

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 9th May 2007
AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0324/07/O – HARSTON
Erection of Dwelling and Replacement Garage to Existing Dwelling
Land Rear of 22 Church Street for Mr & Mrs M R Hartley

Recommendation: Approval

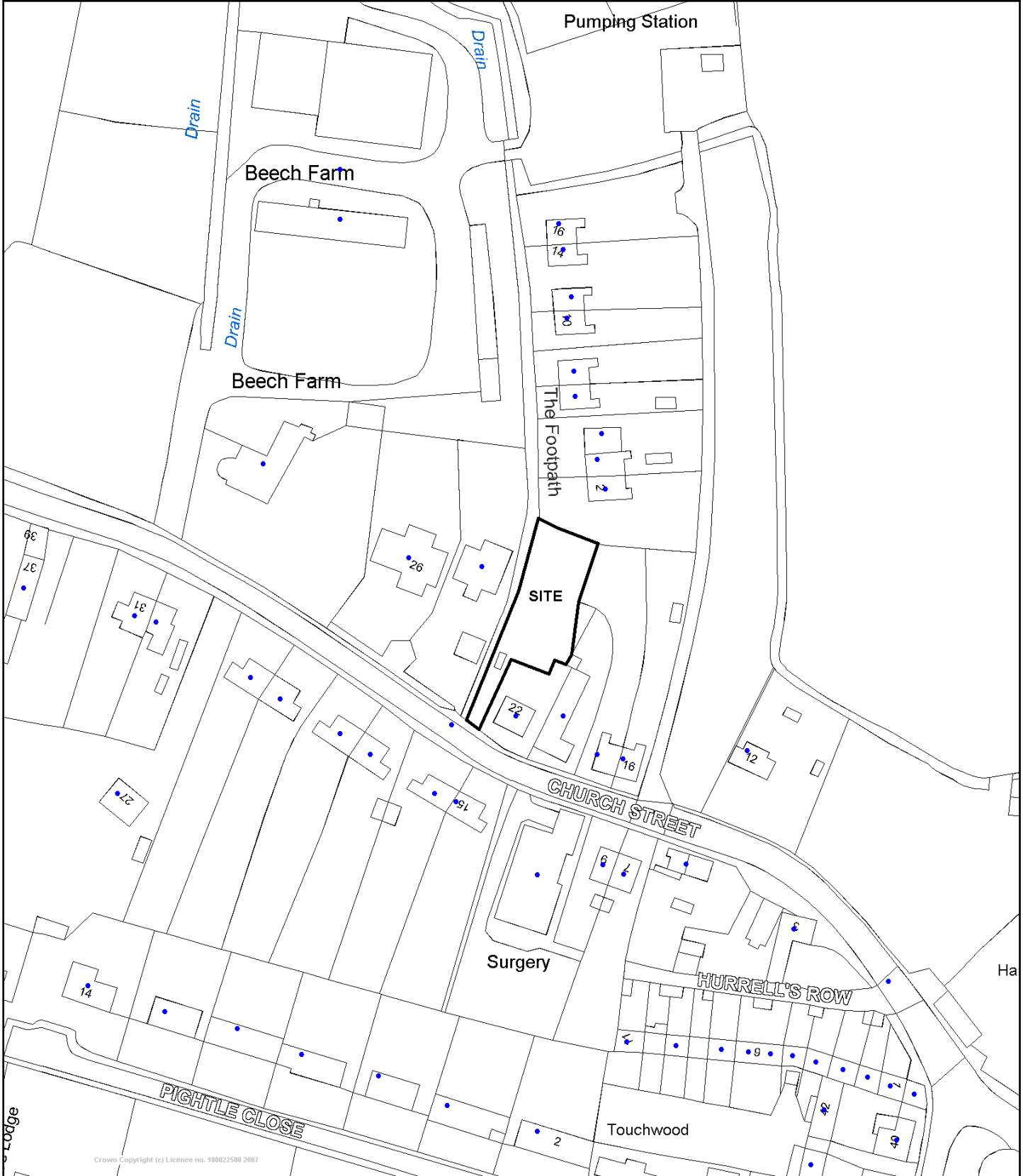
Date for Determination: 17th April 2007

Notes:

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

Site and Proposal

1. This 0.06 hectare application site is located on the north side of Church Street and comprises part of the rear garden area to No.22 Church Street, a two storey detached dwelling sited close to the road. Beyond the site to the north are a row of semi-detached houses fronting The Footpath, a public footpath that extends along the western boundary of the site whilst, to the east, are the rear gardens of Nos. 16 – 20 Church Street which, like No. 22, are sited just 3 – 4 metres back from the road. To the west of the site, beyond the footpath, are two detached properties that are set some 20 - 30 metres back from Church Street.
2. The outline application, submitted on 2nd March 2007, seeks consent for the erection of a dwelling on the site, together with a replacement garage to serve the existing property. Details of layout and access are included, with details relating to scale, appearance and landscaping reserved for further consideration. The submitted layout plan shows that the proposed dwelling would be positioned some 30 metres back from the road, approximately in line with the adjoining dwelling to the west, with a rear garden measuring some 10 – 11 metres in depth. Although approval is not sought at this stage for the scale of the dwelling, the submitted plans indicate a two storey high property, with a ridge line slightly lower than that of the adjoining house to the west, and with the two storey element set away from the garden area of No.20 to the east. The proposal seeks to utilise the existing vehicular access into the site, which would be shared between the existing and proposed dwellings. It would be 5 metres wide for 10 metres into the site, after which it would narrow to a width of 3.7 metres, and would include 1.5 metre x 1.5 metre pedestrian visibility splays where it joins onto Church Street. A 1.8 metre high screen fence would be constructed between the access and the existing dwelling. The density of the development equates to 16 dwellings/hectare.



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Scale 1/1250 Date 30/4/2007

Centre = 542110 E 250930 N

Planning Committee May

Planning History

3. **S/2107/06/O** – Outline planning permission for the erection of a dwelling and replacement garage on this site was withdrawn. Officers were minded to refuse the application due to the overbearing impact on No.20 Church Street's kitchen and garden area and for highway safety reasons.

Planning Policy

4. **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.
5. Harston is identified within **Policy ST/6** of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007, as a Group Village. In such locations, Policy SE4 of the South Cambridgeshire Local Plan 2004 states that residential development up to a maximum of 8 dwellings will be permitted providing the site does not form an essential part of village character, and providing development is sympathetic to the historic interests, character, and amenities of the locality.
6. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
 - a. Result in overbearing, overlooking or overshadowing of existing residential properties;
 - b. Result in noise and disturbance to existing residential properties through the use of its access;
 - c. Result in highway dangers through the use of its access;
 - d. Be out of character with the pattern of development in the vicinity.

Consultations

7. **Harston Parish Council** objects to the application stating:

"The access is not satisfactory. The Plans do not show the neighbours 6ft high recently constructed boundary wall, which extends to the actual narrow footpath on Church Street, thus blocking any visibility of Church Street to the southwest. The revised Plans with the 1.5m splay indicated do not reveal the actual situation with this wall. The 1.5m splay does not correct the problem, because the wall extends to the very edge of the narrow Church Street footpath.

There are so many traffic problems on Church Street, especially in the vicinity of the Doctors Surgery, directly opposite the proposed shared access to the proposed property. This access onto Church Street is already dangerous.

To provide a shared turning space in front of the proposed neighbouring garage, cannot be guaranteed to be available for turning. If cars are parked on the turning space, vehicles will have to reverse onto Church Street, which would not be acceptable, and would indeed be very dangerous.

The proposed large 2 storey house would constitute overdevelopment of the site, overbearing in scale for the size of the site.

To describe the siting of the proposed house as following existing settlement patterns defined by 24 and 26 Church Street is misleading. Both 24 and 26 Church Street have road frontage, and the building line is set back from the road. However, in the case of 22 Church Street, the existing lovely late Georgian/ early Victorian house fronts directly onto the road, and therefore would be sandwiched between the road and the proposed house which would occupy most of the back garden to the existing house.

The screening referred to by Chris Anderson in his Design notes are mature leylandii hedges, which are within the garden of 22 Church Street, and are therefore not guaranteed to be retained, especially once building works commenced, or new owners cutting them down.

We continue to be concerned that back garden applications like the above erode the amenity of the settings of traditional village houses, and once lost, the gardens of the original existing houses will be gone forever. This form of urbanisation should be resisted.

The test of 'Very Special Circumstances' should be applied to proposals for development in garden spaces of existing village houses, including in Harston. Nowhere can we find the GARDENS of existing houses in the standard definition of 'brownfield' sites. This is unfortunately a government spin on the definition.

For the above reasons, Harston Parish Council recommends that the above planning application is REFUSED."

8. **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 during the construction period.
9. **The Local Highways Authority**, whilst not formally consulted in respect of this latest application, did advise in relation to the previous application that the access should be widened to 5 metres and that 1.5m x 1.5m visibility splays, with the western splay crossing the adjacent public footpath, could be accepted.
10. **The Trees and Landscape Officer**, whilst not formally consulted in respect of this latest application, raised no objections in relation to the previous proposal.
11. **The Countryside Services Team** raises no objections subject to informatives relating to the adjacent public footpath being added to any planning consent.
12. **The Ramblers Association** raises no objections subject to informatives relating to the adjacent public footpath being added to any planning consent.

Representations

13. Letters of objection have been received from the occupiers of Nos. 20 and 24 Church Street. The main points raised are:

- a. The high screen fence between the proposed dwelling and No.20 Church Street has open trellis at the top and the ground floor window on the east elevation would therefore overlook No.20's garden and kitchen;
- b. The dwelling would overlook No.24 Church Street's garden and result in a loss of light to this property;
- c. Removal of hedges would result in a loss of privacy to neighbouring properties;
- d. The proposal would result in overdevelopment of the site;
- e. The appearance of the development is out of keeping with the character of the area;
- f. The site is on a busy and dangerous bend in the road opposite the doctor's surgery. Cars are parked for most of the day on Church Street and commercial traffic also uses the road to access the Button End Industrial Estate and Haslingfield and Barrington. An extra dwelling would increase traffic and be detrimental to highway safety;
- g. The alterations to the splay and drive are unlikely to overcome the highway safety problems;

Planning Comments – Key Issues

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

- a. Impact upon the character of the area;
- b. Affect upon the amenities of adjoining residents;
- c. Impact upon trees;
- d. Highway safety;
- e. Impact on public footpath.

Impact upon character of area

15. The site is surrounded by two storey dwellings on its north, south and west sides. Development to the west of the site is set well back from the road whilst properties located beyond the site to the east are positioned much closer to the road. This has the effect of creating two lines of development, with a further line of four pairs of semi-detached houses immediately to the north. The position of the proposed dwelling is such that it would continue the line created by Nos. 24 and 26 Church Street to the west and be sandwiched between No.22 Church Street to the south and No.2 The Footpath to the north. I therefore consider that the site can, in principle, accommodate a dwelling without being out of keeping with the pattern of development in the area and without causing harm to the character of its surroundings.
16. Whilst approval for the scale of the property has not been formally applied for under this application, an illustrative indication of scale is now required for outline applications, and the drawings indicate a two storey building. As all of the dwellings immediately surrounding the site are two storeys high, I consider a two storey property would, in principle, be in keeping with the character of the area. Officers have concerns about the illustrative design submitted with the application and consider the relationship between the two storey and single storey elements to be particularly awkward in appearance. However, this outline application is not seeking approval for the appearance/design of the dwelling. These concerns could therefore be added as an informative with a view to resolving them as part of any reserved matters application.

Residential amenity

17. The dwelling to the south-east, No.20 Church Street, has a long single storey element along the boundary with No.22. The northern part of this extension is used as a kitchen and has a window in the northern/rear elevation. The main private garden and sitting out area to this property is in the northernmost part of the garden. The previous application proposed a full height two storey dwelling on exactly the same footprint as that proposed in the present application. Officers considered that, due to the height and proximity of the dwelling to the boundary with No.20, it would be overbearing in the outlook from the kitchen window and would adversely affect the neighbour's enjoyment of the garden area. The submitted layout plan shows that the dwelling could be designed so that the two storey element would be eased well away from the eastern boundary of the site. Given this alteration, together with the fact that the proposed dwelling is sited to the north-west of No.20, I consider it would not be unduly overbearing nor result in a significant loss of light to No.20's kitchen and garden area. With regards to the issue of potential overlooking of No.20's garden from the ground floor window, this could be addressed as part of any reserved matters application by either deleting the window or requiring the provision of a higher fence on the eastern boundary of the site.
18. The occupiers of No.24 have also expressed concern about overlooking from first floor windows in the proposed dwelling. Whilst I accept that there would be some degree of overlooking, this would be at an oblique angle towards the rear part of the neighbour's garden and the relationship would therefore not be a significantly harmful one. In addition, I am satisfied that, although the proposed dwelling would be located to the south-east of No.24's garden area, it would not result in a significant loss of sunlight to this area.
19. I am satisfied that the dwelling would not overlook the dwelling at No.2 The Footpath, particularly as there is a high leylandii screen along the northern boundary of the site. Any consent should be subject to a landscaping condition, as part of which either the retention of this screening could be secured or an alternative provided.
20. The existing property at No.22 has a ground floor bay window to the dining room in the west side elevation facing the proposed shared access. In order to minimise noise and disturbance arising from the use of the access, the application proposes to erect "a high screen fence" between the shared driveway and No.22. I consider this approach to be acceptable in principle but, to protect the character of the area, this boundary should be defined by a wall rather than fence. The applicant's agent has agreed to a condition/informative being added to any consent requiring the construction of a wall in this location.

Highway Safety

21. In the previous application, the proposed shared access was just 3.5 metres wide. The Local Highways Authority advised in discussions with Officers that, in order to comply with its requirements and avoid highway safety problems, the access should be widened to 5 metres for a distance of 10 metres back from the frontage of the site. In addition, the LHA advised that the provision of 1.5m x 1.5m pedestrian visibility splays, with the western splay cutting across the public footpath, would be acceptable.
22. I am satisfied that the proposed means of access has been amended to address these concerns and complies with the previously specified requirements.

23. With regards to concerns expressed by the Parish Council, I can confirm that the western splay is not obstructed by the wall at the front of No.24 Church Street. In addition, the proposal shows the provision of two parking spaces for both the new and existing dwellings in addition to the turning area. The provision and retention of these parking and turning areas would need to be conditioned as part of any permission.

Impact on public footpath

24. Neither the Countryside Services Team nor the Ramblers Association have raised any objections in principle to the erection of a dwelling on the site. Standard informatives advising of the need to ensure the footpath remains unobstructed at all times should be added to any permission.

Impact on trees

25. The application would result in the loss of a number of trees within No.22's existing rear garden area but the Trees and Landscape Officer has raised no objections to the application on this basis.

Recommendation

26. Approval:
1. Standard Condition B (Reason B); (Time Limit)
 2. Sc1 Reserved Matters - b (scale), c (appearance) and e (landscaping) (Rc1);
 3. Before the occupation of the dwelling, hereby permitted, a wall shall be erected between the access to the site and the existing dwelling at No.22 Church Street, details of which shall previously have been submitted to and approved in writing by the Local Planning Authority (Reason – To minimise noise disturbance to the occupiers of No.22 Church Street);
 4. Before the occupation of the dwelling, hereby permitted, the access from the existing highway shall be laid out and constructed to provide a minimum width of 5 metres for a distance of 10 metres from the edge of the existing carriageway, and a minimum width of 3.7 metres thereafter (Reason – In the interests of highway safety and to ensure the access is of sufficient width to accommodate fire engines);
 5. Para D5a – Visibility splays – 1.5m x 1.5m (Reason – In the interests of highway safety);
 6. The permanent space to be reserved on the site for turning and parking for the existing and permitted dwellings shall be provided before the occupation of the dwelling, hereby permitted, and thereafter maintained (Reason – In the interests of highway safety);
 7. Sc5b – Surface water drainage details (Rc5b);
 8. Sc5c – Foul water drainage details (Rc5c);
 9. Sc52 – Implementation of landscaping (Rc52);

10. Sc60 – Boundary treatment details (Rc60);
11. During removal of the existing garage and the period of construction 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/6 (Group Villages)
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
 - **South Cambridgeshire Local Plan 2004:**
SE4 (Development in Group Villages)
HG11 (Backland Development)
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;
 - Highway safety.

General

1. Whilst the principle of a part two storey part single storey dwelling in the location proposed is considered to be acceptable, the design of the dwelling shown within the illustrative elevations on drawing number 004.643 are not considered to be appropriate.
2. 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.
3. During construction 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.
4. An authorised asbestos contractor shall be responsible for removal of the existing asbestos sheet garage roof and transportation to an authorised disposal site.

5. Public footpath No.3 Harston runs along the western side of the site. The development must not encroach onto the footpath, any encroachment would constitute an obstruction, which is an offence under s.137 of the Highways Act 1980; if the developer requires advice on where the boundaries of the right of way are they should contact the Definitive Map Officer for assistance;
6. The footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it;
7. The footpath must not be used for vehicular access to the site unless the applicant is sure that they have lawful authority to do so (it is an offence under s 34 of the Road Traffic Act to drive on a public footpath);
8. No alteration to the surface of the footpath is permitted without the consent of the Countryside Access Team at Cambridgeshire County Council (it is an offence to damage the surface of a public right of way under s1 of the Criminal Damage Act 1971);
9. The County Council as Highway Authority is only responsible for maintenance of the surface up to footpath standard, for the purpose of legitimate use by members of the public in relation to that status; damage to the surface caused by non-public footpath use is repairable by those private users;
10. Any fence adjacent to the public footpath should be of a height not exceeding 1m of close boarded fence with 0.8m of trellis on top. Any hedges planted adjacent to the footpath should be planted at least 2m away from the footpath to allow growth without encroachment and it should be made aware that the responsibility for the maintenance of the hedge abutting the footpath is the responsibility of the landowner.

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/0324/07/O and S/2107/06/O

Contact Officer: Lorraine Casey – Senior Planning Assistant
Telephone: (01954) 713251