

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/0984/11 - Milton**  
**Erection of a Dwelling and Garage at land adjacent to Lea Court, Milton for Mr**  
**A. De Simone**

**Recommendation: Approve Conditionally**

**Date for Determination: 15<sup>th</sup> July 2011**

**This application has been referred to the Planning Committee for determination because the recommendation of the Milton Parish Council does not accord with the officer recommendation.**

### **Site and Proposal**

- 1 The application site comprises a piece of amenity land, which serves as gap between a block of three-storey flats and a pair of semi-detached dwellings. The site is accessed off Coles Road and is within the village development framework. Coles Road is a predominantly linear residential road with a mixture of semi-detached houses, bungalows and flats. However, despite the various house types the street scene does have a strong uniform character with a horizontal emphasis to housing design and a relaxed urban grain. The site forms part of a communal garden area for six flats within Lea Court with windows in the flank elevation of the flats overlooking this space.
- 2 The proposal comprises the subdivision of the land (0.021ha) to the southeast of Lea Court and the erection of a detached two-storey three-bedroom dwelling and detached single garage. The dwelling would be clad in a mixture of brick and render with a pantile roof. The property would be approximately 7.2m to ridge, 5.5m wide, and 6.7m deep with a single storey element to the rear. The plot would provide suitable private amenity space and 2m x 2m pedestrian visibility splays at its access.
- 3 The application is supported by a Design and Access Statement and a draft Heads of Terms for a S106 legal agreement.

### **Planning History**

- 4 Planning Application S/0097/10/F for the erection of a dwelling was refused by virtue of its unacceptable impact upon the public realm, residential amenity and highway safety.
- 5 Planning Application S/0553/10/F for the erection of a dwelling was refused by virtue of its unacceptable impact upon residential amenity of adjacent properties. An appeal against both refused applications was subsequently dismissed.

## **Policies**

- 6 South Cambridgeshire Local Development Framework Core Strategy 2007  
**ST/6** Infill Villages
- 7 South Cambridgeshire Local Development Framework Development Control Policies DPD 2007  
**DP/1** Sustainable Development  
**DP/2** Design of New Development  
**DP/3** Development Criteria  
**DP/4** Development Infrastructure  
**DP/7** Development Frameworks  
**HG/1** Housing Density  
**NE/1** Energy Efficiency  
**TR/1** Planning for More Sustainable Travel  
**TR/2** Car and Cycle Parking Standards  
**SF/10** Outdoor Playspace, Informal Open Space, and New Developments
- 8 South Cambridgeshire Supplementary Planning Documents  
**District Design Guide**, Adopted March 2010.  
**Open Space in New Developments**, Adopted January 2009.

## **Consultations**

- 9 **Milton Parish Council** – Recommend refusal on the grounds that the application shows no significant change from the previously refused applications, which were dismissed at appeal and support the objections raised by local residents that the development would be detrimental to the street scene, overbearing and would result in the loss of light and amenity space to the flats within Lea Court.
- 10 **Local Highway Authority** – Raise no objections subject to the pedestrian visibility splays shown on drawing no.20 are conditioned to be kept clear of obstructions above 600mm, that no unbound material shall be used within 6m of the adopted highway and that permitted development rights are removed with respect to access gates.

## **Representations**

- 11 4 Letters have been received from the occupiers of nos.26 Coles Road, 4 Pembroke Court, 22 and 24 Lea Court and raising the following objections:
- The original design for Lea Court was to provide space around the building and the proposal would reduce that space to an unacceptable level to the detriment of its setting;
  - The view from no.26 would be upon a blank wall, which will reduce the light to this property by casting it in shade;
  - There are a number of utility and drainage pipes running through the application site serving Pembroke Court and if the site is developed access for maintenance will be restricted;
  - The proposal would appear cramped with the space to the southwest of the flats reduced in contrast to the spacious setting to the northeast and setting of other flats within the vicinity;

- The proposal fails to adhere to Policy DP/2 in that it would not achieve a high standard of design;
- The proposed dwelling, garage and boundary fence would result in a loss of light to the ground floor flat at no.24 due to the close proximity to the kitchen window contrary to the criteria of Policy DP/3;
- The proposal would represent garden grabbing;
- The current proposal does not differ substantially to the schemes dismissed upon appeal;
- The length of the proposal would affect the light into a ground floor window within the extension serving a kitchen at no.26 Coles Road;
- There is a hedge running along the common boundary between the site and no.26 Coles Road;
- There is no requirement for a dwelling in an already densely populated area;
- The proposal would result in the loss of on road car parking and the road is heavily congested as the occupiers of Lea Court do not have any off road parking;
- Properties within Coles Road are open plan to their frontages and the provision of a fence and hedge to the frontage of the plot would be out of character with the wider area;
- The resultant noise and construction dust and pollution would have an adverse impact upon the child minding business run from no.26 Coles Road.

- 12 **Local Member Cllr Hazel Smith** has commented that the site is unsuitable for a building plot in line with the two recent dismissed appeals. Whilst the proposed house is an improvement in design terms it would still result in an overbearing impact upon the ground floor flat of Lea Court and would remove the necessary village space and setting that was planned around this three-storey building.

#### **Planning Comments**

- 13 The key considerations in the determination of this application are sustainability, and the impact that the development would have upon public realm, residential amenity, highway safety and village infrastructure.

#### **Sustainability**

14. The principal of housing is considered acceptable within this location subject to the material planning considerations stated above as the proposal would be located within the village development framework of a Group Village within a sustainable location at an acceptable density of 45dph.
15. The revisions to Planning Policy Statement 3 “Housing” (PPS3) were considered by the Inspector in the previous appeal decision. This policy seeks to protect garden land from unacceptable forms of development with each development proposal being considered upon its own merits. Due to a range of material planning considerations the Inspector found the previous development proposals to be harmful and arrived at the decision that the overall balance was to favour the retention of the garden land in question. Based on the current proposal officers are of the opinion that the reasons for refusal stated in the previous decisions have been overcome by the current proposal subject to suitable conditions and therefore the overall balance is to

favour the development of the garden land in question to facilitate sustainable housing development, as discussed below:

### **Character & Appearance**

16. Coles Road is characterised by a linear uniform pattern of predominantly residential development, comprising semi-detached properties, flats and bungalows. The proposal would represent a two-storey detached dwelling with a similar horizontal emphasis to that of the standard house types within the vicinity. Furthermore, the proposal has replicated the height of the neighbouring two-storey dwellings and proposes the use of materials and fenestration to match that of no.26 Coles Road.
17. The blocks of flats within Coles Road are sited within large plots with green open space around their building envelopes. This is considered to provide much needed amenity area around the building but more importantly allows the large overbearing buildings to sit comfortably within their context. The current proposal departs from the previous refused schemes in that it provides a rectangular plot providing a straight boundary with Lea Court. This is considered to be in character with the street scene, which provides gaps between dwellings that facilitate glimpses of garden areas beyond.
18. It is acknowledged that the inspector in the recent appeal for this site stated that the previous development proposals would comprised of a building sandwiched between plots that would result in a cramped appearance not compatible with the locale in contrast to the wider setting of the surrounding three-storey development. However, the current proposal increases the expanse of open space between the proposed development and the adjacent Lea Court compared to that of previous proposals by virtue of the increase of land retained by Lea Court and the provision of a linear curtilage for the new dwelling akin to the character of the area. This would consist of a gap of 4m from elevation to elevation to the front of the site increasing to 6m to the rear due to the staggered orientation of Lea Court. Furthermore, the garage proposed to the rear the proposed dwelling would be sited similar to that at no.26 Coles Road allowing enhanced views between the built developments.
19. The provision of boundary treatment along the common boundary with Lea Court can be controlled by condition to provide a low level treatment in the main including soft landscaping where appropriate to retain a degree of openness to the street scene. It is however noted that some high-level boundary treatment will be required to secure the privacy of both the rear garden of the development site and Lea Court. The character of the street scene is one of openness to front boundaries and the provision of conditions controlling hard and soft landscaping will seek a scheme that is appropriate to this setting.
20. In light of the above, the development proposal is considered to overcome the reasons for refusal of the previous applications due to the re-configuration of the plot to conform to the character and planned layout of the character of the street scene. It is acknowledged that the development of the site would reduce the amount of open space around Lea Court, which comprises part of its setting that distinguishes the three-storey building to the pre-dominant two-storey development around it. Nevertheless, this reduction is not considered to be harmful to the character and appearance of the public realm to warrant a refusal of planning permission and negate the provision of a sustainable

housing plot. A condition will be added to ensure that the external materials used are appropriate to that found within similar properties within the street scene.

### **Residential Amenity**

21. It is of note that the Inspector considered that the remaining space allocated for communal gardens to the residents of Lea Court was satisfactory to serve as adequate amenity space. Since the current proposal would increase the amount of retained land serving Lea Court the proposal is not considered to adversely impact upon the amenity garden land serving the residents of Lea Court. The development proposal is considered to mostly affect the adjacent properties, namely no.26 Coles Road due to its close proximity to the site and nos.22 and 24 Lea Court both of which have windows overlooking the site.
22. The current proposal represents a marked decrease of the span (depth) of the previously refused development proposals from 10.5m to 7m at two-storey height. As a consequence the proposal would project a marginal distance past the rear building line of no.26 Coles Road at two-storey height, with the provision of single storey rear element sited 1m off the common boundary projecting a modest distance of 3m parallel with the common boundary. The BREEAM light tests referenced within the District Design Guide have been applied in this instance and show that a 45-degree horizontal angle from rear fenestration to no.26 Coles Road would not be disrupted by the proposed development. As a consequence of this the proposal would not result in a material loss of sunlight or daylight to the rear first floor or rear ground floor windows serving this property, nor would it appear visually overbearing upon the outdoor private rear amenity area serving of this property.
23. The reduction in the span of the proposed dwelling referenced above would ensure that a clear vertical line of sight from the ground floor kitchen window of flat serving no.24 Lea Court would not be obstructed by the two-storey from of the proposed dwelling. Furthermore, the BREEAM light test undertaken illustrates that a 25-degree vertical angle from this window would not be disrupted by the development proposal. It is acknowledged that the ground floor window serving a bathroom to no.24 Lea Court would have a direct line of sight of the development proposal. However, this is not a habitable room and is treated with an obscure glazed window. In addition to the above, the re-configuration of the application site provides an increased amount of open space to the outlook of no.24 with any boundary treatment and the proposed garage being 4m away from the ground floor windows in question.
24. The appeal Inspector concluded that the ground floor window serving no.24 Lea Court is a kitchen and therefore not habitable and gave little weight to the effect that the previous development proposals had upon the outlook of this window. The Inspector also commented that the previous development proposals would have less impact upon the facing windows serving the first floor flat at no.22 Lea Court due to these rooms being served by secondary windows and being higher from the ground. In light of the assessments undertaken detailed within paragraph 22 above and the observations made by the Inspector it is considered that the development proposal would not result in an adverse impact upon the amenity current experienced by the occupiers of nos.22 and 24 Lea Court.

25. The siting and layout of the single storey rear element and detached garage would provide some private amenity area within the overall garden of the proposed dwelling to preclude overlooking from the first and second floor windows within the southwest elevation of Lea Court.

### **Village Infrastructure**

26. The proposal would provide a three-bedroom property and in order to meet the requirements of this development in respect of the increase in the capacity of occupants to the village the proposal would require the provision of an off-site contribution towards off-site public open space within the village. This has been calculated at £3,104.38 (index-linked). The proposal would also require the developer to pay a sum of £523.93 towards community infrastructure within the village in addition to a S106 monitoring fee of £50 and refuse bin provision fee of £69.50. Milton has a recognised shortfall in both its play space and formal sports provision and requires indoor community facilities to accommodate its population.
27. The developer has acknowledged the above planning obligations and has agreed to enter into said agreements and is aware of bearing the cost of associated legal fees.

### **Highway Safety & Car Parking**

28. The proposal would provide car parking for at least 2 vehicles clear of the public highway as well as the proposed garage, exceeding the Council's car parking standards. However, the proposal fails to provide any turning or maneuvering space to allow vehicles to enter and exit within a forward gear. Despite Coles Road being a through road, it is considered that it is lightly trafficked and other properties within the area do not benefit from turning areas. Furthermore, the proposal would provide the required 2m x 2m pedestrian visibility splays. The access is therefore considered to be appropriate and would not be detrimental to highway safety. Representations have raised concerns about the loss of on street car parking within the area, however, the proposal would only prevent one or two vehicles from parking on Coles Road due to the new access to the proposed dwelling.

### **Other Matters**

29. Representations with regard to public utilities will be subject to Building Regulations and the assessment by statutory undertakers.

### **Conclusion**

30. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be approved in this instance.

### **Recommendation**

31. Approve

## 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: 11, 20, 21,14a and 23.**  
(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 development within Classes A, B, D and E of Part 1 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 - In the interests of safeguarding the character of the area and the amenities of the occupiers of neighbouring properties in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
- 4. During the period of 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.)
- 5. No development shall take place until details of the materials to be used in the construction of the external surfaces 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 Policy DP/2 of the adopted Local Development Framework 2007.)
- 6. 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.)

- 7. 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.)

- 8. No development shall commence until a scheme for the provision of off-site public open space infrastructure, community infrastructure, S106 monitoring and refuse bin provision to meet the needs of the development has 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 the necessary infrastructure provision in accordance with the Policies SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)

- 9. The proposed 2m by 2m pedestrian visibility splays shown upon drawing no.20 are to be kept clear of obstruction above a height of 600mm and no unbound material shall be laid within 6m of the adopted highway.**

(Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- 10. 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 inserted in the 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.)

- 11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the vehicular access shall be un gated unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

(Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- 12. 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 Policy DP/2 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- LDF Adopted Core Strategy Development Plan Document (2007)

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