

## 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/0723/08/F - HEYDON

**Erection of House and Garage with Annexe Over (Revised Design including Oil Tank and Enclosure, Pool Equipment Housing and Pool House, Boundary Fencing and Revised Front Boundary Treatment) (Retrospective Application),  
43 Fowlmere Road, for Mr and Mrs K Esplin**

**Recommendation: Delegated Approval**

**Date for Determination: 1<sup>st</sup> July 2008**

#### **Notes:**

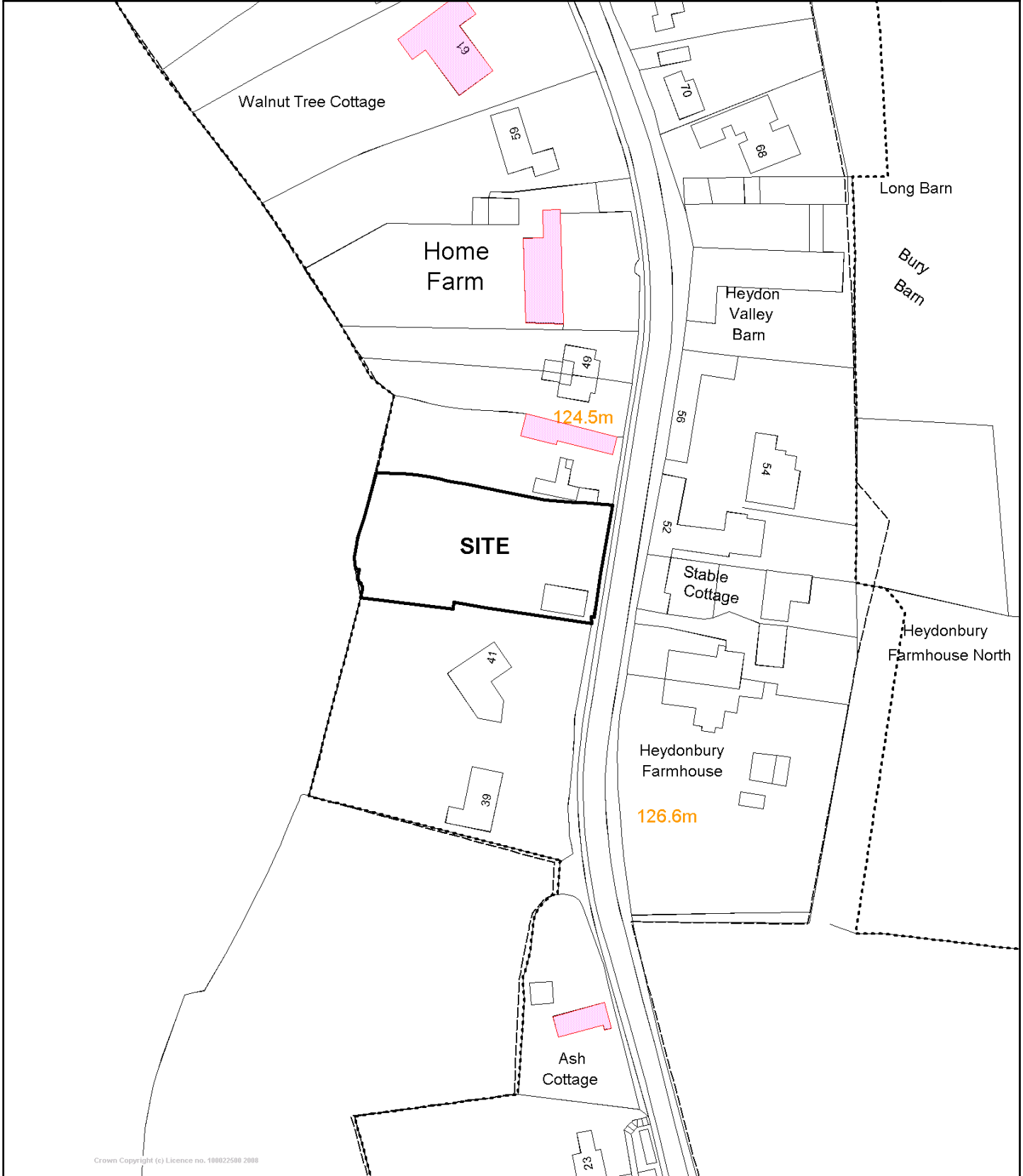
**This Application has been reported to the Planning Committee for determination at the request of Councillor Guest.**

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

#### **Conservation Area**

##### **Site and Proposal**

1. 43 Fowlmere Road, Heydon is a new detached house, erected as a replacement for bungalow that formerly stood on the site, with a garage/annexe building in front on the south side of the plot. The site rises above the level of the road.
2. To the north of the site is Hill Cottage, a Grade II listed building and to the south is a bungalow. Opposite are residential properties.
3. This full application, received on 6<sup>th</sup> May 2008, seeks retrospective consent for works carried out other than in accordance with the originally approved drawings for the dwelling. The particular matters that require further consideration are:
  - a) The construction of a hardwood enclosure to house a pool pump and cleaning equipment in the rear garden. The enclosure measures approximately 2m x 1m and is approximately 2m high.
  - b) An oil tank to the rear of the garage/annexe building, close to the south boundary, and a vertical batten softwood enclosure.
  - c) A beech hedge at the front of the site in lieu of a brick wall shown on the original submission.
  - d) A gap in the hedge to allow for wheelie bins, located to the rear of the garage, to be taken to the street.
  - e) Post and wire fencing on the south boundary



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- f) The construction of a pool house between the house and the north boundary with Hill Cottage. The building measures 3.8m x 2.5m and 3.05m to the ridge. Materials match the main house.
- g) A 1.8m high boarded fence from the north east corner of the house to the north boundary in front of the pool house, 4m in length.

### **Planning History**

- 4. Planning permission was granted for the replacement dwelling and garage annexe building in March 2005 (**Ref: S/1763/04/F**). Conditions attached to that consent took away permitted development rights for curtilage buildings, fencing etc and required boundary treatment to be agreed.
- 5. This consent followed an earlier refusal in July 2004 for a similar scheme, but with the garage/annexe sited parallel to the road, (**Ref: S/0574/04/F**).
- 6. Prior to these applications two proposals for the erection of two houses following demolition of the existing bungalow were refused in 2002 (**Ref: S/1274/02/F and S/2107/02/F**) The second of these was dismissed at appeal
- 7. Consent was granted for the installation of a satellite dish on the new dwelling in December 2006 (**Ref: S/2099/06/F**).
- 8. A planning application for a swimming pool and pool house was approved in 2008 in so far as it relates to the swimming pool (**Ref: S/1762/06/F**).
- 9. A retrospective planning application for the installation of garage doors was approved in January 2008 (**Ref: S/2254/07/F**). A condition attached to that consent required the garage doors to be painted to match the colour of the boarding of the main house within 3 months of the date of the consent. That work is yet to be carried out and is being pursued by officers.

### **Planning Policy**

#### ***South Cambridgeshire Local Development Framework 2007***

- 10. **Policy ST/7 – Infill Villages** identifies Heydon as an Infill-Only Village and states that residential development and redevelopment within the village framework will be restricted to not more than two dwellings.
- 11. **Policy DP/1 - Sustainable Development** states 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.
- 12. **Policy DP/2 - Design of New Development** requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.
- 13. **Policy DP/3 - Development Criteria** sets out what all new development should provide, as appropriate to its nature, scale and economic viability and clearly sets out circumstances where development will not be granted on grounds of an unacceptable adverse impact e.g. village character and residential amenity.

14. **Policy CH/4 – Development Within the Curtilage or Setting of a Listed Building** states that planning permission will not be granted for development which would adversely affect the curtilage or wider setting of a Listed Building.
15. **Policy CH/5 – Conservation Areas** requires that development proposals in or affecting Conservation Areas are determined in accordance with legislative provisions and national policy (currently in Planning Policy Guidance Note 15). Proposals should seek to preserve or enhance the character of the area.

### **Consultation**

16. **Heydon Parish Council** recommends refusal.

“The application covers seven items (see Cowper Griffith letter accompanying the application for reference); therefore the council wishes to make the following comments to make clear their views on the various items:

1) *Enclosure to pool equipment*

Recommendation: Approve

2) *Enclosure to oil tank*

Recommendation: Refuse

The design and materials of the enclosure are not in keeping with the village scene.

The existing, 3-sided enclosure (at 26/5/08) does not screen the oil tank from the neighbours to the south.

3) *Hedge in lieu of wall*

Recommendation: Refuse

The wall remains essential to screen the car parking area.

Cowper Griffith accepted this in point 2 of their letter (ref. JG/SJW/1004/02) to the Planning Department dated 17/5/04. It was also a condition of the original planning permission that the wall should be built prior to occupation.

4) *Gap in the hedge*

Recommendation: Refuse

See 3) above

5) *Boundary Enclosure*

Recommendation: Approve

6) *Pool House*

Recommendation: Refuse

The pool house is now sited too close to the neighbouring property and gives the appearance of an over developed site, with insufficient space between the house and the listed building next door. On balance the village loses significantly more from this proposed location than with the building in its original location.

Cowper Griffith outlined a number of measures in point 3. of their letter to the Planning Department dated 17/5/04, to “allow a much wider swathe of garden beside the single storey element of No 45”, this has been significantly compromised.

7) *Pool house fencing*

Recommendation: Refuse

The privacy fence is intrusive and adds to the sense of an over developed site. This would not be necessary if the pool house was in the original position.

Again the design and materials are not in keeping with other, similar structures in the village.

General Notes:

- (a) The plan does not accurately correspond with all the existing structures.
- (b) The Parish Council has still not received the official notice of approval for the pool.
- (c) Heydon Parish Council does not agree with the comment by Cowper Griffith in their letter accompanying the application that these points are considered to be of a minor nature. The construction of the boundary wall was a condition of occupancy in the original planning consent, and over development was a reason for refusal of a previous planning application.

We trust that these comments will help to understand our recommendation to refuse this proposal.”

17. The **Conservation Manager** comments “I have given my informal view on these revised design details previously and overall it is my opinion that the changes do not fundamentally alter the impact of the new house on the Heydon Conservation Area by comparison to the original approved dwelling. The oil tank enclosure and revised location of the pool house etc make very little difference to the impact, and the only aspect of the design that has any potential to impact on the streetscape is the enclosure to the front boundary. Originally this was to be a flint wall plus hedge behind and I had previously commented that I personally would not object to the wall being omitted, but in that event the hedge would need to have a real presence from day one to provide immediate enclosure to the front garden. To that end I had suggested using semi-mature plants and for them to be staggered planted. The hedge as planted this spring uses plants of significant height, so that they do provide a degree of visual enclosure but they have only been planted in a single linear row. It may be that this hedge could be improved by planting a staggered row of lower hedging plants, providing thickness to the hedge at low level, and advice on this should be sought from the Landscape Officer.

Recommendation: In my opinion the revised details have a broadly similar impact on the Conservation Area to the original proposal and they therefore may be regarded as

'preserving' the conservation area. As such they accord with the basic requirements of PPG15. I therefore have no objection to the proposal but in the event that the application is approved I would wish to see a condition added requiring any hedge plant that dies within the next 5 years to be replaced. Further, if the Landscape Officer believes it would be of merit to include a staggered row of lower hedging plants, providing thickening to the base of the hedge, then I would wish to see a condition requiring this to be added in the next planting season."

18. The **Environment Agency** has no objection but makes a series of comments in respect of surface water.
19. The comments of the **Trees and Landscapes Officer** will be reported at the meeting.

### **Representations**

20. One letter has been received from the occupier of Four Winds, opposite the site, commenting on the following issues:
21. The siting of the oil tank seems acceptable but only if it is in complete compliance of all relevant building and fire regulations. This is particularly important for safe egress from the accommodation above the garage which is by an external wooden stairway relatively close to the tank. This should be checked on site as the position of the oil tank marked on the plan appears incorrect.
22. The screening to the oil tank conceals the tank very effectively from the view of the applicants but not so well from the property to the south. At the time of considering the original development much emphasis was laid on the substantial growth of trees and shrubs between the two properties which were removed prior to development taking place. As a consequence there is now no significant screening between the two properties and the owners/occupiers of 41 Fowlmere Road have a more or less uninterrupted view across the front of the new house, which can hardly be considered acceptable, and some form of more permanent screening should be put in place to preserve the privacy of both properties. The proposed boundary treatment is inadequate.
23. In respect of the pool equipment housing there does not seem to be any reason for not siting the low-level wooden structure close to the pool, albeit that the pool itself still does not have consent.
24. The original intention was to site the pool house in the approximate position where the pool equipment housing has now been located and although work commenced it was soon stopped when it was belatedly realised that it would obscure part of the prospect from the house itself. Subsequently the building was erected in the space between the new house and the boundary with Hill Cottage, a Grade II listed building. Following the rejection of earlier planning applications made by the original owners an Appeal Inspector's report stipulated that a space should be left between any development on the application site and the boundary to the north in order not to adversely affect Hill Cottage. This was known by the applicant and architect as it was referred to in correspondence and it is in this same place that the pool house has been built. It should be removed forthwith to preserve the separation from Hill Cottage, as recommended by the Appeal Inspector.
25. In respect of the front boundary treatment a wall to a height of about 1.5 metres is essential to secure the privacy of the owners/occupiers of the new house, and to separate the forecourt from the general street scene. The fate of the original

screening on the southern boundary is ample evidence of the unreliability and impermanence of shrubs and trees. The original grant of planning approval included the requirement that the front boundary be marked by a substantial brick wall, precise details of which were to be agreed. If the applicants were unhappy about that provision the time to challenge it was when the consent was notified to them. By accepting the consent and acting upon it it is clear that this condition had been accepted. In addition there was a reminder in writing and clearly the condition attached to the planning consent has been breached, and suitable action is now called for to rectify the situation.

26. The decision to impose the original condition was not capricious and there can be no retreat from that position. Failure now to enforce compliance will strike at the heart of the whole planning process, and the credibility of the Planning Committee, Planning Department and the Planning Officers will be severely damaged. If nothing is done the applicants will have achieved exactly what they wanted to do, without any reference to the niceties of the relevant planning procedures.
27. Although not strictly relevant in the present context the continuing failure of the applicants to conform to a notice requiring the painting of the garage doors in a specified colour is indicative of a very uncooperative and recalcitrant attitude to planning decisions.

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

28. Planning permission exists for the house and garage/annexe building and therefore the key issues for Members to consider with this application are whether the works carried out, in so far as they are not covered by the original planning consent, preserve or enhance the character of the Conservation Area, safeguard the setting of the adjacent Listed Building, and do not have an adverse impact on residential amenity.
29. Although this is a retrospective application, and I cannot condone situations where work is carried out without the necessary planning consent, Members must consider each revision on its merits, having regard to the above key issues. The fact that the works differ from the approved drawing does not mean that they should automatically be deemed unacceptable.

#### ***Enclosure to pool equipment***

30. This small wooden enclosure is located adjacent to the pool in the rear garden. The rear garden has been laid out with areas of hardsurfacing with steps where there are significant changes in levels and the wooden enclosure is not intrusive within this area. The Conservation Manager has no objection and in my view this structure does not have an adverse impact on the character of the area, the adjacent listed building or the amenity of the neighbouring property.

#### ***Oil tank and enclosure***

31. The oil tank is sited to the rear of the garage/annexe building, close to the south boundary of the site. Given the comment from the occupier of Four Winds, I have asked the Building Control section to check that the position of the oil tank complies with the relevant legislation however I have been advised that provided it is sited at least 1.8m from a building and at least 760mm from a boundary it will comply.

32. The enclosure to the oil tank is visible from Fowlmere Road when viewing from the north. The future establishment of the front boundary will further restrict views from Fowlmere Road. When considering the site as a whole with the new dwelling and garage/annexe building I do not consider that the oil tank or its enclosure will have an adverse impact on the street scene.
33. No objection to the proposal has been received from the occupiers of the house to the south. The oil tank is sited lower than the level of that house and once the agreed boundary treatment is carried out I consider that the oil tank and enclosure will not have an adverse effect on residential amenity.

#### ***Front boundary treatment***

34. The approved drawings for the site show a flint and brick wall, with a beech hedge planted behind. A condition of the planning consent required boundary details to be approved and constructed prior to occupation of the building. The owners are currently in breach of this condition but are requesting that an alternative treatment for the front boundary is considered i.e. the planting of a hedge on its own. Prior to re-development of the site there was a low brick wall along the frontage.
35. At the time of the approved 2004 application the then Conservation Manager suggested the erection of a front boundary wall, with external planting. The landscaping scheme, as subsequently approved, showed a beech hedge to be planted behind the wall. The height of the wall was not agreed on that plan.
36. In commenting on the current application, following informal advice, the Conservation Manager states that he would not object to the wall being omitted provided that the hedge to be planted has a real presence from day one to provide immediate enclosure of the front garden. He has suggested that semi-mature plants should be used and that the planting should be staggered to provide depth.
37. The hedge as currently planted, whilst it already has a height of approximately 1m, has only been planted in a single row and I am seeking further advice from the Trees and Landscapes Officer.
38. Looking at the original comments of the Conservation Manager his intention was that the impact of any wall erected on the front boundary should be softened by boundary planting in front of it, rather than a hedge being planted behind as now shown on the approved landscaping scheme.
39. Having regard to the form of other front boundaries along the Fowlmere Road I am of the view that a hedge would be in keeping with the character of the area, provided that it can provide adequate enclosure to the street scene and help screen and assimilate the new development. I am therefore prepared to support this change in principle but subject to the detailed comments of the Trees and Landscapes Officer. If required, additional planting can be required to be carried out in the next planting season.

#### ***Proposed gap in the hedge***

40. Although I cannot really see the need for the gap in the hedge as proposed, other than it being more convenient for the applicant, I do not consider a 2m opening, with the gable wall of the garage/annex behind, will have a significant adverse impact on the street scene or character of the area such that it would warrant an objection being made.



### ***Boundary enclosure***

41. I have no objection to the post and wire fencing on the south boundary of the site. In my view, when combined with the planting to be carried out as part of the approved landscape scheme, it will form an appropriate and adequate boundary treatment.

### ***Pool House***

42. The pool house building is a relatively small single storey building with a pitched roof. The external boarding has been coloured to match the existing house and the same tiles used for the roof. Whilst it is more prominently located when viewed from Fowlmere Road than it would have been if sited where originally proposed in the rear garden, I share the view of the Conservation Manager that the building in this position does not fundamentally affect the impact of the development on the street scene or the Conservation Area.
43. I am also of the view that the siting and design of the building does not have an adverse impact on the setting of the adjacent listed building. Hill Cottage. Representations have made reference to the comments contained in an Inspectors report dismissing an earlier application for two houses on the site (2003). The scheme at that time was for 2 two-storey houses which spanned virtually the whole width of the site and the Inspector commented that this would leave little space at either side to provide a landscaped setting for the buildings, with the effect that the rural character of the area would be diluted. He considered that 'bearing in mind the modest nature of the adjoining building to the north, I consider that the proximity of the northernmost dwelling to the boundary, and its relative height to that building, would render it unduly prominent in the street scene. It would therefore compromise the setting of the adjoining Listed Building.'
44. I consider that the small, single storey, pool house building, whilst occupying the space between the new dwelling and the adjacent listed building, has a significantly reduced impact than the scheme for the two storey dwellings referred to and allows for adequate visual separation. In my view it does not have an adverse impact on the street scene or setting of the listed building. I am also of the view that neighbour amenity is not prejudiced.

### ***Pool house fencing***

45. I agree with the Parish Councils comments that the style of fencing is not typical of other fencing in the area. Being at the front corner of the building and parallel to Fowlmere Road, it is more visible in the street scene than the fencing around the oil tank, however it is only 4m in length and set back 17m from the road and I agree with the Conservation Manager that any impact on the Conservation Area, street scene and setting of the adjacent listed building is minimal.
46. In summary I am of the view that, subject to the comments/requirements of the Trees and Landscapes Officer regarding the appropriateness of the front boundary treatment, consent can be granted.

### ***Recommendation***

47. That, subject to the comments of the Trees and Landscapes Officer in respect of the front boundary treatment, consent is granted subject to appropriate conditions.

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

- South Cambridgeshire Local Development Framework 2007
- Planning Files Ref: S/0723/08/F; S/2254/07/F; S/1762/06/F; S/2099/06/F; S/1763/04/F; S/0574/04/F; S/2107/02/F and S/1274/02/F

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