

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

10th January 2007

AUTHOR/S: Executive Director / Head of Planning Services

S/2065/06/F - WILLINGHAM
Alterations and Change of Use of Residential Annexe to a Separate Dwelling
at 3 High Street for Mr & Mrs R Kloek

Recommendation: Delegated Approval

Date for Determination: 27th December 2006

Notes:

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

Site and Proposal

1. No. 3 is a two-storey, detached dwelling that is set approximately 16m back from the footway in the High Street. The vehicular access serving the property is located to the south-west side of the main dwelling, adjacent to the occupier's Rug Shop business, which is located in a single storey structure immediately adjacent to the drive. The amenity areas on the plot are laid out largely to gravel and hard standing (patio). The southern boundary of the site is made up of the Rug Shop structure and a brick wall that measures approximately 2m tall, adjacent to 5 High Street. The boundaries to the north and east (side and rear) consist of 1.8m high close-boarded fencing. The application site, located to the rear (east) of the main dwelling, contains a single storey annexe structure and a further single storey structure, which serves as garage and storage accommodation. The application site measures 21m along its southern boundary, 17m along its northern boundary and 27.2m along its eastern boundary. The north-east boundary of the application site includes an existing gated access, which opens out onto the Saxon Way estate. Beyond the east (rear) boundary are located 2 storey dwellings that front onto a private drive in the Saxon Way estate. The dwelling located immediately adjacent to the boundary (53 Saxon Way) has two obscure glaze windows at first floor in the elevation facing the application site.
2. This full application, received 23rd October 2006, as amended by letter dated 21st November 2006, amended certificates and plans franked 6th December 2006, proposes some alterations to the existing single storey annexe that is located to the rear of the main dwelling at no 3, including the addition of a third bedroom at ground floor level, and the permanent subdivision of the land shared by the two structures to change the existing annexe into an independent dwelling. The newly created separate dwelling would be accessed via Saxon Way, using an existing gated opening.
3. The density equates to 18 dwellings/hectare.

Planning History

4. **S/1545/06/F** – application for change of use of residential annexe into separate dwelling. Application was withdrawn at the applicant's request in order to address issues concerning accuracy of submission.
5. **S/1760/89/F** – consent was granted for the erection of a granny annexe. The permission included a condition requiring the permanent provision of parking and turning spaces and was further subject to the terms of a Legal Agreement (dated 5th March 1990) which restricted the use of the annexe to use by family members and precluding its occupation as a separate unit of accommodation.
6. **S/1496/88/F** – application refused for the erection of a granny annexe on the grounds that the proposal created a separate free standing unit of residential accommodation in a location where the relationship between the new unit and the rear garden of the existing dwelling is sub-standard and where the existing access would be unsuitable for two dwellings. This application preceded the Saxon Way development.
7. **S/0942/88/F** – see **S/1496/88/F**.

Planning Policy

8. **Policy SE2** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) states that Willingham has been selected as a Rural Growth Settlement (RGS). Residential development and redevelopment will be permitted on unallocated land within village frameworks of RGS provided that (a) the retention of the site in its present form is not essential to the character of the village; (b) the development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours; (c) the village has the necessary infrastructure capacity; and (d) residential development would not conflict with another policy of the Plan, particularly policy EM8. Development should provide an appropriate mix of dwellings in terms of size, type and affordability and should achieve a minimum density of 30 dph unless there are strong design grounds for not doing so.
9. **Policy SE8** of the Local Plan states that there will be a general presumption in favour of residential development within village frameworks (as defined on the Inset Maps) where this is also in accordance with policy SE2.
10. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not: (1) result in overbearing, overlooking or overshadowing of existing residential properties; (2) result in noise and disturbance to existing residential properties through the use of its access; (3) result in highway dangers through the use of its access; or (4) be out of character with the pattern of development in the vicinity.
11. **Policy P5/5** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) permits small-scale housing developments in villages only where appropriate, taking into account of inter alia, the character of the village and its setting.

Consultation

12. **Willingham Parish Council** recommends refusal and comments “Parish Council members are unwilling to agree to a variation of S52, under which permission for the original conversion was given only for use by members of the applicant's family, and

which the WPC Planning Committee previously opposed in the anticipation that precisely such a variation would be sought in due course. They are not convinced that the proposed change of access from the High Street to Saxon Way is appropriate. They are also unclear as to the proposed use of the other building within the curtilage of the proposed new dwelling, which is currently a 3-car garage for the existing main dwelling. They have requested clarification as to the intended use of this building.”

13. **Local Highway Authority** comments “I note that it is proposed to erect a wall along the entire length of the north western boundary of the site. In view of this proposal, which will prevent vehicular access direct to the High Street, I have no objections to the scheme as presented.”
14. Responses to amendment consultations are outstanding at the time of preparing this report and will be reported verbally to Committee.

Representations

15. Representations have been received from the owner/occupiers of 53 and 55 Saxon Way. The following concerns/comments were raised:
 - (a) Garage/Bungalow (subject to planning permission) as advertised by Tylers – not on site location plan.
 - (b) Safety of access point – blind spot. Also building that is not on location plan makes vehicular movement more difficult – angle of manoeuvre will restrict clear view out, putting children at risk.
 - (c) Proposed access is directly behind two parking spaces serving 53 Saxon Way – proximity very close to areas where children will be circulating. 6ft border fence would obscure view of children for vehicles using new access.
 - (d) Parking could be an issue – no spare spaces for visitors.
 - (e) Why not share access onto High Street.
 - (f) Is applicant prepared to pay maintenance to other owners of shared drive?
 - (g) Annexe, when consented, was restricted to use by family members only – why should this change now?

Planning Comments – Key Issues

Pattern of Development

16. The site is located at the heart of the village settlement in an area where the pattern of development is mixed, with some backland plots in evidence and the Saxon Way estate also being set to the rear.
17. The existing annexe, although a backland site as a new dwelling, would front Saxon Way, as do the houses in Saxon Way that are also served by the private drive onto which access is proposed. Given the existing site arrangement, 3 High Street, once separated from the application site would continue to benefit from a sufficient level of parking and amenity space such as serve the dwelling and the adjacent rug shop. The application site, as existing, is a residential annexe and therefore constitutes a brownfield site within the village framework. Furthermore the previous refusals for an annexe at this site pre-dated the Saxon Way development. It is therefore my opinion that the retention of the site in its present form, as an annexe to no. 3 High Street, is

not essential to the character of the village, nor would development of the site be out of character with the pattern of development in the area or relate poorly to the existing Saxon Way environment.

18. Although the development would equate to a density below the stated requirement in Policy SE2 of the Local Plan, I consider that restrictive layout and the location of the proposed access in front of 53 Saxon Way would mitigate against the need to comply with this aspect of the policy.

Highway Safety

19. The Local Highways Authority, at the time of the withdrawn application, S/1545/06/F, recommended that the site be accessed via Saxon Way. This has been proposed in the current scheme, to be achieved via an existing gated access in the north-eastern corner of the application site. Whilst the access would cross the end of the driveway serving 53 Saxon Way, the relationship is broadly the same as that between the dwellings at 49, 51, and 53 Saxon Way and their method of accessing the highway. The existing 1.8m boundary fence partly restricts views out of the access, but given that this is an existing access, and that sufficient space exists within the site to ensure that vehicles will enter and leave the site in a forward gear, I am of the opinion that the situation would not be unduly exacerbated by granting permission for change of use. Should members be minded to approve the application a condition has been recommended below requiring the permanent boundary treatment between the existing and proposed dwellings to be constructed prior to the occupation of the dwelling to ensure that the new dwelling is served from the Saxon Way access, in the interests of highway safety.
20. With regard to parking facilities, the site has been illustrated as benefiting from 3 car parking spaces. Furthermore, addressing the neighbour and Parish Council's concerns with regard to the intended use of the existing outbuilding, the applicant's have indicated that the structure, which is located adjacent to the access, will also continue to provide car parking facilities, as well as storage. The space within the site would not lend itself to further separation of the occupation of this structure from the use of the proposed dwelling. Any material change of use would require the submission of a planning application. The level of parking provision exceeds the standards set out in Appendix 7/1 of the Local Plan.
21. The neighbours' concerns/comments regarding the up-keep of the private drive would be a civil matter and would therefore fall outside of the control of planning legislation.

Residential Amenity

22. By virtue of the existing annexe and extension being single storey, I do not consider that the change in use of the structure will unduly affect the amenities of the neighbouring dwellings in terms of loss of light, privacy or overbearing impact. Furthermore, considering that the land serving the proposed dwelling is existing garden land serving the annexe, although detached from the main curtilage of 3 High Street, and given that the proposed dwelling will largely be in scale with the existing annexe, it is unlikely that the resultant dwelling would unduly affect the amenity of neighbouring dwellings by virtue of increased activity.

Status of Section 52 Agreement

23. Addressing the Parish Council's comments regarding the S.52 legal agreement, this planning application would not formally remove the legal obligation requiring the occupation of the unit by family members only. Should members be minded to approve the planning application the applicants would need to separately apply to the Local Planning Authority to modify or discharge the relevant obligation. Any relevant planning consent would then be materially considered as part of this separate process.

Recommendation

24. Approve (as amended by letters, plans date stamped 21st and 29th November 2006 and ownership certificates dated 29th November 2006) subject to the following conditions:
1. Standard Condition A – Time limited permission (Rc A);
 2. Sc19 – External materials to match existing; (Rc19);
 3. Sc60 – Details of boundary treatment (Rc60);
 4. Prior to the occupation of the dwelling, hereby permitted, the boundary wall between the application site and the dwelling at 3 High Street shall be erected and thereafter permanently maintained. (Reason – To prevent the creation of an additional access on to High Street, in the interests of highway safety.)

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) and
P5/5 (Homes in Rural Areas)
 - **South Cambridgeshire Local Plan 2004:**
SE2 (Development in Rural Growth Settlements),
SE8 (Village Frameworks) and
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:
 - Residential amenity including noise disturbance and overlooking issues
 - Highway safety
 - Pattern of Development

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 Ref: S/2065/06/F, S/1545/06/F, S/1496/88/F, S/0942/88/F and S/1760/89/F

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