

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 February 2011

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

S/1881/10/F – MELBOURN

**First Floor Extension and Carport at Oak Cottage, 6a Vicarage Close, Melbourn
for Mr A Taylor**

Recommendation: Approval

Date for Determination: 23 December 2010

Notes:

This Application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the comments of the Parish Council.

Conservation Area

Site and Proposal

1. The site is located within the village framework of Melbourn. Vicarage Close is located off the High Street and is a cul-de-sac with a deep bend in the middle. No. 6a Vicarage Close is located near the bend in the road at the end of the rear gardens of no. 34 High Street and no. 3 Kay's Close, with no. 6 Vicarage Close located to the north of the application site. Directly opposite the application site is a detached listed dwelling, which is located within the Conservation Area as is part of no. 6a Vicarage Close.
2. There are numerous mature trees within the gardens of no. 34 High Street and Glebe House also located on the High Street, Vicarage Close runs between these two properties. Vicarage Close therefore has a leafy setting but also has closed boarded fencing defining the boundaries of no. 34 High Street and Glebe House. A number of these trees are the subject of a Tree Preservation Order, and there is a TPO tree in the garden of no. 6a Vicarage Close.
3. This full application, received 28 October 2010 proposes a first floor extension with carport below on the north side of the dwelling. The proposal would create an additional bedroom to this modest two bedroom dwelling while retaining the existing car parking space below.

Planning History

4. **S/1285/03/F – New Dwelling – Granted on Appeal**
5. **S/1208/02/F – House and Garage – Refused at Appeal**

Planning Policy

Local Development Framework Core Strategy 2007:

N/A

Local Development Framework Development Control Policies 2007:

DP/2 Design of New Development

DP/3 Development Criteria

CH/5 Conservation Areas

Consultation

6. **Melbourn Parish Council** - Recommends that the application be refused as the proposal is considered to be overdevelopment of the site.
7. **Conservation Officer** - Raises no objection to the proposal, as the extension is relatively modest in scale and traditional in form and detailing. The extension would be visible from the street, the impact will be minimal and the character and appearance of the Conservation Area would be preserved.
8. **County Footpaths** - The property is located adjacent to Melbourn Public Footpath no. 5. The development does not appear to affect the public footpath. However, standard informative should be added to any planning consent.

Representations

9. Owner/Occupier of Glebe House, High Street – objects on the following grounds:
 - (a) The existing dwelling overlooks the rear of Glebe House and the first floor window adds to this problem.
 - (b) Extension would detract from the character of the this section of Vicarage Close that leads from the High Street Conservation Area, which is notable for the generous open spaces between the properties.
 - (c) Overbearing and radically detracts from the overall architectural merit of the existing dwelling. Its height and proximity to no. 6 Vicarage Close would be inappropriate between the two buildings.
 - (d) At appeal permitted development rights were removed to ensure that there would be no future adverse impact on neighbouring residents whose properties are in close proximity. The current application will impact adversely upon Glebe House and the other nearby residents.
 - (e) The property has been on the market and remains unsold since it was built by the developer and has not been occupied so there is no case to be made for the extension being necessary for any practical domestic living purposes by an existing owner or occupier.
10. Hewitsons on behalf of Owner /Occupier of 6 Vicarage Close – Objects on the following grounds:
 - (a) By adding 1970s style first floor extension with carport beneath, any architectural merit of the original design would be destroyed, to the detriment of the street scene which is contrary to the inspectors comments

that “the architectural design of the side elevation which would include appropriate fenestration and an attractive chimney design would add interest to the street scene.”

- (b) The design of the proposed first floor extension with carport is unimaginative and unsympathetic to the design of the original dwelling. Viewed from Vicarage Close the roof and eaves height are the same as the existing dwelling, which would result in an overbearing extension, supported on brick piers. The extension is therefore not subservient to the original dwelling and does nothing to complement the character or appearance of the original building. It will also have an adverse effect on the street scene.
- (c) The existing northwest elevation currently has a balanced fenestration with attractive porch and it is clear that any balance will be destroyed by the proposed extension.
- (d) The scale and design of the proposed extension would not be sympathetic to the aims of the Conservation Area and would detract from the street scene, which is partly in the Conservation Area.
- (e) The Inspector imposed a condition to the appeal decision that restricts ability to extend it so as to avoid adverse effects on the living conditions of the neighbouring residents. The proposed works would appear cramped in the street scene and to no. 6 Vicarage Close. Due to the proximity to the boundary its height and scale would result in an overbearing impact upon no. 6 Vicarage Close, as well overshadowing the property and garden.

11. Taylor Vinters on behalf of Owner/Occupier of 3 Kays Close

- (a) The plans are inaccurate as they show ground floor windows and a door on the northeastern elevation facing 3 Kays Close; these were shown on the original plans that were granted at appeal but were never implemented and should be deleted from the plans.
- (b) The plans do not show the relationship of the existing dwelling at 6a Vicarage Close with 3 Kays Close or any of the other dwellings adjoining the site.
- (c) The rear elevation of 3 Kays Close faces southwest and therefore receives the sun in the afternoon and evening, the number of large mature trees within the gardens of surrounding properties overshadows the majority of 3 Kays Close which means that direct sunlight is received into its garden through the existing gap between nos. 6a and 6 Vicarage Close, where the proposed extension is to be located. This is the area of the garden that the occupiers of 3 Kays Close sits in order to avoid being overlooked.
- (d) The garden area would be overshadowed by the extension, which will present a solid brick wall only 1 metre from the boundary and will have an overbearing impact upon this private space.
- (e) There is an existing degree of overlooking between the properties at 3 Kays Close and 6a Vicarage Close. Although there are no windows proposed in the side elevation the proposed extension will further compound the feeling of being overlooked and overshadowed.
- (f) The removal of permitted development rights by the Inspector in permitting 6a Vicarage Close was correct to ensure that there would be no future adverse impacts on the neighbouring residents.
- (g) Proposed extension is unsympathetic to the style and design of the existing dwelling and to the area. It is unattractive, poor in design, an alien feature that is intrusive from Vicarage Close and 3 Kays Close. It

fails to preserve or enhance the character of the local area, which is contrary to Policy DP/2 and District Design Guide SPD.

- (h) If the planning application is to be granted consent please ensure that there is a condition attached to ensure that no windows are inserted on the side elevation to 3 Kays Close.

12. Owner/Occupier of 2 Kays Close

- (a) The plans are inaccurate indicating a door and windows on the northeast elevation at ground floor level where there are none nor does it show Kays Close on the location plan, which is considered to be misleading.
- (b) The Inspector removed permitted development rights for the dwelling therefore taking into account the size of the plot and the footprint of the building. The present application increases the footprint by approximately 25%.
- (c) Paragraph 8 of the Inspectors report clearly prohibits any future new additions to, or extensions or enlargements of the dwelling hereby permitted.
- (d) The erection of 6a Vicarage Close has removed much of the evening sunlight from the garden at 2 Kays Close and the occupiers have a clear view into bedrooms. There will now be a loss of afternoon/evening sun and a view of an overbearing wall.
- (e) The house is on an overdeveloped plot and this proposed extension would make it worse.

13. Owner/Occupier of 1 Kays Close

- (a) The appeal inspector removed permitted development rights for extensions to dwellings and therefore does not allow for an extension to be built at 6a and the application should be refused.
- (b) The original planning application, which was refused and dismissed at appeal proposed a garage, the applicant has now come in for an extension and carport, hence the application should be refused.
- (c) The existing dwelling blocks light evening light and sunset from the westerly direction for those at Kay's Close and Vicarage Close. The proposed first floor extension would block view of the sky to the north of 6a which is the only view of the sky no. 1 Kay's Close had left in a westerly direction.
- (d) The existing development has a detrimental impact on the street scene and the surrounding dwellings and the proposed first floor extension would make this worse and should therefore be refused.
- (e) The location plan is inaccurate, as it does not show Kays Close and other surrounding properties it is therefore misleading as it represents false information.
- (f) The construction works were carried out dangerously when 6a was being built with little care and attention for pedestrian safety, the proposed works are likely to be built in the same way and should be refused.
- (g) The applicants' intention was to build the dwelling for an elderly parent but the new build took several years to complete and has been unoccupied since completion. The applicant also owned no. 6 Vicarage Close which has since been sold but the new owners were not told by the applicant that he was going to apply for the extension as he the sale might have fallen through. The application should therefore be refused.

Planning Comments – Key Issues

Residential Amenity

14. The proposed extension is to be located to the northwest of the existing dwelling. The closest dwellings to the proposed extension are no. 6 Vicarage Close to the north of the dwelling and 3 Kays Close (also referred to as Morello House), located to the rear (northeast) of the application site. It is noted that the rear garden of 3 Kays Close is fairly shallow, the boundary treatment between the two properties consists of a 2m high timber close-boarded fence and there is no additional planting along this boundary. The proposed extension would therefore be visible when viewed from the rear garden of 3 Kays Close and there would be oblique views when viewed from within the dwelling itself. There are no proposed new openings on the rear elevation that would face 3 Kays Close and any consent would be conditioned to prevent further windows being added without the benefit of a planning application. The occupier of 3 Kays Close argues that there would be a loss of afternoon sun to the garden but while there might be some loss of sunlight to the western corner of the garden of 3 Kays Close, this loss is not considered to be significant to warrant a refusal of this planning application. Due to the scale, location and lack of windows on the rear elevation of the proposed extension it is considered that there would be limited harm to residential amenity on 3 Kays Close.
15. The proposed extension is also within close proximity to the front area of no. 6 Vicarage Close. The front area of this property consists of hardstanding with a double garage located adjacent to no.8 Vicarage Close. The front area of this dwelling is very open with the boundary treatment between the properties consisting of a dwarf wall with metal railings above; therefore the application dwelling is clearly visible from the front of no.6 Vicarage Close as will be the proposed extension. Nonetheless, the scale of the proposed extension is such that it would not be unduly harmful to residential amenity as it does not span the entire length of the side elevation and the ridge height is lower than the existing. There are no proposed openings on the side elevation that would face no. 6 Vicarage Close, therefore it is considered that the proposed extension would not be overbearing nor would there be any overlooking. Again a condition is to be added to prevent the addition of further windows in the future to prevent overlooking.
16. The only window proposed at first floor level would be on the front elevation of the extension and the occupiers of Glebe House believe that this would overlook that property. However, due to the fact that extension is setback into the site, it is not considered that overlooking of neighbouring properties would be a problem from the window on the front elevation. The impact of the proposal on nos. 1 and 2 Kays Close is considered to be minimal.
17. The proposal is therefore considered to comply with Policy DP/3 of the South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007.

Character and Appearance of the Surrounding Area and Conservation Area

18. The Conservation Area runs through the southeast part of the site, there is also a tree located within this area that is the subject of a Tree Preservation Order (TPO). The Conservation Team raises no objections to the proposed extension. The team considers that the works is modest in scale and is traditional in form and detailing which includes the use of materials that would match the existing dwelling, which is outside the Conservation Area and largely invisible from it.
19. The proposed extension is considered to be subservient to the main dwelling as it does not span the length of the side elevation and the ridge is lower than existing. The extension would be visible within the street scene but is considered to have a minimal impact upon the character and appearance of the Conservation Area and the street scene and will therefore preserve the setting of the existing dwelling. The proposed extension is not considered to be harmful to the existing TPO tree due to the location of the tree in relation to the proposed works. The proposal is therefore considered to comply with Policies DP/2 and CH/5 of the South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007.

Other matters

20. A number of those that have objected to the proposed works stressed that the Appeals Inspector did not want further additions to the approved dwelling by imposing a condition to prevent this. It is correct that permitted development rights have been removed from the property for extensions. However, it is considered that the intention of the Appeals Inspector was to provide additional planning control for the Local Planning Authority in the event that works are proposed that would normally be considered to be permitted development would be potentially harmful to residential amenity or to the appearance and character of the area.
21. It has been noted that the submitted drawings both existing and proposed indicates a door and window at ground floor level on the rear elevation. The door and window were part of the original plans but they were not part of the completed development. However as it was part of the original consent then these could be added at any time as the consent has been implemented within the required time period.

Recommendations

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. **The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. VR/TB/10/142.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

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 windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the side (north) and rear (northeast) elevations of the proposed extension 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.)

Informatives

1. The effect of the development on a public right of way is a material consideration in the determination of applications for planning permission (Defra Rights of Way Circular 1/0/ para 7.2 (<http://www.defra.gov.uk/wildlife-countryside/access/prow/>)).
2. Public Footpath no.5 must remain open and unobstructed at all times. Building materials must not be stored on this section of the footpath and contractor's vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public footpath).
3. Landowners are reminded that it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s 154 Highways Act 1980).
4. The granting of planning permission does not entitle a developer to obstruct a public right of way (Circular 1/09 para 7.1).
5. Further guidance notes for developers in relation to public rights of way are available on Cambridgeshire County Council's website at <http://www.cambridgeshire.gov.uk/environment/countryside/definitive/>

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/1285/03/F (Decision notice and Appeals Notice)

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