

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

1<sup>st</sup> August 2007

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

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**S/1835/06/RM – GAMLINGAY**  
**Dwelling – Land to the rear of 32 Mill Street (off School Close)**  
**for Mr and Mrs A Hibbert**  
**Recommendation: Approval**

**Date for Determination: 20<sup>th</sup> November 2006**

### **Notes:**

**This Application has been reported to the Planning Committee for determination because Gamlingay Parish Council has recommended that the amended plans be refused.**

### **Adjacent Conservation Area**

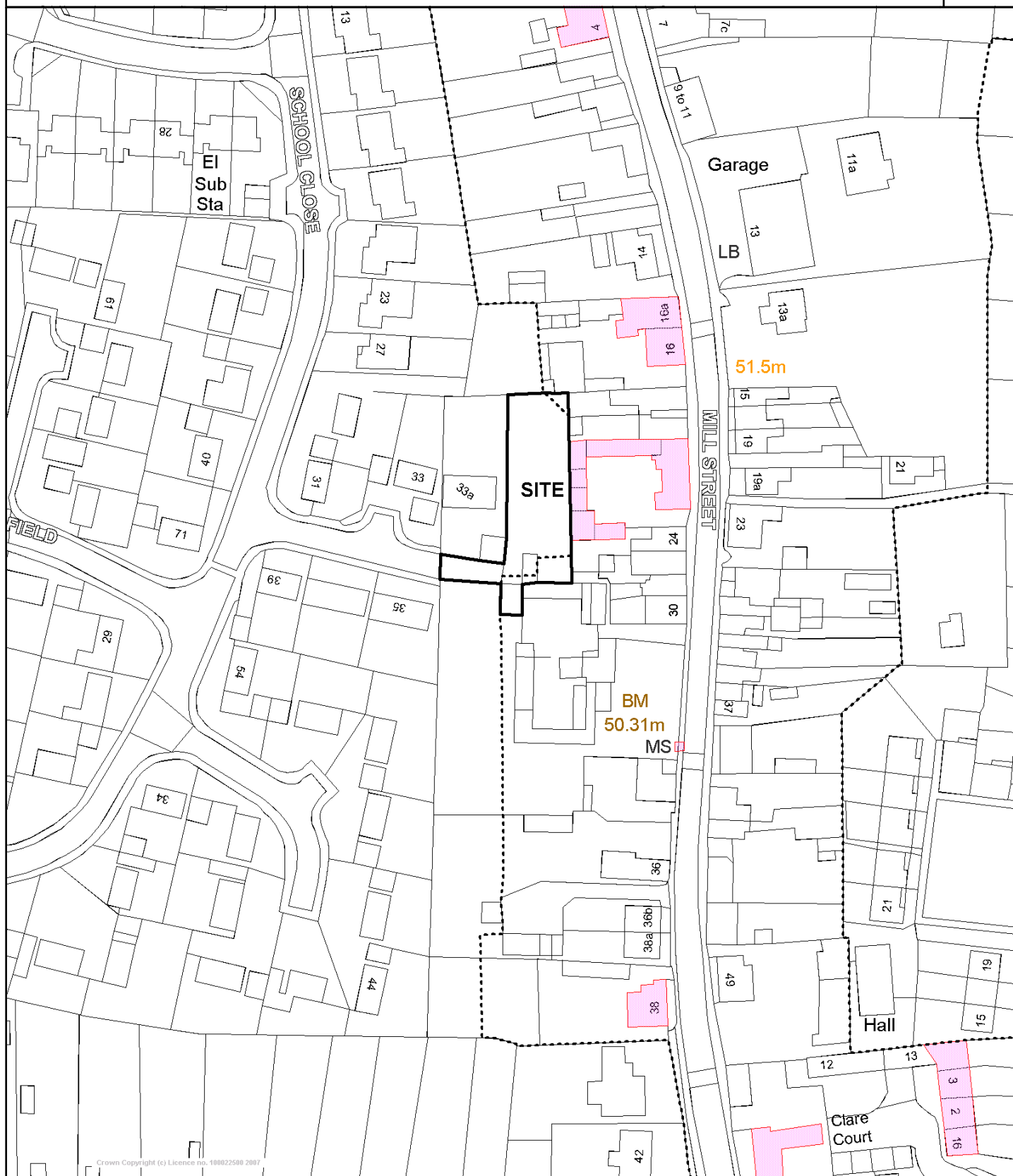
#### **Site and Proposal**

1. Members originally visited the site on the 5<sup>th</sup> February of this year and the application was discussed on the 7<sup>th</sup> of the same month. At the time of the original submission the design and location of the proposed dwelling was based around the retention of a protected walnut tree in the centre of the site. By siting the dwelling forward of the neighbouring property in School Close issues of neighbour amenity had been raised by residents of the neighbouring properties in Mill Street.
2. As a result of the Committee Meeting the decision was taken to investigate the possibility of felling the protected walnut tree so that the proposed dwelling could be redesigned and sited further back within the site. The reserved matters application has since been amended in order to site the dwelling approximately 5 metres further to the north. Moreover a pitched roof detached garage is also proposed to the south of the new dwelling. Adjacent to the eastern boundary of the site the proposed brick garage has a height of 2.8m to the eaves and 6m to the ridge and a width of 7.6m.
3. In terms of the dwelling itself a pair of first floor dormer windows have been added to the rear elevation, which now has an eaves height that has been reduced to 4m. The asymmetrical forward projecting gable has been reduced in depth (7.5) but has been increased in height (7.5m) and an additional bathroom window has been inserted in the first floor of the east elevation. The overall height of the dwelling has remained unchanged.

**Planning Policy – (additional considerations since the date of the last Committee Meeting)**

**South Cambridgeshire Local Plan 2004 Local Development Framework to be Adopted July 2007)**

S/1835/06/F



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Scale 1/1250 Date 17/7/2007

Centre = 523703 E 252155 N

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4. DP/2 'Design of New Development' **states that all new development must be of high quality design and should preserve or enhance the character of the local area.**
5. CH4 'Development within the Curtilage or Setting of a Listed Building' **states that permission will not be granted for development which would adversely affect the curtilage or wider setting of a Listed Building.**
6. **CH5 'Conservation Areas'** requires applications for development within Conservation Areas to be determined in accordance with legislative provisions national planning policy and Supplementary Planning Guidance.

### **Consultation**

7. **Gamlingay Parish Council** – Recommends that the application be refused following concerns over the roof height of the new proposed garage adjacent to 24/26 Mill Street, which will overshadow these properties. The Parish Council recommends refusal due to the massing/height of the garage roof, and lesser concerns over the proximity of footings to barns adjacent.
8. **Conservation Manager** – Notes that the design of the dwelling remains broadly the same but with the garage being separated off. The new location results in a very poor relationship between the east wall of the new dwelling and the west wall of the range of curtilage listed outbuildings with no space being provided to adequately maintain these outbuildings. The revised scheme is contrary to Policy EN28 and PPG15 as it is harmful to the setting of these curtilage listed structures.
9. **Trees and Landscapes Officer** – Has no objection, though has requested that details of a replacement walnut tree be submitted for the replacement of the TPO'd walnut tree.

### **Representations**

10. Two letters of objection have been received from the owner/occupiers of 24 and 26 Mill Street and an E-mail of objection has been received from the owner/occupier of 23 Mill Street, their objections relate to the following:
  - (a) The loss of the TPO'd tree (loss of visual amenity). A suitable house should be built not fell the tree.
  - (b) Impact upon neighbour amenity from the garage (numbers 24 and 26 Mill Street) and its tall pitched roof.
  - (c) Increase in the size of the dwelling

### **Planning Comments – Key Issues**

11. With the loss of the TPO'd walnut tree the location of the dwellinghouse has altered, as has the design of the property with the garage element now being provided by way of a detached building. Therefore, as with the earlier scheme the main issues for Members to consider are the suitability of design and scale of the proposed dwellinghouse with regard to the visual impact upon the adjacent Conservation Area, the impact upon neighbour amenity and the loss of the TPO'd walnut tree.

### ***Impact upon the Conservation Area***

12. Although the Conservation Manager has objected to this scheme if the forward projecting gable were to be taken away from the curtilage listed outbuilding at the rear of 22 Mill Street then the objection would no longer stand. In discussions with the applicants and the Conservation manager a figure of 1m has been suggested as a suitable distance between the new building and the curtilage listed barn. Amended plans are awaited to show this greater space between the two buildings. If Members are minded to approve the application it is requested that the application only be approved following the aforementioned amendment being received.
13. By setting the dwelling further back within the site the bulk of the dwellinghouse will be in part screened by the tall outbuilding at the rear of 22 Mill Street. Therefore views of the property will be limited from the public highway by virtue of the density of built form that fronts Mill Street. As mentioned in my previous report the Gamlingay Conservation Area is considered to be more urban in character than some of the Conservation Areas in the smaller villages of South Cambridgeshire. Therefore the principle of the siting of the physical bulk of the proposed dwelling to the rear of the curtilage listed outbuildings has never been considered unacceptable, and I do not consider that this amended design has any more of an impact upon the Conservation Area than the previous design.

### ***Impact upon Neighbour Amenity***

14. Whereas previously a large proportion of the dwelling was located to the rear of numbers 24 and 26 Mill Street the amended design takes the dwelling further away from these two properties. In place of the forward projecting gable the proposed single storey garage will be to the rear of the boundary fence of number 24 Mill Street. Although the garage will be 6m in height the ridge will be away from boundary of the site as a result of the proposed ridged roof. Given the distance of the apex from the neighbours' boundary fence approximately 3 metres and its height I do not consider that the development will have an unacceptable impact upon neighbour amenity.

### ***The loss of the TPO'd walnut tree***

15. The reason for the walnut tree originally being protected by way of a tree preservation order was to enhance the visual amenity of the area. It is considered that this visual amenity could be just as suitably provided by a newly planted semi-mature tree at a distance from the new house that would allow its unhindered growth. If Members are minded to approve this application a condition will be used to require that a semi-mature tree be planted as part of the scheme of landscaping for the site.

### ***Recommendations***

16. Approval of reserved matters of siting, design and means of access (As amended by drawing number P331/8 Rev E, P331/12 Rev E and P331/17 Rev E in accordance with outline planning permission S/0141/01/O dated 23<sup>rd</sup> February 2004.)
  1. Sc5a – Notwithstanding the details enclosed on the plans, hereby approved, no development shall commence until details of materials for external walls and roofs and foundations 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. (Rc5aii);
  2. Sc51 – Landscaping (Rc51);

3. Sc52 – Implementation of landscaping (Rc52);
4. Sc60 – Details of boundary treatment (Rc60);
5. Sc5f – Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (Reason – To minimise disturbance to adjoining residents);
6. Sc22 – No further windows at first floor level in the east elevation and roofslopes of the development (Rc22);
7. The first floor windows in the east elevation of the dwelling shall be fitted with and permanently maintained with obscure glazing. (Rc In order to protect the amenity of the occupiers of adjoining properties.)
8. Restriction of hours of use of power operated machinery; during the period of construction
9. The roof light in the east elevation of the west facing wing shall be 'conservation style' rooflights and shall be no lower than 1.7 metres above finished floor levels. (Rc In order to protect the amenity of the occupiers of adjoining properties.)
10. No development shall commence until details of a scheme of habitat enhancement and nest box provision has been submitted to and approved in writing by the Local Planning Authority, the approved scheme shall then be implemented prior to the occupation of the dwelling. (Rc - To enhance the biodiversity of the site and mitigate the loss of natural habitats as a result of its development.)
11. Notwithstanding the provisions of Regulations 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, classes A, B, C and E).  
(Reason - To preserve the character and appearance of the adjoining Conservation Area.)

### 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 **P7/6** (Historic Built Environment);
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  - **Local Development Framework: Core Strategy and Development Control Policies 2007 ST5** (Minor Rural Centres); **DP/1** (Sustainable Development); **DP/2** (Design of New Development); **CH4** (Development within the Curtilage or Setting of a Listed Building) and **CH5** (Conservation Areas)

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
  - Visual impact on the locality
  - Impact upon setting of adjacent Conservation Area
  - Loss of protected walnut tree

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

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Development Framework 2007
- Planning File Ref: S/1835/06/RM and S/0141/01/O

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