

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9th May 2007

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

S/0493/07/F – WEST WICKHAM
Erection of 2 Dwellings & Garaging Following Demolition of Existing Bungalow at Ferndale, Burton End for New Horizon Properties Ltd

Recommendation: Approval

Date for Determination: 8th May 2007

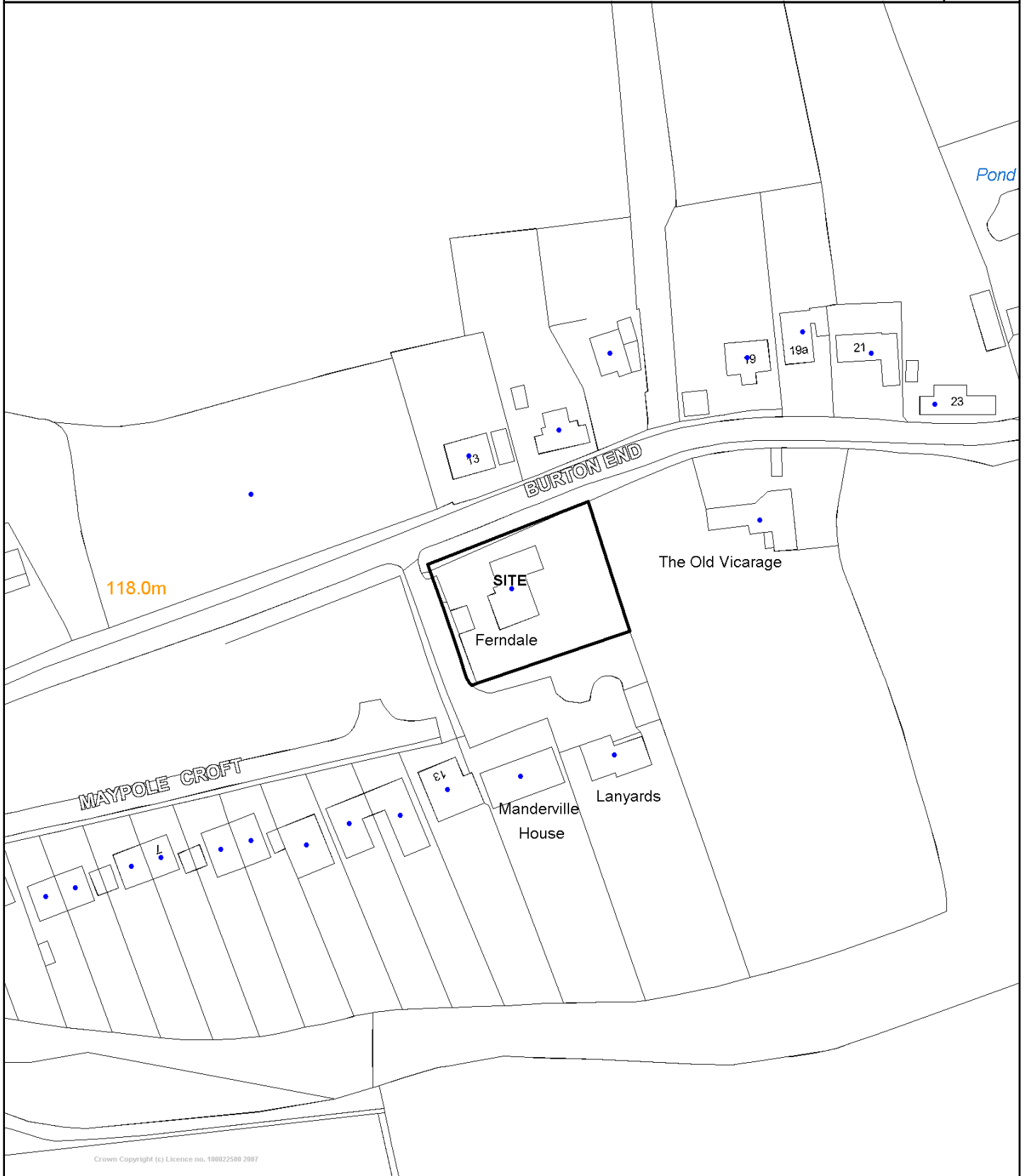
Adjacent to a Listed Building

Notes:

This Application has been reported to the Planning Committee for determination because the recommendation is contrary to the response of the Parish Council.

Site and Proposal

1. The 0.125 hectare application site is located on the south side of Burton End and is occupied by a 6.3 metre high monopitch style dwelling. To the south/rear are a pair of detached two storey houses (Manderville House and Lanyards) whilst, beyond a substantial tree belt along the eastern boundary of the site, is a Grade II listed thatched dwelling, The Old Vicarage. Along the front/north boundary of the site is an approximately 2 metre high conifer hedge whilst, beyond this, on the opposite side of Burton End, are a bungalow (No.13) and a further Grade II listed thatched house (No.15). The access to the site serves a total of 3 properties, Ferndale itself together with the two detached properties to the south.
2. The full application, submitted on 13th March 2007, proposes the demolition of the existing bungalow and the erection of two 2-storey 4-bedroom detached houses on the site. The new houses would be set 6.5 metres further back from the front/north boundary than the existing bungalow and would have approximately 13 metre deep rear gardens. The dwellings would comprise rendered walls and plain tiled roofs and would measure 4.8 metres high to the eaves and 7.7 metres high to the ridge. The garages would have boarded walls and pantiled roofs. The density of the development equates to 16 dwellings/hectare.
3. Access to the properties would be taken via the existing shared access off Burton End, and then along the front/north side of the site. To accommodate the access, it is proposed to move the existing hedge towards the road or to replace it with a native species hedge. The proposal also shows that a row of high conifers abutting the road to the east would be removed thereby increasing the visibility from 44 to 81 metres in this direction.



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Scale 1/1250 Date 30/4/2007

Centre = 562220 E 249690 N

Planning Committee May

Planning History

4. **S/0155/07/F** – This application sought to erect a two storey mansard roof style dwelling on the site, positioned between the existing dwelling and the eastern boundary. In light of concerns raised by the Conservation Manager about the design of the dwelling and its impact upon the setting of nearby listed buildings, Officers were minded to refuse this application. It was subsequently withdrawn by the applicant's agent.
5. The land occupied by Ferndale, Lanyards and Mandeville House has a long history. In 1981, outline planning permission was granted for the erection of two dwellings on the site subject to conditions requiring frontage only two storey development (**S/0189/81/O**). At the same time, an outline application for 5 dwellings was refused on the basis that it was contrary to the infill policy and poorly related to existing residential properties (**S/0190/81/O**). In 1982, planning permission was granted for two dwellings on the site, the frontage bungalow now known as Ferndale, and a two storey dwelling behind it in a central position (**S/0379/82/F**). An application later that year sought to erect two dwellings behind Ferndale. This was refused and dismissed at appeal as it was contrary to the infill policy and was poorly related in overlooking terms to dwellings in Maypole Croft (**S/1603/82/F**). In 1984, consent was granted for the dwelling now known as Lanyards – this, in effect, superseded the dwelling design/position within application reference S/0379/82/F (**S/0357/84/F**).
6. In 1992, an outline application to site a dwelling adjacent to Lanyards was refused due to overlooking of Ferndale and to noise and disturbance from Lanyards' access to occupiers of the proposed new dwelling. (**S/1643/92/O**). A subsequent outline application for a bungalow on this site was allowed at appeal (**S/0606/93/O**). The two storey dwelling that now stands on this site, Mandeville House, was allowed under application reference **S/0895/95/F** subject to conditions requiring the first floor bathroom windows facing Ferndale to be obscure glazed and to planning permission being required to add any further windows to this elevation.

Planning Policy

7. West Wickham is identified within **Policy ST/7** of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007, as an infill village. In such locations, **Policy SE5** of the South Cambridgeshire Local Plan 2004 states that residential development will be restricted to no more than two dwellings comprising (amongst others) the redevelopment of an existing residential curtilage providing the site does not form an essential part of village character, and development is sympathetic to the historic interests, character, and amenities of the locality.
8. **Policy EN28** of the South Cambridgeshire Local Plan 2004 states that the District Council will refuse applications which dominate a listed building; damage the setting, well being or attractiveness of a listed building; or would harm the visual relationship between a listed building and its formal or natural landscape surroundings.
9. **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.
10. **Policy P7/6** of the Cambridgeshire and Peterborough Structure Plan 2003 requires development to protect and enhance the quality and distinctiveness of the historic built environment.

Consultations

11. **West Wickham Parish Council** objects to the application for the following reasons:
- (a) “This site has a long and complex planning history going back to the 1970’s. By creeping development the number of dwellings has already gone further than the number felt appropriate by both the District Council and an Inspector. I feel the reasons behind those earlier refusals to develop still apply today.
 - (b) West Wickham is classed as an infill only village. This proposed development cannot be considered infill; to the west is the extensive grass frontage of Maypole Croft and the closest dwellings are behind, making this ‘front fill’. I feel this is contrary to HG11, which does not allow backland development in villages that have linear development, such as West Wickham. The back development is already there; therefore the front development is inappropriate.
 - (c) The access and siting of this proposed dwelling will result in the western sited house being surrounded on three and a half sides by driveway or parking spaces, resulting in a loss of amenity to the occupants through increased noise and disturbance from vehicles.
 - (d) Regarding access. There is no other residential area in West Wickham where a driveway runs between a dwelling and the highway. This is alien and out of character for this village.
 - (e) When Mandeville House was built special conditions were imposed to safeguard the privacy of occupiers of Ferndale, a single storey dwelling. Both proposed houses are double storey and the eastern sited house will be in front of Lanyards without the possibility of the same conditions being imposed. Therefore the privacy of the occupants of the existing and the proposed new houses cannot be safeguarded in the same way.
 - (f) Lastly, in a recent housing survey West Wickham was identified as having a significant ‘need’ for existing residents wishing to leave their family homes. These are mostly young people wanting to set up homes for the first time but also older people wanting to downsize. West Wickham does not need any more expensive 4 bedroom houses. It does need smaller, affordable housing.”
12. **The Conservation Manager** states that, when compared to the previous application, this proposal will lead to a more consistent design form with a pair of complementary dwellings of traditional vernacular form adjacent to the Old Vicarage. In contrast, the previous scheme had the 70’s bungalow, a mansard roof cottage and then the Old Vicarage, creating three rather disparate architectural forms. Furthermore, the demolition of the existing bungalow allows a better spacing for the two replacement dwellings, compared to the rather cramped appearance of the mansard cottage that was squeezed in between the bungalow and the boundary to the Old Vicarage. This part of West Wickham is characterised by regularly spaced dwellings and the replacement of the existing bungalow with a pair of dwellings will not be out of keeping with this pattern of development. The Old Vicarage sits within a large site and there is significant space retained between the building and its boundary with Ferndale. The new dwellings are set further back into the site than the existing bungalow and would therefore not harm the setting of the listed cottage opposite.

No objections are raised to the impact on the setting of the Old Vicarage or the listed building opposite, subject to satisfactory boundary treatment (to retain or replicate the existing mature hedge) and to the use of traditional materials (ie – natural clay tiles, painted timber windows and painted render and weatherboarding).

13. **The Local Highways Authority** states that the application would not have an adverse effect upon the public highway. An informative should be added to any consent advising that the granting of permission does not constitute a permission or licence to a developer to carry out works within, or to cause disturbance to, a public highway.

In a later comment, the LHA advises that part of the site falls within the public highway and that the access arrangement should be revised so that the proposed works fall entirely within the curtilage of their own property and do not infringe upon the adopted highway. Although the applicant has submitted a copy of title deeds showing that part of the verge falls within the applicant's ownership, land ownership does not prevent land being adopted public highway as well. The land in question is shown as adopted public highway on the Highways Register, which is a definitive legal document. It is up to the landowner to prove that the land is not highway. Simple ownership is not sufficient to preclude an area of land from being highway. Unless the applicant has some evidence that the Highways Register is incorrect, then the layout must be redesigned so that it does not encroach on the highway.

14. **The Trees and Landscape Officer**, whilst not consulted in respect of this latest application, was notified of the previous application and raised no objections. With regards to the proposals for the hedge at the front of the site, it was advised that the hedge would not survive if moved. Its replacement could be conditioned as part of a landscaping scheme, although it should not be replaced with a laurel or another conifer hedge. If a 'green' hedge is desired, then either holly or yew would be acceptable as both can be kept very well as a formal hedge, otherwise a mixed native hedge would be desirable.
15. **The Corporate Manager (Health and Environmental Services)** raises no objections subject to a condition restricting the hours of use of power operated machinery being attached to any consent in order to minimise noise disturbance to neighbours.
16. **The Building Inspector** advises that the access appears to be in accordance with new requirements to be within 45 metres of all points of the dwelling perimeter.
17. The comments of the **Environment Operations Manager** will be reported verbally at the Committee meeting.

Representations

18. Letters of objection have been received from the occupiers of Lanyards and Mandeville House to the rear. The main points raised are:
- (a) The proposal constitutes overdevelopment of the site;
 - (b) There are no parts of the village where there are rows of houses one behind another, and the proposal would therefore be out of keeping with the linear character of the area;
 - (c) The size of the plots would be out of keeping with the character of the area;

- (d) The rural, open aspect to the road will be affected by a narrower verge and two houses fronting the highway;
- (e) The development would harm the setting of nearby listed buildings, the Old Vicarage to the east and No.15 Burton End to the north;
- (f) There is a restrictive covenant on Ferndale limiting the number of buildings on the site to one only;
- (g) The proposal will increase traffic and noise in the immediate neighbourhood resulting in a loss of amenity to occupiers of Lanyards and Mandeville House;
- (h) The first floor bedroom windows to both properties will overlook the front of Lanyards, within which there are windows serving a lounge, hallway, study, landing and bedroom, and Mandeville House, resulting in a loss of privacy to the occupiers of both properties;
- (i) Can the bedroom window overlooking Mandeville House be moved to the side facing Maypole Croft;
- (j) When Lanyards and Mandeville House were built, conditions were applied to ensure that Ferndale was not overlooked;
- (k) Moving the hedge nearer to the road will restrict visibility to the east and be detrimental to highway safety.

Planning Comments – Key Issues

19. The key issues to consider in the determination of this application are:

- (a) Impact upon the character of the area;
- (b) Impact upon the setting of nearby listed buildings;
- (c) Affect upon the amenities of adjoining residents;
- (d) Highway safety.

Impact upon character of area and setting of listed buildings

- 20. There are a variety of styles of dwellings in the vicinity of the site – two storey houses to the rear, a bungalow and thatched cottage opposite, a thatched dwelling to the east, and chalet style dwellings to the south-west.
- 21. The previous application earlier this year was considered to be unacceptable as, due to the limited width between Ferndale and the eastern boundary of the site, the proposed dwelling was considered to be appear particularly cramped. In addition, the design of the dwelling, together with its relationship with the monopitch style of Ferndale, was considered to be unacceptable. In this current application, the demolition of Ferndale enables the proposed two dwellings to be designed as a pair and also provides better spacing between the properties, thereby ensuring that they would not appear unduly cramped in the street scene.
- 22. The erection of Lanyards and Mandeville House in positions to the rear of Ferndale has already created a backland form of development and it would therefore be difficult to resist the application on the basis that it would be out of keeping with the pattern of development in the area. In addition, although the existence of an access

parallel to the road is not replicated on other sites, it would be well screened by the proposed replacement hedge at the front of the site, subject to adequate space being provided for the hedge, and would not therefore be seriously harmful to the character of the area.

23. Concerns have been raised on the basis that the development on this site does not fall within the definition of infill and that approving this application would result in just one less dwelling on the site than dismissed at appeal in 1981. The definition of infill development includes the redevelopment or subdivision of an existing residential curtilage where the relevant policy states that two dwellings (or, exceptionally, up to 8 if the site is classified as brownfield land) are acceptable in principle. The application must be determined on the basis of the current on-site situation rather than on the basis of a 20+ year old appeal. The site is a brownfield site and the proposal clearly falls within the definition of infill development.
24. Although the proposed house on plot 2 would be sited east of the footprint of Ferndale, this building would still be some 25 metres from the old vicarage. The Conservation Manager has advised that the proposal would not harm the setting of adjacent listed buildings, the Old Vicarage to the east and No.15 Burton End opposite.

Residential amenity

25. The Parish Council and local residents have expressed concern about overlooking from first floor bedroom windows towards properties to the rear. In particular, reference has been made to the site's history and to conditions on the consent for Mandeville House requiring first floor windows facing Ferndale to be obscure glazed. The current application must be considered, however, on its own merits and against current accepted standards relating to distances between opposing windows.
26. Mandeville House and Lanyards are 20 and 22 metres respectively from Ferndale's rear/southern garden boundary. The proposed dwellings would have south/rear facing first floor bedroom windows, including within the rear projecting two storey wings. The application shows that there would be a distance of 28 metres between the rear wing of plot 1 and the front elevation of Mandeville House, and a back to front distance of 30 metres between plot 2 and Lanyards. Bearing in mind that the proposed first floor windows do not overlook private rear garden areas and that the distance between opposing windows is well in excess of the normal accepted standard of 20 metres, I consider that an objection on overlooking grounds could not be sustained. I have, however, discussed with the applicant whether the window to the plot 1's bedroom could be moved to the west side elevation of the rear wing and I am awaiting a response in respect of this issue.
27. The Parish Council has raised concerns about the amenities of future occupiers of the westernmost dwelling on plot 1, as it is surrounded by driveways on 3 sides. I fully sympathise with these concerns and, if this dwelling was in existence at present, outside the application site and not within the applicant's ownership, it is likely that I would have serious reservations about the implications of any vehicular access serving a new dwelling on its east side. However, as both dwellings form part of this application, I consider this issue to be much less of a concern as any future occupiers of the properties would be fully aware of the situation when purchasing the dwellings.

Highway safety

28. The Local Highways Authority has not specifically objected to the application, including the re-siting of the front boundary hedge, on reduced visibility/highway

safety grounds. However, it has just come to light that, although the applicant owns land (approximately 3 metres in depth) that falls outside the current curtilage and within the grass verge at the front, this land is still classified as highway and must therefore be excluded from the layout. Clearly, this has implications for the layout and I am awaiting the submission of either (a) evidence to show that the highways register is incorrect; or (b) the submission of a revised layout plan to exclude this land from the application site.

Recommendation

29. If it can be demonstrated by the applicant that the Highways Register is incorrect, and subject to the layout being amended to accommodate a replacement hedge on the front (north) boundary, approval:

Conditions

1. Standard Condition A (Reason A);
2. No development shall commence until samples of materials to be used for the external walls and roofs of the dwellings and garages 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 the development does not detract from the setting of nearby listed buildings, the Old Vicarage to the east and No.15 Burton End to the north);
3. Sc51 – Landscaping (Rc51);
4. Sc52 – Implementation of landscaping (Rc52);
5. Sc60 – Boundary treatment details (Rc60);
6. During the period of construction and demolition 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).

Informatives

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/7 (Infill Villages)
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
P7/6 (Historic Built Environment)

- **South Cambridgeshire Local Plan 2004:**
SE5 (Development in Infill Villages)
EN28 (Development within the Curtilage or Setting of a Listed Building)
2. The proposal is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- Residential amenity;
 - Impact on character of area;
 - Impact on setting of listed buildings;
 - Highway safety.

Informatives

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 and demolition 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. Before the existing property is demolished, a Demolition Notice will be required from the Environmental Health Department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.
4. The landscaping scheme required by condition 3 must include proposals for the replacement of the existing front boundary hedge, including details of the height at which the hedge would be maintained. Officers would wish to see a hedge of the same height and maturity as the existing. A laurel or conifer hedge would not, however, be acceptable. If a 'green' hedge is desired, suitable species would be holly or yew; otherwise a mixed native species hedge would also be acceptable.

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

- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007.
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Refs: S/0493/07/F, S/0155/07/F, S/0189/81/O, S/0190/81/O, S/0379/82/F, S/1603/82/F, S/0357/84/F, S/1643/92/F, S/0606/93/O, and S/0895/95/F.

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