



Planning Committee Date	17 th January 2023.
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/03642/HFUL
Site	Whitehall, 9 Chapel Lane, Fowlmere
Ward / Parish	Fowlmere
Proposal	Erection of a greenhouse, summerhouse, garden shed and bicycle shed, and removal of an existing dilapidated shed
Applicant	Dr James Hobro
Presenting Officer	Dominic Bush
Reason Reported to Committee	Application submitted by a member or officer of the Council
Member Site Visit Date	N/A
Key Issues	1. Design, Layout and Scale 2. Neighbour amenity 3. Heritage
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seek permission for the erection of a greenhouse, summerhouse, and bicycle shed in the rear garden and the removal of an existing dilapidated shed, together with the erection of a shed in the front/ side garden.
- 1.2 The application property is the Grade II listed, Whitehall, 9 Chapel Lane Fowlmere. The site is not located within any conservation area. The proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped.
- 1.3 It is considered that the proposal, by virtue of its scale, massing and design, would not harm the character and appearance of the Conservation Area or the setting of listed buildings. the scale of the structures proposed is minimal and as such it is considered that they would have little impact on the protected trees within the site.
- 1.4 Officers recommend that the Planning Committee approve the application subject to conditions.

2.0 Site Description and Context

None relevant		Tree Preservation Order	X
Conservation Area		Local Nature Reserve	
Listed Building	X	Flood Zone 1, 2, 3	
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	
Protected Village Amenity Area	X		

*X indicates relevance

- 2.1 The application site comprises No.9 Chapel Lane, a grade II listed dwellinghouse. The property fronts Chapel Lane and has a significantly sized private rear garden extending to the north. The site is located within the Development Framework of Fowlmere but not within a Conservation Area. There is an area of TPO trees to the southeast of the site extending into the neighbouring plot to the east with an additional two TPO trees to the rear of the garden, in the northwestern corner of the site. The site is within a Natural England green risk zone for great crested newts.
- 2.2 To the west of the application site is group of three terraced properties, whilst to the east is the adjoining grade II listed Barn and Cottage to the

west of No.9. To the south on the opposite site of Chapel Lane is the grade II listed Perks Close which is situated within a protected village amenity area.

3.0 The Proposal

3.1 The application seek permission for the erection of a greenhouse, summerhouse, and bicycle shed in the rear garden and the removal of an existing dilapidated shed, together with the erection of a shed in the front/ side garden.

3.2 The application is proposing the erection of one shed within the front garden of the listed property towards the southeastern corner of the plot. This is in addition to the proposed erection of three further outbuildings proposed within the rear garden of the dwelling. A bike shed and greenhouse are proposed along the western boundary of the site and a summerhouse is proposed along the eastern boundary. The proposal also includes the removal of an existing shed within the centre of the rear garden that has become overgrown and dilapidated.

4.0 Relevant Site History

Reference	Description	Outcome
S/0156/10/LB	Insert 2 new sash windows 2nd floor south elevation.	Permitted
S/0032/10/F	Erection of a Garden Shed Enclosure for an External Boiler and Siting of a New Oil Tank	Permitted

5.0 Policy

5.1 National

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Conservation of Habitats and Species Regulations 2017

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 South Cambridgeshire Local Plan 2018

S/7 – Development Frameworks
NH/4 – Biodiversity
NH/14 – Heritage Assets
HQ/1 – Design Principles

5.3 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016

- 5.4 The following SPDs were adopted to provide guidance to support previously adopted Development Plan Documents that have now been superseded by the South Cambridgeshire Local Plan 2018. These documents are still material considerations when making planning decisions, with the weight in decision making to be determined on a case-by-case basis:

Listed Buildings SPD – Adopted 2009
Trees and Development Sites SPD – Adopted January 2009

6.0 Consultations

6.1 Parish Council – No comment

6.2 Conservation Officer – No Objection

- 6.3 The proposed siting of additional outbuildings are all subservient to the host, listed property and befitting of the garden setting. The shed proposed to the front of the dwelling would be limited in its visibility and would therefore have a minimal effect on the setting of the listed building.

6.4 Ecology Officer – No Objection

- 6.5 The site is within a Natural England green risk zone for great crested newts. There are no non-statutory protected sites in the vicinity. Species data shows barn owls and other breeding birds, flowering plants, invertebrates, reptiles, bats and hedgehog have all been recorded locally. No objection, there is sufficient ecological information to determine the application. The inclusion of two bird nesting boxes in the garden would be welcomed; suggest informatives regarding nesting birds and bats.

6.6 Tree Officer – No Objection

- 6.7 There are two trees to the north within the site address that have legal protection through a Tree Preservation Order. Given the scale of the proposed structures it is considered that they would have little impact on any trees.

7.0 Third Party Representations

7.1 1 representation has been received objecting to the proposal.

7.2 Those in objection have raised the following issues:

- Potential concerns raised regarding the use of the existing rear access gate for construction and parking for contractors.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

8.0 Assessment

8.1 Design, Layout, Scale and Heritage

8.2 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.

8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.4 Paragraph 200 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

8.5 Paragraph 201 states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

8.6 Para. 205 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.

- 8.7 Paragraph 206 states that any harm to, loss of, the significance of the designated heritage assets should require clear and convincing justification.
- 8.8 Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.9 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. Policy HQ/1 states that all new development must be compatible with its location in terms of scale, density, mass, form, siting, design, proportion, material, texture and colour in relation to the surrounding area. Both of these policies align with the statutory provisions and NPPF advice.
- 8.10 The application property is the Grade II listed, Whitehall, 9 Chapel Lane Fowlmere. The site is not located within any conservation area.
- 8.11 This application is proposing the siting of 4No. small outbuildings within the curtilage of the grade II listed dwelling. One of the proposed structures is a shed that is proposed to be sited to the front of the existing dwelling, within the southeastern corner of the site. This shed is of modest scale at approx. 2.4 metres in width and 2 metres in depth with a height of approx. 2.2 metres to the ridge. As such it is clearly subservient in its scale in relation to the host, listed building. In addition, its design is symptomatic of a domestic outbuilding and in line with the comments from the conservation officer, by virtue of the surrounding trees and hedges it would be largely screened from view from the public realm. Officers therefore consider that it would have a minimal effect on the setting of the listed building.
- 8.12 The application is also proposing an additional three outbuildings within the rear garden of the property, these include a bike shed, summerhouse and greenhouse. The proposed bike shed is to be sited along the western boundary of the site towards the dwelling, it too is considered modest in its scale at approx. 5.6 metres in width, 2 metres in depth and 2 metres in height. It is to be constructed using wooden planks for the side and rear walls with a felt roof and open front.
- 8.13 The proposed summerhouse is to be sited along the eastern boundary of the site and is of a similar design to the other outbuildings with regards to its use of materials with wooden walls and a felt roof. Meanwhile the proposed greenhouse is of a traditional glazed design, it is similar in appearance to that found at the neighbouring property of No. 5 Chapel Lane. The greenhouse is proposed to be sited further to the rear of the

large garden along the western boundary in close proximity to the existing oil tank. Both of these additional outbuildings are clearly subservient in their scale, and along with the bike shed would be almost entirely screened from view from the public realm with the Yew tree besides the proposed location of the bike shed limiting its visibility.

- 8.14 It is noted that the proposed development includes the removal of an existing, modern shed within the rear garden that has become dilapidated over time. The removal of which, in addition to the reinstatement of an area of lawn, would result in a small enhancement to the garden of the property. As such, in line with the comments from the Conservation Officer, it is considered that the scale and design of the proposed outbuildings is acceptable and would not adversely affect the setting and significance of the listed building.
- 8.15 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with South Cambridgeshire Local Plan (2018) policy HQ/1 and the NPPF.
- 8.16 It is considered that the proposal, by virtue of its scale, massing and design, would not harm the character and appearance of the Conservation Area or the setting of listed buildings. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy NH/14.
- 8.17 Trees**
- 8.18 Policies NH/2, NH/4 and HQ/1 seek to preserve, protect and enhance existing trees and hedges. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.
- 8.19 There are two trees to the north within the site address that have legal protection through a Tree Preservation Order. These trees are located approximately 8 metres from the proposed greenhouse which is the closest of the proposed outbuildings. Although sited within close proximity to trees, the proposed bike shed is not located close to the protected trees. There is a second area of TPO protected trees to the front of the site. The proposed garden shed is to be located within close proximity to these protected trees at approximately 2 metres.
- 8.20 However, the scale of the structures proposed is minimal and as such, in line with the comments from the Councils trees officer, it is considered that they would have little impact on the trees within the site.
- 8.21 It is therefore considered that the proposal would accord with policies NH/2, NH/4, HQ/1 of the Local Plan.

8.22 Biodiversity

- 8.23 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) require development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with policy NH/14 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 8.24 The site consists of a garden with garden shed, hedgerows and trees. The site is within a Natural England green risk zone for great crested newts. There are no non-statutory protected sites in the vicinity. Species data shows barn owls and other breeding birds, flowering plants, invertebrates, reptiles, bats and hedgehog have all been recorded locally.
- 8.25 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends several informatives to ensure the protection of species. Informatives have been recommended for breeding birds and bats, and the Ecology officer has advised that ideally works to remove the existing shed or vegetation clearance should be undertaken outside of the bird breeding season. The inclusion of two bird nesting boxes in the garden would be welcomed.
- 8.26 In consultation with the Council's Ecology Officer, officers are satisfied that the proposed development complies with policy NH/14, the Biodiversity SPD 2022, the requirements of the Environment Act 2021 and 06/2005 Circular advice.

8.27 Highway Safety and Transport Impacts

- 8.28 Policy TI/2 requires developers to demonstrate adequate provision will be made to mitigate the likely impacts of the proposed development and, for larger developments, to demonstrate they have maximised opportunities for sustainable travel, and provided a Transport Assessment and Travel Plan.
- 8.29 Para. 115 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.30 It is noted that concerns have been raised by third parties with regards to the parking and access for construction vehicles as a result of the proposed development from a rear access gate on Ryecroft Lane. However, there is no rear access gate shown on the provided plans, and officers consider that, given the scale of the proposed development, in addition to the nature of the outbuildings, of which 3 are purchased rather

than built from scratch, that the level of construction required would be minimal and that parking if necessary could be facilitated within the existing area at the site to the east of the dwelling.

8.31 It is therefore considered that the proposal accords with the objectives of policy TI/2 of the Local Plan and is compliant with NPPF advice.

8.32 Amenity

8.33 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.

8.34 The proposed outbuildings are all located along side boundaries of the application site. Boundaries that are shared with No.5 Chapel Lane to the west and the Barn and Chapel to the west of White Hall, to the east. Officers consider however, that the scale of all of the proposed outbuildings are such that they would largely be screened by the existing boundary treatment and would not be deemed to cause any undue harm to neighbouring amenity through overbearing, loss of light or loss of privacy.

8.35 The proposal adequately respects the amenity of its neighbours and of future occupants. Subject to conditions, the proposal is compliant with policy HQ/1 and the District Design Guide 2010.

8.36 Planning Balance

8.37 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).

8.38 The proposed development would not have any public benefit, although it is acknowledged that the proposal would provide private benefits to the occupiers through the ability to create outbuildings within the garden of their home.

8.39 It is considered by officers that the design and scale of the proposed development is appropriate in relation to the host, listed dwellinghouse as well as its surrounding context. In line with the comments from the Conservation Officer it is considered that it would not adversely affect the setting or significance of the heritage asset. Additionally, it is considered that the proposed development would not cause any harm to the amenity of neighbouring properties.

8.40 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 recommended for approval.

9.0 Recommendation

9.1 Approve subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers:

1. Time Limit

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. Drawings

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. Materials

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 approved plans and 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.