

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4th April 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0067/07/F - STAPLEFORD

Dwelling, Land Adjacent to 17 Gog Magog Way, for Hogger Homes Ltd

Recommendation: Approval

Date for Determination: 8th March 2007

Notes:

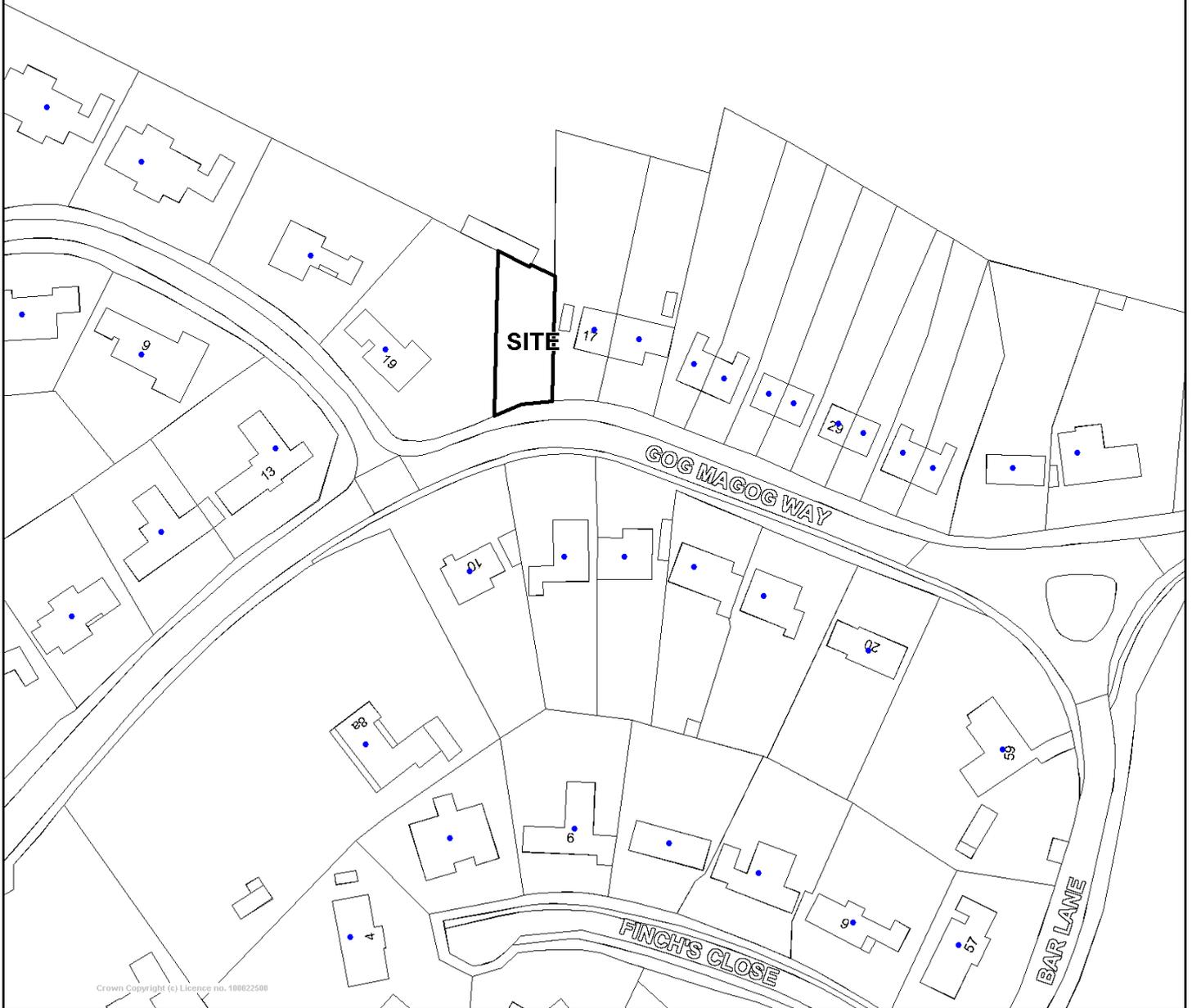
This Application has been reported to the Planning Committee for determination because the recommendation of Stapleford Parish Council is at variance with the planning officer recommendation, and to enable Members to receive advice from the Council's Principal Solicitor.

Site and Proposal

1. The 0.035 ha site is located on the northern edge of Stapleford. It is overgrown with trees on the Gog Magog frontage and has a dilapidated shed. The rear part of the site is bounded by arable field.
2. To the east is a semi-detached dwelling (17 Gog Magog Way) with extensions to the side and rear. The common side boundary between the site and this property is unfenced.
3. To the west, set at a lower level, is a detached house (19 Dukes Meadow) set on a corner plot. The garden has boundary planting of shrubs and trees and a 1.8 m high panel fence to the site boundary.
4. The full application, submitted on 11th January 2007, proposes the erection of a detached 4 bedroom house with an integral garage. The ridge height of the main accommodation is 7.6 metres, formed by a hipped roof. The rear projection has a lower ridge height of 6.5 metres. The house is set back behind a driveway and turning area; the access is on the eastern side of the frontage to avoid the main group of frontage trees. The density equates to 29 dwellings to the hectare.

Planning History

5. Planning permission for similar development, but on a larger site, was refused in August 2005 (**S/0958/05/F**). The reasons for refusal were, firstly, that the proposed dwelling would have been overbearing when viewed from the house and garden at 19 Dukes Meadow, and secondly, that the proposed inclusion within the curtilage of part of the agricultural land to the rear would have been harmful to the openness of the Green Belt.



Crown Copyright (c) Licence no. 100022500



Reproduced from the 2006 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/1250 Date 22/3/2007

Centre = 547401 E 252175 N

Planning Committee April

6. This application was dismissed at appeal in September 2006. The Inspector was concerned that the use of the agricultural land as garden area would have resulted in a more manicured domestic appearance which would have resulted to harm to the rural character of the Green Belt, and which would have provided a precedent for similar development elsewhere. The appeal was dismissed for this reason alone.
7. The Inspector considered the effect of the development on the living conditions of occupiers of both No.17 Gog Magog Way and 19 Dukes Meadow. He noted that both dwellings had been extended on the sides facing towards the appeal site. He did not consider that any harm would be caused to the amenities of No.17. He accepted that the proposed house would be 'clearly visible' from No.19, and that the outlook from this dwelling would be 'altered significantly'. However, as there would be a separation of approximately 14 metres between the properties, he did not consider that the proposed dwelling would be 'unacceptably visually intrusive in this suburban area'. On this ground, he found the proposal to be acceptable.

Planning Policy

8. The site is within the village framework. The rear boundary adjoins the Cambridge Green Belt. The following policies are relevant:
9. South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007.
ST/4 - Rural Centres
10. South Cambridgeshire Local Plan 2004
SE8 – Village Frameworks
SE9 – Village Edges
11. Cambridgeshire and Peterborough Structure Plan 2003.
P1/2 – Environmental Restrictions on Development
P1/3 – Sustainable Design in Built Development
P5/3 – Density
P5/5 – Homes in Rural Areas

Consultation

12. **Stapleford Parish Council:** Recommendation of refusal on the grounds of: Overdevelopment of the site; overbearing and loss of light to both neighbouring properties; inadequate parking for a 4-bedroomed property; a landscape plan would be desirable; the site plan does not show the extension to the side of 19 Dukes Meadow.
13. **Chief Environmental Health Officer** - recommends a condition and informative to restrict noise disturbance to neighbouring properties during the construction period.
14. **Council's Principal Solicitor** – verbal report to be made on the proceedings of the Committee on 7th March 2007 on this item. I gave detailed instructions on 16th March.

Representations

15. **17 Gog Magog Way** - the location plan does not show extensions to the sides of both No.17 and 19 Dukes Meadow; the layout plan does not show the side extension of No.19; there will be an overbearing impact on the outlook from this dwelling, and the extensive side elevations will have an overbearing impact on both dwellings; there will be a significant loss of light and sunlight to windows and a glazed door in No.17; there will be excessive site cover for a plot of this nature after parking and turning areas have been provided; the scale of development is out of keeping with the character of

development in the area; the proposals for boundary fencing are not clear; small trees on the frontage may require to be trimmed or removed to afford access.

16. **19 Dukes Meadow** - concerns have been raised about the overbearing effect on the property; the side extension has not been shown; there will be loss of light and sunlight on both neighbouring properties; this is a sizeable development which is being shoehorned into a very small plot, which is about half the size of others on Gog Magog Way.

Representations from the agent

17. Following the meeting of the Planning Committee on 7th March, the solicitors acting on behalf of the applicant have written to set out reasons for approval of the development. This letter is attached at Appendix 1.

Planning Comments

Accuracy of plans

18. The submitted site layout plan has been amended to show the side extension on the south eastern elevation of No.19 Dukes Meadow.

Overdevelopment

19. The dwelling has been set back a similar distance from the highway as the adjacent dwellings in Gog Magog Way, with the result that the garden area at the rear of the site is constrained in its size. Nevertheless, the rear garden depth varies from 7.0m to 11.0m. This is a small but reasonable provision of useable garden area for a family-sized dwelling, in my opinion. I do not consider that the proposal represents overdevelopment of the site.

Neighbouring amenity

20. The proposed dwelling will have its western flank wall sited 1.5m from the boundary with 19 Dukes Meadow. This side wall will extend for a length of 11.5m and will have an eaves height of 4.7m. The new dwelling is shown to be sited some 14m from the nearest part of the dwelling at 19 Dukes Meadow, which has windows facing the site. In these respects, the proposal is similar (but not identical) to that considered by the Inspector at appeal in September 2006, which he found to be acceptable. The Inspector assessed No.19 as it exists today. In my opinion, there is sufficient distance between the properties such that effects of overbearing and loss of outlook are not so serious as to warrant a refusal of planning permission, nor that the differences between the schemes are significant to the outlook from No.19. I recommend a condition, in the event of planning permission being granted, to prevent the insertion of windows at first floor level in this elevation in the future, in order to prevent overlooking of the dwelling and garden.
21. The proposed dwelling is shown to be sited 2.5m from the side wall of 17 Gog Magog Way. There are no windows to habitable rooms in this side elevation. The proposed dwelling is shown not to extend adjacent to the garden area of this dwelling. I do not consider that any significant harm to the amenity of this dwelling arising from the proposed dwelling.

Car parking

22. The proposal includes an integral single garage and room within the curtilage for the turning of vehicles. There is space within the curtilage for a second car to stand on the front forecourt. I consider that sufficient provision has been made for the parking and turning of vehicles on the site, however I recommend that a condition is attached in the event of planning permission being granted for this provision to be retained in the future.

Conclusion

23. Members will have noted that the applicant has quantified the small reduction on footprint and floor space of the dwelling, compared with that dismissed at appeal in 2006, and that the roof design of the west elevation has changed from a gable to a hipped end. The appeal was dismissed on Green Belt Policy alone. That issue is of no relevance to this application. My conclusion is that there is no defensible ground to refuse this application.

Recommendation

24. Approval, subject to the following conditions.

Conditions

1. Standard time limit;
2. Details of materials to be agreed;
3. Landscaping and fencing details to be agreed;
4. Maintenance of landscaping;
5. Details of foundations to be agreed;
6. No windows at first floor level in the western elevation;
7. Parking and turning areas to be provided and retained;
8. Limitation of times for operation of power operated machinery during the construction period.

Informatives

As recommended by the Chief Environmental Health Officer.

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy**, adopted January 2007
ST/4 - Rural Centres
 - **South Cambridgeshire Local Plan 2004**
SE8 – Village Frameworks
SE9 – Village Edges
 - **Cambridgeshire and Peterborough Structure Plan 2003.**
P1/2 – Environmental Restrictions on Development
P1/3 – Sustainable Design in Built Development
P5/3 – Density
P5/5 – Homes in Rural Areas

2. The proposal conditionally approved is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise:

- Overdevelopment
- neighbouring amenity
- highway safety

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework (LDF) Core Strategy
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003.
- Planning File refs S/ 0067/07/F, S/0958/05/F.

Contact Officer: Ray McMurray – Acting Area Officer
Telephone: (01954) 713259