

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

AUTHOR/S: Director of Development Services

4th August 2004

**S/1061/04/F – Castle Camps
Dwelling – Land r/o The Shrubby, High Street for C Wenham**

Recommendation: Delegated Approval

Members of Committee will visit the site on Monday 2nd August 2004

Conservation Area

Site and Proposal

1. The application site is a 0.047 hectare (0.12 acre) plot of land located on the east side of the High Street. Between the site and the High Street is a substantial detached dwelling that is presently unoccupied ('The Shrubby') and the plot presently forms part of the garden area to that property. To the north, beyond a public footpath, is a rendered cottage ('Pear Tree Cottage') whilst to the south is a brick dwelling ('Serena'). Open countryside lies beyond the site to the east.
2. The full application, submitted on 20th May 2004, and amended on 24th June and 16th July 2004, seeks to erect a 4-bedroom detached dwelling and garage on the plot. The dwelling would be a render and pantile property with a ridge height of 7.9 metres (3.8 metres to eaves) whilst the attached garage would be a weatherboard and pantile structure. Vehicular access to the site would be gained via the existing right of way sited beyond the northern side of 'The Shrubby'.

Planning History

3. **S/2622/03/F** – An application to erect a dwelling and garage on this site was refused for the following reason:

"The proposal seeks to erect a 2 storey, 7.9 metre high dwelling just 9 metres to the north of 'Serena' and 15 metres to the rear/east of 'The Shrubby'. The dwelling, by virtue of its siting, scale and height, would dominate the outlook from the north elevation of 'Serena', the property located directly to the south of the site, as well as affecting the enjoyment of the private garden area to that property by virtue of its overbearing presence. The proposed dwelling also has first floor bedroom windows in its west elevation and would overlook the private garden area of 'The Shrubby' and the first floor and ground floor windows approved in the east elevation of 'The Shrubby' under planning ref: S/2623/03/F. Consequently the proposal would contravene Policies SE4 and HG11 of the South Cambridgeshire Local Plan 2004 which state that development in Group Villages and on backland plots will only be permitted where it would not harm the amenities of adjoining properties by reason of overbearing, overlooking or overshadowing."

4. **S/2623/03/F** – An application for a two storey extension to the rear of ‘The Shrubbbery’ together with a number of alterations, including the addition of ground floor and first floor windows at the rear of the building, was approved.
5. **S/1062/04/F** – A revised scheme for an extension and alterations to ‘The Shrubbbery’ has been submitted. This involves the replacement of the first floor rear bedroom windows approved under planning ref: S/2623/03/F with rooflights. This application was approved at the Chairman’s Delegation meeting held on 19th July 2004.

Planning Policy

6. Castle Camps is identified within **Policy SE4** of the South Cambridgeshire Local Plan 2004 as a Group Village. In such locations, residential development will be restricted to groups of no more than 8 dwellings providing the site does not form an essential part of village character and development is sympathetic to the character of the locality as well as the amenities of neighbours.
7. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:

Result in overbearing, overlooking or overshadowing of existing residential properties;
Result in noise and disturbance to existing residential properties through the use of its
Result in highway dangers through the use of its access; or
Be out of character with the pattern of development in the vicinity.
8. **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.
9. The site lies within the village Conservation Area. **Policy P7/6** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) requires development to protect and enhance the quality and distinctiveness of the historic built environment, whilst **Policy EN30** of the South Cambridgeshire Local Plan 2004 requires new development in a Conservation Area to either preserve or enhance the character of the area.

Consultation

10. **Castle Camps Parish Council** objected to the original application stating:

“ This application should be refused as it is just a re-hash of what has already been refused, it is blatantly ‘back building’ and would result in ‘common land’ becoming a private driveway. The right of access is assumed not registered and has historically only been for garden use on rare occasions, not daily use for vehicles.”

Additional comments and objections were received in response to the latest amendment:

- “ 1. Not in keeping with Conservation Area;
2. This is back building and should not be allowed;
3. Side access is public ground and does not belong to site;
4. Velux windows inappropriate for Conservation Area;
5. Area becoming too dense in buildings;
6. We have already rejected this proposed development and these revisions make no

difference to our original refusal.”

Any additional comments received from the Parish Council in respect of the latest amendment will be reported verbally at the Committee meeting.

11. **The Conservation Manager** raises no objections in principle to the application but does have some concerns over the catslide dormer on the front elevation. The proposed means of access to the site has the appearance of a green lane and should not be urbanised by surfacing with tarmac or brick paviors. Also, the existing hedge on the north boundary of the site should be retained helping to maintain the informal, green appearance of this part of the village. The Conservation Manager has also indicated verbally that the access should be closer to the existing buildings in order to afford more space between the access and footpath for landscaping.
12. **The Trees and Landscape Officer** raises no objections in respect of the trees shown for removal.
13. **The Chief Environmental Health Officer** raises no objections in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that a condition restricting hours of use of power operated machinery be applied to any planning consent.
14. **The County Footpaths Officer** although not notified specifically about this application, raised no objections to the previous application for a dwelling on the site subject to the footpath remaining open and unobstructed at all times.

Representations

15. Letters of objection have been received from three local residents, Pear Tree Cottage, Serena and Moat Farm. The main points raised are:
 - It would be impossible to manoeuvre a car into the garage;
 - Access to the cottage should be through one of the existing garages on the High Street;
 - ‘The Shrubbery’ itself should be renovated and converted into a pair of semi-detached dwellings;
 - The ownership of amenity land to the east of the proposed dwelling is under dispute;
 - The proposed means of access to the site is undefined and not a right of way into the plot;
 - The development would exacerbate the existing parking problem within the High Street;
 - If approved, this development could set a precedent for similar applications;
 - View from east facing first floor window in Pear Tree Cottage will be obscured by the roof of the new dwelling;

- The scale and height of the dwelling is out of keeping with the plot of land on which it is being built.

Planning Comments – Key Issues

16. The key issues in relation to this application are:
 - The impact of the development upon the character and appearance of the Conservation Area:
 - Residential amenity;
 - Impact on trees;
 - Access to the site;
 - Impact on public footpath
17. The site lies within the village framework where policies state that the principle of new residential development is acceptable providing the site in its present form does not form an essential part of village character and providing development is sympathetic to the character and amenities of the surrounding area. In addition, Policy HG11 of the Local Plan states that backland development may be acceptable providing, amongst other things, it would be in keeping with the character of the area.
18. Concerns have been expressed about the proposal on the basis that it represents backland development and could set a precedent for similar applications. The Conservation Manager has raised no objections in principle to the erection of a dwelling on this plot given that there are two backland dwellings directly to the south of the site. In addition, the fact that this could result in further applications for backland plots is not in itself, sufficient justification for refusing an application as each application is determined on its own merits.
19. The Conservation Manager has requested that the catslide dormer be removed from the front elevation of the dwelling. This alteration has not been incorporated into the amendments submitted to date. I have discussed this matter further with the Conservation Manager who considers the removal of this dormer to be essential in order to ensure that the design of the development would not detract from the character of the Conservation Area. The applicant will therefore be requested to amend the design of the dwelling accordingly.
20. The Parish Council and local residents have objected to the application on the basis that the applicant does not have a right to access the site. I understand that the piece of land across which it is proposed to access the site is the subject of a current ownership dispute. According to the applicant, this has been used as a vehicular access in association with 'The Shrubbery' since the 1920's. Whether or not the applicant has a legal right to access the site is not a material planning issue. However, it was considered important to include the access to the plot within the site edged red so that its surfacing could be controlled by planning condition. This area was initially left out of the site area (given that the ownership is under dispute). The plans and certificates have been amended accordingly and I am awaiting confirmation from the applicant's agent that the application has been advertised within the local newspaper in accordance with legal procedures.
21. The application has been amended in order to resite the dwelling 2 metres to the south thereby ensuring the retention of the existing laurel hedge on the northern

boundary of the site. This would leave a gap of 17 metres between the southern elevation of the property and the adjoining dwelling to the south 'Serena'. I am satisfied that the property is sited sufficiently far from 'Serena' to avoid affecting the outlook from this property thereby overcoming part of the reason for refusing the previous application on the site. With respect to the relationship of the proposed dwelling with 'The Shrubbery', first floor windows have been removed from the front/west elevation, when compared with the previously refused scheme, and replaced with rooflights. This would therefore prevent any overlooking of the rear elevation of 'The Shrubbery' from the new dwelling. In addition, an amended scheme for extension/alterations to 'The Shrubbery', which removes previously approved first floor bedroom windows from the rear/east elevation of that property, has recently been approved. Clearly, the dwelling proposed within the present application would only be acceptable if the latter of the two consents relating to 'The Shrubbery' is implemented. As such, should Members be minded to grant consent for this application, it would need to be subject to a Section 106 Agreement to ensure the revocation of planning consent ref: S/2623/03/F. Finally, I am satisfied that the proposed dwelling is sited sufficiently far from first floor windows within the east elevation of Pear Tree Cottage not to unduly compromise the outlook from these windows.

22. I am therefore satisfied that this proposal overcomes the reasons for refusal of the 2003 application (see Para 3 above.)

Recommendation

23. Subject to the receipt of amendments to delete the front dormer and resite the access/driveway closer to the dwelling and to the receipt of evidence that the application has been advertised, delegated powers are sought to approve the application subject to a Section 106 Agreement to revoke the first consent for extension/alterations to 'The Shrubbery' and to the following conditions:
- 1) ScA (RcA)
 - 2) Sc5a – Details and samples of materials (Reason – To ensure that the development does not detract from the character of the Conservation Area)
 - 3) Sc5f – Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (Reason – To ensure that the development does not detract from the character of the Conservation Area)
 - 4) Sc51 – Landscaping (Rc51)
 - 5) Sc52 – Implementation of Landscaping (Rc52)
 - 6) Sc60 – Boundary treatment (Rc60)
 - 7) During 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)
 - 8) Para C3a & b – Permanent turning and parking to be provided before the occupation of the dwelling (Rc10)
 - 9) Save for the windows shown within the approved drawings, no further windows, doors or openings of any kind shall be inserted at first floor level in the north, south and west elevations of the dwelling, 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 dwellings to the north, south and west.)

Informatives

Reasons for Approval

1. The approved 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);
 - **South Cambridgeshire Local Plan 2004:** SE4 (Development in Group Villages) and EN30 (Development in/adjacent to Conservation Areas)
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Neighbour impact;
 - Visual impact on the locality;
 - Impact upon the character of the Conservation Area;
 - Access to the site.
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

General

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 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. The County Footpaths Officer has advised that the adjacent footpath to the north must remain open and unobstructed at all times. Building materials, contractor's vehicles and scaffolding must not be sited on the footpath. In addition, no alteration to the surface of the footpath is required without the consent of Cambridgeshire County Council's Countryside Services Team.
4. Cambridgeshire County Council's Countryside Services Team has advised that it is an offence under Section 34 of the Road Traffic Act 1988 to drive a motorised vehicle onto a public footpath without lawful authority.

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Background Papers: the following background papers were used in the preparation of this report: County Structure Plan 2003, South Cambridgeshire Local Plan 2004, File Refs: S/1061/04/F, S/2622/03/F, S/1062/04/F and S/2623/03/F.

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