

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

S/2267/10 - HEYDON

Dwelling and Carport at Hill Farm House, 20 Chishill Road for Mr John Dutton

Recommendation: Approve Conditionally

Date for Determination: 31 March 2011

This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council differs to that of the case officer.

Members will visit this site on 6th April 2011

Site and Proposal

1. The majority of the site is located within the designated Heydon village framework, although the rear element of the garden is located outside of this area. The site is also located within the Heydon Conservation Area, the boundary of which runs with the village framework along the north boundary of the site and cutting through the rear garden element. The land outside the village framework does have a lawful garden use.
2. To the north of the site is the residential property of Picots set on a large plot. This property is not listed. The shared boundary (north) is a 1.8m high wall with a trellis above. There are a number of trees along this shared boundary. Picots have a single storey outbuilding between the main dwelling and the shared boundary. This appears to be ancillary accommodation to the main dwelling.
3. There are currently gates by the proposed access, where occasional vehicles use was previously granted. The boundary along the road is a 2m high hedge that screens the large pond on site from public views. There are taller trees by the gates too. On the opposite side of Chishill Road southeast of the site is the grade II listed barn at Halls Cottage located hard against the road. There is a further listed building at Heydon Place, 82m northeast of the application site. To the south is the main dwelling of 20 Chishill Road, which has a long single storey element currently used as offices. The western boundary has a newly planted hedge, with a further hedge beyond.
4. The full planning application, received on 22nd December 2010, seeks the erection of a dwelling and carport on the site. The property would be two-storey, with the carport located forward of the front elevation. The application is accompanied by a Design and Access Statement, an Ecology Survey, and an Arboricultural Report.

Planning History

5. A previous application for a dwelling on the site (S/0502/10/F) was withdrawn prior to the submission of the new application.
6. Planning application **S/0348/03/F** granted consent for an extension to the garage and store, pedestrian access, a lich gate and a new vehicle access at Hill Farmhouse. The new access is that to the north of the dwelling that would serve the new dwelling.
7. Planning application **S/0559/02/F** granted consent for the change of use of land outside the designated framework to become garden land. Condition 4 removed permitted development rights for outbuildings and means of enclosure in this area.

Policies

8. **Local Development Framework Core Strategy Development Plan Document 2007: ST/7** Infill Villages
9. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1** Sustainable Development, **DP2** Design of New Development, **DP/3** Development Criteria, **DP/4** Infrastructure and New Development, **DP/7** Development Frameworks, **HG/1** Housing Density, **SF/10** Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** Open Space Standards, **NE/1** Renewable Energy, **NE/6** Biodiversity, **NE/15** Noise Pollution, **CH/4** Development Within the Curtilage or Setting of a Listed Building, **CH/5** Conservation Areas & **TR/2** Car and Cycle Parking Standards.
10. **Open Space in New Developments SPD** – adopted January 2009, **Trees and Development Sites SPD** – adopted January 2009, **Biodiversity SPD** – adopted July 2009, **Development Affecting Conservation Areas SPD** – adopted January 2009, **Listed Buildings SPD** – adopted July 2009 & **District Design Guide SPD** – adopted March 2010.
11. **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.
12. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

13. **Heydon Parish Council** recommends refusal of the application on grounds of overdevelopment of the site, the design not fitting comfortably with the two listed buildings on either side of the proposed dwelling, proximity to Picots and the boundary trees, potential attic space in the rear element, impact upon trees by the entrance, the safety of the access and insufficient space for recreational use.

14. The **Local Highways Authority** seek the addition of a condition ensuring gates are set back 6m from the boundary of the adopted public highway. With regard to the amended plan, the access is considered acceptable.
15. The **Council's Conservation Officer** notes the pre-application advice has mainly been complied with. The dwelling would be set back from the street behind a tall hedge which gives minimal public views. Whilst there would be an effect on the interest of the Conservation Area from within private spaces, the limited public views are most relevant to the impact on the Conservation Area and the adjacent Listed Building. The height of the rear element would not have any significant impact upon the Conservation Area. Conditions are recommended regarding materials to be used for the dwelling and carport, detailing of the carport given concerns about the detailing, and the entrance to the site which should be more rural.
16. The **Council's Ecology Officer** has no objections to the proposal. The pond is considered to be an unlikely habitat for Great Crested Newts although they are recorded in the locality. A condition is requested ensuring development takes place in accordance with point 1 (clearance of the access) and point 2 (protection of the site by amphibian fencing) of the ecological survey.
17. The **Council's Tree Officer** notes the yew tree (tree T1) is the most significant, and a plan is requested showing its Root Protection Area in relation to the proposed dwelling.
18. The **Council's Acting Environmental Health Manager** notes concerns regarding noise and therefore suggests conditions are attached restricting use of power operated machinery and seeking details if pile foundations are proposed. An informative regarding bonfires and burning of waste is also proposed.
19. The **County Archaeology Team** notes the site is located in an area of high archaeological potential and request a condition seeking a scheme of archaeological investigation.

Representations

20. The occupiers of **Picots, 14 Chishill Road** object to the scheme. The proposal is considered as garden grabbing, and is excessive in scale and mass for a tight site and represents overdevelopment. Its location just 3m from the boundary with Picots is considered unreasonable, especially given its height. The glazed elements would allow light to be visible around the site. The views of the Parish Council are noted, and no neighbour consultation took place. The proposal is considered to impact upon the roots of the trees along the shared boundary. There is also concern the pond should be a public amenity but it has been included within the garden land. It is noted the boundary between the dwelling and Hill Farmhouse does not follow any physical line, and could be changed to allow the dwelling to be shifted from the shared boundary with Picots.
21. The occupiers of **31 Chishill Road** object to the proposal on grounds of overdevelopment of the site, proximity to the neighbouring property, poor visibility at the access, and the scale and design in relation to the adjacent farmhouse and Conservation Area.

Planning Comments

22. The key considerations for the determination of this application are the principle of development, the impact upon the Conservation Area and adjacent Listed Buildings, impact upon the amenity of the occupiers of the adjacent properties, impact upon trees, ecology considerations, highway safety and open space provision.

The Principle of Development

23. Heydon is classified as an Infill Village, where residential development will be restricted to not more than two dwellings within the village framework, subject to site specific issues and in certain locations, including in a gap in an otherwise built-up frontage to an existing road or the sub-division of an existing residential curtilage. The site meets these criteria.
24. Policy HG/1 of the LDF DCP 2007 seeks residential developments to make best use of sites by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment. The site has an area of approximately 0.14 hectares within the village framework, which also includes the large pond. The density of the development therefore provides 7 dwellings per hectare. The applicant has stated in the Design and Access Statement that two dwellings on the site is not appropriate given the irregular shape of the site, the character of the Conservation Area, access and the potential impact upon the pond. It was agreed at pre-application stage that such factors could justify a single dwelling in this instance. It is considered that a single dwelling is therefore suitable on the site in principle.

The Impact upon the Conservation Area and Adjacent Listed Buildings

25. The previous application (S/0502/10/F) was of a similar design, but was more bulky, with a larger two-storey element across the front, a larger frontage gable, and full two-storey levels to the rear. The proposal has introduced a single storey element to the front elevation, and whilst the rear section remains two-storey, its height has been lowered for this element to appear subservient to the main frontage.
26. This part of the Heydon Conservation Area to the western side of Chishill Road is characterised by large dwellings on large plots. The neighbouring property to the north, the existing farmhouse, and 22 Chishill Road to the south all fit this description. Whilst this does not set a precedent for further development of this kind, the dwelling should be viewed in its context. The two-storey element of the front elevation has been reduced to 13m in length, with the single storey element appearing subservient to that. Whilst there is a lot of glazing to the frontage gable, the design is considered to be appropriate for its location, and would preserve the character and appearance of the Conservation Area. Members should also be aware there are limited public views of the site given the 2m tall frontage hedge. The comments from the Conservation Officer are noted and the original concerns regarding the impact upon the Conservation Area have been overcome subject to the recommended conditions. This follows the pre-application discussions.

27. The listed barn at Halls Cottage is located opposite the proposed access into the site. Given the front boundary of the site, and the location of the proposal 23m into the plot, the proposed dwelling is not considered to significantly harm the special architectural and historic interest of this building.

Impact upon the Amenity of the Occupiers of Adjacent Properties

28. The shared northern boundary with Picots is a 1.8m wall with a trellis above. There is planting beyond in the garden of Picots that provides a good screen. The dwelling of Picots itself is located 7m from the boundary and its nearest point, where the single storey element is located. The main two-storey bulk of the dwelling is located further away at approximately 16.5m. Picots is also located behind the existing shed area of Hill Farmhouse, and the dwelling would be located 24m from Picots at its closest point. Given this location, the proposal would not have any impact upon the main dwelling of Picots.
29. The rear garden area to Picots runs along the north boundary of the application site, behind the planting described above. The proposed dwelling would be located 3m from the boundary at its closest point. Given the orientation of the house, the closest elements at 3m would be the eaves height of the main two-storey frontage element, and the eaves height of the rear element, which measure 4.2m and 4.5m respectively. The north facing gable of the plot is not parallel with the boundary, and the highest point of the dwelling at 7.4m in height would be 4.3m from the boundary. The concerns raised from the occupiers of Picots are noted. The dwelling will be visible from the rear garden area. However, given the level of planting in the rear garden of Picots, I do not consider that any undue harm would result through the dwelling being overbearing.
30. The rear element of the dwelling is all two-storey space. The rear element at first floor level is described as loft space, but there would be room for habitable rooms in the future. There are rooflights in the north elevation above the landing. The section shows the cill height of these to be 2m from the floor level. No overlooking would result. Conditions would be required to ensure no further windows are added to the side elevation at first floor level, and these cill heights are adhered to in construction. The rear facing dormer window serves a bathroom. It would have the potential to overlook the rear of the garden at Picots. A condition can ensure this window is obscure glazed. Whilst the location of the dwelling would mean it would be visible from Picots, I do not consider any serious harm would result to the occupiers of this property.
31. The proposal would require an additional boundary to be created between it and Hill Farmhouse to the south. The site plan shows this to be a new hedgerow, details of which will be required in the landscape plan. The proposal would be 3m from this newly created southern boundary. The dwelling has a single storey element by this boundary totalling 4.9m in height to the roof ridge. The dwelling would be easily visible from the rear garden of Hill Farmhouse. However, given the orientation, I do not consider any serious harm would result to the occupiers of Hill Farmhouse. There would be some glazing in the facing elevation at first floor level but this would serve the staircase. The frontage two-storey element would block views of this, allowing views of the rear garden only. The landscape plan could include a small tree

in the garden to screen these windows if necessary. A condition would be required to prevent further first floor windows in the side elevation.

32. There would be a proportion of overlooking from the first floor balcony area, to be located 12m from the boundary. This distance is not ideal. However, the main two-storey element again screens views into the rear garden, and a small tree could be planted as part of a landscaping scheme to ensure occupiers of Hill Farmhouse do not feel significantly overlooked.

Impact upon Trees

33. The comments from the Trees Officer are noted. The most significant tree on the site is the yew in the rear garden of Hill Farmhouse. The rear element of the dwelling would be within 10m of the trunk. Details of the Root Protection Area have been requested and Members will be updated on progress on this matter. The Trees Officer has no objection if this point is clarified and a method statement is provided. The latter could be done by condition.

Ecology Considerations

34. The comments from the Ecology Officer are noted. Given the nature of the pond, it is unlikely to provide a habitat for the Great Crested Newt. A condition is requested to ensure the clearance of the site and amphibian protection is completed in line with the Ecological Survey submitted with the application. I consider such a condition to be reasonable.

Highway Safety

35. The access to the site was approved as part of application S/0348/03/F, where the approved plan shows it to be used for occasional/infrequent use for maintenance purposes only. Members should be aware that there was no condition stating this and that it could have been used more formally if needed. This development would bring about this more formal use. The comments from the Local Highways Authority are noted. As a result, an amended plan shows the gates to be located 6.3m back from the road. The Local Highways Authority has confirmed that this plan is satisfactory.
36. The Conservation Officer notes that the access should be rural in appearance. The amended plan shows the gates set back into the site, thus opening it up slightly. The existing walls behind the current access are low, and clarity is required as to whether these would be raised or remain as they are. This can be dealt with through a condition.

Open Space Provision

37. The applicant has confirmed in their letter dated 12th December 2010 their willingness to contribute towards the provision of open space in the village in lieu of on-site provision. The proposal seeks a four bed property, and therefore a contribution of £4258.90 would be required. A condition can ensure this is secured through a scheme, and an informative can be added to any consent to show the required amount. Pre-application discussions did not include the need for community facility provisions, and it is unreasonable to request this for the application.

Other Matters

38. I note local concern regarding the inclusion of the pond into the garden of Hill Farmhouse. I do not consider this is a material planning consideration for the determination of this planning application.
39. Comments from the Acting Environmental Health Manager and County Archaeology Team are noted, and conditions and informatives can be added accordingly.

Recommendation

40. Approval (as amended by revised site plan date stamped 15th February 2011) 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. The development hereby permitted shall be carried out in accordance with the following approved plans: A2, A3, A4, A5 and A6 dated 22nd December 2010, and plan A1 date stamped 15th February 2011.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(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.)
4. All hard and soft landscape works shall be carried out in accordance with the approved details. 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, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant 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. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design,

materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policies DP/2 and CH/5 of the adopted Local Development Framework 2007.)

6. No development shall take place until details of the materials to be used in the construction of the external surfaces, including the canopy, dormer windows, glazing area, doors, screens and chimneys, of the buildings hereby permitted have 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 appearance of the development is satisfactory in accordance with Policies DP/2 and CH/5 of the adopted Local Development Framework 2007.)
7. 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 rear or side 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 privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. Apart from any top hung vent, the proposed first floor dormer windows in the rear elevation of the dwelling, hereby permitted, shall be fitted and permanently glazed with obscure glass.
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
10. No development shall begin until details of a scheme for the provision of open space infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason - To ensure that the development contributes towards open space infrastructure in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)
11. No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a

written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

12. The development shall be implemented in accordance with points 1 (clearance of the access route) and 2 (protection of the site by amphibian fencing) of the ecological survey as prepared by Applied Ecology Ltd dated 29 March 2010.

(Reason - To protect amphibians and their habitat in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

13. The proposed rooflights in the north elevation of the dwelling, hereby permitted, shall have a cill height at least 1.7m above the finished floor level.

(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

14. No development shall commence until a construction method statement is submitted to an approved in writing by the Local Planning Authority. The statement should include the relationship between construction vehicles and material, and protection for the trees and hedges on site, with particular relevance to the yew tree within the existing garden area. The development shall be carried out in accordance with the approved statement.

(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

Informatives

Should pile driven foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

The scheme requires the provision of recreational infrastructure to meet the needs of the development in accordance with Policies DP/4, SF/10 and SF/11 of the adopted South Cambridgeshire Local Development Framework 2007. Should financial contributions be provided, this amounts to a payment of £4,258.90 as calculated on the date of the decision. The applicant has been informed of this requirement. An agreement under S106 (scheme) could be required to secure this.

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

- **Local Development Framework Development Control Policies (LDF DCP) 2007**
- **Local Development Framework Core Strategy Development Plan Document 2007**

- **Open Space in New Developments SPD** – adopted January 2009, **Trees and Development Sites SPD** – adopted January 2009, **Biodiversity SPD** – adopted July 2009, **Development Affecting Conservation Areas SPD** – adopted January 2009, **Listed Buildings SPD** – adopted July 2009 & **District Design Guide SPD** – adopted March 2010
- **Circular 11/95 – The Use of Conditions in Planning Permissions**
- **Circular 05/2005 - Planning Obligations**
- **Planning File Refs: S/2267/10, S/0502/10/F, S/0348/03/F and S/0559/02/F**

Contact Officer: Paul Derry - Senior Planning Officer
01954 713159