

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

7 September 2011

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

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**S/1319/11 – CARLTON**  
**Subdivision of Existing Site to Erect a New Two-Storey, Three Bedroom House  
at Land Adjacent to 1 Hall Cottages, Acre Road.**

**(for Mr Francis Read, Cyril Read and Sons)**

**Recommendation: Approve Conditionally**

**Date for Determination: 26 August 2011**

**Notes:**

**This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council conflicts with the recommendation of officers.**

**Site and Proposal**

1. The site comprises the side garden of 1 Hall Cottages located amongst neighbouring two-storey dwellings to the east, west and south and surrounding open countryside to the north. The site is bordered by hedging to the front and side and trees to the rear. The site falls within the village framework of Carlton.
2. The proposal involves the erection of a two-storey detached dwelling set in-between Beech Lodge to the west and 1 Hall Cottages to the east. The dwelling would have a similar linear front to Hall Cottages with a rear two-storey gable range. Vehicular access would be shared by the new dwelling and 1 Hall Cottages at the front of the site and 4 parking spaces and turning area would be laid out in the front garden.

**Planning History**

3. None

**Planning Policy**

**Local Development Core Strategy 2007:**

4. ST/7 Infill Villages

**South Cambridgeshire LDF Development Control Policies DPD, 2007:**

5. DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments

DP/7 Development Frameworks  
HG/1 Housing Density  
NE/6 Biodiversity  
NE/15 Noise Pollution  
SF/10 Outdoor Playspace, Informal Open Space and New Developments  
SF/11 Open Space Standards  
TR/2 Car and Cycle Parking Standards

**South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

6. District Design Guide SPD – adopted March 2010  
Open Space in New Developments SPD - adopted January 2009  
Landscapes in New Developments SPD - adopted March 2010

**Consultations**

7. Carlton Parish Council – Recommends refusal due to the following reasons:  
(i) Insufficient space between the new dwelling and its neighbours  
(ii) Overdevelopment would be conspicuous within the street scene where houses are typically separated by green in-fills  
(iii) Concern of lack of parking provision and congestion on the roadway.
8. Local Highway Authority - Requests inter-vehicle visibility splays of 2.4m x 43m be shown in full on the approved drawings. Please add conditions with regard to: 2x2m pedestrian visibility splays to be provided, appropriate surface water drainage from driveway and bound material to driveway within 6m of highway boundary.

**Representations**

9. Owner/occupier of Carlton House, Acre Road - Objection due to development being out of character with the area, cramped and lacking in off-road parking.
10. Owner/occupier of Beech Lodge, Acre Road - Objection due to lack of parking and potential for on-street parking to the detriment of highway safety, adverse loss of light to greenhouse in rear garden which would impact upon crops grown for self-sufficient lifestyle (reference made to Prescription Act of 1832 regarding the right to light), loss of privacy to rear garden, adverse noise from occupants of new dwelling, disturbance to trees and wildlife on the site, being out of character with the area and the dwelling would not be used as a farm workers cottage as stated.

**Planning Comments – Key Issues**

11. The main issues to consider in this instance are: the principle of the development, the character of the area, parking and highway safety, residential amenity, noise, biodiversity, landscaping, community open space and infrastructure.

**Principle of Development**

12. The existing site is residential in use and the proposed subdivision of the plot and the erection of a new dwelling would intensify this use. The proposal would fall within the village framework of Carlton, where Policy ST/7 of the LDF Core Strategy 2007 allows for residential developments of not more than

2 dwellings comprising the subdivision of an existing dwelling. The proposed new dwelling is therefore considered acceptable in principle in relation to this policy.

13. Housing density Policy HG/1 is applicable in this instance and seeks a minimum density of between 30-40 dwellings per hectare, unless there are local circumstances that require a different treatment. The proposal would equate to a density of 25 houses per hectare under this target, however any further dwellings on this site would not be feasible due to the constraints of the site. Consequently, there is considered to be no strong planning reason why the development should be refused under this policy.

### **Character of the Area**

14. The proposed siting of the dwelling would appear to be compatible with the location, being positioned between two existing two-storey dwellings and set no further forward than Beech Lodge House to the west with a similar depth to Hall Farm Cottages. Unfortunately, no street scene view has been provided in the application, as advised at pre-application stage; however the proposed dwelling would be 7.3m to ridge height and would have a linear front elevation similar to the neighbouring Hall Farm Cottages (please refer to the aerial photographs and street photographs of the site provided in Appendices 1-4).
15. The proposed finished floor level of the dwelling would be similar to 1 Hall Farm Cottages as shown on amended drawing 608/10/03c (stamped 18 August 2011). A 1m space would be provided either side of the new dwelling and to the west side of the existing dwelling, whilst to the west, the proposal would be sited adjacent to an adjoining single storey garage. Consequently the new dwelling is considered to be sufficiently divorced from the neighbouring two-storey dwellings to avoid an undue cramped appearance. The rural character of the area is also not considered to be adversely affected by the proposal, as the site falls within a close linear group of housing which then gives way to the open countryside to the east along Acre Road.
16. In terms of design, the dwelling has been kept simple and would be similar in appearance to Hall Farm Cottages in terms of the front elevation detailing and slate roof. Consequently, the proposal is considered to accord with Policies DP/2 and DP/3.

### **Parking and Highway Safety**

17. The Local Highway Authority have raised no objection to the proposal and the applicant has shown the requested visibility splays on amended drawing 608/10/03c (stamped 18 August 2011) to ensure that the vehicular access would not be detrimental to highway safety. Local residents have raised parking as a concern and the proposal has been assessed with regard to the parking standards set out in Policy TR/2.
18. The proposal would provide 4 parking spaces for both the existing and new dwelling, compared to the required 3 parking spaces under this policy and therefore there is considered to be no strong planning reason why the proposal should be refused due to lack of parking. However, a condition is recommended to ensure that the parking and turning area is implemented

before the occupation of the new dwelling and retained thereafter in the interests of highway safety. Parking on highway-owned land is an offence and is therefore a separate issue to this application. The proposal in this instance is considered to accord with Policies DP/3 and TR/2.

### **Residential Amenity**

19. Concern has been raised by the owner/occupier of Beech Lodge with regard to loss of light to the rear greenhouse and the right of light stipulations of the Prescription Act 1832. For clarity, a private right to light is not a material planning consideration, which can be taken into account in this application. Whilst the neighbour's self-sufficient lifestyle is acknowledged, it is considered that little weight can be attached to the impact of the development upon the greenhouse when assessing, on the whole, whether the neighbour's amenity would be unacceptably reduced under Policy DP/3. In contrast, more weight is ascribed to the impact upon habitable rooms and typically, rear garden patio areas that have significantly higher amenity value. Subsequently, the proposal has been assessed with regards to loss of light and the tests set out in the Building Research Establishment (BRE) guide 'Site Layout for Daylight and Sunlight: a good practice guide (March 1992).
20. The assessment under the BRE guide shows that no significant loss of light would occur to the windows in the neighbouring dwelling and the extent of overshadowing within the rear garden is not considered to be unacceptably adverse given the limited area of the garden affected, the short duration of overshadowing, the sloped roof form of the new dwelling and the distance of the proposed roof ridge away from the majority of the neighbouring garden. Notwithstanding this assessment, the applicant has moved the dwelling 1.2m further forward than originally submitted to reduce the area of overshadowing in the neighbouring rear garden during the morning hours (see drawing 608/10/03c, stamped 18 August).
21. Loss of privacy has been considered in relation to both Beech Lodge and 1 Hall Farm Cottages. The proposed first floor east side window would serve a bathroom and would be obscurely glazed to avoid loss of privacy to 1 Hall Farm Cottages. No other windows are proposed at first floor level in the side elevations and therefore a condition is recommended to protect the privacy of immediate neighbours with regard to future first floor side openings.
22. The proposed rear first floor windows would serve habitable rooms and would present views to the rear gardens of the adjoining properties, which would be mutual. It is accepted that some privacy would be lost to neighbours due to the proposal; however, significant parts of the neighbouring gardens would still retain a good level of privacy and on balance the proposal is not considered to lead to a harmful reduction in privacy to both neighbours.
23. Consequently, there is considered to be no strong planning reason why the development would have an unacceptable adverse impact upon residential amenity in relation to Policy DP/3. A condition is recommended in paragraph 28 to restrict certain householder permitted development rights in order to protect neighbour amenity.

## **Noise**

24. Potential noise and disturbance from future occupiers of the proposed dwelling has been raised as a concern by the owner/occupier of Beech Lodge due to the proximity of the new dwelling. The new dwelling is not considered to harm residential amenity in the location proposed, which is already residential in use. The level of noise created by future occupants will vary between different occupants and cannot be reasonably controlled through planning conditions. Given the existing residential use of the site and the residential location this issue is not considered to present strong planning grounds for refusal. However, a condition should be added to any consent to control hours of use of power machinery during the construction period.

## **Biodiversity and Landscaping**

25. There are no protected trees on site and the more mature trees exist to the rear boundary of the site. Some disturbance to wildlife during the construction phase is in most cases unavoidable but it is noted in this case that the scheme proposes several new trees to the front of the site and the retention of the front and side hedge, which provide wildlife habitats. In this case, a landscaping condition is recommended to agree the details of the landscaping scheme.

## **26. Community Open Space and Infrastructure**

The new development would put extra demand on community infrastructure and community open space in Carlton and the applicant has confirmed that a contribution towards these elements, and refuse bins, in accordance with Policies DP/4 and SF/10, can be secured via a Section 106 agreement. The applicant has already submitted a draft heads of terms towards this legal agreement and therefore a condition will not be necessary to agree this scheme.

## **Conclusion**

27. The development is considered to be compatible with the location and is not considered to have an unacceptable adverse impact with regard to parking, highway safety, noise, biodiversity or residential amenity.

## **Recommendation**

28. Approve, as amended, subject to the following conditions:

### **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: 608/10/03c (stamped 18 August 2011) and 608/10/05.

(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 samples 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.)

4. 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.)

5. 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 program 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.)

6. No unbound material shall be used in the surface finish of the driveways within 6 metres of the highway boundary of the site.

(Reason – To avoid displacement of loose material onto the highway in the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

7. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.

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

8. The proposed access and turning area shall be provided before the dwelling, hereby permitted, is occupied and thereafter retained as such.

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

9. No windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the east and west elevations of the dwelling at and above first floor level unless:  
(i) permanently fitted with obscure glazing and fixed in place; or  
(ii) installed with a sill height of not less than 1.7m above the finished internal floor level; or  
(iii) otherwise expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
(Reason - To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

10. Apart from any top hung vent, the proposed first floor window in the east elevation of the building, hereby permitted, shall be fixed shut and 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.)

11. 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 rear extension within Class A 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 - To ensure that future additions that would otherwise be permitted under this Order can be considered in relation to the amenities of adjoining neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

12. 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.)

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire LDF Development Control Policies DPD, adopted July 2007
- South Cambridgeshire LDF Supplementary Planning Documents (SPD): District Design Guide SPD.
- Building Research Establishment (BRE) guide 'Site Layout for Daylight and Sunlight: a good practice guide (March 1992)

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