



<b>Planning Committee Date</b>	13 December 2023
<b>Report to</b>	South Cambridgeshire District Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/03293/HFUL
<b>Site</b>	24 West Street, Comberton CB23 7DS
<b>Ward / Parish</b>	Comberton
<b>Proposal</b>	Replace existing outbuilding with 2 bay single storey cart lodge style garage with low profile monopitch roof, and additional landscape planting.
<b>Applicant</b>	Mr Alistair Funge
<b>Presenting Officer</b>	Adam Dzimidowicz
<b>Reason Reported to Committee</b>	Application submitted by an officer of the Council
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Character and Appearance and Impact on Heritage Assets 2. Neighbour Amenity
<b>Recommendation</b>	<b>APPROVE</b>

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for the demolition of an existing outbuilding, erection of a 2 bay single storey garage with mono pitch low profile roof, and additional landscape planting. This application represents an amended scheme on the site; the previous scheme being refused at planning committee in June 2023.
- 1.2 This proposal would have an acceptable impact on the setting of the Grade II Listed Buildings and would preserve the character of the Conservation Area.
- 1.3 Due to the siting of the garage in relation to windows within Nos.14 and 18 West Street, the garage would not result in an unreasonable sense of enclosure and therefore, would be acceptable.
- 1.4 Officers recommend that the Planning Committee approve the application.

## 2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area	X	Local Nature Reserve	
Listed Building	Adj	Flood Zone	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The application relates to a two storey, detached dwelling house located to the North of West Street. The render and tile dwelling is set back from the road by over 17 metres of hardstanding and soft landscaping.
- 2.2 The site lies within the Comberton Development Framework and Conservation Area. It is adjacent to Grade II Listed Buildings at Nos.14 and 18 West Street.

## 3.0 The Proposal

- 3.1 The application is seeking planning permission for the demolition of an existing outbuilding and erection of a 2 bay single storey garage with mono pitch low profile roof.

- 3.2 The proposed garage would be located in front of the existing dwelling, approximately 1.5 metres from the boundary with Nos.14 and 18 West Street and approximately 6.6 metres from the front boundary. It would have a width of 7 metres and a depth of 6 metres. It would be characterised by a mono-pitched roof with a maximum height of 3 metres.
- 3.3 The site plan includes a new gate to the front however, this does not form part of the application as it is considered to be permitted development as confirmed under 21/01633/CL2PD.

#### 4.0 Relevant Site History

Reference	Description	Outcome
23/00375/HFUL	Replacement of existing outbuilding with 3 bay single storey garage with mono pitch low profile roof.	Refused Permission 20.06.2023 (currently subject to appeal)
21/01633/CL2PD	Certificate of lawfulness under section 192 for the construction of a concrete base for the siting of a caravan within an existing residential planning unit, erection of 2 metre high gates and boundary fence and construction of a permeable gravel parking area.	Certificate Granted 05.08.2021
4.1	A certificate of lawfulness for the construction of a concrete base for the siting of a caravan in a similar location to the proposed garage has been granted.	
4.2	A previous application for a larger 3 bay garage has been refused and is currently the subject of an appeal.	

#### 5.0 Policy

##### 5.1 National

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2019

Circular 11/95 (Conditions, Annex A)

## 5.2 **South Cambridgeshire Local Plan 2018**

S/1 – Vision

S/2 – Objectives of the Local Plan

S/3 – Presumption in Favour of Sustainable Development

S/7 – Development Frameworks

HQ/1 – Design Principles

NH/14 – Heritage Assets

## 6.0 **Consultations**

### 6.1 **Parish Council – Object**

#### 6.2 Concerns regarding:

- Proximity to the listed building and light to ground floor of these neighbouring properties;
- Dampness to the neighbouring properties resulting from close proximity;
- Drawings provided not giving a full informative basis of the proposed development, and the Parish Council requesting for drawings that will provide more detail (i.e. an eastern elevation drawing of the garage with listed building elevations in the background, and dimensions of the existing site and dimensions of the proposed site with the garage).

### 6.3 **Conservation Officer – Object**

6.4 The new proposals for the outbuilding are not supported as the site for the garage would affect the setting of the adjacent listed buildings and therefore have a negative impact on the character and appearance of the conservation area. As with the previous application, it is noted that there are currently no views of the west elevation of the listed building due to the 3.2m high hedge. However, as this could easily be removed, it is not considered to be a permanent feature in the streetscene, and the listed building elevation could be appreciated from the public highway.

6.5 The applicant is proposing to remove an existing shed and replace it with the new garage, however the shed is further back in the site and being smaller in scale has less of an impact on the heritage assets that the new outbuilding would. The scale and massing of the proposed garage would bring the built form closer to a greater expanse of the elevation of the listed building, having a negative impact on its setting.

6.6 The location of the garage should be reconsidered so that it is not directly adjacent to the neighbouring properties, for example to west of the site.

## **7.0 Third Party Representations**

7.1 Two neighbour representations have been received objecting to the proposal, raising the following issues:.

- Impact on Listed Buildings and Conservation Area;
- Impact on light to ground floor windows to neighbouring properties;
- Dampness to listed buildings resulting from close proximity;
- Concerns about proximity of the garage to the existing oil tank;
- Requests for clarification on what the exact distance of the new garage would be from the rear of No. 18 West Street as plans are not considered to be clear;
- Concerns regarding the location of the garage impeding the ability of the neighbouring properties to conduct maintenance work on the walls or roofs of these properties.

## **8.0 Assessment**

### **Design, Layout, Scale and Landscaping and Impact on Heritage Assets**

- 8.1 Policy HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.
- 8.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significant of a heritage asset should require clear and convincing justification. Policy NH/14 of the South Cambridgeshire Local Plan (2018) requires development affecting heritage assets to sustain or enhance the character and distinctiveness of those assets.
- 8.3 The application site is located within the Comberton Village Conservation Area and is characterised by a large open frontage which includes a small shed. There is a yew hedge located on the eastern front boundary which provides some screening of the existing dwelling and its front garden. The dwellings along West Street have varying setbacks and it is noted that some are built to the back edge of pavement, making such dwellings prominent features within the streetscene. This is the case for no's 14 and 18 West Street (Grade II Listed Buildings) which lie adjacent to the site. They and other nearby listed buildings (9, 10, 13 and 17 West Street),

form a cluster of dwellings which are sited up to the back edge of pavement. Their prominent siting mean they are prominent features which contribute positively to the character and appearance of this part of the Conservation Area. Outbuildings within front gardens are not considered to be a characteristic feature of the streetscene.

- 8.4 The proposed garage would have a maximum height of 3m and a footprint of 42m<sup>2</sup>, which is significantly larger than the existing shed. The garage would be sited in close proximity to the Grade II Listed Buildings at Nos.14 and 18 West Street, at 1.5 metres away.
- 8.5 It has been argued in the past that there are currently no views of the west elevation of the listed buildings at 14-18 West Street from the west along West Street due to the existing 3.2m high hedge at the application site; and that the hedge is not a permanent feature of the streetscene. This application proposes to retain the existing hedge and add additional landscape planting to the front boundary. In addition, the applicant has agreed that, in the event of approval, the existing hedge will be subject to a condition that will mean it will be retained in perpetuity, and separately that proposed landscaping will be subject to a pre-commencement condition which will require details to be submitted to and be approved in writing by the Local Planning Authority.
- 8.6 Due to the conditions described above, it is considered that while the garage would be in a visually prominent location, as it would be effectively screened there would be limited impact on the street scene. Furthermore, because of the proposed retention of the hedge and enhancement of vegetated screening, it is considered that the development wouldn't allow for harm to the character of the Conservation Area.
- 8.7 Notwithstanding the hedge to the front of the site, which has been acknowledged to restrict views of the west elevation of the adjacent listed buildings from the street scene, the proposed development has sought to reduce its impact on these adjacent heritage assets through a reduction in its proposed scale and mass compared to the previously refused proposal. The application proposes the erection of a detached single storey two bay garage, with a mono pitched roof. The proposal, by virtue of its now reduced and therefore modest scale, and low roof profile, is considered to respect the value of the adjacent heritage assets. Where views of the two elements would exist, the proposal is not considered to dominate or diminish the setting of the listed buildings and to represent an acceptable built form in this instance.
- 8.8 Therefore, the proposed garage and associated landscaping is considered to be acceptable in the context of the area as the proposal will avoid harm to the setting of the Listed Buildings or the character of the Conservation Area. As such, the proposal would therefore preserve the setting of the Listed Buildings and preserve the character and appearance of the Conservation Area. The proposal is therefore compliant to the NPPF,

Policies HQ/1 and NH/14 of the South Cambridgeshire Local Plan (2018) and the provisions of the Planning (LBCA) Act 1990.

### **Amenity**

- 8.9 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.
- 8.10 The proposed garage would be located 1.5 metres from the neighbouring properties at No's.14 and 18 West Street and have a mono pitched roof sloping away from the neighbouring properties, with a height of 2.5 metres to the eastern side and a height of 3 metres to it's western side. The plans demonstrate that these properties have ground floor windows facing the application property. These are positioned on the flank boundary. The ground floor window of No. 14 serves a bedroom / study(as confirmed during the assessment of planning application reference number: 23/00375/HFUL) and the ground floor window of No. 18 serves a bathroom (as confirmed by comments made by No. 18 for this application).
- 8.11 Officers consider that, given the reduction in length of the proposed garage to 2 bays and the relationship of the proposed development to the windows of No. 14 West Street in relation to the path of the sun, that no sunlight would be lost to this ground floor window. In light of this, and the comments received, the officer has conducted an overshadowing study in line with the requirements of BRE guidance. This shows that there would be no impact on the identified ground floor window of No. 14 West Street.
- 8.12 Officers consider that, due to the position of the garage in relation to the ground floor window of No. 18 West street, there would be loss of light and overbearing impacts to this window. However, as outlined in comments made by No. 18, this window is confirmed to serve a bathroom. Regulation 19 of Part Two of the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 defines habitable rooms as any rooms used or intended to be used for sleeping or living which does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms. As such, it is not considered to be habitable space. Therefore, whilst it is accepted that there will be some loss of light/overbearing impact to this room, it is unreasonable to refuse the application on these grounds as the room is not habitable space.
- 8.13 As such, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Policy HQ/1 of the South Cambridgeshire Local Plan (2018).

### **Other Matters:**

- 8.14 The applicant has obtained a certificate of lawfulness (21/01633/CL2PD) for a proposed development which includes the provision of a concrete slab within the front garden. At the time of the application, the applicant indicated that the purpose of this concrete slab was to allow the positioning of a caravan within the front garden. The applicant indicated that the caravan would be 16.3m long, 6.8m wide, 3m high to the ceiling (with a further 3m high pitched roof); 6m overall in height. Although this certificate was obtained in August 2021, no caravan has been placed on the site. However, the applicant considers this to be a fallback position which carries material weight in considering the proposal for the garage.
- 8.15 However, this certificate of lawful development only confirms that a concrete base can be constructed, not the caravan itself. The siting of a caravan on the land is not operational development and therefore, does not require planning permission. A caravan, by definition, is moveable and this is materially different to the erection of a building. As such, the placing of a caravan on the land is not considered to provide a credible fallback position which carries material weight when assessing the proposal for a building.

### Third Party Representations

- 8.16 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

<b>Third Party Comment</b>	<b>Officer Response</b>
Impact on Listed Building and Conservation Area	Discussed in paras 8.4 to 8.9
Impact on light	Discussed in paras 8.11 to 8.13
Dampness issues from rainwater run off towards numbers 14-18 West Street and maintenance issues	These are civil matters between different landowners in which the local planning authority has no role. The Party Wall Act 1996 governs the process by which party walls and associated disputes are handled.
Oil Tank	Officers consider that this is covered by Building regulations, including the Building Regulations 2010 as amended, and as such is a matter for Building Control.
Scalable drawings and informative explanation in relation to neighbours	Officers consider that the drawings are scalable and provide enough detail for an application of this nature. As such, it is considered that the drawings provided are considered to be acceptable in an application of this type.
Siting of a caravan now blocks the window and impacts	The siting of the caravan within a garden area is not considered as a permanent building. Planning permission is not needed to site a caravan within a garden area – unless it is being used as a self-



character of listed building	contained home. Therefore it would not be a considerations in terms of impact on outlook / light. This is a civil matter between the two neighbours.
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### **8.17 Planning Balance**

- 8.18 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 8.19 The scale, scale, and design of the proposed scheme is considered to be appropriate for the application site, and avoids harm to adjacent Listed Buildings and the surrounding Conservation Area. The development is therefore compliant with South Cambridgeshire Local Plan (2018) policies HQ/1 and NH/14.
- 8.20 Due the location of the development in relation to the windows of adjacent dwellings, and what they serve, it is considered that the scheme will not result in any additional adverse impact on the amenity of neighbouring occupiers that would indicate that planning permission should be refused.
- 8.21 The development is not considered to allow for any adverse impact on highway safety or drainage.
- 8.22 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is considered compliant with policies HQ/1 and NH/14 and is recommended for approval.

### **8.23 Recommendation**

- 8.24 Members are recommended to Approve subject to the conditions as set out below, with minor amendments to the conditions, as drafted, delegated to officers.

#### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. The existing hedge along the front boundary of the site (detailed as Yew Hedge on plans) shall be retained at a height of at least 2.5m in perpetuity, except at the point of access, as set out on the approved drawings entitled 'site block plan as proposed' and 'existing and proposed access'.

If the identified Yew Hedge is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

Reason: To safeguard the character of the area and setting of LB in accordance with Policy NH/4 of the South Cambridgeshire Local Plan 2018.

4. No development above ground level, other than demolition, shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - a) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

- b) a landscape maintenance and management plan, including maintenance schedules for the landscape areas.

All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

5. The materials to be used in the external construction of the development, hereby permitted, shall follow the specifications in accordance with the details specified within the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the external appearance of the development does not detract from the character and appearance of the area in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.