

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation  
Control Committee

1<sup>st</sup> December 2004

**AUTHOR/S:** Director of Development Services

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**S/2002/04/F - Haslingfield  
Erection of Two Dwellings Following Demolition of Existing Dwelling at 1 Butler Way  
for Aspire Homes (Cambridgeshire) Ltd**

**Recommendation: Approval**

Members will visit the site on 29<sup>th</sup> November 2004.

### **Site and Proposal**

1. The site lies off a cul-de-sac, Butler Way, a narrow road with narrow footpaths. It comprises a chalet dwelling set at an angle from Butler Way. Three other properties, two bungalows and a chalet dwelling are also accessed from Butler Way.
2. To the south, approximately 30m away from the back edge of the site, lies a two storey property, No. 10 Church Street with windows at ground and first floor level in its northern elevation, facing the site.
3. The site lies adjacent to the Haslingfield Conservation Area. The boundary of which runs along the eastern boundary of the site where there is a footpath to the Church. To the south east lies The Vicarage, a Grade II Listed Building. There are two further Listed Buildings to the north east approximately 25-40m from the site.
4. The full planning application, received on 29<sup>th</sup> September 2004 proposes the erection of two 3 bedroom dwellings approximately 7m in height with a footprint of approximately 85m<sup>2</sup> and 89m<sup>2</sup>.
5. The dwellings are to be set back from the back edge of the footpath by 4m. There will be a 6m gap between them and approximately 5m to either side (east and west boundaries).

### **Planning History**

6. The existing dwelling on the site was granted approval in 1964.
7. In March 2004 planning permission was granted in Outline for the erection of two dwellings following the demolition of the existing bungalow – matters of siting, design, means of access and landscaping were reserved.
8. In July 2004 a full planning application was withdrawn for two 4 bedroom dwellings approximately 7.5m and 7m in height with a footprint of approximately 106m<sup>2</sup> and 112m<sup>2</sup>.

### **Planning Policy**

**Cambridgeshire and Peterborough Structure Plan 2003 (the Structure Plan) Policy P1/3 – Sustainable Design in Built Development.**

9. This policy stresses the need for a high standard of design and a sense of place which responds to the local character of the built environment, amongst a whole host of other sustainability considerations.

**Structure Plan Policy P7/6 – Historic Built Environment**

9. Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

**South Cambridgeshire Local Plan 2004 (the Local Plan) Policy SE4 – List of Group Villages**

10. Haslingfield is listed as a Group Village

Residential development and redevelopment up to a maximum scheme size of 8 dwellings will be permitted within the village frameworks of Group Villages provided that:

- (a) The retention of the site in its present form is not essential to the character of the village;
- (b) The development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours;
- (c) The village has the necessary infrastructure capacity; and
- (d) Residential development would not conflict with another policy of the Plan, particularly policy EM8. (Loss of employment sites in villages.)

Development may exceptionally consist of up to 15 dwellings, if this would make the best use of a brownfield site.

All development should provide an appropriate mix of dwelling size, type and affordability.

**Local Plan Policy HG10 – Housing mix and design.**

11. Residential developments will be required to contain a mix of units providing accommodation in a range of types, sizes (including 1 and 2 bedroom dwellings) and affordability, making the best use of the site and promoting a sense of community which reflects local needs.

The design and layout of schemes should be informed by the wider character and context of the local townscape and landscape. Schemes should also achieve high quality design and distinctiveness, avoiding inflexible standards and promoting energy efficiency. The District Council will support the preparation of Village Design Statements to secure these aims.

**Local Plan Policy EN30 – Development in Conservation Areas**

12. The District Council will require that applications for planning permission for development in Conservation Areas or affecting their setting, be accompanied by sufficient details to allow the impact of the proposals to be assessed. This must include drawings or other pictorial material which illustrates the proposed buildings in their context, and in most cases outline applications will not be acceptable. Proposals will be expected to preserve or enhance the special character and appearance of

Conservation Areas especially in terms of their scale, massing, roof materials and wall materials. The District Council will refuse permission for schemes which do not specify traditional local materials and details and which do not fit comfortably into their context.

**Local Plan Policy EN28 – Development within the Curtilage or Setting of a Listed Building.**

13. Where it appears that proposals would affect the curtilage or wider setting of a Listed Building, the District Council will require the submission of sufficient illustrative and technical material to allow its impact to be clearly established. The District Council will resist and refuse applications which:
- (1) Would dominate the Listed Building or its curtilage buildings in scale, form, massing or appearance;
  - (2) Would damage the setting, well-being or attractiveness of a Listed Building;
  - (3) Would harm the visual relationship between the building and its formal or natural landscape surroundings;
  - (4) Would damage archaeological remains of importance unless some exceptional, overriding need can be demonstrated, in which case conditions may be applied to protect particular features or aspects of the building and its setting.

**Consultation**

14. **Haslingfield Parish Council** recommends refusal:  
“Our previous concerns re overdevelopment appear to have been addressed by reduction of the footprint area of the revised plans. However, our worries about available on-site parking and the narrowness of Butler Way are still there.  
  
This could be alleviated by increasing the number of parking spaces from 2 to 3, which we understand that the applicant is prepared to provide. We also request that permitted development rights be withheld from any area that is a designated car parking space.
15. **Chief Environmental Health Officer**  
No objection subject to safeguarding conditions to control noise and disturbance during the period of demolition and construction.
16. **Trees and Landscape Officer**  
“Refer to my comments on the previous application [A quite densely vegetated site, but nothing of particular quality. A poor quality Norway Spruce and a suppressed Yew will be compromised but no objection]  
  
Whilst understanding neighbours concerns I must emphasise that the Norway Spruce on the frontage is located only 1.5m from the existing structure, within 2m of an adjacent street light and not a tree of a quality that I would consider for a Tree Preservation Order. The Holly located rear to the site frontage is again not something that I would consider worthy of a TPO. I therefore have no objection to the application. I note that it is intended to retain existing planting around the site perimeter. I would suggest that the better quality planting on these boundaries could be considered along with submitted landscaping plans.”

**17. Conservation Manager**

"No objections"

**Representations**

18. Seven letters of objection have been received, five from the occupiers of 4 Butler Way and one each from the occupiers of 3 Butler Way and 13 Oak Cottage, Broad Lane.

**4 Butler Way**

19. Proposal will be out of character with the loose knit form of the surroundings contrary to the South Cambridgeshire Design Guide. Houses are to replace a chalet bungalow in a setting that contains only bungalows or chalets.
20. The two houses shown are larger in footprint than that allowed in the Outline application.
21. Garages could be built to the sides without needing planning permission which would result in built development extending across the width of the site.
22. Proposal is an overdevelopment of the site, out of keeping with the character of the road and adjacent conservation area.
23. *The Human Rights Act Article 8*  
*The Charter of Fundamental Rights of the Union Article II-7*  
"Huge infringement of our right to 'respect for our private and family life'".
24. Overlooking of the whole length of our garden from proposed house no.1. Most of our garden is to the front of the property which we consider to be our main garden with only a very small area to the rear which is used as a utility area. Overlooking of the 'main' garden by the properties will seriously infringe our right to privacy and quiet enjoyment of our garden.
25. The garden is surrounded by a 4 foot high hedge which cannot be grown any higher. This height means that villagers passing by are able to see briefly into our garden. We accept this small loss of privacy but strongly object to having the garden permanently overlooked by the two proposed properties.
26. "It seems likely that delegated officials... will approve planning permission...we intend to plant a Cupressocyparis leylandii hedge around the perimeter of our property bounding the highway...anticipate a height of not under 20' foot"
27. Overlooking of our chalet bungalow including ground and first floor windows (living rooms and upper bedroom) our drive and side garden from house no.2.
28. Increase in height will exacerbate loss of privacy.
29. Distance of 16m between front of new properties and our property is insufficient
30. Loss of Yew, Holly and Fir trees and subsequent loss of habitat for wildlife.
31. The landscaping of the area will be diminished.

32. The existing drainage system cannot deal with the additional dwellings. "We will not give permission to the developers...to connect into the private drain which is in, and runs the length of our garden." Connection to the main sewer which runs the length of Broad Lane will be necessary.
33. Multi-paned windows are out of keeping with the picture-windows in the other properties in Butler Way.
34. There are velux windows in the rear but there is no overlooking problem there.
35. No turning area within the site.
36. No extra parking for visitors.
37. Parking on the narrow road will hamper emergency vehicles.
38. The revised parking plan will not work as vehicles will not be able to turn into the spaces shown at the front of the properties.
39. "Given the possibility of the two proposed properties each building a garage at a later date with accommodation over, the preservation of privacy for No. 10 Church Street would lie in the two proposed properties being built as bungalows."
40. *Suggestions:*  
The two houses be altered to two bungalows with integral garages to prevent further development.
41. Both units to be set back 8m from the road boundary. This would prevent overlooking, ensure the survival of at least two of the threatened trees, allow for car turning space and extra parking, preserve the character of the road and the conservation area and remove most of our present objection.
42. "The preservation of our privacy would lie in the two proposed properties being built as bungalows with a distance of 70' between us. There is no single instance in the village of Haslingfield where two properties opposite each other are built at a distance of less than 70'. This distance seems to be established practice and we feel that approval of any less a distance would be discrimination."

### **13, Oak Cottage, Broad Lane**

43. Overdevelopment of the plot
44. Opportunity to build something better
45. Loss of trees will be out of keeping with surroundings and conservation area.

### **3 Butler Way**

46. No garages, properties close to road – no new parking facilities in the front drive. This will naturally lead to parking in the street. [This comment was made before the revision of the plans to improve the parking arrangements was submitted]
47. Parking in the turning head would cause significant problems for me reversing out of my drive.
48. Access by emergency vehicles may be blocked by vehicles parking on the road.

49. "My wife has a serious medical condition and I am extremely concerned if access 'to and from' my property is impeded. I hope that these observations will be taken into account when reaching a decision on this application."

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

50. The key issues in this application are the impact of two dwellings on the amenity of surrounding residents, the impact on the street scene, the impact on the character and appearance of the Haslingfield Conservation Area, the impact on the setting of nearby Listed Buildings, including the Church, the potential impact from additional traffic, parking difficulties and the suitability of the sewerage system to accommodate a further dwelling.

### **Amenity of occupiers of surrounding properties.**

#### ***Impact on No. 2 Butler Way***

51. This property lies immediately to the west of the site. Its main living room window is at ground floor level and faces, at an angle, onto the western boundary of the site. The nearest of the two dwellings is to be some 5m away from this boundary giving an approximate distance of 12m between the window and the new property. The window faces north east and I do not believe the development will result in any material loss of light to this window or the garden and I do not believe, at this distance, that the new dwelling would appear overbearing.

#### ***Impact on No. 10 Church Street***

52. This is the property that lies immediately south of the site. There are 5 rooflight windows on the rear elevation of each of the new dwellings. In each case the three small windows serve bathrooms and the two larger ones a bedroom. The back to back distance to windows in the rear elevation of No. 10 is approximately 40m which is acceptable. The bedroom windows will gain glimpses of the rear garden to this property but existing vegetation, on the southern site boundary, (which is to be retained) is sufficient to limit any views into the garden to an acceptable degree. A swimming pool in the rear of this garden will not be overlooked due to the angles between the rear facing windows of the new dwellings and the swimming pool being too oblique.

#### ***Impact on No. 4 Butler Way***

53. The proposed dwellings will have windows that will face across Butler Way and views into the front garden of No. 4 and into windows on the front elevation of this property will be possible. The distance between windows will be of the order of 16-17m.
54. A hedge of little more than a metre high surrounds the garden. Public views of this garden are therefore readily available as are views into the ground floor windows and up at the first floor windows. The occupiers of this property state that occasional views of their garden from passers by are acceptable but the permanent overlooking is not. It is my view that the number of occasions when views will be obtained from the windows in the front elevation of the new houses into the garden and into the windows of No.4 will depend on the habits of the future occupants but it is by no means certain that they will be materially any greater than the number of occasions that the garden is viewed by passers by, particularly as a footpath to the Church exists in close proximity. The objection is to 'permanent' overlooking but I do not consider this to be the case. On balance I believe that views of the front of the property and its front garden are already readily available to any passer by and I do not consider that the additional views from the front of the new properties will result in a material loss of privacy that would justify refusal of the application.

55. The greatest impact on the privacy of the occupiers of No. 4 will be on direct views from first floor bedroom windows in the new dwellings to the first floor bedroom window of No. 4. No such view currently exists due to the angled orientation of the existing property. Whilst this will result in a reduction in privacy levels I do not consider this to be unacceptable. It is generally accepted that the front elevation of a property, which fronts a road, is the public face of the building. Privacy here is not expected to the same degree as to the rear. I therefore consider that it would be unreasonable to refuse planning permission because there will be views into the front windows from a development that is some 16-17m away.
56. The buildings will be of greater height than the existing chalet bungalow but I do not consider they will appear overbearing at 16-17m away and viewed across the road. For similar reasons I do not believe there will be any material loss of light.

***Impact on street scene***

57. The present scheme has been the result of much negotiation with planning officers and the Conservation Manager.
58. The existing properties in Butler Way are all either bungalows or 1½ storey dwellings. This proposal is for two storey dwellings. However I consider the scale of the dwellings to be acceptable. The previous application was withdrawn as it was the view of officers that the dwellings were too large and had too great an impact on the street scene and was likely to be recommended for refusal. These new dwellings have reduced the scale from 4 bedrooms to 3, reduced the height by 0.5m and footprint and removed conservatories and garages that were once suggested. There is now 6m separation between the two dwellings and the design differences between the two will help to avoid the appearance of two identical properties and help assimilate them into their surroundings. The previous scheme also had three dormer windows in the first floor of each dwelling which has now been reduced to two and a rooflight in the current scheme.
59. A condition withdrawing Permitted Development Rights is necessary to retain the scale of the new development.
60. There is adequate space to the side of each dwelling to respect not only the amenity of the occupiers of No. 2 but also the visual spacing in the street scene. There is approximately 5m space on the eastern side to the footpath to the Church. This protects the existing planting and will not result in the development dominating the path.
61. The new dwellings are higher than any of the other dwellings in Butler Way but I do not consider it is essential to mirror the existing development as the character of Butler Way is of no particular merit in its own right. What is important is to ensure that the development respects but not necessarily mimics its surroundings.
62. It is regrettable that trees will be lost. However there are no trees on the site that are worthy of protection and there is no current restriction on the removal of any of the trees. I note the comments of the Trees and Landscape officer that he would not consider any statutory protection for any of the trees. The scheme would be subject to landscaping conditions requiring new planting as well as retention of some existing planting. A new beech hedge is proposed for the front boundary.

***Impact on the character and appearance of the Haslingfield Conservation Area and the setting of nearby Listed Buildings, including the Church.***

63. I note that the Conservation Manager has no objections. It will be important to ensure that materials are appropriate to the setting of the Conservation Area and nearby Listed Buildings.

***Additional traffic and parking difficulties***

64. Butler Way is not wide and has narrow footpaths. This quiet cul-de-sac is not heavily trafficked and is accessed off a bend in Broad Lane, which, coupled with its length of only 48m (approximately), means that vehicle speeds are low. The point of access onto Broad Lane is good and I do not, therefore, believe that an additional dwelling in Butler Way will result in a significant impact on highway safety.
65. As in many small cul-de-sacs where there is a turning head, parking is difficult. This is especially so in this case because of the restricted width of the road. I consider it essential that each property should have space for the parking of two cars clear of the highway. The submitted plans showed two 'tandem' spaces which is not ideal. The latest revised plans show parking spaces to the side and front of each property. I consider this to be acceptable.
66. The parking standards in the Local Plan allow for a maximum of two spaces only. It is difficult, therefore, to require three or more off-street spaces. Due to the low speed of vehicles I do not consider that turning space should be required. I note that occupiers of other properties in Butler Way reverse directly onto the public highway.

***Suitability of the sewerage system***

67. It would appear, from the comments of neighbours, that the existing arrangements are unsatisfactory. A full examination of this issue will be necessary and be required by condition prior to any development taking place.

**Recommendation**

68. Approval as amended by plan reference BW-04/c and subject to the following conditions:
1. Standard Condition A – Time limited permission (Reason A);
  2. Sc5a – Details of materials for external walls and roofs (Rc5a);
  3. Sc5e – Details of finished floor levels (Rc5e)
  4. Sc51 – Landscaping (Rc51);
  5. Sc52 – Implementation of landscaping (Rc52);
  6. Sc60 – Details of boundary treatment (Rc60);
  7. Sc5f – Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (Reason – To protect the visual quality of the area);
  8. No development shall commence until details of the design and materials to be used for the external windows and doors have been submitted to and

approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.

(Reason - To ensure that visually the development accords with neighbouring buildings and respects the visual quality of its surroundings)

- 9 The development shall not be occupied until space has been laid out within the site (in accordance with plan no. BW-04/c attached hereto) for 2 cars to be parked and that area shall not thereafter be used for any purpose other than parking of vehicles.  
(Reason - To ensure adequate space is provided and thereafter maintained on site for the parking of vehicles.)
10. No development shall commence until precise details of both the existing provision for surface water drainage and foul sewage disposal and the proposed method of surface water drainage and foul sewage disposal have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.  
(Reason - To ensure satisfactory drainage of the site and satisfactory disposal of foul sewage from the site).
11. No power operated machinery shall be operated on the premises during the period of demolition and construction, before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.  
(Reason – To minimise noise disturbance to adjoining residents)
12. No windows, doors or openings of any kind shall be inserted in the south or west elevations of the house on plot 1 or the south, east or west elevations of the house on plot 2, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
(Reason - To safeguard the privacy of occupiers of the adjoining properties.)
- 13 The first floor windows in the south elevation of the buildings shown serving bathrooms and en-suite rooms on plan no. BW-04/c, hereby permitted, shall be fitted and permanently maintained with obscured glass.  
(Reason - To safeguard the privacy of occupiers of the adjoining properties.)
14. Notwithstanding the provisions of Regulations 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:
  - i) PART 1, (Development within the curtilage of a dwellinghouse, all classes
  - ii) PART 2, (Minor operations), Classes A (erection of gates, walls or fences)

(Reason - To safeguard the character of the area and to ensure that additions or extensions which would not otherwise require planning permission do not overdevelop the site with consequent harm to the setting of the Conservation Area, nearby Listed Buildings and the visual quality of the street scene).

## **Informatives**

## Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3** (Sustainable design in built development) and **P7/6** (Historic Built Environment);
  - **South Cambridgeshire Local Plan 2004: SE4** (List of Group Villages), **HG10** (Housing Mix and Design), **EN30** (Development in Conservation Areas), **EN28** (Development within the Curtilage or Setting of a Listed Building)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Residential amenity including overlooking issues
  - Highway safety
  - Visual impact on the locality
  - Impact upon setting of adjacent Conservation Area and nearby Listed Buildings

**Background Papers:** the following background papers were used in the preparation of this report: Planning Files reference S/0029/04/O, S/1176/04/F, S/2002/04/F, South Cambridgeshire Local Plan 2004, Cambridgeshire and Peterborough Structure Plan 2003

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