

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2<sup>nd</sup> July 2008

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

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**S/0740/08/F – FOXTON  
Extension at 36 High Street for Dr K Beardsall**

**Recommendation: Approval**

**Date for Determination: 10<sup>th</sup> June 2008**

**Notes:**

**This Application has been reported to the Planning Committee for determination by request of the Local Member and referral from Chairman's Delegation Meeting 11<sup>th</sup> June 2008.**

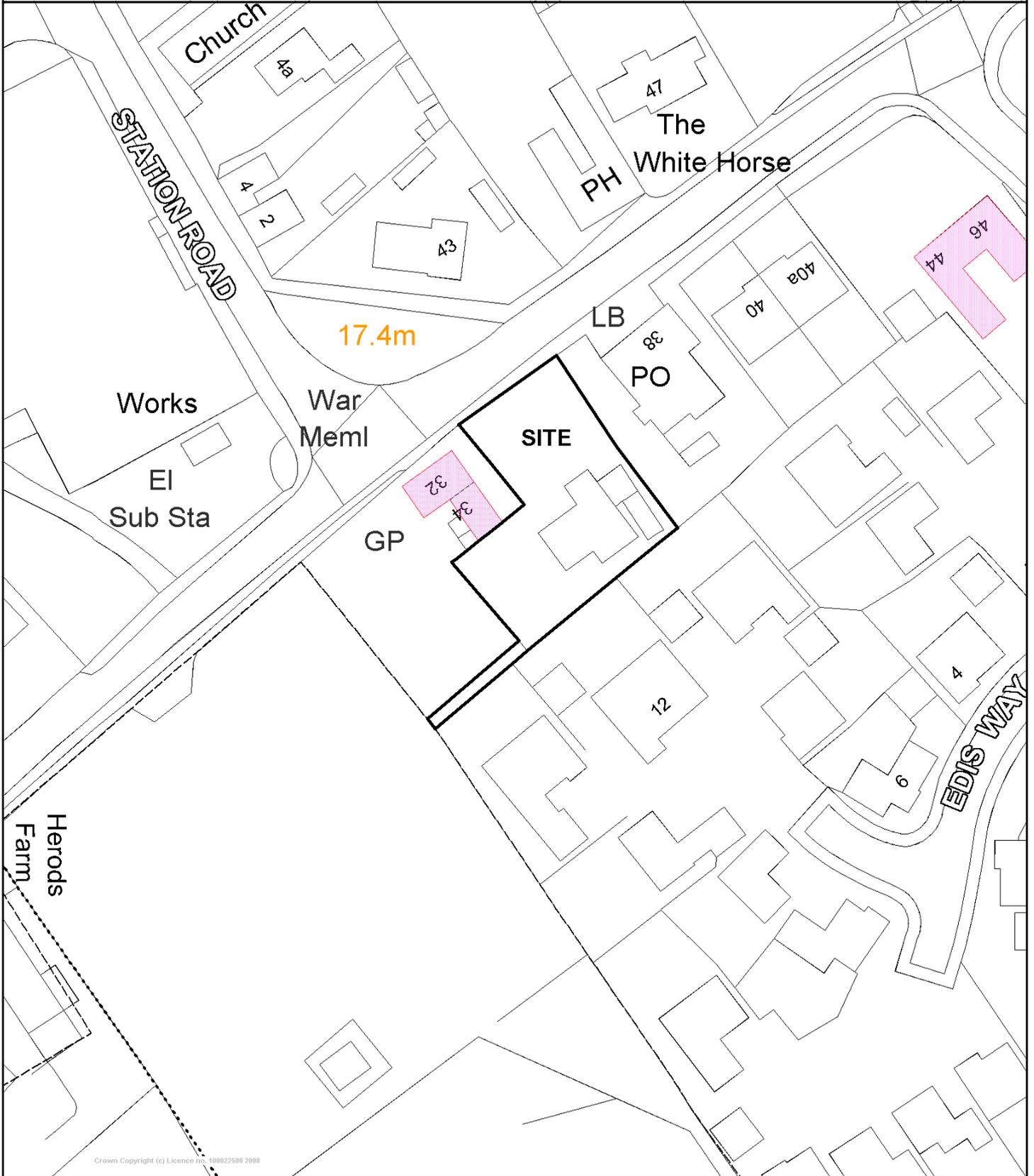
**Members will visit this site on 2<sup>nd</sup> July 2008.**

**Site and Proposal**

1. The application site is a chalet style bungalow with slim dormer windows in the main roof. It has a single storey, pitched roof element to the North east side attached to which is a flat roof car port. The property is constructed in brick and has a tile roof. On the West side of the property there is a Grade II Listed cottage with a thatched roof, which has been divided into two smaller properties. To the North East side of the property there is the village shop, which also has living accommodation to the rear and in the roof space. It has pediment windows in the roof which face the application site. To the rear of the application site there are three bungalows, built after the application property. The application property has an existing rear facing dormer window which creates the opportunity for serious overlooking of the bungalows to the rear. This dormer window was in existence prior to the construction of the bungalows. The application site is set back from the High Street and is well behind the building line created by the front of the properties on either side. The rear wall of the single storey element of the application property is approximately 2.5 metres from the rear boundary. The land levels on site are relatively flat, although the neighbouring property to the North East appears to be sited slightly lower than the application site.
2. The application, received 8<sup>th</sup> April 2008, proposes the erection of a first floor extension above the existing ground floor element on the North East side of the property. The proposed extension has a bathroom window and a landing window in the North East elevation, a bedroom window in the South West facing elevation looking across the front of the property and three high level roof windows in the South West facing elevation facing across the back of the property. The application is a revision of a scheme refused planning permission in 2007 (S/0439/07/F – see below).

**Planning History**

3. **S/0439/07/F** – Erection of first floor extension above ground floor on North East side. Proposed extension had a window in South East elevation looking across rear of



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Scale 1/789 Date 16/6/2008

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property and the roof of the extension was higher than that of the main house. Permission was refused for the following reason:

*The proposed first floor extension, by virtue of its mass and close proximity to the southeast boundary, would appear unduly dominant and overbearing to the rear gardens of No. 10 and 12 Edis Way. The proposal would also increase the degree of overlooking of the rear garden of No. 12 Edis Way, by virtue of the window in the side elevation of the proposed extension. The rear garden of No. 12 Edis Way is already overlooked by an existing dormer window on the rear elevation of 36 High Street and the additional window on the side elevation would further seriously harm privacy of that property. The proposal is contrary to Policy HG12 of the South Cambridgeshire Local Plan 2004, which states that extensions will be refused if they result in the serious harm to the amenities of neighbours by being overbearing in terms of their mass and if there would be undue loss of privacy.*

4. **S/0422/77/F** – Planning permission was granted for the erection of the chalet bungalow, which is the subject of this current application, on land adjacent to the post office.

### **Planning Policy**

*South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007:*

5. **Policy DP/1 Sustainable Development** – Development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form. In particular, it should minimise the need to travel and reduce car dependency
6. **Policy DP/2 Design of New Development** – All new development must be of high quality design and, as appropriate to the scale and nature of the development, should preserve or enhance the character of the local area.
7. **Policy DP/3 Development Criteria** – Lists the requisites of new development to be provided as appropriate to the nature, scale and economic viability. Permission would not be granted for schemes which would have unacceptable adverse impact on residential amenity, from traffic generated or on village character.
8. **CH/4 – Development Within the Curtilage or Setting of a Listed Building** – Planning permission would not be granted for development which would adversely affect the curtilage or wider setting of a Listed Building.

### **Consultation**

9. **Foxton Parish Council** – has recommended refusal on the grounds that the amendments have not resolved the problems of overbearing mass and consequent loss of light, or the loss of privacy which would result from remaining windows which would impact on more than one neighbouring property.
10. **Conservation Manager** – has no objection to the proposed development, although it was requested that the three roof windows be changed to one section of patent glazing. It was also noted that the design could have been further improved by the installation of a steeper roof pitch, but that the scheme was an improvement over the original application as the roof is lower.

## Representations

11. Owner of 10 Edis Way – The extension would impact on their property and the view from it. The increase in height from single storey to two storey would enclose their garden and impact on an otherwise unobstructed view. The increase in height would not be in keeping with the surrounding single storey properties. The proposed roof lights would provide an intrusive view into the garden of 10 Edis Way. Their understanding was that the bungalows on Edis Way were required to be single storey to ensure the privacy of the application site. They note that the land registry plan submitted with the application is out of date and does not show the properties which now back onto the site.
12. Owner of 38 High Street – The proposed extension would result in a loss of light to the their lounge, dining room and two West facing bedrooms, particularly because their property is situated on lower ground than the application site. Because their property is built perpendicular to the road, the extension will face the front of their house and will be closer than is acceptable. The two windows in the North East side of the proposed extension would cause a loss of privacy to their house and garden, and given that they run the local shop which is attached to the front of the house and live on the site their privacy is very important to them.
13. The owners of No. 4 Hardman Road and No. 12 Edis Way also telephoned the case officer to express their concern about the application. At the time of preparing this report no written comments have been received from these neighbours. The case officer subsequently visited each of the four properties who had expressed concern, to see the application site from their properties. The statutory consultation period has expired.

## Planning Comments

14. The main planning considerations in this case are the impact on the setting of the Listed Building, impact on the streetscene and impact on the residential amenity of neighbours.
15. **Impact on the setting of the Listed Building** – As the proposed extension is sited on the opposite side of the host property from the Listed Building, and is no higher than the roof of the existing dwelling, it is considered that the proposed extension would have a limited impact on the setting of the Listed Building. It was requested by the Conservation Manager that the three individual rooflights be amended to one single section of patent glazing, and the design of an appropriate roof window would be achieved by the application of a planning condition requiring further details.
16. **Impact on the streetscene** – The proposed extension is considered to be in scale and character with the existing property. The ridge of the roof on the extension is at the same height as that of the main house and the roof pitch replicates that of the existing single storey element on which it would be erected. The fenestration of the proposed windows is in keeping with the windows on the existing property. The proposed extension is therefore considered to be acceptable in terms of its impact on the streetscene and is not considered to cause any harm to the visual appearance of the area.
17. **Impact on residential amenity** – The proposed development would be seen primarily from the three bungalows to the rear of the application site Nos. 10, 12 and 14 Edis Way, from No. 4 Hardman Road to the East and from No. 38 High Street to the North East.
18. The first issue in terms of neighbouring amenity is the additional impact of the first floor above the existing ground floor. Whilst it is accepted that the proposed extension would be more prominent when viewed from the neighbouring properties to the rear, it is not

considered that it would have any significant impact on the residential amenity they currently enjoy. The eaves of the proposed extension would be approximately 2 metres higher than those on the existing single storey element and would be 500mm below the level of its ridge. As the roof on the proposed extension is hipped away from the boundary, whereas the existing extension has a flat gable end, the additional massing of the extension close to the rear boundary is not considered to be particularly visually intrusive or overbearing. The proposed extension would be approximately 11 metres from the rear building line of No. 10 and 13 metres from No. 12, however as the application site is on the Northern side of the bungalows it is not considered that it would cause any overshadowing or loss of light to the bungalows. The additional height of the extension would obscure some sky from view from the bungalows, but this is not considered to unacceptably enclose the gardens or to significantly affect the level of amenity enjoyed by the properties.

19. The impact of the additional height and massing on No. 38 High Street to the North East has been assessed and, on balance, it is not considered that it would cause a significant loss of light, overshadowing or visual intrusion to the habitable room windows or garden of the property. The application site is to the South West of No. 38, and is situated on slightly higher ground and is therefore in a location where a direct overshadowing and loss of light in the afternoon and evening is a concern. However, the proposed extension would be 5 metres from the boundary and pitched away from the boundary so the ridge would be in excess of 7.5 metres from the boundary and over 13 metres from the windows of No. 38 High Street. Although the proposed extension would result in the loss of the view of some sky and might result in some loss of light, on balance it is not considered that this would be so serious as to warrant refusal. The impact of the development is also mitigated by the fact that the existing trees between the properties, on both sides of the boundary, mean that ambient light levels are relatively low, and any additional impact of the extension would therefore be less noticeable.
20. The second issue in terms of the amenity of neighbouring properties is that of overlooking from windows in the proposed development. Although, the windows facing North East would serve a bathroom and landing rather than primary living accommodation it is considered that some level of overlooking of No. 38 High Street, No. 4 Hardman Road and No. 10 Edis Way would be possible and that this overlooking would be significant enough to adversely affect the privacy they currently enjoy. It is therefore considered necessary to mitigate the impact of the overlooking by conditioning obscure, non opening glazing in both the windows facing North East, and also the removal of permitted development rights which would allow further windows to be inserted. This is considered sufficient to mitigate the impact of the windows.
21. The impact of the rooflight(s) facing South West across the back of the property and the impact of the windows facing South West across the front of the property is considered to be acceptable. The rooflight(s) would be positioned in excess of 1.7 metres above the finished floor levels which means that no overlooking of the gardens of Nos. 12 or 14 Edis Way would be possible. This would be ensured by the imposition of an appropriate planning condition, and again, the permitted development rights allowing insertion of further windows in the elevations facing both South West and South East would be removed by condition. The window facing South West across the front of the property would not create the opportunity for any significant overlooking of the Listed Building to the West as the windows in the Listed Building are very small and towards the front of the elevation and there would be a relatively oblique angle between them and the proposed window. In addition, the main bulk of the application property, would screen the garden to the rear of the Listed Building from view. As a result it is not considered necessary to condition any obscure glazing to this window.

22. On balance therefore, the proposed development is considered to be acceptable in terms of its impact on residential amenity, subject to the application of relevant planning conditions.

### **Recommendation**

23. Approve subject to:

#### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
2. No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority.  
Development shall be carried out in accordance with the approved details.  
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
3. The proposed windows in the North East facing elevation of the extension hereby permitted, shall be non-opening and shall be fitted with obscure glass and permanently maintained as such.  
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. Notwithstanding the plans hereby approved, no development shall take place until full details showing redesigned roof window(s) in the South West elevation have been submitted to and approved in writing by the Local Planning Authority.  
(Reason –To ensure that the development has an acceptable impact on the adjacent Listed Building in accordance with Policy CH/4 of the adopted Local Development Framework 2007.)
5. The roof window(s) inserted into the South West facing elevation of the extension, shall have a lower cill height not less than 1.7 metres above the finished floor levels and be permanently retained as such.  
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the South West, South East or North East facing elevations of the dwelling at or above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

7. During construction, no power operated machinery (or other specified machinery) shall be operated on the premises before 08.00 am on weekdays and 08.00 am on Saturdays nor after 18.00 pm on weekdays and 13.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.

(Reason - To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- Planning file references – S/0439/07/F, S/0422/77/F and S/0740/08/F

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