

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

12 January 2011

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/1602/10 - THRIFLOW
Extension, widening of existing access and replacement fence at
1 Fowlmere Road for
Miss Zib Gotto

Recommendation: Refusal

Date for Determination: 15th November 2010

Notes:

This Application has been reported to the Planning Committee for determination with a site visit following a request made by Councillor Topping.

Members will visit this site on 12th January 2011.

Site and Proposal

1. No. 1 Fowlmere Road is a single storey detached dwelling with an attached flat roof garage adjacent to no. 3 and a monopitch style rear extension. The front boundary has existing 1.4m high picket fencing. Properties on this side of Fowlmere Road are predominantly single storey. The adjacent property to the east, Glyndebourne, is a 1.5 storey dwelling which has ground floor kitchen windows and utility doors and windows, and low-level first floor roof lights serving WC's facing the site. The side elevation of no.1 is visible from the patio area and sitting out area at Glyndebourne. No. 4 Lower Street, to the southeast of the rear boundary of application site, is a two- storey detached house with two-storey and single storey rear extensions. The house and the sitting out area beyond the west facing patio doors are set at a lower ground level than the site. A second sitting out area is located on a raised platform and adjacent to the rear boundary fencing. The north elevation has no first floor main habitable room windows, but the ground floor has a landing window, side doors and obscure glazed windows. The site is adjacent to Conservation Area and the nearest listed building is approximately 55m from the application site, no. 11 The Green.
2. The full application validated on 20 September 2010, proposes first floor extension above both the existing rear extension and part of the original bungalow. The resultant dwelling would be 4.7m high to the eaves and 7.9m high to the ridge. The proposal also includes widening the access and replacement fence. Existing car parking spaces provided at the forecourt and existing garage would not be affected. This application is a revised scheme following an approval of a previous application reference S/0086/10/F. The major changes of this scheme are: alterations to windows in the side

elevations; first floor rear facing windows are clear opening windows instead of fixed and obscured; and additional skylights in the rear facing roof.

Planning History

3. **S/0086/10/F** – Planning permission granted for extension, widening of existing access and replacement fence subject to conditions including the first floor windows in side and rear elevations of the extension shall be fixed, fitted and permanently glazed with obscure glass; and permitted development rights removed for further first floor rear facing windows and openings to prevent overlooking of and to safeguard the privacy of adjoining occupiers.

S/0710/83/F – Planning permission granted for single storey side, rear and front extensions. No planning conditions restricting installation of additional windows.

Planning Policy

4. **National Planning Guidance:
Planning Policy Statement 5: Planning for the Historic Environment**
5. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**
 - **DP/1** Sustainable Development;
 - **DP/2** Design of New Development;
 - **DP/3** Development Criteria
 - **NE/1** Energy Efficiency
 - **NE/6** Biodiversity
 - **CH/5** Conservation Areas
6. **South Cambridgeshire Local Development Framework Development Supplementary Planning Documents:**
 - **Development Affecting Conservation Areas 2009**
 - **Trees and Development Sites 2009**
 - **Biodiversity 2009**
 - **Landscape in New Developments 2010**
 - **Design Guide 2010**
7. **Circular 11/95** – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

8. **Thriplow Parish Council** recommends approval and has no objection.
9. **Conservation Manager** recommends approval.
10. **Trees and Landscape Officer** states that previous comments apply: extension to the driveway should be designed and constructed using 'no-dig' foundations to accommodate tree roots.

11. **Landscape Design Officer** has no objections, a landscape plan needs to be submitted.
12. **Local Highway Authority (LHA)** – no comments received. Given that the proposed widened access and on-site car parking arrangement is same as the previous approved scheme S/0084/10/F, it is considered that LHA's comments on planning reference S/0084/10/F apply. The comments were: Requests conditions in relation to the provision of 2.0m x 2.0m pedestrian visibility splays, the use of unbound materials in the surface finish of the driveway, the provision of adequate drainage measures for the driveway, and the construction of the access to County Council specifications. Suggests informatives with regards to dimensions of the parking spaces, development encroaching upon the highway, the requirement for a Section 142 license for the hedge, works within the highway and the re-location of public utility apparatus.

Representations

13. None received.

Planning Comments – Key Issues

14. This application is a revised scheme following the approval of a previous application reference S/0084/10/F. The design of this application is same as the approved scheme and therefore the principle of the proposal is acceptable. The major considerations are the impacts on residential amenity interests with the revisions to windows and openings at and above first floor level. The key issues to consider in the determination of this application are:
 - Street scene;
 - Character and appearance of the adjacent Conservation Area;
 - Wider setting of the nearby listed building;
 - Residential amenity interests of neighbours;
 - Landscape character;
 - Important trees; and
 - Highway safety.

Street scene

15. The principle of the development is considered acceptable. The impact of the first floor extension upon the street scene, the character of the area and the existing dwelling has been carefully considered. Whilst it is noted that the extension would change the simple character of the existing bungalow, its design is considered appropriate and would enhance the dwelling. The scale of the extension with its lowered eaves height of 4.4m and roof height of 7.6m, would be in keeping with the character of properties in the area and be only slightly higher than the neighbouring property, Glyndebourne. The proposed materials that consist of timber cladding, slate roof tiles and timber joinery would be an improvement to those used on the existing dwelling.
16. The scale and design of the fence is considered to be in keeping with the character and appearance of the area.

Conservation Area/Listed Building

17. The proposed extension would be visible from the adjacent Conservation Area. Having considered that properties in the locality have different design and style and that the proposed extension would be an improvement to the existing dwelling, on balance, the proposal is acceptable and would not have significant impact on the character and appearance of the adjacent Conservation Area. The proposal would not harm the wider setting of the nearest listed building, given its distance from the site.

Residential amenity

18. The proposal was viewed by the case officer from the neighbouring properties no. 4 Lower Street and Glyndebourne, Fowlmere Road. It is not considered to result in an unduly overbearing mass that would affect the outlook from the private garden area of Glyndebourne, as the rear building line of the extension would not project beyond the rear building line of that neighbour. There would also not be an adverse impact from the windows in the side elevation of that property, as they serve non-habitable rooms. The first floor bathroom window in the side elevation of the extension is not considered to overlook that property providing it is fixed and obscure glazed.
19. The loss of privacy from the proposed first floor bedroom windows in the rear elevation of the extension to the sitting out areas of no. 4 Lower Street has been considered. Paragraph 6.68 of the District Design Guide 2009 sets out the guideline to prevent the overlooking of habitable rooms to the rear of residential properties and rear private gardens. It is preferable that a minimum distance of 15m is provided between the proposed windows and the property boundary. The distance between the proposed first floor windows and the boundary fencing with no. 4 Lower is approximately 12m which does not meet the minimum distance. The current proposal with three clear opening windows is considered to be unacceptable and would overlook two separate sitting out areas at no. 4 that would result in an unacceptable loss of privacy and affect the enjoyment of the private garden areas of the occupiers at this neighbouring property.
20. Paragraph 6.69 of the District Design Guide 2009 states that 'Protective boundary treatments, garden walls and planting, can assist in obscuring views, but as these cannot be relied upon to remain in perpetuity they should not be utilised as the primary means of creating privacy.' Therefore, to rely on the presence of existing plants and trees along the rear boundary as screening to reduce overlooking from the proposed windows to no. 4 is unacceptable given that such soft landscaping cannot be guaranteed in a long term, even with any planning consent including relevant landscaping conditions.
21. The applicant's argument on the fallback position has been considered. It is noted from plans that show this alternative that a loft conversion under permitted development could be installed providing a first floor bedroom and a landing area with four clear opening first floor windows facing no.4 which two of these windows would serve the landing area and the other two would serve a bedroom. Officers are aware that it may be the applicant's intention to implement a loft conversion under permitted development if this application is

not successful. It is confirmed that during officer's site visit in October 2010, the loft conversion has not been implemented and therefore no circumstances have been changed since the approval of the last application. The proposal includes three clear opening windows which two of these would serve a bedroom while another window would serve an ensuite guest bedroom. It is considered that the fallback option is unlikely to be implemented and it has limited weight in this case. The function of the windows serving a landing area under permitted development and the function of the habitable room of an ensuite bedroom have been carefully assessed. Also, given that the functions of a landing window and a bedroom window are different, (a landing in planning is not considered as a main habitable room, whereas a bedroom is), it is therefore considered that the proposal with three rear facing clear windows to serve two bedrooms is unacceptable and limited weight should be given in considering the permitted development option with one bedroom and a landing area.

22. The first floor windows and openings in the side elevations, and the new skylights in the rear elevation are acceptable providing any clear opening windows are set 1.7m from the first floor level and other proposed first floor windows in the northeast side elevation are fixed and obscured glazed.

Tree/ Landscape character

23. The proposal would not result in the loss of any important trees subject to safeguarding conditions for the submission of a landscape plan and no dig construction for the driveway as part of any planning consent.

Highway safety

24. The proposal is not considered to be detrimental to highway safety subject to the provision of adequate pedestrian visibility splays as a condition of any consent. The surface materials for the driveway are considered acceptable, as it would not change from that existing. The use of drainage measures is not appropriate given the use of permeable materials.

Other Matters

25. It is acknowledged that the property at no. 4 Lower Street is marked on the site plan as no. 2

Recommendation

26. Refusal
27. Reason for refusal

The proposed first floor extension with three first floor clear opening windows in the rear elevation would overlook the rear garden and sitting out areas of no. 4 Lower Street that would result in a material loss of privacy to the private amenity areas that residents at this neighbouring property currently enjoy. The proposal is therefore contrary to Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007 which states that planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.

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

Planning Policy Statement 5: Planning for the Historic Environment
South Cambridgeshire Local Development Framework Development Control Policies
DPD 2007

South Cambridgeshire Local Development Framework Development Supplementary
Planning Documents:

- Development Affecting Conservation Areas 2009
- Trees and Development Sites 2009
- Biodiversity 2009
- Landscape in New Developments 2010
- Design Guide 2010

Circular 11/95 – The Use of Conditions in Planning Permissions

Planning application references: S/0086/10/F and S/0710/83/F.

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