

**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/2009/06/F - MILTON  
Proposal at 5 Pearson Close  
For a Single Storey Front Extension and Two-Storey Rear Extension  
For Mr C Carter**

**Recommendation: Approval**

**Date for Determination: 14<sup>th</sup> December 2006**

**Notes:**

**This Application has been reported to the Planning Committee for determination following referral from Chairman's Delegation Meeting on 15<sup>th</sup> November 2006.**

**Members will visit this site on Monday 4<sup>th</sup> December 2006**

**Site and Proposal**

1. The site in question is a 190 square metre plot of land, which comprises of a semi-detached dwelling adjoined to No.4 Pearson Close. The Close is a small cul-de-sac with number 5 being located at the end of the turning head. There are several examples of single storey extensions in Pearson's Close, with Nos. 4 and 5 having both front and rear extensions. The adjacent property to No.5 at No.6 is at a right angle to the site situated in the corner with a right of way over part of the driveway of No.5. This neighbouring property is set forward of No.5 by approximately 8.5m but faces the side elevation (Gable End) of No.5. The front elevation of No.6 is approximately 7.5m to the east from the common boundary with No.5 and has a first floor bedroom and ground floor lounge window facing the gable end of the dwelling. The site has several Leylandii trees at the rear along the northern boundary, which would not be affected by the proposed development.
2. No. 5 has an integral garage as well as a hard surfaced front driveway. The proposed plans show the provision of 3 car parking spaces, which would be achievable on site. To the rear of the site adjacent to the existing single storey rear extension is a decking area with a timber-covered roofing. Whilst it is recognised that there is a right of way over part of the driveway of No.5 to allow access to the adjacent dwelling at No.6 it is clear that the applicant is in complete ownership of the site as it is outlined in red on the proposed plans.
3. The application, received on 19<sup>th</sup> October 2006 as amended on 13<sup>th</sup> November, proposes the squaring off of the existing front porch to provide a study/ WC, as well as a two-storey rear extension. The ground floor element of the rear extension would provide a dining room, whilst the first floor element would provide an extension with en-suit bathroom to the existing bedroom. Due to the extensions front and back, the development proposes the insertion of three high level windows to the eastern elevation at ground floor to provide light to the lounge and dining room. These windows would be 1.8m at sill height. Two of them would be within an elevation of

the existing dwelling and therefore could be carried out as Permitted Development under the Town and Country General Permitted Development Order 1995.

4. The proposed front single storey extension would project approximately 2.5m from the existing building line effectively squaring of the front elevation with an approximate width of 2.2m. The two-storey rear extension would project approximately 2.9m from the rear main elevation and would be approximately 6.1m high to the ridge. The extension would be approximately 3.7m in width and would be set approximately 3m from the common boundary with the adjoining property at No.4. The first floor window within the existing side elevation would serve the en-suite bathroom and would be obscure glazed, however as this window is within an existing elevation it can be inserted as Permitted Development under the Town and Country General Permitted Development Order 1995.

### **Planning History**

5. No relevant history of planning applications in relation to No.5 Pearson Close.

### **Planning Policy**

6. **Policy HG12** of the South Cambridgeshire Local Plan 2004 states that planning permission for the extension and alteration of dwellings will not be permitted where:
  - a) The proposal would harm seriously the amenities of neighbours through undue loss of light or privacy, being unduly overbearing in terms of mass, or would adversely affect the surrounding properties by virtue of its design, layout, location or materials;
  - b) There would be an unacceptable visual impact upon the street scene;
  - c) There would be an unacceptable loss of off street parking or garden space within the curtilage;
  - d) Boundary treatment would provide an unacceptable standard of privacy or visual amenity;
  - e) The design and use of materials would not be in keeping with local characteristics.
7. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 states that a high quality of design will be required for all new developments.

### **Consultations**

8. **Milton Parish Council** – Recommends Refusal on the following grounds:

- “(a) Over development of the site;  
(b) Overbearing and loss of light for the neighbours;  
(c) Overlooking neighbours;  
(d) Loss of car parking spaces and resulting problems of safety;  
(e) We support the neighbours objections.”

### **Representations**

9. The owner of No.14 Shirley Close objects to the proposal on the grounds that the development is far too big for the site and the surrounding area and that there are

Leylandii trees on the site that completely block out the sunlight from the garden of No. 14.

10. The owner of No.8 Pearson Close objects to the proposal in respect to the impact the proposed development could have for car parking in the surrounding area. The writer adds:

“Our objection is that the extension planned at the front of 5 Pearson Close will remove space that is currently regularly used for parking car and refuse bins, and that this will, if past patterns of vehicle traffic relating to the property continue, place additional burden on street parking, which is already the cause of regular inconvenience to nearby residents.”

11. The owner of No.6 Pearson Close (Mr Upton) objects to the proposal on the following grounds:

- “(a) There are several inaccuracies in the application documents which suggest that the application is invalid, these inaccuracies are as follows:
- i. The red line indicating site boundaries is incorrect, as Mr Upton claims ownership of part of the shared vehicular access;
  - ii. The agents have stated that 5 Pearson Close has never been extended, this is not the case;
  - iii. Mr Upton claims that from his own site measurements the plans do not represent an accurate record of the existing property.
- (b) With reference to item 2 of Local Plan Policy HG12, Mr Upton (Owner of No.6) would suffer from the loss of amenity in terms of his privacy due to the proposed high level windows within the eastern elevation. Despite a sill height of 1.8m it will be possible to view into the first floor window of No.6 from the ground floor.
- (c) Obscured glass may be conditioned, but a habitable room to habitable room distance of 7.3m can not be acceptable in terms of privacy.
- (d) As you will be aware a minimum 20m distance is the rule of thumb in new estate layout with a 10m minimum between a flank wall and a habitable room.
- (e) Light from inside the house in the evenings and sound pollution will be a problem, for these reasons alone the proposal does not comply with Policy HG12 and should be refused.
- (f) It is true that these windows could be put into the flank wall under permitted development, but I would stress that the need to have these windows at all is resultant from the proposal's poor layout and design. Whilst not having any power over permitted development rights the LPA should not approve the proposal which would create such a deleterious situation.
- (g) The resultant mass of the first floor rear extension will also have a detrimental affect on Mr Upton's amenity. The existing relationship between the two buildings is less than ideal and again I suggest it would be unacceptable to any LPA if the estate that is Pearson Close was seeking planning approval today, not least as it does not comply with the principles set out in the BRE's "Site layout planning for daylight and sunlight – A good practice guide".
- (h) The unfortunate orientation of 6 Pearson Close with the main western elevation fronting and shaded by the gable of 5 Pearson Close means that the western elevation of 6 Pearson Close already receives no direct sunlight only diffuse light. To worsen this situation by increasing the mass of 5 Pearson Close and

resultant shading to both house and garden can not be acceptable and in my opinion is another reason for refusal.

- (i) Pearson Close was designed with an intended and distinct character and because certain properties have suffered from less than good extensions over the years does not excuse the way for yet another.
- (j) The proposal would result in an unbalanced and incoherent street scene.
- (k) No provision has been made for refuse container storage, again bins left in view for the whole week do nothing for the perception of the neighbourhood.
- (l) Item 3 of Policy HG12 refers to parking and I understand that further details of parking are to be requested by the Local Planning Authority.
- (m) When two cars are parked outside No.5, Mr Upton's access to his own parking spaces is denied.
- (n) In conclusion this application should be refused as it does not comply with Policy HG12 of the Local Plan and because the application forms are incorrect.
- (o) Should the application be approved then it should be referred to the planning committee with a site visit requested."

12. Owner of No.7 Pearson Close objects to the proposal on the following grounds:

- "(a) There are a number of cars already parked on this small driveway, which only easily accommodates two cars;
- (b) At evenings and weekends we have counted eight cars in front of this house parked across the pathway and into the hammerhead which is a turning circle in front of our house;
- (c) We feel that the proposed front extension to No.5 Pearson Close will take up one of the car parking spaces on the drive. The two wheelie bins, which are presently parked under the front window, will have to be parked in front of the extension as there will not be a wide enough access at the side of the house to manoeuvre them from the rear, this taking up more driveway space;
- (d) We have often found it difficult in reversing off the left hand side of our driveway because of the numerous cars parked on the road and we feel this proposed extension will exacerbate the situation."

13. Owner of No.9 Pearson Close objects to the proposal on the following grounds:

- "(a) The occupant claims that there will be three parking spaces at the property, this claim is optimistic and can only be achieved with careful alignment of the vehicles, with limited access to the front door of the property;
- (b) The occupants own a car, van and quadbike so there is currently no parking availability for co-habitues and guests;
- (c) Also parking three cars, however careful, in the front driveway would block access to half of the driveway of No.6;
- (d) Another reason for our objection is that the current occupant already blocks the turning access to our road thus causing difficulty for us to manoeuvre from our drive and would obstruct emergency vehicle access to nos.5,6,7,8 and 9;
- (e) It is our view that if the occupant of No.5 is permitted to extend his property at the front he will restrict his parking availability to one car thus exacerbating the problems which already exist."

14. Owner of No.4 Pearson Close objects to the proposal on the following grounds:

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- (a) When we bought the house both properties had a kitchen extension to the rear, it is our belief that a double storey extension to the rear would result in overdevelopment of the property, both gardens are only 30ft x 25ft;
  - (b) Due to our small garden and it being north facing we need all the light possible, this planning proposal will cause shadowing in our garden during the morning hours;
  - (c) A double storey extension would give Mr Carter (Owner of No.5) almost total views into our garden and would offer us little privacy;
  - (d) Where the fence separates the two properties, our garden area near the kitchen is often damp due to lack of light, if the proposed extension is given permission to be built this area will become wet;
  - (e) Deterioration to our kitchen roof, a slight amount of moss forms on it at present but due to extensive growth;
  - (f) The planning application has been falsified as it states there are no trees on the property, in fact there are three Leylandii trees approximately twenty feet high and about eighteen feet from the end of the proposed extension. As a soak away has to be a certain distance and depth from the property, surely this would be impossible without damaging the trees roots and making the trees unstable, it also states that no trees are to be felled;
  - (g) Also stated on the planning application form is that there has not been an extension to 5 Pearson Close, in fact there have been two extensions, one to the kitchen and a front porch;
  - (h) On the planning application it states there is room for three cars, the extension to the front would mean that the third car may protrude onto the pathway, this will then cause a safety hazard for the children who play in the Close;
  - (i) Some of the other houses, especially the semi-detached, have had extensions, however all of these extensions have been single storey at the rear and have kept in line with the other houses in the Close;
  - (j) At the moment the car parking situation at 5 Pearson Close is appalling, often resulting in cars three deep and doubled parked, occasionally four deep, across the pathway and into the roadway, which is a turning circle for all in Pearson Close;
  - (k) However, on a positive note we have no objection to a single storey extension to the rear of the property.”

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

#### ***Inaccuracies***

15. The amended plan and supporting information received and stamped on the 13<sup>th</sup> November 2006 have addressed the inaccuracies of the original application forms and proposed drawings. The new plan (Drg No.1254-001-CB46YS) now shows the Leylandii trees upon the northern boundary as well as notes the previous extensions to the dwelling. The dimensions on this drawing now appear to be correct and whilst the agent admits these mistakes it is stated that these were not meant to mislead but were simply down to human error. This supporting information is deemed

acceptable and would appear to clarify the inaccuracies that were raised through neighbour representations.

16. The red line showing the ownership of the site has not been revised as it is stated that this is what the applicant believes to be within his ownership. It would appear that there is a right of way to No.6 across part of the driveway of No.5. However this is a civil matter and not a material planning consideration.

### ***Car Parking***

17. The revised site plan shows the provision of three car parking spaces on site as stated within the application forms. These spaces consist of one garage space and two spaces upon the front driveway. This accords with Local Plan requirements for a maximum of 2 off street parking spaces. This plan clearly shows that three spaces can be achieved at the dimensions of 2.4m wide by 4.8m deep. These spaces will all be contained within the curtilage of the site and would not impact upon the public highway or turning head of the cul-de-sac.
18. Representations from neighbouring properties make reference to poor parking standards within the street due to off street car parking. Whilst this may be the case this is not a material planning consideration as this application clearly satisfies the maximum requirement for car parking standards and would adhere to Policy HG12 in that respect.

### ***Street Scene***

19. The proposed single storey front extension has been amended so that it does not project past the existing building line of the porch. It would therefore square off the existing front elevation and not impede parking provision upon the driveway. The adjoined dwelling at No.4 has a garage extension which projects forward of the building line, which is very prominent within the street scene. The proposed extension is considered limited in scale and would not cause any visual harm to the street scene as it would follow the line and design of the existing porch extension. In relation to the storage of refuse bins, this specific dwelling was not designed to accommodate wheelie bins. The bins could easily be accommodated within the existing garage or, through the use of the side access, they could be stored within the rear garden. It would be unreasonable to condition such storage and it would be impossible to enforce such an issue. Whilst it may not be desirable to store wheelie bins in view of the street scene it would not warrant a refusal of planning permission.

### ***Overdevelopment***

20. The proposed two storey rear extension would be the same depth as the previously built single storey rear extension. Currently this area is decked in timber with a covered perspec roof with timber beams. The footprint of the proposed extension would be no larger than this existing decked area. The garden is of an adequate size and I do not consider that the proposed extension would be an overdevelopment of the site as it would not deplete the existing amenity space of the site to an unacceptable standard (5m deep by 8m wide). There are several mature Leylandii trees along the northern boundary of the site, which would not be affected by the proposed extension. The site is not within a conservation area and the trees could be felled without consent. The trees are not particularly attractive specimens and do not offer any particular visual merit.

## ***Privacy***

21. It is recognised that the insertion of the three high level groundfloor windows within the eastern elevation are a result of the re-working of the internal layout and poor design in order to allow light into the lounge. However two of these windows would be within the existing elevation of the dwelling. It is recognised that the windows do make up part of this application and their requirement is a direct result of the proposed extensions. Notwithstanding this the ground floor windows are 1.8m at sill height, and as such would not result in a material loss of privacy upon the neighbour at No.6.
22. The neighbour suggests that from these ground floor windows it would be possible to look up at the first floor bedroom window of No.6. The front elevation of No.6 is approximately 7.3m away and as such it may be possible to look up at this elevation. In my opinion such an eventuality would be unlikely and not easily achievable. However, installation of obscured glass would overcome this objection. The first floor window would serve the ensuite bathroom to the main bedroom and as shown on the plans would be obscured glazed to safeguard the privacy of the adjacent neighbour.
23. The two-storey rear extension would contain a window within the northern elevation which would mimic the same relationship as the existing windows within the rear elevation of the dwelling. The 2.9m projection of the extension would in my opinion make the possibility of overlooking to the adjoining dwelling at No.4 more difficult than the existing situation. Nevertheless a condition will be included to ensure that no further windows can be inserted within the side elevations of the first floor element of this extension to ensure that no material loss of privacy occurs.

## ***Neighbour Amenity***

24. It is recognised that the existing layout of both Nos. 5 and 6 is not ideal. A line drawn from the rear of the first floor rear extension to the centre of the first floor bedroom window of the adjoining property at No.4 provides an approximate angle of 44 degrees. This would be deemed acceptable by the BRE's "Site layout planning for daylight and sunlight – A good practice guide". Therefore, whilst the proposal would result in a degree of overshadowing to the roof of the ground floor extension of No.4, I do not consider it would result in a material loss of light to either the first floor habitable room or to the rear garden.
25. The relationship with the adjacent dwelling at No.6 is slightly different, and under the BRE's "Site layout planning for daylight and sunlight – A good practice guide" there is no definitive model that can be applied to accurately determine the impact of the extension in relation to loss of light or overshadowing. However it would appear that the proposed two-storey extension would not intrude into a 45 degree horizontal angle from the centre of the first floor bedroom window of No.6. This would suggest that the only shadowing and loss of light to No.6 would occur within an arc directly in front of the dwelling but with no significant/substantial loss of light to either the ground floor living room window or first floor bedroom window. Furthermore the area which is recognised as commonly used as the occupiers immediate amenity area would also not fall within this arc. Therefore it is my opinion that whilst there would be a degree of light lost to the occupier of No.6 that it would not be significant to warrant a refusal of planning permission.
26. The proposed rear extension would be clearly visible from No.6 from both within the dwelling and within the garden. Considering the limited projection of the first floor element of the extension and that No.6 is sited approximately 5m south of the existing rear building line of No.5, I do not consider the extension would be unduly

overbearing in terms of its mass. Within the representation from the owner of No.6 it is illustrated that the dwelling receives light in the morning from the west which is blocked at midday by the property it self and then further afternoon light is partially blocked by both Nos. 4 and 5 with the sun setting just past that of No.5. Therefore the loss of light in question would be at late afternoon to early evening, which, when reviewed in light of the arc of the angle from the extension to the centre of the habitable rooms of No.6, suggests that the loss of light would not be significant enough to warrant a refusal of planning permission.

### **Recommendation**

27. Approve as amended by drawing 1254-001-CB46YS stamped 13<sup>th</sup> November 2006, subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (Reason - To ensure that consideration of any further application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
  2. No development shall commence until details of the materials to be used for the external walls and roof of the development, hereby permitted, have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. (Reason - To ensure that visually the development accords with neighbouring buildings.)
  3. 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, doors or openings of any kind shall be inserted in the first floor western and eastern elevations of the two-storey rear extension, 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 the adjoining properties.)
  4. The first floor window serving the ensuite bathroom in the eastern elevation of the existing building and the three high level windows at ground floor level in the eastern elevation of the existing building and the extension, hereby permitted, shall be permanently fitted and thereafter maintained with obscured glass. (Reason - To safeguard the privacy of occupiers of the adjoining property.)
  5. The garage shall not be used as additional living accommodation (and no trade or business shall be carried on therefrom). (Reason - To ensure continued provision of off-street parking space.)

### **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:**  
**HG12** (Extensions and Alterations to Dwellings within Frameworks)



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
- Parking
- 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 application file S/2009/06/F

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