

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee

5<sup>th</sup> April 2006

**AUTHOR/S:** Director of Development Services

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**S/0323/06/F - Linton**  
**Erection of Dwelling & Garage & Erection of Replacement Garage for**  
**Existing Dwelling for Mr & Mrs J Chamberlain**

**Recommendation: Delegated Approval**

**Date for Determination: 18<sup>th</sup> April 2006**

### Site and Proposal

1. The application site is a 0.23 acres/0.095 hectare plot of land located to the rear of, and formerly part of the garden area to No 7 Bakers Lane. The site is adjacent to the public footpath which runs along the western side boundary, and a side garden area of No 22 Crossways. To the west is No 22 Crossways, a bungalow with an existing double garage to the front elevation. The sitting out area and garden of 22 Crossways are to the south of the property. No 22 Crossways has 2 bedroom windows and a porch to the north elevation, a side door and 2 windows serving utility and kitchen facing the application site. To the east of the site is Barhams, Bakers Lane, a single storey dwelling set approximately 6m from the application site. Barhams has a kitchen window, front door, study room window and a high-level studio/bedroom window facing the site. The land rises up towards a Listed Building, Tosca Cottage, to the north. The rear garden of Tosca Cottage is long and it has a number of mature trees and fencing on the rear boundary.
2. The full application, registered on 21<sup>st</sup> February 2006, proposes the erection of dwelling and garage at land adjacent 22 Crossways and a replacement garage for the existing dwelling at 22 Crossways. The proposal seeks to erect a 6.9-7m high four-bedroom red brick, black board and plain tile dwelling and a double garage at the south end of the site. The existing garage at No 22 would be demolished to form an access from Crossways leading to the new dwelling across the public footpath. A replacement garage for No 22 would be located to the side garden. A Pine tree and two Cypress trees are on the west boundary of the site and they would need to be removed to accommodate the access and the new dwelling. The proposed dwelling would be a minimum of 6m from the boundary with Tosca Cottage, and 3m from the boundary with Barhams.
3. The proposed development represents a density of 10.5 dwellings per hectare.

### Planning History

4. **S/1860/05/F** – planning application for erection of dwelling and garage and erection of replacement garage for existing dwelling, was refused. (January 2005 Committee) on the grounds that the size and bulk of the proposed dwelling would be overbearing when viewed from Barhams, contrary to Policy SE2 of the Local Plan.
5. **SC/0597/68/O** – planning application for 2 dwellings and garages at land rear of Bakers Lane (including Barhams, Nos 7 and 8 Bakers Lane and the application site of the current proposal), was refused.

## Planning Policy

6. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 requires a high standard of design which responds to the local character of the built environment for all new development.
7. **Policy P7/6** of the Structure Plan 2003 states Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.
8. **Policy SE2** of the South Cambridgeshire Local Plan 2004 identifies Linton as a Rural Growth Settlement and states, in part, that residential developments will be permitted on unallocated land within village frameworks providing the development would be sensitive to the character of the village, local features of landscape and ecological importance and the amenities of neighbours.
9. **Policy SE8** of the Local Plan 2004 outlines the presumption in favour of residential developments within village frameworks.
10. **Policy HG10** of the Local Plan states that the design and layout of residential development should be informed by the wider character and context of the local townscape and landscape.
11. **Policy EN 28** of the Local Plan aims to protect the setting, wellbeing and attractiveness of Listed Buildings.

## Consultation

12. **Linton Parish Council** recommends refusal and makes the following comments:

“Councillors continue to have concerns regarding the lack of information of the roof height in respect to the neighbouring properties; councillors request that Listed Buildings Officer visit the site to ensure that the proposed dwelling does not dominate Tosca Cottage; councillors re-iterate their previous concerns regarding retention of the hedge height and other comments made on the original application; this application is contrary to Policy SE2 of the Local Plan 2004 which states that residential development will only be permitted on unallocated land within Linton where the development would be sensitive to the amenities of neighbours.”
13. **Conservation Manager** considers that, although the revised design will result in the new dwelling moving closer to the boundary with Tosca Cottage, it will be approximately 6m compared to approximately 9.4m on the previous scheme. It is his view that it remains a significant distance from the Listed Building having considered that there is an existing mature treed boundary and a new, large garage recently constructed by Tosca Cottage between the main dwelling Tosca Cottage and the proposed dwelling at 22 Crossways.
14. It is considered that the revised location for the dwelling would not adversely impact on the setting of the Listed cottage if the hipped gable to the front elevation were repeated on the rear gable. It is important to ensure that the construction of the new dwelling and the retaining walls do not harm the trees forming the boundary with Tosca Cottage. Recommendation: delegated approval/ refusal to obtain revision to gable.

15. **The Chief Environmental Health Officer** raises no objection in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that conditions restricting hours of use of power operated machinery be applied to any planning consent and requiring details of method for construction of any driven pile foundations and preventing burning of waste on site.
16. **Trees and Landscape Officer** raises no objections. The Pine and Cypress to be removed are not of sufficient quality to warrant a reason for refusal.
17. **County Council's Definitive Map Officer** – comments are awaited. The following comments in respect of the previous application (ref. S/1860/05/F) are taken into account:

The County Council's Definitive Officer has no objection and makes the following comment and recommends informatives to be included on the decision notice if approved.

- a. Adequate visibility should be provide on both sides of the public footpath;
  - b. The public footpath must be clearly delineated from the access and there must be some restrictions on the land to ensure that vehicles crossing the right of way stop for pedestrians;
  - c. Pedestrians using the public footpath would have right of way over the vehicles using the access; and
  - d. The Country Council requires that the developers tarmac the footpath to improve conditions for members of the public and this should be discussed with the Area Rights of way Officer.
18. **Ramblers Association** comments that
    - a. The surface of the footpath should not be unduly disturbed by increased traffic during building work;
    - b. No materials should be stored/dumped on the right of way; and
    - c. Any footpath signs should not be affected during building work.

### **Representations**

19. Residents at Barhams, Bakers Lane object to the proposal:
  - a. The new proposal is no different from the previous scheme apart from the changes in the positions of some windows, and adjustment to the siting of the dwelling;
  - b. The proposed dwelling remains totally out of context, in terms of the height and size, to the surrounding properties that will completely dominate Bakers Lane and properties in the surrounding area;
  - c. The plans appear to be ambiguous as to the exact positioning and form a misleading picture of both the scale and position;
20. Objections to the previous proposal remain:
  - a. Loss of residential amenity interests;
  - b. French doors and window on the eastern block look directly to study/office, entrance and kitchen/utility/dining area;
  - c. The outlook of Barhams will be dominated by the 6-7m high dwelling and 5m high garage;

- d. The proposal is out of character with properties in Bakers Lane, Horseheath Road and Crossways;
- e. Loss of property value; and
- f. Safety issues on using the public footpath with an access for cars going to/ from the application site.

21. Residents at Tosca Cottage object to the proposal:

- a. The proposal would result in overlooking with the new dwelling moving closer to the rear boundary of Tosca Cottage;
- b. Overdevelopment and affect the setting of Tosca Cottage; and
- c. They would support a single storey dwelling on the site.

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

22. The key issues in relation to this application are the residential amenity interests to the occupiers at Barhams, Bakers Lane, as stated in the refusal reason on the previous application; the impact on the wider setting of the listed building in connection with the change of position of the proposed dwelling; and access for the new dwelling across the public footpath.

#### ***The amenity of neighbours***

23. The ground level at the northern end of the proposed dwelling would be reduced from 100.617 ODN to 99.0m ODN (it was 99.450m ODN in the previous scheme) and the finished floor level would be 99.150m ODN (it was 99.60m ODN in the previous scheme). The ridge height of the east wing is reduced from 6.5m to 6.1m. The resultant reduction in overall height of the east wing, compared with the refused scheme, would therefore be 0.85 metre. Due to the further cut around the site to create a platform for the new dwelling and the garage, and the reduced ridge height on the east facing structure, this proposal is not considered to seriously harm the amenities of Barhams, Bakers Lane, through being unduly overbearing in terms of its mass when viewed from the kitchen/dining, study windows and the high-level studio/bedroom window in the front elevation.

24. The revised scheme also includes few changes to the windows and openings. There will be no first floor windows in the side elevation facing Barhams. I do not consider that the proposal would result in any serious overlooking of Barhams. I consider that the proposal is acceptable in terms of the residential amenities of Tosca Cottage through overlooking subject to the imposition of condition on the rooflights which light a bedroom and bathroom in the north elevation.

#### ***The impact on the setting of the Listed Building***

25. A cross section has been provided with the submitted plans that sets out the relative levels for the new dwelling and garage in comparison with the existing ground level. This illustrates that the new dwelling would be set lower than the existing ground level. The Conservation Manager considers that the proposal will have no adverse impact on the setting of the adjacent Listed Building subject to the receipt of an amendment to change the blank rendered gable on the rear elevation to a hipped gable. The applicants' agent agrees to submit revised drawings.

#### ***Character and appearance of the area***

26. The properties in the locality are a mix of designs and sizes. The proposed dwelling would be 6.1-7m high to the ridge and 2.5m high to the eaves with a length of 17.2m of the west gable and 9m of the east gable. I do not consider that the proposed development would detract from the character and appearance of the area. Given

that the new dwelling will be set on a lower ground level, it is my opinion that the proposal will not be detrimental to the street scene when viewed from the public footpath and Crossways.

***Access to the new dwelling across the public footpath***

27. Adequate visibility on both sides of the public footpath has been shown on the plans. The vehicle-pedestrian visibility provided is considered acceptable (this can be secured by condition) and the County Council's Definitive Map Officer has no objections to the previous proposal. I do not consider that the use of this access across the public footpath would materially harm the safety on the use of the public footpath. Informatives could be added to any consent to cover the concerns of the Definitive Map Officer and Ramblers Association.

**Recommendation**

28. Subject to agreement on a revised design of the gable in the rear elevation, delegated approval subject to the conditions:
1. Standard Condition A – Time limited permission, 3 years. (Reason A).
  2. SC 51 – Landscaping (RC 51).
  3. SC 52 – Implementation of landscaping (RC 52).
  4. SC 60 – Details of boundary treatment (RC 60).
  5. SC 5 – the materials to be used for the external walls and roof (RC 5ai & aii)
  6. No further windows, doors, openings of any kind shall be inserted at first floor level in any elevation of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning authority in that behalf. (RC 22).
  7. The first floor velux windows in the north elevation of the building, hereby permitted, shall be permanently fixed and maintained with obscured glass. (Reason – To safeguard the privacy of occupiers of the adjoining property, No.28 Tosca Cottage, Horseheath Road).
  8. No power operated machinery shall be operated on the premises during the period of demolition and construction, before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 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).
  9. The vehicular access shall remain ungated. (RC – In the interests of highway safety.)
  10. Visibility splays as shown on plan 05020-03A (splay lines indicated) shall be provided before the dwelling, hereby permitted, is occupied and thereafter maintained. (Reason – In the interests of highway safety).
  11. The finished floor level of the dwelling hereby permitted shall be 99.150m ODN as shown on 05020-04. (Reason – To ensure that the height of the building is well related to ground levels and is not obtrusive).

## 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:**  
**Policy P1/3** (Sustainable Design in Built Development)  
**Policy P7/6** (Historic Built Environment)
  - **South Cambridgeshire Local Plan 2004:**  
**Policy SE2** (List of Rural Growth Settlements)  
**Policy SE8** (Resident Development within the Village Frameworks);  
**Policy HG10** (Housing Design); and  
**Policy EN28** (Development within the Curtilage or Setting of a Listed Building)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: residential amenity interests, impact upon the character and appearance of the area, impact on the setting of the Listed Building, and impact on the public footpath.

## General

1. During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Council's Environmental Health Officer in accordance with best practice and existing waste management legislation.
2. Pedestrians using the public footpath would have right of way over the vehicles using the access and vehicles crossing the right of way must stop for pedestrians.
3. The County Council requires that the developers tarmac the footpath to improve conditions for members of the public. This should be discussed with the Area Rights of Way Officer, John Cooper (tel: 01223 718401) before works commence.
4. There must be no encroachment onto the width of the public footpath, which has a legally recorded width of 4ft.
5. The 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 s.137 of the Highways Act 1980 to obstruct a public right of way). If the developers feel that the safety of the public will be compromised by the development they must seek to temporarily divert or stop up the public footpath by contacting Gary Wesley, Streetworks Coordinator at 01354 753814.
6. No alteration to the surface of the footpath is permitted without the consent of the County Council. It is an offence to damage the surface of a public right of way under s.1 of the Criminal Damage Act 1971). If the applicants intends to run services under the footpath they must contact Gary Wesley at the County Council to organise the temporary closure/diversion of the public footpath.
7. The public footpath crossing the site shall be retained on its existing alignment and delineated from the access. The applicant is advised to erect warning notices to alert pedestrians of traffic crossing the footpath.

**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
- File references: S/0323/06/F, S/1860/05/F and SC/0597/68/O

**Contact Officer:** Emily Ip – Planning Assistant  
Telephone: (01954) 713250