

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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

10<sup>th</sup> May 2006

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

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**S/0371/06/F - Hatley**

**Erection of Dwelling and Provision of Access for Existing Dwelling, Touchwood, 38 East Hatley for Mr and Mrs D Ward**

**Recommendation: Delegated Approval**

**Date for Determination: 21<sup>st</sup> April 2006**

Members will visit this site on Monday 8<sup>th</sup> May 2006.

**Site and Proposal**

1. Touchwood, 38 East Hatley is a detached dwelling on the north west side of the road. It has a detached garage to the south west beyond which is open land, set behind which is the Church of St Denis, a recently renovated Grade II\* Listed building. There is planting along the front boundary, except at the existing point of access. Opposite the site are detached dwellings. To the north west the site is bounded by a ditch beyond which is agricultural land. The applicants own the meadow to the south west.
2. Public Footpath No 13 Hatley crosses the site from north east to south west close to the rear wall of the existing dwelling. The density equates to 16 dwellings per hectare gross.
3. This outline application, as amended by drawings received on 25<sup>th</sup> April 2006, proposes subdivision of the plot and the erection of a new dwelling. The proposed plot has a width of 15m, although the site edged red is larger as it includes the existing dwelling.
4. All matters are reserved. It is proposed to use the existing access to serve the new dwelling and to create a new access at the north east end of the plot to serve the existing property.

**Planning History**

5. An outline application for the erection of a dwelling and garage on a slightly larger site in 1995 was withdrawn (**Ref: S/0299/05/F**).
6. In 1988 an appeal was dismissed for the erection of a house and garage on land extensively to the south west of the current site but which overlapped by 5m at the north east end (**Ref: S/0286/87/O**).

**Planning Policy**

7. **Policy SE5** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") identifies East Hatley as an Infill Only Village. Within the residential frameworks of such villages residential development will be restricted to not more than two dwellings comprising, amongst others; a gap in an otherwise built-up frontage to an existing

road, provided that it is not sufficiently large to accommodate more than two dwellings on similar curtilages to those adjoining; or the redevelopment or sub-division of an existing residential curtilage. This is provided that the site in its present form does not form an essential part of village character, and development is sympathetic to the historic interests, character and amenities of the locality.

8. **Policy SE8** of The Local Plan states that there will be a general presumption in favour of residential development within village frameworks, where this is also in accordance with other policies of the Plan. Residential development outside these frameworks will not be permitted.
9. **Policy SE9** of The Local Plan states that development on the edges of villages should be sympathetically designed and landscaped to minimise the impact of development on the countryside.
10. **Policy EN28** of The Local Plan seeks to protect the setting of Listed Buildings.
11. **Policy P7/6** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) seeks to protect and enhance the quality and distinctiveness of the historic built environment.
12. **Policy P8/9** of The County Structure Plan states that the use of the public rights of way network will be encouraged by protecting the existing definitive map routes from development.

### Consultation

13. **Hatley Parish Council** considers it is unable to comment on the application as Mrs Ward is its Chairman.
14. The **Chief Environmental Health Officer** requests that a condition be attached to any consent restricting the hours of operation of power driven machinery during the period of construction, and informatives regarding the use of driven pile foundations and bonfires/burning of waste.
15. The **Countryside Services Team, Cambridgeshire County Council** objects to the application unless the diversion of part, or all, of Public Footpath No 13 Hatley, which crosses the site, is included as a condition of any consent. Discussions have been held between the applicant and the Countryside Services Team on this point.
16. The comments of the **Conservation Manager** will be reported at the meeting.

### Representations

17. Letters have been received from the residents of 37, 39, 47, 49 and 51 East Hatley, in respect of the application as originally submitted, objecting/commenting on the following grounds:
  - a. There is a discrepancy in the village framework and the area of land is shown larger than it actually should be. There is therefore a smaller area available for any new dwelling. The proposed house as shown is therefore on the village framework, not 2 or 3 metres from it as described in the application. The village framework does not follow the boundary between No 38 and the meadow but shaves a triangular area off the meadow which is not permissible for building on without a change of use.

- b. The proposed density of development would be too great and out of character with the village. Both the proposed and existing dwellings would appear cramped as a result.
  - c. The proposal would result in the loss of a soft edge to the village, contrary to the aims of Policy SE9 of the Local Plan.
  - d. The proposal would have an adverse effect on the meadow, which is an integral part of the village and offers unique views across to St Denis' Church, which has been recently renovated, and the Nature Reserve. Any building within the meadow would have a massive visual impact. An appeal against a refusal of planning permission to build in the meadow was dismissed in 1988.
  - e. The meadow was originally purchased by the applicants to ensure that no future development took place but it seems that this is not now the case.
  - f. There will be future pressure on the meadow for its use as garden land.
  - g. Can the sewerage system cope with additional development?
  - h. No garage is shown for the proposed dwelling which will result in parking problems on the road through East Hatley which is already overcrowded.
  - i. The new access to No 38 will require the removal of substantial trees which will detract from the character of the area.
  - j. Development will have an impact on the existing footpath which should not be lost.
  - k. Development of this site will create a precedent
  - l. There will be an adverse impact on the views from nearby properties.
  - m. The village does not need another 4-bedroom house.
18. Any comments on the amended drawings will be reported at the meeting.

#### **Applicant's Representations**

19. Information submitted in support of the application by the applicant is attached at Appendix 1.

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

20. The key issues to consider with this application is whether the proposal complies with the criteria set out in Policy SE5 (Infill Villages) and SE9 (Village Edges) of the Local Plan; whether development would have an adverse effect on the setting of the Church of St Denis; the impact on the public footpath and highway implications.
21. New residential development should be within the village framework. It is clear that the south west edge of the village framework on this side of East Hatley does not follow an identifiable boundary on the ground. Given the scale at which the Local Plan maps are drawn it is difficult in such circumstances to precisely define on the ground the line of the framework. As amended the south west boundary of the

application site is shown as being 16 metres from the wall of the existing house and I am content that this is an accurate reflection of the village framework boundary.

22. I am of the view that in principle a modest sized dwelling could be erected on this site without appearing unduly cramped or out of character in the street scene. Any indicative drawings submitted with this application do not form part of any formal consideration of the application and would not prejudice the consideration of any future reserved matters application.
23. Adequate parking for any new dwelling could be provided within the site but should not exceed two spaces. The application proposes the creation of a new access to serve the existing dwelling which would result in the removal of existing planting at the front of the site. It would appear that it is mostly laurel hedge that is affected. Two parking spaces can be provided within the curtilage of the existing dwelling.
24. Turning to the issue of the impact of any dwelling on this site on the adjoining countryside the applicant owns the land to the south east of the application site. It is therefore possible to require a planting scheme on land outside the application site which could soften the impact of any new development and in my view could improve the current edge to the village, which is currently characterised by the side wall of the applicant's garage.
25. The comments of the Conservation Manager on the potential impact of any development on the setting of the Church of St Denis will be reported to the meeting. It is my view that a dwelling of an appropriate scale and design would not adversely affect the setting of this building.
26. At the present time Public Footpath No 13 Hatley passes through the applicants garden and that of properties to the north east. The applicant has been in discussion with officers from Cambridgeshire County Council about possible alternatives for the footpath. This issue would need to be addressed under separate legislation but if the footpath cannot be diverted development of the site could take place. This issue can be dealt with by condition of any consent and should not prejudice Members view on whether development of this site is acceptable in principle.
27. I do not consider that the erection of a dwelling on this site would have a materially adverse effect of the amenity of adjacent properties. The loss of a private view is not of itself a material planning issue.

### **Recommendations**

28. That, subject to any comment of the Conservation Manager, outline consent is granted with all matters reserved. Conditions to include precluding development of the site unless a diversion of Public Footpath No 13 Hatley has been secured.

### **Informatives**

### **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, P7/6 & P8/9**

- **South Cambridgeshire Local Plan 2004: SE5; SE8; SE9 & EN28**

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 including noise disturbance and overlooking issues
- Highway safety
- Visual impact on the locality
- Character of the area
- Impact on Public Footpath No 13 Hatley
- Impact upon setting of adjacent Listed Building

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Refs: S/0371/06/O, /0299/05/O and S/0286/87/O.

**Contact Officer:** Paul Sexton – Area Planning Officer  
Telephone: (01954) 713255