

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6th December 2006

AUTHOR/S: Executive Director / Head of Planning Services

S/1981/06/F – GREAT CHISHILL
Variation of Condition 4 of Planning Permission S/0041/03/F
to Allow Additional Rooflight in East Elevation of Barn B (Retrospective Application),
Barn B, May Street Farm, for Carter Developments Ltd

Recommendation: Approval

Date for Determination: 8th December 2006

Notes:

This Application has been reported to the Planning Committee for determination because of the objection received from Great and Little Chishill Parish Council which does not accord with the officer recommendation.

Site and Proposal

1. May Street Farm barns are located south of the village and in the countryside. It comprises two barns that have recently been converted to dwellings and a recently constructed building, on the site of a former barn, which forms two dwellings. In addition there is a new building that provides covered parking at the east end of the site.
2. This full application, received on 13th October 2006, seeks retrospective consent for the insertion of a rooflight in the east facing elevation of Barn B, which is at the southern end of the group and is occupied as a single dwelling. The submitted floor plan, which reflects the approved internal layout, shows the rooflight serving a loft area. This area is currently being used as a bedroom. There are already two rooflights in this elevation of Barn B serving a first floor bedroom at the northern end of the building.
3. The application is accompanied by a Design and Access Statement.

Planning History

4. Planning consent was granted in March 2003 for the conversion and use of barns to 4 dwellings (**Ref: S/0041/03/F**). Condition 4 of that consent states “no windows, doors or openings of any kind shall be inserted in any elevation of the converted barns, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning authority in that behalf.” The reason for the condition was “to preserve the appearance of the units as agricultural buildings.”
5. A retrospective planning application for the erection of 2 dwellings on the site of the former Barn C (**Ref: S/2118/05/F**) was approved on 22nd August 2006.

Planning Policy

6. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) restricts development in the countryside to that which can be proven to be essential in a particular rural location.
7. **Policy HG13** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) states that extensions to dwellings in the countryside will be permitted where the proposed development would not create a separate dwelling or be capable of separation from the existing dwelling; the extension does not exceed the height of the original dwelling; the extension does not lead to a 50% increase or more volume or gross internal floor area of the original dwelling; the proposed extension is in scale and character with the existing dwelling and would not materially change its impact on its surroundings. In addition any proposal should accord with the criteria set out in Policy HG12 (neighbour impact etc).

Consultation

8. **Great and Little Parish Council** recommends refusal. It comments that “Great and Little Chishill Parish Council feel strongly that this application for additional windows in the roof line should be refused. This development has been changed over the last few months all to the advantage of the developer and, in our opinion, makes a mockery of the original permission. This Council urges the Planning Authority to firmly reject this retrospective application and any modifications that enhance this scheme from the original permission for 2 bedroom units.”

Representations

9. The owner of 47 May Street (who resides in “Lynchets Farm”, New Road) comments that he was the previous owner of the May Street barns and obtained the original planning permission before the land was sold to the current applicant. He objects to the application on the following grounds:
 - (a) The original planning permission was granted for a 2-bedroom/2 bathroom dwelling. The extra window transforms the barn into a 3-bedroom family home.
 - (b) The additional window is in breach of covenant. This is known by the applicant.
 - (c) The additional window in this barn, if accepted, will set a precedent for more windows to be installed in the other barns at a later date.
 - (d) The applicant has ignored planning rules and regulations on this site from start to finish. It has made a mockery of the system. Surely this arrogance should no longer be tolerated.
10. The occupier of 35 May Street, to the north of the site, objects to the proposal stating that Condition 4 is as relevant now as it was when it was applied. No reason can be seen why the Council would now vary this condition and give permission for this rooflight. As immediate neighbours to the development this rooflight (and the others that will surely follow in the adjacent barn) will violate privacy.
11. The occupier of May Street Farmhouse is concerned that the rooflight appeared within 7 days of planning permission being granted and when Condition 3 stated that no new openings would be permitted. To grant planning permission now makes a

mockery of the planning system and would set a precedent. The rooflight should be removed.

Planning Comments – Key Issues

12. Although the approved drawings for Barn B relate to a two-bedroom dwelling, with the area served by the additional rooflight being shown as a loft area, the building is now occupied as a three-bedroom dwelling, with the loft area being used as a third bedroom. There is no planning condition attached to the original planning consent that precludes the alterations to the internal layout of the building following completion, however planning consent is required for any additional openings.
13. Whilst Condition 4 of the original consent for this site precludes the insertion of additional openings without the prior permission of the Local Planning Authority it cannot be taken to infer that planning permission would not be granted upon submission of an appropriate planning application. The condition was imposed “to preserve the appearance of the units as agricultural buildings.” In assessing this retrospective application Members need to consider whether the insertion of an additional rooflight in Barn B materially prejudices the aims of this condition. Although it did not form part of the reason for the condition Members should also consider any impact on residential amenity.
14. In terms of the appearance of the building I do not consider that the introduction of a third rooflight, of the same size as the two existing, in the east facing roof slope materially alters the character of the building as an agricultural building, beyond that already consented. As the rooflight faces into the site I do not consider that the additional rooflight materially changes the impact of the building in the countryside.
15. The case officer has visited the site and been into the building to look out of the additional rooflight. The rooflight primarily looks out onto the shared internal courtyard of the May Street Farm barns scheme. Whilst oblique views can be obtained of 35 May Street if an effort is made to look in that direction I do not consider that it results in any material loss of amenity that would justify the refusal of planning consents, due to the distances involved (in excess of 40m from the rooflight to the dwelling at 35 May Street) and existing planting that screens views of the garden.
16. Any planning applications for further openings in these buildings must be considered on merit.
17. Although I cannot condone the submission of a retrospective planning application having considered the proposal in the preceding paragraphs against the relevant criteria I am of the view that it is acceptable.

Recommendation

18. That the application be approved.

No conditions

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: P1/2** (Environmental Restrictions of Development)
 - **South Cambridgeshire Local Plan 2004: HG13** (Extensions to Dwellings in the Countryside)
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 overlooking issues
 - Visual impact on the locality

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/1981/06/F; S/0041/03/F; S/2118/05/F

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