

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6<sup>th</sup> December 2006

**AUTHOR/S:** Executive Director / Head of Planning Services

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### **S/2069/06/F - HARSTON**

**Erection of New House to Rear of Existing Property Following Demolition of Part of Existing Property at 41 London Road for Mr & Mrs Johnstone**

**Recommendation: Approval**

**Date for Determination: 20<sup>th</sup> December 2006**

#### **Notes:**

**This Application has been reported to the Planning Committee for determination because it is likely that the Officer recommendation will be contrary to the Parish Council's recommendation.**

#### **Site and Proposal**

1. This 0.16 hectare application site is located on the north east side of London Road and comprises land that forms part of the rear garden area to No.41 London Road, a hipped roof brick and tile bungalow. Immediately to the south and north of No.41 are single storey dwellings.
2. The full application, submitted on 25<sup>th</sup> October 2006, seeks to erect a 9.4 metre high two and a half storey 7-bedroom brick and tile dwelling on the site. Access to the site would be along the south-eastern side of No.41's garden and would entail the demolition of an existing garage and outbuilding attached to the dwelling. The access would be shared between the existing and proposed dwelling and would be 5 metres wide for 10 metres into the site, after which it would narrow to a width of 3.7 metres. It would be some 80 metres long. The density of the development equates to 8 dwellings/hectare.

#### **Planning History**

3. **S/1524/06/F** – Full application for a dwelling on the same site as the current application was withdrawn. Officers had intended to refuse the application due to the scale/height of the dwelling and its impact upon the character of the area.
4. **S/1499/04/F** – Full application for two houses and garages on land to rear of No.41 following demolition of existing dwelling was refused for the following reasons:
  - a) The proposed development, by virtue of the identical design of the two dwellings and the minimal gaps between them, would result in a formal style of development that would be out of keeping with the character of backland development in the vicinity of the site which is typified by large houses of differing design set within spacious plots. This impact would be compounded by the demolition of the existing dwelling and the consequent opening up of the frontage of the site which would result in public views through to the new development and the creation of a large gap that would be out of keeping with the built up frontage

along this side of London Road. Consequently, the proposal would contravene Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 which requires a high standard of design that responds to the local character of the built environment, Policy SE4 of the South Cambridgeshire Local Plan 2004 which requires development in Group Villages to be sensitive to the character of the area and Policy HG11 of the 2004 Local Plan which states that backland development will not be permitted if it would be out of character with the pattern of development in the vicinity.

- b) The first floor elements in the proposed garage/studio building serving 'House 1' would overlook the rear garden area of No.39 London Road, resulting in an unacceptable loss of privacy to the occupiers of this property. The proposal would therefore contravene Policy SE4 of the South Cambridgeshire Local Plan 2004 which requires development to be sensitive to the amenities of neighbours and HG11 of the 2004 Local Plan which states that backland development will not be permitted if it would result in overlooking of existing residential properties.
  - c) Notwithstanding the above, approving this application would make it difficult to resist further applications for the demolition of frontage dwellings and their replacement with 'backland' development to the progressive detriment of the character of the area.
5. **S/1582/05/F** – Application for detached garage at the front of No.41 London Road approved.
6. There are other approved applications in the immediate area that are of note. **S/0899/03/F** – An application to erect two dwellings at No.51 London Road (one frontage dwelling following the demolition of the existing and one to the rear) was approved. Under reference **S/1604/02/F**, an application for the replacement of a bungalow on an existing backland plot at No.55 London Road with a two storey dwelling was approved. Members may also recall that, at Committee in April 2006, consent was granted for the erection of a dwelling to the rear of No.37 London Road (**S/0329/06/O**).

### **Planning Policy**

7. **Policy P1/3** of the County Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.
8. Harston is identified within **Policy SE4** of the South Cambridgeshire Local Plan 2004 as a Group Village. In such locations, Policy SE4 states that residential development up to a maximum of 8 dwellings will be permitted providing the site does not form an essential part of village character, and development is sympathetic to the historic interests, character, and amenities of the locality.
9. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
- a) Result in overbearing, overlooking or overshadowing of existing residential properties;
  - b) Result in noise and disturbance to existing residential properties through the use of its access;
  - c) Result in highway dangers through the use of its access;
  - d) Be out of character with the pattern of development in the vicinity.

10. **Policy DP/5** of the Local Development Framework Submission Draft 2006 relates to cumulative development and states that development will not be permitted where it:
- a. Forms part of a larger site where there would be a requirement for infrastructure provision if developed as a whole;
  - b. Would result in a piecemeal, unsatisfactory form of development;
  - c. Would prejudice development of another site adjacent or nearby.

### **Consultation**

11. The comments of **Harston Parish Council** will be reported verbally at the Committee meeting.

### **Representations**

12. Letters of objection have been received from the occupiers of Nos. 43 and 45 London Road. The main points raised are:
- a) The proposed dwelling would be a 7-bedroom 3-storey house rather than the 5-bedroom, 2-storey property referred to in the application form. The dwelling should be no more than 9 metres and 2 storeys high;
  - b) The ridge would be 9.4 metres high and the dwelling would be sited just 3.5 metres from the boundary with No.45;
  - c) The chimney would have an adverse visual impact on the surroundings;
  - d) The house would be too large and would have an undesirable visual impact;
  - e) The location of the house is unclear because the location plan shows the rear boundary of No.43 closer to the road than it actually is (by approximately 4 metres). The ridge of the proposed dwelling should be no closer than 30 metres from the actual rear boundary of No.43;
  - f) The dwelling would only be built on one half of No.41's rear garden raising the prospect of a future application for another house on the other half.
13. The statutory consultation period expires on 6th December 2006 and any further representations will be reported verbally

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

14. The key issues to consider in the determination of this application are:
- a. Impact upon the character of the area;
  - b. Affect upon the amenities of adjoining residents;
  - c. Impact upon trees;
  - d. Highway safety.

### ***Impact upon character of area***

15. The site lies inside the village framework. Harston is designated within the Local Plan as a Group Village where residential development is acceptable in principle providing

development is sensitive to the character of the area and the amenities of local residents.

16. To the south-east of the site are three backland plots located to the rear of Nos. 51, 53/57 and 59-65 London Road, these plots being occupied by substantial detached two storey dwellings (2 of which are just under 10 metres high) set within spacious gardens and located to the rear of single storey or 1 1/2 storey dwellings.
17. The previously refused application at No.41 London Road included the whole of the rear garden area (ie – approximately double the width of the currently proposed plot) and was considered to be unacceptable as the proposal sought to demolish the frontage dwelling and erect two properties set well back from the road. The creation of this large gap in the frontage together with the views this gap would afford to the proposed development was considered to represent a form of development out of keeping with, and harmful to, the character of the area.
18. The current application, in seeking to retain the existing dwelling and to site the new dwelling to the rear, would be in keeping, in this respect, with the pattern of the backland plots constructed to the south-east as well as the approved presently undeveloped site to the north-west at No.37 London Road. The principal differences between this application and the other sites referred to relate to the width of the plot and the size of the dwelling. The new dwellings constructed to the rear of Nos. 51 – 57 London Road are 20 + metre wide properties sited on approximately 25 and 36 metre wide plots respectively, whilst the site to the rear of No.37 London Road is 30 metres wide. No.41's rear garden area is 35 metres wide but the application only proposes to develop the southern parcel of the garden, with a 9.4 metre high, 12 metre wide dwelling on an 18 metre wide plot.
19. In pre-application discussions with the applicants' agent, Officers had expressed the view that, to reflect the character of backland development in the area, any development on this site should be in the form of a single large dwelling centrally positioned within the entire rear garden (ie – on the 35 metre wide plot). The siting of the dwelling on one half of the garden area does point to the strong possibility of a further application being submitted at a later date, resulting in a form and density of development that Officers consider would be alien to the backland character of the area. However, it is essential to consider the application before us on its own merits rather than on the basis of what might happen in the future. Whilst the proposed plot is narrower than other backland plots in the vicinity of the site, due to the space around the proposed dwelling (arising from the fact that the land to either side is undeveloped and does not have the benefit of planning permission) and its position on a backland plot set in excess of 100 metres away from London Road, this difference in the width/size of the plot would not be readily apparent. As such, although the proposal does not represent Officers' preferred form of development, it is extremely difficult to argue that this application, in its own right, is harmful to the character of the area.

### ***Residential amenity***

20. Concerns have been expressed by the occupiers of Nos. 43 and 45 London Road regarding overlooking from the proposed dwelling. The submitted plans indicate that the two storey element of the proposed house would be situated 28 metres away from the boundary with No.43 London Road and in excess of 70 metres away from the nearest windows within the neighbouring bungalow itself. Whilst I appreciate that No.43's dwelling and garden is presently completely private and agree that the proposal would introduce a degree of overlooking that does not presently exist, the

distance between opposing windows and between the dwelling and No.43's garden boundary is such that the proposal would not result in a serious overlooking problem.

21. The dimensions of the site and the accuracy of the submitted plans have been questioned by occupiers of neighbouring properties. Whilst I am presently seeking clarification on this point, and amended plans if applicable, from the applicant's agent, it does not introduce any new planning concerns given that the worst case scenario is that the proposed dwelling would be 4 metres closer to No.43's boundary than presently indicated.
22. The proposed dwelling would be sited just 3.5 metres away from the boundary with No.45's garden area and 2.5 metres away from the remaining garden to No.41. First floor bathroom and second floor means of escape bedroom windows are proposed in both side elevations and it would be necessary to ensure these would be obscure glazed as indicated in the submitted plans.
23. I am satisfied that the proposed means of access and traffic generated by one dwelling only over the substantial length of this access would not seriously harm the amenities of occupiers of either No.41 itself or of No.43 which has a garage and no windows on its north-western side.

### **Recommendation**

24. Approval:
  1. Standard Condition - A (R -A);
  2. Sc5a – Details of materials for external walls and roofs of the dwelling (Rc5aai);
  3. The first and second floor windows in the north-west and south-east side elevations of the dwelling, hereby permitted, shall be fitted and permanently maintained with obscured glass (Reason – To safeguard the privacy of occupiers of adjoining properties);
  4. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), no further windows, door or openings of any kind shall be inserted at first and second floor level in the north-west and south-east side 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 adjoining properties);
  5. Sc51 – Landscaping (Rc51);
  6. Sc52 – Implementation of landscaping (Rc52);
  7. Sc60 – Boundary treatment details (Rc60);
  8. Sc5b – Surface water drainage details (Rc5b);
  9. Sc5c – Foul sewage details (Rc5c);

10. Para B9 – Access road – 5.0 metres for a minimum distance of 15.0 metres (Rc10);
11. Para B10 – Access road (Rc10);
12. Para D5 (a) – Visibility 2.0 metres x 2.0 metres (Rc10);
13. During the period of construction no power operated machinery shall be operated on the premises 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 (Rc26)

## **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** (Sustainable design in built development)
  - **South Cambridgeshire Local Plan 2004:**  
**SE4** (Development in Group Villages)  
**HG11** (Backland Development)
2. Whilst the plot is narrower than other backland plots in the vicinity of the site, due to the space around the proposed dwelling (arising from the fact that the land to either side is undeveloped and does not have the benefit of planning permission) and its position on a backland plot set in excess of 100 metres away from London Road, this difference in the width/size of the plot and dwelling would not be readily apparent. The development is therefore not considered to be significantly detrimental to the character of the area. The proposal would also not be significantly detrimental to the following material planning consideration which has been raised during the consultation exercise:
  - Residential amenity.

### **General**

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

**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/2069/06/F, S/1582/05/F, S/1524/06/F, S/1499/04/F, S/0329/06/O, S/0899/03/F and S/1604/02/F.

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