

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

14th January 2009

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

S/1742/08/F – FEN DRAYTON

**Dormer Window and Five Rooflights at Rear of 14 College Farm Court
for Mr J Chapman**

Recommendation: Approval

Date for Determination: 18 December 2008

Notes:

This Application has been reported to the Planning Committee for determination because it was referred from Chairman's Delegation Meeting on 10 December 2008.

Members will visit this site on 14 January 2009.

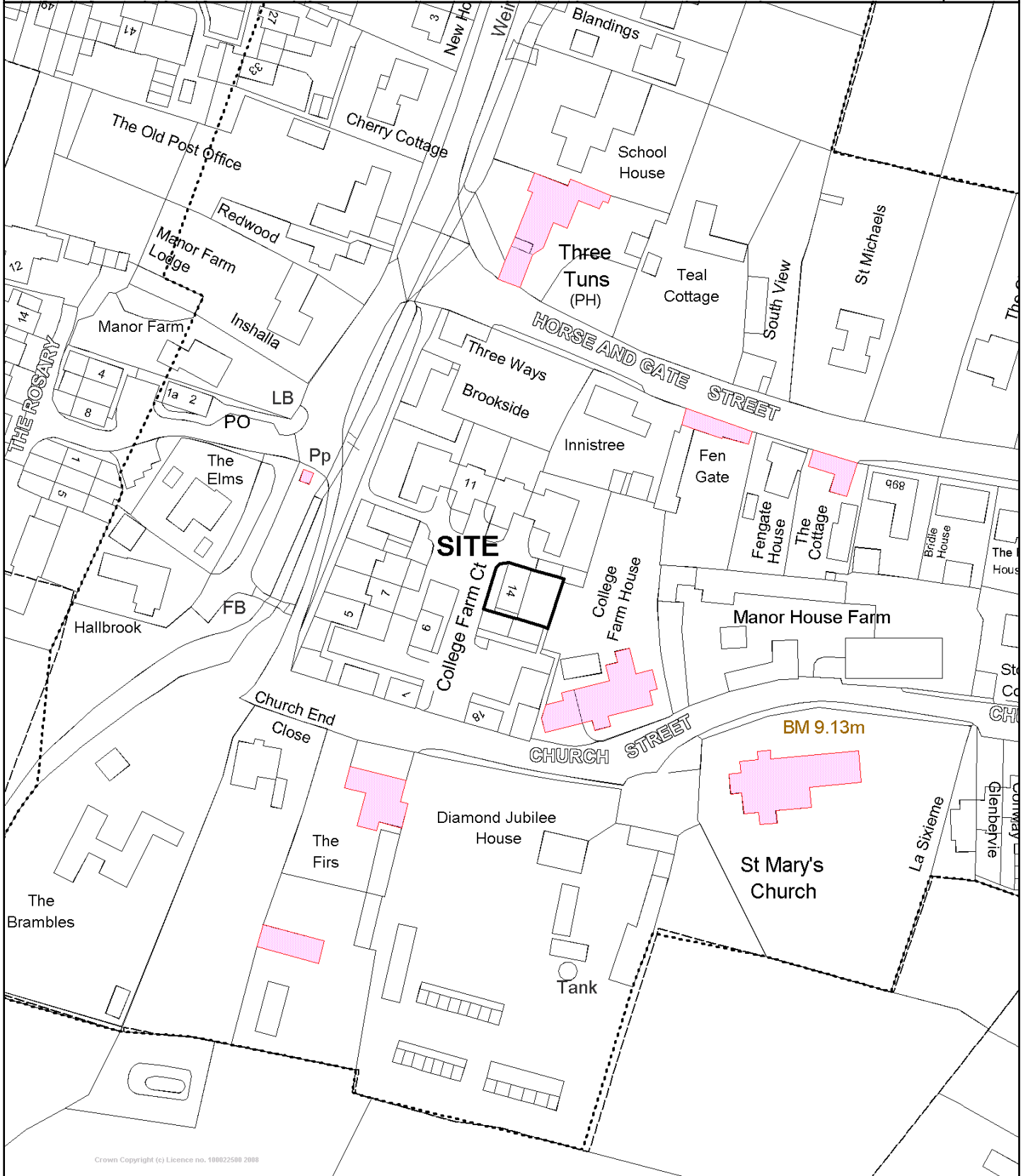
Conservation Area

Site and Proposal

1. No.14 College Farm Court is located within the Village Framework and the Conservation Area of Fen Drayton. The property forms part of a residential development, which was granted consent in 1984 for 10 starter units and 8 Houses.
2. No. 14 College Farm Court is a semi-detached two storey dwelling with a modest rear garden measuring 8.33m in depth and 11.48m in width. The rear garden and elevation back immediately onto the rear garden of College Farmhouse. The boundary treatment between these two properties consists of boarded fencing 1.8m high and with a limited amount of trees and shrubs within the control of the application site. There is however, a line of conifers on the boundary, in the garden of College Farmhouse which currently provides the majority of screening of the existing rear windows at 14 College Farm Court.
3. The application, received 23 October 2008, proposes to add a dormer window and 5 roof lights to the rear elevation of the dwelling. This would create two further bedrooms within the roof space. The new dormer window would light the staircase to these two additional bedrooms, with the roof lights serving as the only window openings and means of escape to the bedrooms. All of the openings for these new bedrooms are placed on the rear elevation, not on the front elevation.

Planning History

4. **S/0335/84/O** – Residential Development – Approve
S/1959/84/LB – Demolition of Farm Buildings - Approve
S/2019/84/F – 10 Starter Units and 8 Houses - Approve



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Scale 1/1250 Date 10/12/2008

Centre = 533895 E 268160 N

January 2009 Planning Committee

5. Planning Consent S/2019/84/F, granted consent for the details of the development removed permitted development rights as below *“Notwithstanding the Town and Country Planning General Development Order 1977, no additional windows shall be installed in any of the properties backing onto College Farmhouse”*. The reason was to protect the privacy of the occupiers of College Farmhouse.

Planning Policy

6. Relevant policies are listed below. Please refer to Appendix 1 to this Committee agenda for further details.

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

Policy DP/2 Design of New Development, **Policy DP/3** Development Criteria, **Policy CH/4** Development within the Curtilage or Setting of a Listed Building and **Policy CH/5** Conservation Areas.

Consultation

Fen Drayton Parish Council

7. Recommends Refusal – It is in the original charter of College Farm Court that nothing should be built which overlooks the already existing buildings. The proposed dormer window would overlook into bedrooms of adjoining properties.
8. Parish Council raises concern over parking, *“an increase in number of bedrooms exacerbating an already unsatisfactory use of parking spaces. This is based on the fact that this court is already seriously over-crowded with vehicles”*.

Conservation Officer

9. No objection, proposal would have minimal impact on the Conservation Area. Windows would be more elegant if the windows size/proportions correspond with the square form windows used throughout this estate. Even a double would look better and let more light in.

Chairman’s Delegation Meeting Held 10 December 2008

10. The application was taken to Chairman’s Delegation Meeting where it was decided that it should be taken to Planning Committee Meeting on 14 January 2009, with a site visit in order to assess overlooking of the rear garden of College Farmhouse.

Representations

11. **Owner/Occupier of College Farmhouse, Church Street**

Raised objections on the following grounds:

12. “Proposal would result in the directly overlooking of our garden, patio, and rear bedroom. The installation of a dormer window in the roof space will more significantly over-look our garden and first floor bedrooms; additionally the pitch of the roof will not allow for the roof-light windows to be positioned above eye-level; it should be noted that this was specific requirement of the recent development over looking our right-hand boundary (Manor Farm), enforced by SCDC Planning Department.”

13. "Whilst the current trees on our boundary provide a degree of shielding, there are obviously gaps where the trees over the years have thinned and the trees have limited life span."
14. These windows could be fitted on the front elevation rather than the rear elevation.

Planning Comments – Key Issues

15. The key issue to consider in the determination of this application is:

Impact upon Residential Amenity – Loss of Privacy/Overlooking

16. The main concern regarding residential amenity is the loss of privacy/overlooking issues of the adjacent property College Farmhouse. The rear garden to 14 College Farm Court directly abuts that of the neighbouring property College Farmhouse. The existing two storey rear windows at 14 College Farm Court would directly overlook College Farmhouse if the row of conifers were not present in the rear garden of College Farmhouse. The neighbour stated that these were planted when consent for the development at College Farm Court was granted to prevent overlooking. The Parish Council and neighbour raised concerns regarding the proposal for additional windows in the roof space as this would increase the potential for overlooking even further particularly as there are some gaps within the trees. These trees are not in the control of the applicant. Therefore the Local Planning Authority cannot condition the maintenance of these trees.
17. However, the Local Planning Authority has requested that the plans are amended to reduce the number openings proposed and to reduce the size of the opening in the dormer window. As yet, no amended plans have been received, although the Agent verbally confirmed that amended plans would be forwarded shortly. The window in the dormer could be obscured also as it would be serving a staircase rather than a habitable room.
18. To the east of College Farmhouse there has been recent development to provide new dwellings, which inserted rooflights not in accordance with approved plans and resulted in the overlooking of the rear garden of College Farmhouse. This was investigated by the Local Planning Authority and was amended to comply with the approved plans. This side of the garden at College Farmhouse is much more open than the side to 14 College Farm Court. It is considered that an alternative source of lighting and ventilation should be sought to the two bedrooms to render the proposal acceptable in accordance with Policy DP/3 of the South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007 and to avoid overlooking of College Farmhouse garden.
19. The proposal is considered not to be harmful to the Conservation Area and adheres to Policy CH/5 of the South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007.

Recommendation

Subject to the receipt of satisfactory amended plans to avoid lighting of the bedrooms on the rear elevation.

20. Approve

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. 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 shall be constructed in the rear elevation of the dwelling at and 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.)

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

- South Cambridgeshire Local Development Framework, Development Control Policies, (adopted July 2007)
- Planning File Ref: S/2019/84/F, S/1959/84/LB,S/0335/84/O and S/1742/08/F

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