideration of this application.

45. The overall size and height of the dwelling is broadly the same. The internal layout has achieved a further habitable room at first floor which may be used as a fourth bedroom.
46. Due to amendments to the position of rooflights in the rear roofslope, there remain only two windows that afford views towards the rear of No. 10 Church Street at a distance of approximately 38m (back to back). I do not therefore consider there to be any material increase in loss of privacy to this property. In addition these windows are positioned away from a swimming pool in the rear garden of No. 10 which was also the case in the approved scheme. A mature tree in the garden to No. 10 also helps to prevent direct views over the swimming pool. The Parish Council has raised this as an objection but I note that it did not object to the two windows that backed onto No. 10 Church Street in the previous application. The amendments follow negotiations to ensure that the number of openings serving habitable rooms in the rear roofslope that afford views out has not been increased from that approved i.e. two.
47. Objections have been received in relation to the western site boundary in that the revised access area is increased in width and there is a reduced area for planting. I share these concerns particularly as it is my view that to help assimilate the dwelling into the street scene the boundaries should be softened as far as possible. In that regard I consider there should be something approaching 2m in which to plant on this boundary. This can be controlled by condition.
48. A glazed door and window are now to be inserted into the western elevation which will be visible from the front window to No. 2 Butler Way. The door serves a utility room and the window a WC. I therefore consider it reasonable to require these windows to be obscure glazed and to require that no further openings are permitted without planning permission.
49. Objectors have referred to gate posts having been erected. These are not shown on the plans and do not form part of this proposal. Boundary treatment will be considered by condition. Permitted development rights have been removed for the erection of gates walls and fences as part of the approved scheme and it is suggested that they should also be removed from this proposal. Any unauthorised development that causes harm can be considered for enforcement action.
50. The revision in the roof profile by raising the eaves height at the rear will have a small affect on No. 2 by increasing the size of the gable wall facing that property. This is minimal though and offset by the ridge moving back as a consequence. I do not therefore consider that the impact on No. 2 of this change is unacceptable.
51. With regard to the inclusion of a study, which will effectively increase the number of bedrooms to four, I do not consider this to be an overdevelopment of the plot since the dimensions of the dwelling remain largely the same as approved. I note the objection regarding insufficient parking. The dwelling will have three spaces. This is in excess of the parking standards contained within the Local Plan and is in my view more than adequate to serve a four-bedroom property.

Recommendation

52. Approval as amended by letter dated 24th January 2006 and plans reference AD/2/11B, AD/2/1D and AD/2/10C and subject to the following conditions:
1. Within 28 days from the date of this Decision Notice, details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
(Reason - To ensure that the development is not incongruous in accordance with the requirements of Policies P1/3 and P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies SE4, HG10, EN28 and EN30 of the South Cambridgeshire Local Plan 2004.)
 2. Within 28 days of the date of this Decision Notice, details of the finished floor levels of the building in relation to ground levels shall be submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
(Reason - To ensure that the height of the buildings is well related to ground levels and is not obtrusive in accordance with the requirements of Policies P1/3 and P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies SE4, HG10, EN28 and EN30 of the South Cambridgeshire Local Plan 2004.)
 3. Within 28 days of the date of this Decision Notice, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. This 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 and specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To enhance the quality of the development and to assimilate it within the area in accordance with the requirements of Policies P1/3 and P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies SE4, HG10, EN28 and EN30 of the South Cambridgeshire Local Plan 2004.)
 4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
(Reason - To enhance the quality of the development and to assimilate it within the area in accordance with the requirements of Policies P1/3 and P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies SE4, HG10, EN28 and EN30 of the South Cambridgeshire Local Plan 2004.)
 5. Within 28 days of the date of this Decision Notice, details of the materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas, shall be submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
(Reason – To protect the visual quality of the area in accordance with the requirements of Policies P1/3 and P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies SE4, HG10, EN28 and EN30 of the South Cambridgeshire Local Plan 2004.)
 6. Notwithstanding the approved plans, the driveway and parking areas shall not be constructed or the dwelling occupied until a plan has been submitted to and approved

in writing by the Local Planning Authority showing a revised layout for the car parking and driveway areas. The parking area to the west of the dwelling and the point of access onto Butler Way shall not exceed 3m in width. The revised parking and access areas shall be carried out in accordance with the approved details prior to the dwelling being occupied, thereafter maintained and shall not thereafter be used for any purpose other than the parking of vehicles.

(Reason - To ensure adequate space is provided and thereafter maintained on site for the parking of vehicles.)

7. Within 28 days from the date of this Decision Notice, details of the design and materials to be used for the external windows and doors shall be submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
(Reason - To ensure that visually the development accords with neighbouring buildings and respects the visual quality of its surroundings in accordance with the requirements of Policies P1/3 and P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies SE4, HG10, EN28 and EN30 of the South Cambridgeshire Local Plan 2004)
8. Within 28 days from the date of this Decision Notice, precise details of both the existing provision for surface water drainage and foul sewage disposal and the proposed method of surface water drainage and foul sewage disposal shall be submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
(Reason - To ensure satisfactory drainage of the site and satisfactory disposal of foul sewage from the site).
9. No power operated machinery shall be operated on the premises during the period of construction, before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.
(Reason – To minimise noise disturbance to adjoining residents during construction.)
10. No further windows, doors or openings of any kind shall be inserted in the south, east or west elevations of the dwelling, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the privacy of occupiers of the adjoining properties in accordance with Policies SE4 and HG10 of the South Cambridgeshire Local Plan 2004.)
11. The first floor window in the south elevation of the dwelling shown serving a bathroom and the first floor window in the east elevation shown serving an en-suite on plan nos. AD/2/11B and AD/2/10C and the glazed element of the door and the window in the west elevation, hereby permitted, shall be fitted and permanently maintained with obscured glass.
(Reason - To safeguard the privacy of occupiers of the adjoining properties in accordance with Policies SE4 and HG10 of the South Cambridgeshire Local Plan 2004.)
12. Notwithstanding the provisions of Regulations 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:-

- i) PART 1, (Development within the curtilage of a dwellinghouse, all classes)
- ii) PART 2, (Minor operations), Classes A (erection of gates, walls or fences)

(Reason - To safeguard the character of the area and to ensure that additions or extensions which would not otherwise require planning permission do not overdevelop the site with consequent harm to the setting of the Conservation Area, nearby Listed Buildings and the visual quality of the street scene in accordance with the requirements of Policies P1/3 and P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies SE4, HG10, EN28 and EN30 of the South Cambridgeshire Local Plan 2004).

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3** (Sustainable design in built development) and **P7/6** (Historic Built Environment);
 - **South Cambridgeshire Local Plan 2004: SE4** (List of Group Villages), **HG10** (Housing Mix and Design), **EN30** (Development in Conservation Areas), **EN28** (Development within the Curtilage or Setting of a Listed Building)
2. The proposal is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity including overlooking issues
 - Highway safety
 - Visual impact on the locality
 - Impact upon setting of adjacent Conservation Area and nearby Listed Buildings

Background Papers: the following background papers were used in the preparation of this report: Planning Files reference S/2160/05/F, S/2002/04/F, South Cambridgeshire Local Plan 2004, Cambridgeshire and Peterborough Structure Plan 2003.

Contact Officer: Nigel Blazeby – Senior Planning Assistant
Telephone: (01954) 713256