

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 2nd September 2009
AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0756/09/F – GREAT SHELFORD
Dwelling (Amended Design) at 19a High Green for Prof Anthony Green

S/0758/09/F – GREAT SHELFORD
Erection of Car Lodge/Store at 19 High Green for Dr S Rann

Recommendations for both applications: Approval

Date for Determination: S/0756/09/F – 5th October 2009

Date for Determination: S/0758/09/F – 12th August 2009

Notes:

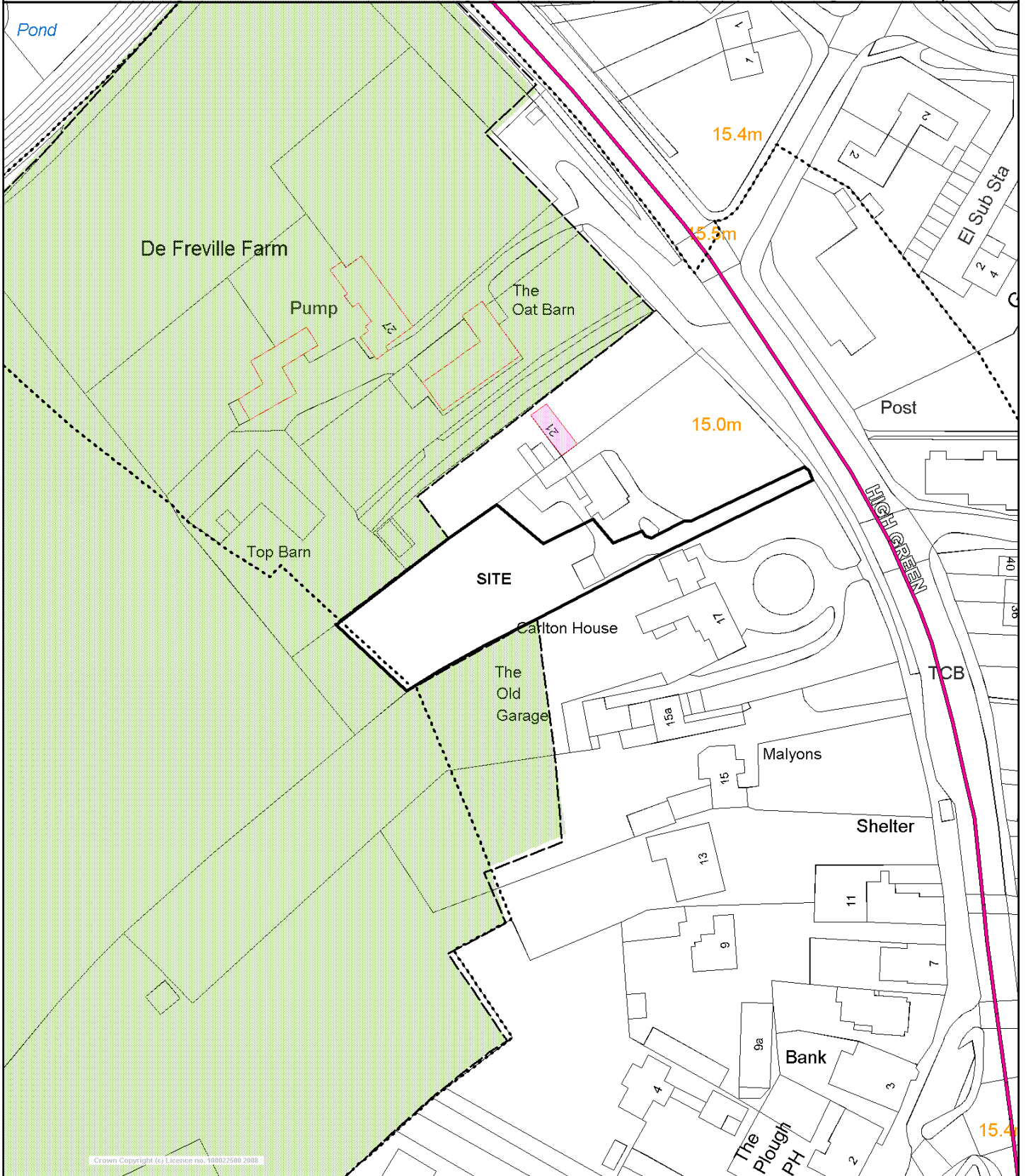
Conservation Area

These Applications have been reported to the Planning Committee for determination as the site lies in a Conservation Area and the Officer recommendation of approval conflicts with the responses from the Parish Council, and also at the request of District Councillor Mr Nightingale.

Members of Committee will visit the site on Wednesday 2nd September 2009

Site and Proposal

1. No.19 High Green is a large detached two storey white painted brick and slate dwelling sited on the west side of High Green. It is set in excess of 35 metres back from the frontage of the site, from where it is very well screened from public views by mature trees and hedges along the front boundary of the site. To the north is No.21 High Green, a Grade II Listed thatched dwelling, beyond which lies two detached barns that have been converted to dwellings in recent years.
2. Planning permission was granted in February 2008 for the erection of a part two-storey, part single-storey timber/brick and plain tiled dwelling within No.19's rear garden. The approved dwelling was set slightly to the rear and to the south of No.19. This dwelling is under construction, and nearing completion, but has not been built in accordance with the approved plans.
3. Application reference S/0756/09/F seeks revisions to the design of the approved dwelling, to reflect the unauthorised alterations to the design of the property during its construction. Further details on the background to the application, as well as the key differences between the approved and proposed schemes, are provided within the planning history/background section of this report (see paragraphs 6 – 10 inclusive).
4. Application reference S/0758/09/F proposes to erect a garage/car lodge adjacent to No.19 High Green. The car lodge would be a pitched roof 3.5 metre high timber framed structure



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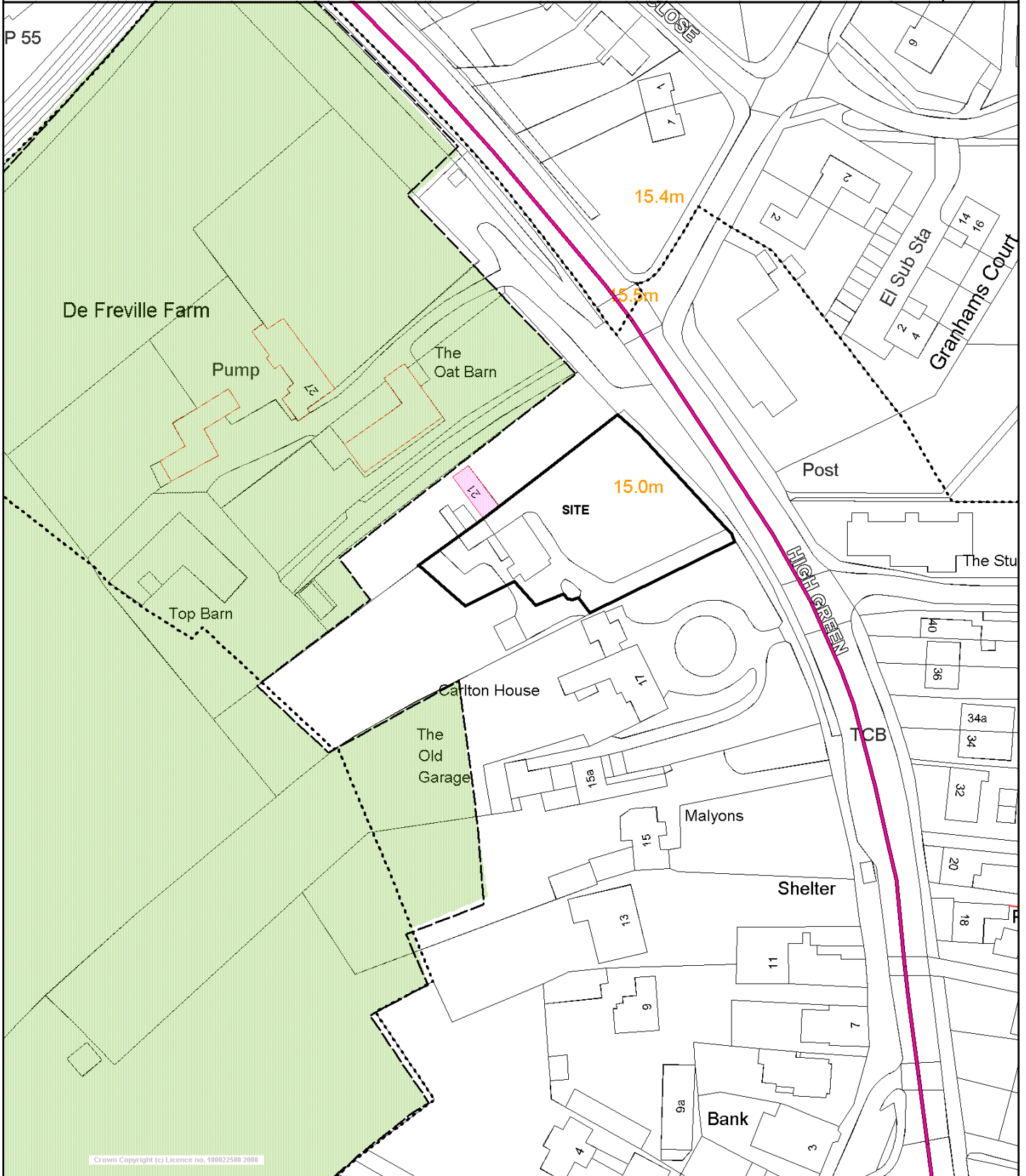


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September Planning Committee 2009

with a lean-to at the side for the storage of bins and cycles. The structure would be sited to the front of the dwelling and directly in front of/to the east of the new property.

Planning History and Background to the Applications

5. **S/2392/07/F** – An application for a dwelling within the curtilage of No.19 High Green was approved (following consideration at the Chairman's Delegation meeting held in February 2008) subject to conditions, including the removal of householder permitted development rights and the removal of permitted development rights for the insertion of first floor windows in the north, east and south side elevations. Details required by conditions 4 (large scale joinery details) and 8 (landscaping) were submitted in April 2008 and subsequently approved. The remaining pre-commencement condition (Condition 2) required the submission of sample materials but no such details were submitted prior to construction starting on the site.
6. In early April 2009, following a site visit within the area, the Conservation Officer advised that the approved dwelling was under construction, but expressed concern as to whether it was being built in accordance with the approved plans. During a subsequent site visit, Officers established that the house under construction differed from the approved plans in a number of ways.
7. The approved dwelling had an approximately 13 metre long, single storey projecting element standing 4.5 metres high to the ridge and 2.2 metres high to the eaves. This provided a double carport, and bin/cycle storage for both the existing and new properties. The carport for the new property had openings to the south side with the vehicular access between the dwelling and southern boundary. Access to the car lodge for the existing property was in the east end/front elevation. Behind this single storey element, was a two storey forward projecting wing incorporating a bedroom and bathroom at first floor level. This section had an asymmetrical roofline extending down to form a covered entranceway on the southern side of the dwelling adjacent to the two storey element.
8. The forward projecting element has been constructed with an approximately 650mm higher ridge and eaves line than approved, and with an asymmetrical roofline that extends to the south side of the dwelling to form a canopy along the entire length of the forward projecting section. The former car port for the new property has been converted to form additional habitable accommodation, and the carport at the eastern end (formerly proposed to serve the existing dwelling at No.19) has been built with a south facing opening and is proposed to serve the new property. As a result of its increased height, the forward projecting section now includes accommodation in the attic space, lit by a high level rooflight in the north elevation. Other differences between the approved plans and the property, as constructed, are:
 - a) A rooflight serving bedroom 2 in the south side elevation has been lowered in order to provide a means of escape;
 - b) Two additional high level openings have been added to the north facing roof slope of the forward projecting element. These are high level openings serving a ground floor hallway;
 - c) Two ground floor windows have been added to the south side elevation as a result of converting one of the carports to habitable accommodation;
 - d) The position of a ground floor door and window opening in the north side elevation have been handed;
 - e) The east end elevation incorporates an obscure glazed window at first floor level and a timber louvre grill on the ground floor;

- f) The small dormer to the rear has been altered from a three pane to two pane dormer.
9. The applicant's agent was contacted both during and immediately after the site visit in order to advise that the dwelling was not being completed in accordance with the approved plans, and a new application for the revised dwelling design was requested. Towards the end of April, the applicant's agent submitted an amended drawing, stating that the forward element had been constructed higher than approved to allow for the insertion of tall mechanical equipment associated with the heat pump installation as well as usable storage space in the roof void above the garage. It was requested that the modifications be treated as amendments to the approved application. Officers responded at the beginning of May, advising that the changes could not be treated as amendments to the approved scheme given that permitted development rights, including for the insertion of new windows, had been removed through conditions of the planning permission. The applicant's agent was advised to submit a new application for the revised dwelling design and to cease works on site until the new application had been determined.
10. Applications for the revisions to the design of the dwelling and for the proposed carport for No.19 High Green were submitted at the end of May. The application relating to the new dwelling was initially submitted as a proposal for an extension to the property, to include an increase in the roof height over the garage and installation of 3 rooflights. This has since been corrected so that the application is now reapplying for the whole dwelling (revised design). In addition, some of the alterations to the fenestration had not been shown accurately on the plans and this has now been corrected within the amendment.

Planning Policy

11. **East of England Plan 2008:**
- ENV6** – The Historic Environment
 - ENV7** – Quality in the Built Environment
12. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**
- ST/4** – Rural Centres
 - DP/1** - Sustainable Development;
 - DP/2** - Design of New Development;
 - DP/3** – Development Criteria
 - DP/4** – Infrastructure and New Developments
 - HG/1** – Housing Density
 - CH/4** – Development Within the Curtilage or Setting of a Listed Building
 - CH/5** – Conservation Areas
 - NE/6** – Biodiversity
 - SF/10** - Outdoor Playspace, Informal Open Space, and New Developments
13. **Supplementary Planning Documents:**
- Development Affecting Conservation Areas – Adopted January 2009
 - Trees and Development Sites – Adopted January 2009
 - Open Space and New Developments – Adopted January 2009
 - Listed Buildings – Adopted July 2009
 - Great Shelford Village Design Statement 2004

Great Shelford Conservation Area Appraisal

Consultations

14. **Great Shelford Parish Council's** comments relating to the car lodge application were received approximately two weeks prior to its comments relating to the amended dwelling design. With regards to the former, the Parish Council stated:

"Previous objections to the development of this site in the Conservation Area still stand but we are happy to leave this decision to the Conservation Officer."

The Parish Council subsequently recommended refusal for the application for the proposed revisions to the design of the dwelling, stating:

"We recommended refusal of the plans for this house (19a) on the grounds that it was out of character, would overlook adjoining properties and would dominate the existing house. We continue to believe this and are concerned that conditions imposed on the planning approval have been disregarded. Permission for these changes should have been sought before the building was constructed. In addition the car lodge for no 19 as proposed in the approved plans have been incorporated into no 19a making it necessary for a separate application for a garage for no 19 (S/0758/09/F) so these two applications should be considered together. The increase in height and new windows will have an adverse impact on adjoining properties and therefore we recommend refusal."

15. **The Conservation Manager** has commented in respect of the application for the car lodge, recommending refusal, but no formal comments have been received regarding the amendments to the design of the previously approved dwelling. She states that the house dates from the late 18th/early 19th century and is within the Conservation Area and adjacent a Grade II Listed Building. Recent consent was granted for a new house at the rear which extend from immediately behind the original house and is currently under construction. The proposed carport, although modest in itself, is considered to have an awkward relationship to the existing buildings (original and new build) and would give a cramped appearance at odds with the open rural character of this part of the Conservation Area. It is also likely to affect at least one of the adjacent trees, potentially with their loss, but the submission has no tree survey and fails to consider the importance of the trees in the rural streetscape of this part of the Conservation Area. Refusal is recommended due to the potential loss of trees and the cramped appearance of the proposal, which would be harmful to the character of this part of the Conservation Area.
16. **The Trees and Landscape Officer** raises no objections.
17. **The Landscape Design Officer** raises no objections.
18. **The Local Highways Authority** raises no objections to the revised dwelling application subject to conditions requiring: the vehicular access to be un gated; construction of the access to County Council specification, including with adequate drainage measures; and no unbound material to be used within 6 metres of the highway boundary.

Representations

19. The owner of No.21 High Green, the listed dwelling to the north of the site, objects to the application for the revised dwelling design on the basis that it dominates the

thatched cottage at No.21 and other listed buildings formerly attached to De Freville Farm. It dominates the entire back garden of No.21 and the increased height will further reduce what little light is left in the garden. A plan submitted for approval by No.21 was rejected on the grounds it would dominate the listed building. Yet the new dwelling at No.19 was approved despite the fact it is twice as high and twice as large as that proposed for No.21, and at a similar distance from the listed cottage.

Representation by District Councillor Nightingale

20. District Councillor Nightingale has requested that both applications be referred to Planning Committee, with a site visit. The Parish Council recommended refusal of both and there has been a complete disregard of planning which will have an impact on both adjoining properties. It is understood the applicant has moved into the new property and work is still ongoing. Should a stop notice be placed on the site?

Planning Comments – Key Issues

21. The key issues to consider in the determination of these applications are:
- Impact on the character of the area, including the character of the Conservation Area and setting of adjoining Listed Buildings;
 - Impact upon the amenities of occupiers of adjoining properties;
 - Impact on trees;
 - Highway safety.

Impact on the character of the area

22. The Parish Council recommended refusal for the previous application for a dwelling, as it was considered to be out of keeping with the character of the Conservation Area, to overlook adjoining properties and to dominate the existing house. These concerns have been reiterated in respect of the current application, which seeks to increase the size of the property. In turn, the internal modifications, resulting in the loss of the carport for the existing dwelling, have resulted in a concurrent application to provide a new carport for No.19.
23. The Conservation Manager has objected to the proposed carport, and its impact upon the open spacious character of this part of the Conservation Area. No formal written comments have been received in respect of the revisions to the design of the dwelling. However, the Conservation Team has verbally expressed concerns about the impact of the dwelling upon the Conservation Area particularly as a result of the increased scale of the forward projecting element, the revisions to the fenestration of the east elevation, and the addition of rooflights to the north elevation.
24. As stated previously, the dwelling is set some distance back from the road behind a mature, well screened frontage. In the original application for a dwelling on this site, the Conservation Manager commented that the new dwelling would be hardly visible from the public realm due to the established mature tree cover in the area. The Great Shelford Conservation Area policy document states that the west side of High Green, between No.11 and the railway bridge, is characterised by very large historic properties set well back from the road, on what was the edge of the High Green. It is noted that “these buildings make little visual impression on the conservation area because they are mostly invisible from the road, being screened by high hedges and mature trees.”

25. Despite the concerns raised by the Conservation Team, neither the modifications to increase the scale/height of the approved dwelling, nor the addition of a modest carport to the side of No.19 High Green, would be visible or prominent from the public realm. As the defined character of this part of the Conservation Area is one of very large houses set well back from the road, from which they are barely visible due to well screened frontages, it would be difficult to argue that either proposal causes harm to this established character.
26. No.21 High Green to the north of the site is a Grade II Listed Building. The proposed car lodge would be sited on the south side of No.19 and would not be seen in the same context as No.21. As such, the development is not considered to result in harm to the setting of this Listed Building.

Neighbour amenity

27. Concerns have been expressed by the occupiers of No.21 High Green and by the Parish Council, as the increase in height of the forward projecting element is considered to result in a loss of light to No.21. In addition, the additional rooflights are considered to result in overlooking of neighbouring properties.
28. The forward projecting element of the new dwelling has been constructed in the same position as approved, approximately 14 metres away from the southern side boundary with No.21 High Green's garden. This element has been built with both the eaves and ridge lines 650mm higher than approved. The applicant's agent has submitted a sunlight assessment in order to analyse the potential for overshadowing of No.21. This demonstrates that, even on winter's morning when the sun is lower in the sky, the increased height of this part of the dwelling would not result in an undue loss of sunlight to the habitable rooms or garden area of No.21 High Green.
29. With regards to the three additional rooflights constructed within the north facing roof slope, the two lower rooflights serve a ground floor hallway, with their sill levels 3 metres above the finished floor level. The upper rooflight provides ventilation for the heat pump equipment and is positioned with its sill level 1.7 metres above the finished floor level. As a result, none of these additional rooflights result in any overlooking of either No.19 or No.21 High Green.
30. A rooflight in the south side elevation has been lowered in order to provide a means of escape to bedroom 2. No objections have been raised by the occupiers of the adjoining dwelling to the south, No.17 High Green. This window is sited approximately 9 metres away from the south side boundary, and looks over a part of No.17's garden sited 15-20 metres away from the main dwelling. It does not afford any overlooking of either the main sitting out/patio area or of windows serving habitable rooms. As such, lowering this rooflight is not considered to result in undue harm to the amenities of No.17 High Green.

Impact on trees

31. Concerns have been raised by the Conservation Manager on the basis that the applications would result in the loss of trees. However, neither application would result in the loss of any additional trees, over and above those proposed for removal within the previously approved scheme, and the Trees Officer has raised no objections. The application is not therefore considered to result in undue harm to the character of the area by reason of the loss of trees.

Highway safety

32. The previously approved scheme was subject to the requirement for the access to be widened to 5 metres for 10 metres back from the highway. This condition should be reapplied to any subsequent permission for revisions to the design of the dwelling, with a view to ensuring the approved works are carried out prior to the new property being occupied. The Local Highways Authority has requested that the access remain ungated. However, the existing access is gated, and it would therefore be unreasonable to impose such a restriction on the current application, particularly as the previous permission was not subject to this requirement.

Other issues

33. Regard was had to the requirements of Policies HG/1 (Density) and SF/10 (Open Space) in approving the previous application. In the interests of preserving the character of the area, it was considered that erecting more than one dwelling on the site would be inappropriate. There was also no requirement for open space contributions as this had not been requested during pre-application discussions and, at that time, the content of pre-application agreements was being honoured within planning decisions. As the current application is, in effect, seeking to amend a consented scheme that is nearing completion, the requirement for an open space contribution should not be imposed on any revised permission.
34. The occupier of No.21 High Green has raised concerns that proposals for her own property have been rejected. These concerns relate to pre-application discussions and, to date, no application has been submitted for a dwelling in the rear garden of No.21. Each application must be determined on its own merits. Unlike No.19, No.21 High Green is a listed building that occupies a site that is far more prominent in the street scene than the application site. This would be an important factor in the consideration of any future applications relating to this adjoining site.

Recommendations

35. **S/0758/09/F** – Approval of the car lodge/store subject to the following 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 a sample of the materials to be used for the roof of the car lodge, hereby permitted, has 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 development does not detract from the character and appearance of the Conservation Area, in accordance with Policy ENV6 of the East of England Plan 2008, Policies DP/3 and CH/5 of the adopted Local Development Framework 2007 and the Development Affecting Conservation Areas Supplementary Planning Document 2009)

36. **S/0756/09/F** – Approval, as amended by drawing number 07/1203:002 date stamped 10th August 2009, subject to the following conditions:

1. The first floor window in the 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 No.19 High Green)
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, other than those expressly authorised by this permission, shall be constructed in the north, south and east elevations 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 privacies of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
3. 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 development within all classes of Part 1, and within Class A of Part 2, of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – To ensure that development that would not otherwise require planning permission is not carried out with consequent potential harm to the character of the Conservation Area, in accordance with Policies DP/3 and CH/5 of the adopted Local Development Framework 2007)
4. All hard and soft landscape works shall be carried out in accordance with the approved details, shown within drawing number 07/1203:003B. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007)
5. Before the dwelling, hereby permitted, is occupied, the access road shall be widened to a minimum width of 5 metres for a distance of 10 metres back from the highway boundary, in accordance with drawing number 07/1203:003B (Reason – In the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007)
6. The area to be provided for the turning/manoeuvring of vehicles shall be provided in accordance with drawing number 07/1203:003B before the occupation of the dwelling, hereby permitted, and maintained free of obstruction thereafter (Reason – In the interests of highway safety, 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:

East of England Plan 2008;

South Cambridgeshire Local Development Framework (LDF) 2007;

Supplementary Planning Documents - Development Affecting Conservation Areas; Trees and Development Sites; Open Space and New Developments; Listed Buildings – Adopted July 2009

Great Shelford Village Design Statement 2004;

Great Shelford Conservation Area Appraisal 2007;

Planning application references S/2392/07/F, S/0756/09/F and S/0758/09/F

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