

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4th June 2008

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

S/0505/08/F – GREAT SHELFORD

Erection of 2 Dwellings following Demolition of Existing House, 2 Mingle Lane for Mr C Nightingale

Recommendation: Refusal

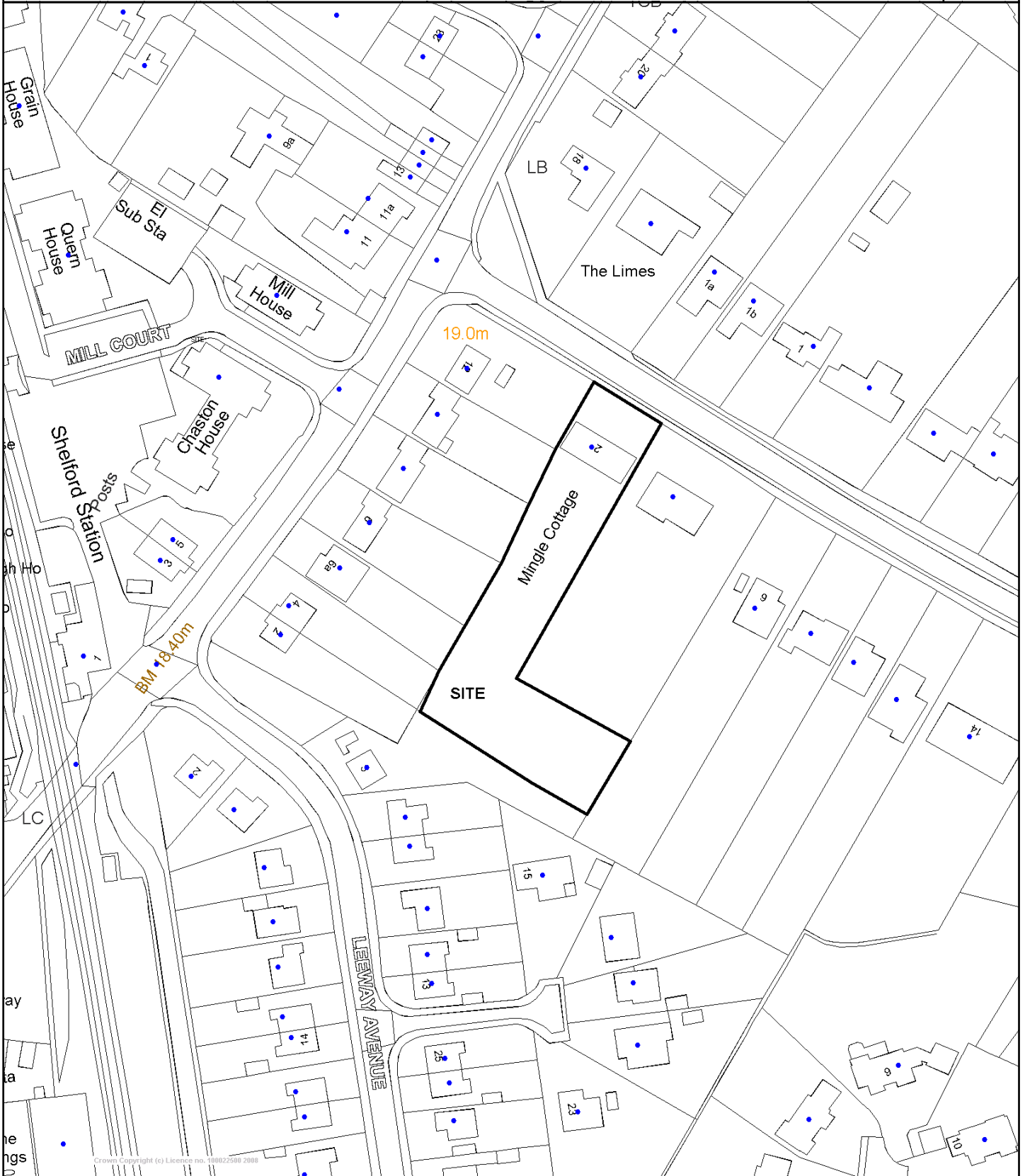
Date for Determination: 12 May 2008

Notes:

This Application has been reported to the Planning Committee for determination because the applicant is a District Councillor.

Site and Proposal

1. The application site is a 0.2 hectare plot of land sited to the rear of Nos. 2 and 4 Mingle Lane. The site forms part of the garden area to No. 2 Mingle Lane, a two storey brick/render and tile dwelling, and comprises a number of mature trees. To the south of the site are the rear gardens of dwellings within Leeway Avenue whilst to the west are properties within Hinton Way. The site is approximately 1.8 metres lower than the garden land of No.3 Leeway Avenue which lies directly to the south.
2. The full application, dated 14 March 2008, proposes the erection of a house and a chalet bungalow on the site following the demolition of the existing house. The new house on the frontage is shown to be a 5-bed unit on three floors (but 2½-storeys), with integral double garage. A driveway is shown to pass the southern side of the new dwelling, to serve the proposed chalet bungalow sited on the north-western end of the garden. This is to be a 2-bed dwelling in a T-form with detached double garage. The existing vehicular access onto Mingle Lane is to be widened to 5.0m for the first 12m, thereafter tapering to 3.5m.
3. The proposed driveway is shown to be bounded on the boundary with the new rear garden by a 1.8m high brick wall, otherwise the existing boundary fencing to the rear gardens of dwellings in Mingle Lane, Hinton Way and Leeway Avenue are to remain as existing.
4. The application is accompanied by a tree survey and arboricultural assessment. A walnut tree on the frontage is proposed to be felled in order to accommodate the widened vehicular access. This tree is assessed as desirable for retention although it has an unbalanced form with ivy present, but is to be felled to make way for development. Within the existing rear garden, several Lawson Cypress, three storm-damaged Willows and a dieback Sycamore are proposed for felling, but the majority of mature trees on the site boundaries are to be retained.
5. The density of development is 10 dwellings per hectare.



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Scale 1/1250 Date 21/5/2008

Centre = 546624 E 252251 N

June 2008 Planning Committee

Planning History

6. **S/2204/05/O** This application for the erection of a house at the rear of the existing dwelling was refused in 2006 on the grounds that the development would harm the appearance of the area because of its long driveway along its boundary with properties in Hinton Way and resultant loss of trees. A second refusal reason was on the ground of noise and disturbance to occupiers of these properties through use of the driveway.
7. An appeal against this decision reference APP/W0530/A/06/2012240 was dismissed on 21 September 2006. The Inspector considered that the long narrow access would be an unattractive feature that would detract from the character of the area. He also considered that the use of the driveway would give rise to harm to the adjacent occupiers in Hinton Way and to the applicant's own retained dwelling. He did not accept that the dwelling would be unacceptable on grounds of potential overlooking, security, drainage, potential subsidence or loss of garden area. He noted that the application was in outline only with no indication of siting or design of development, but he went on to say:

"I am not convinced that a house can be accommodated on this relatively small site without harm. The mature trees on the boundaries of the site make an important contribution to the character of the area and it has not been demonstrated that a house can be sited without damage to them. Without details of siting it is difficult to conclude that a house could be accommodated without harmful overlooking".
(paragraph 9)
8. **S/1013/05/O** – this outline application for the erection of a house to the rear of the existing dwelling was refused following a site visit by Members in October 2005, for similar reasons as in S/2204/05/O.

Planning Policy

9. Planning Policy Statement 3 "Housing", states that: A key objective is that Local Planning Authorities should continue to make effective use of land by the re-using land that has been previously developed" (Para 40).

"Density is a measure of the number of dwellings which can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment" (Para 50).
10. Cambridgeshire and Peterborough Structure Plan 2003
P1/3 (Sustainable Design in Built Development)
P9/8 (Infrastructure Provision)
11. **South Cambridgeshire Local Development Framework (LDF) Core Strategy** (2007) **ST/4** (Rural Centres) Development and redevelopment without any limit on individual scheme size will be permitted within the village frameworks of Rural Centres, such as Great Shelford provided that adequate services, facilities and infrastructure are available or can be made available as a result of the development.
12. **South Cambridgeshire Development Control Policies Development Plan Document** (2007)
DP/1 (Sustainable Development)

DP/2 (Design of New Development)

DP/3 (Development Criteria)

DP/4 (Infrastructure and New Developments)

HG/1 (Housing Density) Residential developments will make the best use of the site by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment. Higher average net densities of at least 40 dwellings per hectare should be achieved in more sustainable locations close to a good range of existing or potential services and facilities and where there is, or there is potential for, good local public transport services.

SF/10 (Outdoor Playspace, Informal Open Space, and New Developments)

13. **Great Shelford Village Design Statement (2004)** concludes, amongst other, that future development should mirror existing domestic scale and diversity of style and should embody good design of its kind and relate intelligently to the character and context of the village.

Consultations

14. **Great Shelford Parish Council** – has made no recommendation but has provided the following comments:

“The applicant is a member of the parish council planning committee and well known to all the members.

The site has been the subject of an appeal which was dismissed by the inspector on the grounds that the access would cause noise and inconvenience to neighbouring properties and the existing property. The inspector also noted that the mature trees on the boundaries of the site made an important contribution to the character of the area. This application differs in that the access has been moved to the opposite side of the plot, the existing house is to be demolished and a significant beech tree in the centre of the rear plot has been removed.

We can see no objection to the demolition and replacement of the building on the frontage, though the height and mass of the new 3 storey dwelling will appear dominant in the street scene and will cause some overshadowing of the garden of 10 and 12 Hinton Way. The 1st floor windows on the NE elevation should be of obscured glass.

The Parish Council has always resisted in the past the erection of dwellings behind existing dwellings on single plots in line with the now replaced policy HG11. We would ask the planning authority to ensure that it is completely satisfied that the new access and chalet bungalow do not contravene policies DP/1, 2 and 3 of the LDF Development Control Policies and that the issues raised by the Inspector have been resolved.

If the Authority is minded to grant approval the existing fence along the boundaries of the plot which is in a poor state of repair should be replaced by a new 2m high close boarded fence.”

15. The Parish Council has also added that some residents are concerned that a beech tree was felled that was put forward for a TPO in the report to the Development and Conservation Control Committee on 4 January 2006.
16. **Local Highway Authority** – No objection in principle, subject to recommended conditions and informatives.

17. **Trees and Landscape Officer** – no objection in view of the acceptable appraisal and tree survey submitted with the application. Tree protection measures should be put in place during the construction period.

Representations

18. Letters of objection have been received from nos. 2, 4, 4A, 6, 8 and 10 Hinton Way, nos. 1A and 4 Mingle Lane, and no.3 Leeway Avenue. These together represent the occupiers of all but one of the dwellings adjoining the site. The concerns raised are:
- a) Inspector's comments
 - a) The Inspector's concerns of September 2006 still apply;
 - b) The Inspector considered the garden area to be unsuitable for a dwelling.
 - b) Trees and wildlife
 - a) Did the tree felling on the site in December 2007 have the appropriate consents? The Inspector referred frequently to mature trees in his reasoning;
 - b) Concern that the tree survey does not show the position of the (felled) Maples and Beech on the proposed site of Plot 2;
 - c) Concern about future tree felling at the front of the house to gain access to the garage.
 - d) Harm to trees on the frontage and in the rear garden following construction of the dwellings;
 - e) Retained trees should be TPO'd;
 - f) The report to Development and Conservation Control Committee of 5 October 2005 reference S/1013/05/O recommended that a TPO be served on the Beech (on the site of Plot 2)(in the event of planning permission being granted);
 - g) The Great Shelford Design Statement recognises the need to protect private garden areas for their wildlife value. The connected gardens at the rear of houses in Mingle Lane and Hinton Way are unique for wildlife in this way and would be harmed by development.
 - c) Fences
 - a) The fencing to the gardens in Hinton Way is in a poor state of repair and requires replacement.
 - d) Scale and height
 - a) None of the houses in Hinton Way or the south side of Mingle Lane are more than two-storeys in height. The proposed replacement house is too high and is out of character.
 - e) Residential amenity
 - a) The proposed house on Plot 1 is overbearing on adjacent properties;
 - b) Loss of light to the garden of 10 Hinton Way;
 - c) There is no guarantee that the high level roof lights in the north west elevation of Plot 1 would not give rise to overlooking of adjacent gardens 10 and 12 Hinton Way;
 - d) Rear gardens of houses on Hinton Way would be overlooked from the rear elevation of the frontage house;
 - e) Windows in the rear dwelling Plot 2 would overlook the gardens of 4, 4A and 6 Hinton Way, especially the high level circular window in the first floor; ground floor dining room windows will also overlook the same properties;
 - f) Plot 2 is overbearing on adjoining properties;

- g) Any overlooking windows should be obscure glazed;
 - h) Noise from the proposed driveway to Nos. 2 and 4 Mingle Lane, and to adjoining rear gardens in Hinton Way;
 - i) Allowing access to the rear garden will result in increased security risk to adjoining dwellings in Hinton Way and Leeway Avenue.
- f) Backland development
- a) There is no precedent for backland developments of this type in Great Shelford;
 - b) Precedent for further development;
 - c) Contrary to recent planning guidelines on backland development;
 - d) Other Councils, for example East Cambridgeshire District Council, resist backland development in their policies.
- g) Highways
- a) Highway dangers from more traffic using the junction with Hinton Way;
 - b) The access to Mingle Lane is close to a bus stop and is already subject to frequent queuing;
 - c) Parking in front of the house in Mingle Lane will obstruct traffic.
- h) Other issues
- a) Drainage arising from ground works on the site of Plot 2;
 - b) If approved, permitted development rights should be removed from Plot 2.

Agent's representations

19. The agent has indicated strong disagreement with officers concerning the density of development on the site. The agent considers that two dwellings is the limit of what could be developed on the site, taking into account the character of development in the area, which is of 'frontage properties that are detached, relatively substantial and generally take up a fair proportion of their overall site frontage'. The proposal 'does precisely the same thing, and I do not believe that there is any local precedent for requiring a pair of semi-detached properties'. The agent believes his view is well founded in government advice in 'PPS3-Housing' (2006). He concludes, 'I see no real logic/justification for the stance taken, other than to muse that perhaps this is all a play to try to ensure that an affordable unit is provided as part of the development (which of course would not be required under the current proposal)'.

Planning Comments

Principle of development

20. Policies DP/2 and DP/3 together do not in themselves preclude the development of a dwelling to the rear of another, served by the same access. The Inspector on appeal S/2204/05/O did not object to such a scheme in principle, but noted that the presence of mature trees which were growing centrally on the site at that time effectively prevented any adequate location for a backland dwelling. The current scheme differs from that rejected on appeal in significant ways: it proposes the redevelopment of the frontage dwelling; it has moved the driveway centrally within the site and shown a brick wall to the rear garden boundary of the new frontage house to protect amenity from traffic noise using the driveway; the driveway itself has been provided with a varied alignment to minimise any long view down it from Mingle Lane; full details of the dwellings have been submitted which enable issues of overlooking and other matters to be assessed; and finally, trees centrally within the site have been removed,

so giving more opportunity for the siting of a dwelling at the southern end of the garden.

21. The site is in a sustainable location in a village with good public transport links. Policies ST/4 and HG/1 encourage the best use of land in such settlements. The current proposal represents a density of 10 dwellings per hectare, which is significantly below the recommended 40 dph. I consider that there is no clear reason why the frontage plot, if it is to be redeveloped, should not accommodate two dwellings, with adequate provision for parking and turning of vehicles, and the retention of at least two trees. Such dwellings could be similar in scale and appearance to the current proposal, if designed as a semi-detached pair. The resultant density, at 15 dph, would represent a more efficient use of land. I consider that legitimate concern could be raised to a higher density of development on this site, taking into account likely impact on neighbouring amenity and the need to provide access and parking using the limited frontage. I note the agent's concerns with reference to the character of development in the area and the advice provided in PPS3 Housing, but I consider that the balance rests in favour of a higher density of development on the site in the interests of the more efficient use of land. A consequence of increased density will be the need to provide affordable housing in accordance with the requirements of Policy HG/3 of the adopted LDF 2007.

Scale and appearance

22. The proposal shows a 2½-storey dwelling adjacent to single storey dwellings in Mingle Lane. I note that the adjacent dwelling to the north west at 12 Hinton Way is two-storey with a similar ridge height, and that the design of the proposed dwelling on Plot 1 shows a reduced ridge height adjacent to the bungalow at 4 Mingle Lane. I acknowledge that the main ridge on Plot 1 is higher than the existing house by some 2.0m, but the design, which includes low eaves along part of the front elevation, will not appear incongruous in the street scene at this point, in my opinion.
23. The mix of housing complies with Policy HG/2 (Housing Mix).

Residential amenity

24. The proposed dwelling on Plot 1 at the front of the site would have more impact on the amenities of the adjoining dwellings at 10 and 12 Hinton Way, by virtue of a north west elevation that is longer and higher than the existing. The impact is partly ameliorated by the length of the rear gardens to these properties at 23m to 24m. Taking this into account, I do not consider that any serious loss of amenity would result to these dwellings by reason of overbearing impact, overshadowing or loss of light. The dwelling on Plot 2 is considerably lower and set on a lower ground level, and so will have only minimal impact on adjoining dwellings on these grounds.
25. I do not consider that any undue overlooking of neighbouring properties would result from windows in the proposed dwellings, as all windows in facing elevations above first floor level could be either obscure glazed or set above eye-level. Permitted development rights for any further such windows could be removed. The windows in the rear elevation of Plot 1 would have only oblique views of the rear part of gardens in Hinton Way. I do not consider there to be a reasonable case for refusal of the proposal on this ground.

Trees

26. The proposal includes the removal of one poorly formed Walnut tree from the front elevation, and several mature Willows in the rear garden. The Trees and Landscape Officer does not consider that these are suitable for protection, as they do not have sufficiently high amenity value, accordingly I do not consider that this is sufficient ground for refusal of planning permission.
27. Several objectors have referred to the Inspector's concerns about the loss of trees, but his comments were made in the context of a proposal to fell the majority of trees on the north western boundary, which are to be retained in the present scheme. Also, the felling of trees on the site which were not protected prior to the submission of the current application was not unlawful, and does not amount to a reasonable basis to refuse the application, in my opinion.

Other matters

28. In the event of planning permission being granted for the development, I would recommend that conditions be attached for the removal of permitted development rights for the insertion of further windows, and for a scheme for the provision of recreational infrastructure to be provided in accordance with Policy SF/10.
29. I have carefully considered the other matters raised by the Parish Council and objectors. None in my opinion is so serious as to represent a defensible reason for refusal of planning permission.

Recommendation

30. Refusal

The development fails to make efficient use of the application site as the proposed scheme represents a density of 10 dwellings per hectare. Better use of the site could be achieved without harm to the character of the area, which is generally of houses and bungalows. The Local Planning Authority acknowledges that exceptional local circumstances exist in this part of Great Shelford, including the character of development in the area, and the desirability of protecting the amenity of adjoining residential occupiers, and of retaining existing trees with significant amenity value, which in combination would preclude development of a minimum density of 40 dwelling per hectare, nevertheless the development fails to comply with Policy HG/1 (Housing Density) of the South Cambridgeshire Local Development Framework 2007 which seeks to achieve development at a higher net density in more sustainable locations such as Great Shelford, which is close to a good range of services and facilities and where there are good transport services.

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

- Great Shelford Village Design Statement (2004)
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- Cambridgeshire and Peterborough Structure Plan (2003)

- Planning Policy Statement 3 – Housing (2006)
- Planning File refs S/0505/08/F, S/2204/05/O, S/1013/05/O

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