

## 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/1907/06/F - LINTON**

**2 Houses and Garages at Land r/o 42 Back Road for Mr & Mrs B R H Wilson**

**Recommendation: Approval**

**Date for Determination: 29<sup>th</sup> November 2006**

#### **Notes:**

**This Application has been reported to the Planning Committee for determination because the Officer recommendation does not accord with the recommendation of the Parish Council.**

#### **Site and Proposal**

1. This 0.3 hectare application site is located on the north-western edge of the village of Linton and comprises a two storey detached dwelling on a substantial plot that rises steeply from south to north. To the east are residential properties whilst to the west is a public bridleway beyond which is telephone exchange building. The land beyond the northern boundary of the site consists of open fields that continue to rise steeply towards Rivey Hill.
2. The full application, submitted on 4<sup>th</sup> October 2006 and amended on 20<sup>th</sup> November 2006, proposes to erect two houses and garages on the site. The proposed dwellings would be detached two storey buff brick and slate properties sited in a line to the rear of the existing dwelling. Access to the site would be via the existing access on the west side of the plot which the plans indicate would be widened from its existing 4.5 metres to 5 metres for a distance of 10 metres back from the highway. The density equates to 6.7 dwellings per hectare.

#### **Planning History**

3. **S/2094/04/F** – Permission granted for the erection of a house and garage to the rear of the existing dwelling.
4. **S/2369/00/F** – Permission granted for the erection of a house and garage to the rear of the existing dwelling together with extensions to No.42.
5. **S/1109/00/F** – Application for three dwellings and garages following demolition of existing dwelling refused due to: the impact upon the character of the surrounding countryside; ‘tandem’ development being out of keeping with the character of Back Road; noise and disturbance from the access to occupiers of the frontage dwelling; and would set a precedent for similar development to the rear of properties in Back Road.

#### **Planning Policy**

6. **Policy P1/3** of the Cambridgeshire and Peterborough 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.

7. Linton is identified within **Policy SE2** of the South Cambridgeshire Local Plan 2004 as a Rural Growth Settlement where estates, groups of dwellings and infilling are acceptable subject to development being sympathetic to the character and amenities of the locality.
8. **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.

### **Consultation**

9. **Linton Parish Council** objects to the application stating:
  - a. "Councillors believe that this application would significantly intrude on this area of best landscape.
  - b. Councillors believe that this development would seriously harm the visual impact of the Icknield Way.
  - c. Council considers this application to be contrary to Policy SE2 (b) the development would be sensitive to the character of the village, local features of landscape or ecological importance, and amenities of the neighbours.
  - d. Should this application be permitted Councillors would wish it to be conditioned that the boundary hedges be reinforced by planting with native species, all gaps in the hedges closed so there is no longer vehicular and pedestrian access onto Bridleway 21."
10. **The Chief Environmental Health Officer** raises no objections in principle although does express concern about noise disturbance to nearby residents during the construction period. As such, a condition restricting the hours of use of power operated machinery during the construction period needs to be attached to any planning consent.
11. **The Cambridgeshire Fire and Rescue Service** raises no objections, stating that additional water supplies for firefighting are not required.
12. **The County Footpaths Officer** raises no objections providing the adjacent bridleway remains unobstructed.
13. **The Ramblers Association** raises no objections providing there is no obstruction of the bridleway during the construction period.

### **Representations**

14. A letter of objection has been received from the occupiers of No.40 Back Road who express concern about overlooking from the house on Plot 1. It is requested that the first floor bedroom window be reduced in width as, at present, it offers a broad sweep of vision over No.40's garden and rear bedroom. In addition, the house should be moved 5 metres further away from the boundary with No.40.

## **Planning Comments – Key Issues**

15. An objection has also been received from the occupiers of No. 22 Back Road who express concern about the impact of the development upon the character of the area and the precedent it would set for similar applications.
16. The key issues to consider in the determination of this application relate to:
  - a. Impact upon the character of the area;
  - b. Residential amenity;
  - c. Impact on public bridleway.

### ***Character of area***

17. Under planning reference S/1109/00/F, an application to erect three dwellings on this site following the demolition of the existing property (2 x 2 storey houses on the frontage of the site and 1 x bungalow to the rear in line with the telephone exchange) was refused for a number of reasons, as set out in paragraph 5 of this report. This decision, however, was in effect superseded by a later consent to erect a house and garage to the rear of No.42 adjacent to the western boundary of the garden (S/2369/00/F) and a further permission to relocate the backland plot to a position directly behind the existing dwelling. This is the starting point, therefore, for considering the current application with the impact of the northernmost backland plot (plot 2) upon the character of the area being a key consideration.
18. The application proposes a tandem form of development with the dwelling on plot 1 sited directly to the rear of the existing property and the house on plot 2 incorporating a curved design so that it rounds off the development. The land rises steeply from south to north, with a 5 metre difference in levels between the southern boundary of plot 1 and the northern/countryside boundary to plot 2. Both properties would be two storeys high and the Parish Council has raised strong concerns about their visual impact upon the surrounding countryside.
19. I am satisfied that these dwellings can be accommodated on the site without undue harm to the character of the area. The existing garden area is separated from the adjacent bridleway to the west by a mixture of mature hedgerows and trees whilst the northern boundary has substantial screening that I estimate ranges from 4 to 10 metres in height. I have viewed the site from the public bridleway to the north and consider that the dwelling on plot 2 would not be readily visible due to its height (7 metres above the existing ground level), the height of the rear/north boundary screening, the fact that the dwelling would be sited some 30 metres away from the rear boundary and the finished floor level of the dwelling on plot 2 being some 2.3m to 3.8m lower than the ground level at the north boundary.
20. When approaching the village from the west, the western gable end of the dwelling on plot 2 will be visible above the hedgerow forming the boundary with the public bridleway, as indicated on the submitted cross section. However, these views would be from in excess of 100 metres away and, at this distance, I consider that the development would be read in conjunction with the surrounding built up part of the village rather than being viewed as an encroachment towards the surrounding countryside.
21. The Parish Council has requested that any permission be subject to landscaping to ensure the reinforcement of existing boundary screening, particularly at the point of the gated vehicular access onto the public bridleway. I would concur with this view and consider landscaping and boundary treatment conditions to be essential as part of any consent.

### ***Residential amenity***

22. Under the previously approved application for a dwelling on the piece of land now referred to as plot 1, the dwelling was designed like that on plot 2 so that it curved away from the neighbour at No.40 Back Road. In the current application, the design of this dwelling has been straightened and the occupiers of No.40 have expressed concern about overlooking from the rear first floor bedroom which incorporates a balcony and substantial amount of glazing in the rear projecting gable. As a result of these concerns, the plans have been amended to reduce the amount of glazing to this bedroom and also to replace the balcony with safety railings (balustrade). I have visited No.40 and am satisfied that, with these changes, the dwelling would not seriously harm the amenities of the occupiers of this property. It would not be possible to look down into their main sitting out/ patio area (situated between the west side of the dwelling and the garage) and, although there would be a view of the balcony to No.40's master bedroom, this would be at a distance of in excess of 30 metres.
23. Resiting the dwelling on plot 1 further away from the boundary with No.40 is not considered to be appropriate as it would compromise the form of the development which, at present, follows a smooth line from the existing dwelling to the proposed plot 2.

### ***Impact on public bridleway***

24. The proposed development is not considered to have a serious impact upon the adjacent public bridleway. Informatives should be added to any permission advising of the need to ensure the bridleway is not obstructed during the course of development.

### **Recommendation**

25. Approval, as amended by drawing numbers 15A and 16A date stamped 20<sup>th</sup> November 2006:
1. Standard Condition A (Reason - A);
  2. Sc5a – Details of materials for external walls and roofs of the dwellings and garages (Rc5aii);
  3. Sc5f – Details of materials to be used for hard surfaced areas (Rc5f);
  4. Sc51 – Landscaping (Rc51);
  5. Sc52 – Implementation of landscaping (Rc52);
  6. Sc60 – Boundary treatment details (Rc60);
  7. Sc5b – Surface water drainage details (Rc5b);
  8. Sc5c – Foul sewage details (Rc5c);

9. 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);
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).

## **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:**  
**SE2** (Development in Rural Growth Settlements)  
**HG11** (Backland Development)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Impact on character of area;
  - 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.
3. The bridleway that runs beyond the western boundary of the site 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.
4. The development must not encroach onto the bridleway; any encroachment would constitute an obstruction, which is an offence under S.137 of the Highways Act 1980. If advice is required on where the boundaries of the right of way are the applicant should contact the Definitive Map Officer at Cambridgeshire County Council for assistance.

5. The bridleway must not be used for vehicular access to the site unless the applicant is sure they have lawful authority to do so (it is an offence under s34 of the Road Traffic Act to drive on a public bridleway).
6. No alteration to the surface of the bridleway is permitted without the consent of Cambridgeshire County Council's Countryside Access Team (it is an offence to damage the surface of a public right of way under s1 of the Criminal Damage Act 1971).
7. Any existing bridleway signs should not be obscured or removed during building work, and any temporary diversions should be clearly marked.

**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/1907/06/F, S/2094/04/F, S/2369/00/F and S/1109/00/F

**Contact Officer:** Lorraine Casey – Senior Planning Assistant  
Telephone: (01954) 713251