

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6th June 2007

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

S/0306/07/F – FEN DRAYTON

Erection of Dwelling Following Demolition of Conservatory on Existing Dwelling at 20 Park Lane for Mr & Mrs M Fitzgibbon

Recommendation: Approval

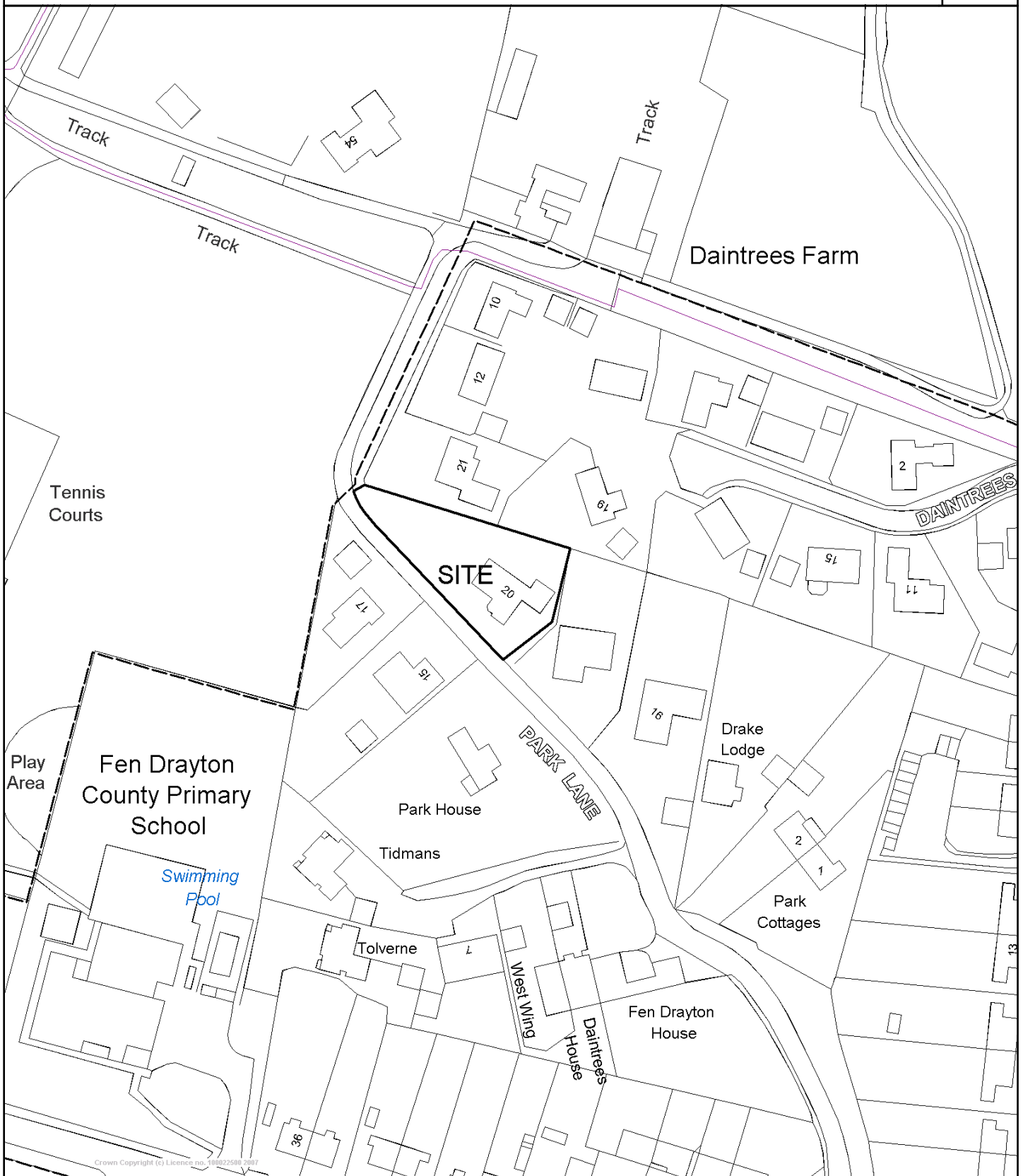
Date for Determination: 13th April 2007

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. Park Lane is a relatively narrow, private drive that provides access for approximately 15 dwellings, of a predominantly detached nature, and also Daintrees Farm.
2. The application site is a triangular parcel of land that occupies an area adjacent to the end of the main cluster of dwellings and constitutes the side garden of the existing dwelling at 20 Park Lane. It measures approximately 400 square metres. The land is laid mainly to lawn with some domestic planting and includes the area in which the existing conservatory to no. 20 is located. This is to be demolished as part of the scheme. No. 20 also has secondary bedroom windows in the elevation facing the application site. The rear boundary of the site lays adjacent to the side wall, garage and rear garden of the neighbouring two storey dwelling at 21 Daintrees Road, and also the rear garden of 19 Daintrees Road.
3. This full application, received on 16th February 2007 is for the erection of a 1 ½ storey dwelling with integral single garage on the site. The dwelling has living space at two floors, the first floor being located within the roof serving three bedrooms, one with en suite facilities, a landing and a bathroom.
4. The three-bedroom dwelling, as amended, has a height of 7.7m and 2.5m to the ridge and eaves of the main dwelling respectively. A smaller gable, measuring 6.5m and 2.5m to the ridge and eaves respectively, is located at 90 degrees to the ridge of the main dwelling and positioned to the right hand side of the dwelling, when viewed from the road to include the integral garage at ground floor level. A single-storey element is set to the opposite side of the dwelling to provide a sun room. An amendment has been received which has replaced a proposed dormer window on the side (north-west) roofslope with two rooflight openings and introduced a first floor casement in the rear (north-east) facing gable end, to provide means of fire escape to bedroom 2.
5. The density equates to 25 dwellings per hectare.



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Scale 1/1250 Date 21/5/2007

Centre = 533687 E 268574 N

June 2007 Planning Committee

Planning History

6. **S/0019/92/F** – application for a single dwelling and detached garage was refused on the site of the current application on two grounds. Firstly that the proposal gave rise to an overdevelopment of the site resulting in a cramped form of development with insufficient amenity space and therefore out of character with the spacious nature of much of the development in Park Lane. Secondly the development was refused on the grounds of adverse impact on the amenities of adjacent properties by reason of disturbance along common boundaries and overlooking of private rear amenity spaces.
7. **S/1207/87/D** – granted consent for the existing dwelling on site known as 20 Park Lane. No specific conditions were included on this application regarding the use of the dwelling or associated land.
8. **S/0748/85/O** – application for erection of three houses adjacent to Park House. This was approved, at appeal.

Planning Policy

9. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 ('the County Structure Plan') requires a high standard of design and sustainability for all new development and which provides a sense of place which responds to the local character of the built environment. This policy is supported by policy DP/2 of the Local Development Framework, Submission Draft 2006.
10. **Policy P5/5** of the County Structure Plan adds small-scale developments will be permitted in villages only where appropriate, taking into account the character of the village and its setting.
11. Fen Drayton 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.
12. **Policy SE9** of the Local Plan 2004 seeks development on the edge of villages to be sympathetically designed and landscaped to minimise the impact of the development on the countryside.
13. **Policy HG10** of the Local Plan 2004 states the design and layout of schemes should be informed by the wider character and context of the local townscape and landscape.

Consultation

14. **Fen Drayton Parish Council** – recommends refusal of the application for the following reasons: a) plot not large enough for the proposed dwelling – overbearing and excessive density. Existing properties in Park Lane are spacious with generous plots, whereas this development would be cramped and untypical; b) overlook and overshadow other properties, particularly 21 Daintrees Road; c) additional traffic should not be encouraged along unlit, narrow private road with poor access onto main road; d) access to property is too small, vehicles would not be able to turn in

one manoeuvre leading to vehicles turning and using the Parish recreation field;
e) inadequate off-street parking. On street parking would not be possible given narrow nature of lane; f) concern re contractors parking on recreation field during construction.

15. **Corporate Manager (Health and Environmental Services)** – raise concerns arising from noise during construction. Subsequently recommend conditions regarding use of power operated machinery and pile foundation to be attached to any approval.
16. **Building Regulations Officer** – comments that it would appear that the Environment Agency are suggesting a floor level of 6.85, the proposal is for a floor level of 6.45 – a 0.4m shortfall which is suggested to be covered by dam boards to above the 6.85 level, as recommended in other guidance. This appears satisfactory although not ideal.
17. **Environment Agency** comments are awaited and will be reported verbally.

Representations

18. At the time of preparing this report representations have been received from 10 neighbouring owner/occupiers. The main concerns raised are as follows:
 - (a) Vehicular access or egress would be unsafe during construction and upon habitation and possibly use would impinge upon accesses of neighbouring dwellings – may not be possible to turn in one manoeuvre.
 - (b) Development of site for house would be out of keeping with character of area by virtue of spacing, layout being ‘squashed’/cramped.
 - (c) Increased vehicular movements would pose hazard to pedestrians, given narrow nature of lane.
 - (d) Adverse impact upon amenity of neighbouring dwellings in Park Lane and Daintrees Road – overbearing impact given proximity, loss of privacy, loss of light.
 - (e) Interrupt open feel and views from Park Lane on to Recreation Ground and vice versa.
 - (f) Fen Drayton has limited ‘sustainable’ capacity to accommodate additional dwellings. The proposed dwelling is not low-cost or affordable housing and therefore must be profit led.
 - (g) Would set precedent for additional dwellings in Park Lane.
 - (h) Inaccuracy of plans submitted in relation to depth of gardens relative to Park Lane.
 - (i) Applicants run a child minding business from home, and have suggested they would do so in proposed dwelling – adverse impact on highway safety.
 - (j) Site is adjacent to blind bend in road – additional traffic would reduce safety of pedestrians, including children who use the lane.

- (k) The flood risk assessment has been based upon false information relating to public sewer. Manhole identified for drainage serves a private sewer. Subsequent impact may be need to either provide septic tank on site or excavate 100m of Park Lane to obtain access to public sewer – subsequent implications of such.

Planning Comments – Key Issues

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

- (a) Impact upon the character and appearance of the Streetscene;
- (b) Impact upon Residential amenity;
- (c) Highway Safety;
- (d) Flood Risk.

Impact upon the character and appearance of the Streetscene

20. The application site forms a triangular plot of land, surrounded by dwellings on two sides. It is positioned within the development framework for the village, as defined by the South Cambridgeshire Local Plan 2004 and the draft Local Development Framework 2006. Whilst mindful of the previous reasons for refusing permission for the erection of a dwelling on this site, it is important to note that the proposed development would constitute a density of 25 dwellings per hectare (compared with the current government required density of 30 dwellings per hectare, unless strong design grounds require otherwise).
21. Compared with the previously refused scheme the proposed dwelling has been repositioned and redesigned, so that it now features a 1 ½ storey design and incorporates an integral garage, thus removing the need for additional structures on the site. The proposed structure is similar to other dwellings in the street scene, featuring the use of a chalet style design, with similar height, scale and form. The applicants have provided a basic description of the intended external materials for the proposed dwelling, which appear to accord with the character of those used on the existing dwellings in the street scene but a condition is recommended below, should members be minded to approve the scheme, to ensure that these details are adequate. Similarly, in respect of the need to potentially address the treatment of the sites boundaries, in order to provide the proposed dwelling with a measure of privacy whilst respecting the character and appearance of the street scene, a condition is recommended to secure appropriate landscaping and boundary treatment measures.
22. With regard to the comments regarding the precedent for new housing in the street scene, I do not consider that the proposed development would set any particular example as any further site would need to be assessed on its own merits. In this instance I am of the opinion that the amended proposals would not result in an unacceptable impact on the character and appearance of the streetscene. Given the unusual shape of the site, and its prominent position on a bend in the Lane, I have also recommended the removal of permitted development rights for extensions, alterations and enclosures to the dwelling to ensure that any further alterations do not harm the character and appearance of the street scene.

Impact on Residential Amenity

23. The proposed dwelling is to be positioned so that it is located in the largest part of the triangular shaped site. The main bulk of the dwelling has been positioned away from

the shared boundary with the existing dwelling at 20 Park Lane and features a 1 ½ storey side wing, with integral garage immediately adjacent to this dwelling.

24. No.21 Daintrees has a garage structure located nearest to the proposed dwelling, which is separated from the structure by approximately 4.8m. The private amenity space to the rear of the dwelling is approximately 9.4m from the development. By virtue of the location, scale and form of the proposed dwelling, although the development would be positioned to the south of No.21 Daintrees Close, it is unlikely that the development would give rise to an unacceptable loss of light. By virtue of the orientation of the plot and the garden serving No. 20 Park Lane, there may be a small amount of late afternoon shadowing to a corner of the resultant garden to this dwelling. However, this has been minimised by setting the bulk of the dwelling away from the boundary and would not be considered unacceptable, such as to warrant refusing the application.
25. As amended, the dwelling features no windows that would afford direct overlooking of the neighbouring dwellings, aside from a window in the first floor bathroom, facing towards the applicant's dwelling at No.20 and a secondary window in the gable elevation facing towards 21 Daintrees Road, to provide means of fire escape. Given the purpose of these two windows, and in order to protect the amenities of neighbouring dwellings, a condition is recommended to ensure that these windows are permanently fitted with obscure glazing. Furthermore, a condition is also recommended to ensure that no further windows are inserted in sensitive elevations, to prevent later additions that would jeopardise neighbouring privacy.
26. Some windows exist in the front elevation of the proposed dwelling at ground and first floor level, that would face towards the existing dwellings at 15 and 17 Park Lane, on the other side of the Lane. However, the nearest windows at first floor would be separated by approximately 17.5m and as such would be unlikely to result in an undue loss of privacy. The relationship between these windows is similar to the existing relationship between windows in the dwellings at 15 and 20 Park Lane, which are separated by approximately 18m at their nearest points.

Highway Safety

27. The development, as amended, provides for two off-road parking spaces, one in the garage and one in front of the dwelling, which accords with the maximum parking standards identified within Appendix 7/1 of the Local Plan. As such, I am of the opinion that it would not be reasonable to resist the proposed development on the grounds of a lack of parking provision. Conditions to ensure the availability of the parking spaces to prevent a lack of parking provision are considered reasonable, should members be minded to approve the development.
28. The amended plans also illustrate that vehicular turning could be achieved without the need for an unacceptable number of manoeuvres. With regard to the comments raised regarding increased traffic generation and the impact upon the safety of users of the estate, whilst the proposal would be likely to create additional vehicular movements, the level of movements typically associated with a single dwelling would be unlikely to result in an undue impact on highway safety. Similarly, whilst it is noted that the proposed access would be closer to the bend in the road than the existing access serving the dwelling at No. 20, given the narrow nature of the road and the subsequent speed of vehicles approaching from either direction, the creation of a new access would not be likely to result in an increased highway safety risk.

29. Whilst the comments regarding a child-minding business are noted, this does not form part of the application for the proposed dwelling. Should any such business be proposed in the dwelling, once completed, were it to generate a level of traffic or other impacts above those ancillary to the operation of a dwellinghouse then the use might require planning permission in its own right. As such, the potential for the use of the dwelling as a child-minding business cannot be viewed as material considerations for the planning application.
30. The comments raised with regard to the parking of construction traffic would also not be within the control of planning legislation and therefore would similarly not be material considerations for the planning application. Any constructors vehicles would, however, need to respect all other relevant legislation with regard to privately owned land and public highways.

Flood Risk

31. With regard to the issues raised by the Parish Council, the site is identified as being in Flood Zone 3 (high risk) area, as identified by the Environment Agency. As such, a flood risk assessment has been submitted for this development. The building regulations officer's comments with regards to the suitability of the method of management state that whilst the proposals are not ideal, they would perform satisfactorily. As such, I am of the opinion that an objection to the development could not be upheld.
32. With regard to the neighbours comments regarding the accuracy of statements within the assessment relating to the public foul sewer are noted. However, it is the obligation of the applicants to obtain the necessary permission of the relevant statutory undertakers prior to carrying out any development and to satisfy the requirements of the Land Drainage Act, independently of the grant of planning permission. Should this permission be denied it would therefore also be the responsibility of the applicants to find an alternative method of surface and foul water disposal. As such, the points raised are not material considerations for the planning application.

Recommendation

33. Subject to the outstanding comments from the Environment Agency, Approval (as amended by letter and plans date stamped 26th March 2007)
1. Standard Condition A – Time limited permission (Reason A).
 2. Sc5a – Details of materials for external walls and roofs (Rc5a(ii)).
 3. Sc51 – Landscaping (Rc51).
 4. Sc52 – Implementation of landscaping (Rc52).
 5. SC60 – Details of boundary treatment (RC60).
 6. During the period of construction, no power operated machinery (or other specified 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. (Reason - To minimise noise disturbance to adjoining residents.)

7. No windows, doors or openings of any kind shall be inserted in the north-west, north-east and south-east elevations of the development, 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.)
8. The first floor windows in the north-east and south-east elevations of the dwelling, hereby permitted, shall be fitted and permanently maintained with obscured glass. (Reason - To safeguard the privacy of occupiers of the adjoining properties.)
9. 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), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:-
 - i) PART 1, (Development within the curtilage of a dwellinghouse, all Classes).
 - ii) PART 2, (Minor operations), Class A (erection of gates, walls or fences). (Reason – To safeguard the character of the area and the amenities of neighbouring dwellings.)

Informatives

1. Environmental Health and Environment Agency informatives regarding bonfires, waste and drainage.
2. Should driven pile foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted to and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

Reasons for Recommendation

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 Village)
 - **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:**
SE4 (List of Group Villages),
SE9 (Village Edges) and
HG10 (Housing Design and Mix)

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, loss of light and overlooking issues
 - Character and Appearance of the Streetscene
 - Highway Safety
 - Flood Risk

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

- South Cambridgeshire Local Development Framework Core Strategy Draft development Control Policies 2006
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/0306/07/F; S/0019/92/F; S/1207/87/D and S/0748/85/O
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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