

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2nd April 2008

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

S/0089/08/F - HARSTON

Dwelling – Land r/o 44 & 46 London Road for A M D Ltd

Recommendation: Delegated Approval

Date for Determination: 12th March 2008

Notes:

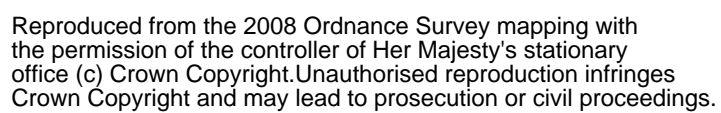
This Application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the response of the Parish Council, at the request of District Councillor Mrs Lockwood, and following consideration of the application at the Chairman's Delegation meeting held on 12th March 2008

Site and Proposal

1. The 0.08 hectare application site forms part of the rear garden area to No.46 London Road and is located on the south-east side of Queens Close. Directly to the north-east of the site is 'Ashlea', a modest bungalow fronting Queens Close, and the rear garden of No.46 London Road, a two storey detached dwelling. To the south are two bungalows, known as 'Cartref' and 'The Orchard', that are accessed via a shared driveway off Queens Close (known as Orchard Way). Between the site and the road is a grassed area of land owned by this Authority which comprises a number of trees including a mature ash.
2. The full application, submitted on 16th January 2008, seeks to erect a two storey, 5-bedroom brick and slate dwelling on the site. The proposed house would be 7 metres high and would incorporate low eaves (2.5 metres high). The house would have a two storey forward projecting wing to the southern end of the front elevation whilst, at the northern end adjacent to Ashlea, the house has been designed to drop down to a lower element (5.6 metres high) comprising a garage with bedroom accommodation above. Access to the site would be off Queens Close and across the adjoining Council owned grassed area. The density of the development equates to 12 dwellings/hectare.

Planning History

3. **S/0534/06/O** – Outline planning permission granted for the erection of a chalet bungalow on the site, following consideration at the Planning Committee meeting held on 5th July 2006. Approval was given for the siting and means of access, with the design and landscaping being reserved for further consideration.
4. **S/0643/89/O** – Outline application for the erection of a dwelling on the north-western half of the site was refused but subsequently allowed at appeal, with all matters reserved. The application was then renewed under reference **S/1680/92/O**.



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5. **S/1224/99/F** – Application for use of domestic outbuilding within garden of No.46 London Road as a gym was refused for neighbour amenity reasons.

Planning Policy

6. **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.
7. Harston is identified within **Policy ST/6** of the South Cambridgeshire Local Development Framework Core Strategy 2007 as a Group Village. This policy states that residential development and redevelopment up to an indicative maximum size of 8 dwellings will be permitted within the village frameworks of Group Villages. Development may exceptionally consist of up to 15 dwellings where this would make the best use of a single brownfield site.
8. **Policy DP/2** of the Local Development Framework Development Control Policies 2007 requires all new development to be of high quality design and to provide higher residential densities and a mix of housing types.
9. **Policy DP/3** states that permission will not be granted for proposals that would have an unacceptable adverse impact on (amongst other issues): residential amenity; from traffic generated; on village character; on the countryside and landscape character; from undue environmental disturbance; on ecological, wildlife and archaeological interests; and on flooding and flood risk.
10. 2007 Local Development Framework **Policy HG/1** requires residential developments to make best use of sites by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment.

Consultations

11. **Harston Parish Council** recommends refusal, stating:
 1. A two storey house constitutes a material change from a bungalow, for which planning permission was granted in 2006 (PA S/0534/06).
 2. The other houses in Queens Close are bungalows and a 2 storey house would be overbearing in the context.
 3. A 2 storey house in this context would provide an unwelcome precedent for similar overbearing development to take place on nearby; however, the adjacent and nearby residents would have no objection to a bungalow.
 4. There would be loss of amenity to Ashlea House, with the upper level skylights in the southwest elevation opening directly onto a view of bedroom windows of Ashlea House.

However, if the application is approved, the Harston Parish Council would request conditions to apply, as per PA S/0534/06.

12. **The Local Highways Authority** raises no objections subject to the provision of 2m x 2m pedestrian visibility splays.

Representations

13. Letters of objection have been received from Ashlea, Cartref, No.48 London Road, and from the London Road and Queens Close Residents Association. The main points raised are:
- a) The erection of a large house in an area predominantly occupied by bungalow style houses is inappropriate and out of keeping with the character of the area;
 - b) The proposal results in overdevelopment of the site;
 - c) Development would be to the south of Ashlea and would result in a loss of light to/overshadowing of the living room;
 - d) The access/driveway is too close to Ashlea's living room window and would result in undue noise and disturbance to the residents of this neighbouring property;
 - e) The previous decision was acceptable because the proposal was for a bungalow, which was 6.7 metres high, a minimum of 6 metres from the boundary with Ashlea, and the driveway was located away from Ashlea's affected window;
 - f) The proposed first floor windows overlook the main living areas of Cartref;
 - g) Approval of the application could set a precedent for large garden developments to take place along the south eastern side of London Road;
 - h) Planning Policy Statement 3 has given new powers to Councils to prevent inappropriate developments on garden land.

Representations by District Councillor, Mrs J Lockwood

14. District Councillor Mrs Lockwood has raised objections to the proposal:

"There is a lot of strong feeling about the...planning application. It is quite a lot different from the acceptable build in the approved outline application of 2006. The siting of the house, the change in position of the driveway, and the general bulk increase are all undesirable features. I'm not sure that I agree.....that a 2 storey house (quite a bulky one, even though the roof steps up for the garage) is suitable here because.....it is surrounded on 3 sides by bungalows. It is difficult to assess the site from the drawings, as surrounding houses are not shown and the drawings, I am told, are not to a reproducible scale. The Parish Council is against it, and, when you have viewed it, if you are still inclined to approve, I think I will ask for it to go to Planning Committee rather than Chairman's Delegation. The Resident's Association would like to address the meeting."

In a further email, Councillor Lockwood commented as follows in respect of the impact of the proposal upon Ashlea:

"Their south facing extension (represented by 2 little squares on the "site layout") is on the boundary line of the properties, the windowsill 1.5m from ground level. There is said to be a "ransom" strip of 1 metre and the applicant would presumably build a fence here, the height of which would be crucial to the light allowed into Ashlea. The building itself does not present a problem of light obstruction. The change of entrance site is much to the disadvantage of Ashlea, because it is so close to the house – noise and loss of privacy. If the building were set back a little, cars could enter the site easily from the old entrance and drive to the garage....In conclusion, I would like to see the old entrance site used and a limit to the height of the boundary fence before approval is given. The problem of windows overlooking Cartref also needs assessing."

Planning Comments – Key Issues

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

- a) Impact upon character and appearance of area;
- b) Residential amenity.

Impact upon character of area

16. The site lies inside the village framework. Harston is identified within the Local Development Framework as a Group Village where residential development is acceptable in principle providing development is sensitive to the character of the area and the amenities of local residents, amongst other issues. There is an extant outline permission for the erection of a chalet bungalow on this site, so the principle of erecting a dwelling on the land has been established.
17. Strong concerns have been raised by Councillor Lockwood, Harston Parish Council and local residents in respect of the scale of the proposed dwelling, when compared to surrounding properties, and its subsequent impact upon the character of the area. Ashlea, to the north-east of the site, is a very modest bungalow (approximately 6 metres high). There are also bungalows to the south of the plot (Cartref and The Orchard) although these are set well back from the road and are not readily visible in the street. Situated between these bungalows and Queens Close, approximately 25 metres to the south-west of the site, is a terrace of two storey (8 – 8.5 metres high) properties, Nos. 1-5 Queens Close, whilst the remainder of Queens Close and London Road is predominantly two storey in nature. When viewed from Queens Close, the proposed dwelling will fill a gap between a single storey and two storey dwelling. The property has been designed so that it steps up from a 5.6 metre high garage at the northern end to a 7 metre high forward projecting gable at the southern end of plot. In my opinion, the design approach succeeds in bridging the gap between the bungalow to the north-east and the two storey development to the south-west, and the proposed dwelling would not therefore have a harmful impact upon the character of the area.
18. There are inaccuracies in the current plans in that the dwelling is shown as being 7 metres high in the front elevation drawing, but 7.4 metres high in the other elevations. The applicant's agent has confirmed that this is an error and that the dwelling is intended to be 7 metres high. Amended drawings are being submitted to address these inaccuracies.
19. Reference has been made to the proposed dwelling being higher and more prominent than the previously approved property. It is important to note that only the means of access to the site and the layout were approved as part of the previous permission. The elevations drawings submitted at the time (which showed a 6.7 metre high hipped roof dwelling with low eaves and accommodation in the roofspace) were for illustrative purposes only, in order to demonstrate that a 1½ storey property could be accommodated on the site.

Residential amenity

20. With regards to the impact of the proposed property upon the amenities of neighbours, the adjacent dwelling Ashlea has a lounge/dining area within its southernmost element that is served by 3 windows facing to the south-east, north-west and south-west, with the latter window being on the common boundary. There is also a south-west facing bedroom window (the only window serving this bedroom) set

around 3 metres further away from the boundary. The proposed dwelling would be sited 5 metres away from the common boundary with Ashlea and 8 metres away from the bedroom window. A light diagram has been submitted and this demonstrates that the dwelling has been sited sufficiently far away from Ashlea's bedroom and living room windows to avoid a seriously harmful impact upon the light to these windows. I am also satisfied that the proposed house would not be unduly overbearing in the outlook from these windows. The Parish Council has objected to the application on the basis that rooflights in the south-west elevation would overlook Ashlea. However, these rooflights face Cartref, and no first floor windows are proposed in the north-east side elevation looking towards Ashlea. A condition preventing the insertion of any first floor windows in this elevation at a later date should be added to any consent.

21. Concerns have been raised about the impact of the proposed access upon the amenities of occupiers of Ashlea, particularly as this bungalow has a living room window directly on the boundary. In order to address the concerns raised, the applicant is proposing to move the access 5.7 metres further to the south-west, thereby ensuring that vehicles would not drive directly past the neighbour's window and providing sufficient space for some screening between the access and the window in question.
22. Within the previous outline application, there was a requirement for the proposed dwelling to be sited 9.6 metres away from a mature ash tree situated adjacent to the front boundary of the site, and the scheme was amended to address this issue at the time. In the current application, the house is shown 5.4 metres away from the tree. I am therefore awaiting the submission of amended plans to set the dwelling a further 4.2 metres back into the site. This will improve the impact of the dwelling upon Ashlea. The applicant has agreed in writing to this revised siting.
23. With regards to the impact on Cartref, the proposed property would be some 20 metres away from the frontage of this bungalow, whilst the rooflights in the rear wing would be 27 metres away from Cartref's front elevation. I am therefore satisfied that the proposed dwelling would not result in serious harm to the amenities of occupiers of Cartref by reason of loss of outlook or overlooking. Conditions should be attached to any consent removing permitted development rights for the insertion of first floor windows in the south-western side gable and in the south-eastern rear gable in order to prevent future overlooking of Cartref and the rear garden of No.48 London Road.
24. The density of the proposed development amounts to 12 dwellings per hectare. The possibility of erecting two dwellings on the site, in order to achieve a better use of the land, was explored with the applicant's agent. However, it was considered that such an approach would result in development too close to the boundary with Ashlea and Officers therefore discouraged a proposal along these lines.

Recommendation

25. Subject to the receipt of amended plans to show the dwelling set further back into the site (9.6m back from the ash tree), to reposition the access 5.7 metres to the south-west, and correcting the inaccuracies in the current elevations drawings, delegated powers are sought to approve the application subject to the following conditions:
 1. ScA (RcA).
 2. Sc5a – Details of materials for external walls and roof of the dwelling (Rc5aii).

3. No further windows, doors or openings of any kind shall be inserted at first floor level (including in the roofspace) of the north-east elevation and at first floor level in the gables of the south-west and south east elevations unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – To safeguard the privacies of occupiers of adjoining properties).
4. The first floor windows in the south east elevation of the dwelling, hereby permitted, shall be fixed shut and fitted and permanently maintained with obscured glass. (Reason – To safeguard the privacies of occupiers of adjoining properties).
5. Sc60 – Boundary treatment details (Rc60).
6. Sc51 – Landscaping (Rc51).
7. Sc52 – Implementation of landscaping (Rc52).
8. Before the occupation of the dwelling, hereby permitted, the access from the existing highway shall be laid out and constructed to the satisfaction of the Local Planning Authority after consultation with the Local Highway Authority. (Reason – In the interests of highway safety).
9. Para D5a – 2.0m x 2.0m (Reason – In the interests of highway safety)
10. The permanent space to be reserved on the site for turning shall be provided before the occupation of the dwelling, hereby permitted, and thereafter maintained. (Reason – In the interests of highway safety).
11. 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).

Informatives

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 applicant is advised to consider fitting the dwelling with acoustic double glazing in windows to habitable rooms in order to minimise noise disturbance from the adjacent electricity sub-station.
4. The granting of planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or

interference with, the Public Highway, and a separate permission must be sought from the Highway Authority for such works.

5. The developer should contact the Highway Authority, or its Agent, to arrange construction of any works within, or disturbance of, or interference with, the public highway, and all costs associated with such works shall be borne by the developer. The developer will neither be permitted to drain roof water over the public highway, nor access it in a surface channel, but must make arrangements to install a piped drainage connexion. No window or door will be allowed to open over a highway, and no foundation nor footing for the structure will be allowed to encroach under the public highway.
6. Environment Agency standing advice regarding use of soakaways to be attached.

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

- South Cambridgeshire Local Development Framework (LDF) 2007;
- Cambridgeshire and Peterborough Structure Plan 2003;
- Planning application references: S/0089/08/F, S/0534/06/O, S/1680/92/O, S/0643/89/O and S/1224/99/F

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