

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 November 2011

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

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### **S/1715/11 – MILTON**

**Erection of a detached dwelling, together with the provision of a dropped kerb and 2 car parking spaces to the front of the existing dwelling at 14 Fen Road and Land off Coles Road, Milton for Executors of Violet Barton Deceased**

**Recommendation: Approval**

**Date for Determination: 21<sup>st</sup> October 2011**

#### **Notes:**

**Members of Committee will visit the site on Tuesday 1<sup>st</sup> November 2011.**

**This application has been reported to the Planning Committee as the Officer recommendation is contrary to the response received from the Parish Council.**

#### **Site and Proposal**

1. No.14 Fen Road is a hipped roof brick and tile bungalow that faces Fen Road and has a long private garden, with vehicular access and garaging/parking provided to the rear off Coles Road. The dwelling is adjoined by a single storey buff brick and slate property to the south (No.16 Fen Road) and a single-storey render and tile property to the north (No.12 Fen Road). The access to the rear adjoins the boundary of a two-storey brown brick semi-detached dwelling to the south-west whilst, adjacent to the north-western boundary of the rear garden, is a two-storey buff brick building. This consists of commercial premises at ground floor level and flats at first floor level. Vehicular access to the site, leading to a single garage and parking area, is obtained via Coles Road.
2. The site lies outside the village Conservation Area. However, the edge of the Conservation Area is located along the Fen Road frontage of the site and continues for a short distance (approximately 30 metres) along Coles Road.
3. The application proposes to erect a two-bedroom detached dwelling within the rear garden of No.14 Fen Road. The proposed dwelling would be a 1<sup>1/2</sup> storey property with a 5.95 metre high ridge and 2.4 metre high eaves, with the ridge line running in a north-east to south-west direction. The property would be of a contemporary design, consisting of horizontal black boarding at ground floor level and natural coloured vertical cladding at first floor level, under a pitched natural slate roof. It would be accessed via Coles Road and, to compensate for the loss of the access and parking for the existing property, the proposal seeks to provide an access and two parking spaces at the front of the existing property.

#### **Planning History**

4. C/0555/66/D – Garage and access – approved.

## Planning Policy

5. South Cambridgeshire LDF Core Strategy DPD, 2007:  
ST/6: Group Villages
6. South Cambridgeshire Local Development Framework Development Control Policies DPD, adopted July 2007:  
DP/1: Sustainable Development  
DP/2: Design of New Development  
DP/3: Development Criteria  
DP/4: Infrastructure and New Developments  
HG/1: Housing Density  
NE/1: Energy Efficiency  
NE/6: Biodiversity  
NE/15: Noise Pollution  
CH/5: Conservation Areas  
SF/10: Outdoor Playspace, Informal Open Space and New Developments  
SF/11: Open Space Standards  
TR/1: Planning for More Sustainable Travel  
TR/2: Car and Cycle Parking Standards
7. South Cambridgeshire LDF Supplementary Planning Documents:  
Development Affecting Conservation Areas – Adopted January 2009  
Open Space in New Developments – Adopted January 2009  
Trees and Development Sites – Adopted July 2009  
District Design Guide – Adopted March 2010
8. 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.
9. 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

10. **Milton Parish Council** – Recommends refusal for the following reasons:
  - Inappropriate development adjacent to our Conservation Area.
  - Overbearing to neighbouring properties and out of character for the area.

We support the neighbours objections especially as a two-storey building is proposed when I understand that bungalows in Fen Road have previously been refused permission to extend upwards.
11. **The Trees Officer** raises no objections.
12. **The Environmental Health Officer** - Raises no objections subject to conditions being added to any consent to protect neighbours from noise disturbance during the construction period.

13. **The Local Highways Authority** – Raises no objections subject to the existing access to No.14 Fen Road being permanently and effectively closed within 28 days of the bringing into use of the new access. 2m x 2m visibility splays should be provided and shown on the drawings. The accesses for both the existing and new dwellings should be constructed with a bound surface designed to ensure no surface water discharges onto the public highway.

### **Representations**

14. Letters of objection have been received from Nos. 12, 16, 18 Fen Road and Nos.1, 1a, 1b, 1c and 1d Coles Road. The main points raised are:
- Nos. 12, 16 and 18 Fen Road are all bungalows that have never been given permission to extend upwards as they face the Conservation Area. A 1<sup>1</sup>/<sub>2</sub> storey property would be completely inappropriate and a single storey dwelling would be far more in keeping with the surroundings.
  - The proposed dwelling would not be in keeping with the character of surrounding properties, none of which have timber cladding. Properties in the area are either brick or render and none of the adjoining bungalows have windows in the roof space.
  - Approval of the development would set a precedent for extending adjoining bungalows upwards.
  - The proposed building would be visible from the Conservation Area and war memorial in Coles Road, particularly if nearby trees in the garden of No.12 Fen Road were removed.
  - The development would result in overlooking of the private garden areas and windows serving habitable rooms of adjoining properties at Nos. 12 and 16 Fen Road. The timber fins provide privacy for the proposed dwelling but not for the existing bungalows and their gardens. Only velux windows in the side elevations would be appropriate.
  - The development would be overbearing to, and lead to overshadowing of, the gardens of Nos.12 and 16 Fen Road. The occupiers of No.12 stress that this would result in a decline in the value of their property.
  - The development would result in a loss of privacy and sunlight to the adjacent balcony used by No.1c Coles Road.
  - No.1 Coles Road raises no objections subject to the actual length of the 1.8m high fence proposed along the common boundary being agreed before erection.
  - There is a discrepancy in the plan as laurel trees shown as being in the garden of No.14 are actually sited in the grounds of No.12.
  - Ms Walker, part-owner of No.12 Fen Road, is abroad on work commitments on the day of the committee and therefore unable to attend the meeting. However, she has made it clear that, due to the strength of the owners' objections, she would have attended the meeting, if available, in order to personally put forward their case for objecting to the proposal to Members of the Committee.

15. District Councillor Mrs Smith states that the application was strongly opposed at the Parish Council meeting and that, if Officers are minded to approve, it should be referred to Planning Committee. The bungalows fronting Fen Road are on the boundary of the Conservation Area and have all been told they cannot build bedrooms in their roofspace. They therefore feel a chalet bungalow is not appropriate in the back garden. The proposal represents overdevelopment of the garden, and is very close to the terrace of the flat at the back of the shops, leading to neighbour amenity issues.

### **Planning Comments – Key Issues**

#### ***Principle of development and density***

16. Milton is designated within Policy ST/6 of the Core Strategy as a Group Village. In such settlements, development and redevelopment, up to a maximum scheme size of 8 dwellings, is acceptable in principle on sites within village frameworks. The proposed development would equate to a density of approximately 27 dwellings per hectare. This is slightly below the minimum density of 30 dwellings per hectare required by Policy HG/1 but, taking into account the characteristics of the area, is considered to be an appropriate density of development in this instance.

#### ***Impact on the character of area***

17. Concerns have been raised regarding the scale of the development relative to surrounding properties and the consequent impact upon the character of the area. The site is surrounded by single-storey bungalows to the north-east and by two-storey properties to the north-west and south-west. The proposed dwelling would be a 1<sup>1</sup>/<sub>2</sub> storey property with low eaves, and would be approximately 900mm higher than the bungalows fronting Fen Road. It would be sited 2.2 metres to the south-east of the two-storey property at No.1a Coles Road, 18 metres from the two-storey dwelling at No.1 Coles Road, and some 26 metres away from the single-storey property at No.14 Fen Road. The site is most prominent in views from Coles Road, notably in the gaps between Nos. 1 and 1a, and between No.1a and No.12 Fen Road. The bungalows in Fen Road are sited in close proximity to each other, with narrow gaps between each property and there are therefore limited views of the site from this direction. Given the distance of the dwelling from the bungalows in Fen Road and the limited views available from Fen Road, its marginally higher roof would be barely discernible, and the development would be viewed more in the context of the two-storey development in Coles Road. It is therefore considered that the scale of the proposed dwelling would not be out of keeping with, or harmful to, the character of the area.
18. In a number of the responses received, concerns have been expressed regarding the contemporary design of the dwelling and its impact upon the character of the area. The proposed dwelling is relatively conventional in form, consisting of a chalet style property with a natural slate dual-pitched roof. The materials proposed for the walls of the property are more contemporary in appearance, comprising horizontal black timber boarding at ground floor level and natural coloured vertical timber boarding above. Whilst there are no timber clad buildings in the immediate area, the natural colouring of the first floor and the slate roof would complement the colour of the roofs and brickwork in the locality. The design and scale of the property are therefore considered to be acceptable and are not considered to result in undue harm to the character and appearance of the area.

19. As stated above, there would only be limited views of the property from the Conservation Area in Fen Road, with the site being predominantly screened from view by the existing bungalows. The dwelling itself is not therefore considered to have any adverse impact upon the character and appearance of the Conservation Area. The main affect upon the Conservation Area would arise from the proposal to create a new dropped kerb, to remove the existing fence adjoining the footpath and to provide two car parking spaces at the front of the existing property. The majority of properties in the vicinity of the site have hard surfaced areas and off-street parking at the front, and this alteration would therefore be entirely in keeping with the character of the area.
20. In a number of responses, reference has been made to previous applications for roof extensions to properties in Fen Road being refused due to the impact on the character of the area. However, there is no evidence from the planning history relating to Nos. 12, 16 and 18 Fen Road to suggest this is the case. The only application of relevance dates from 1995, where a proposed roof extension to No.18 Fen Road was refused due to its harmful impact upon the amenities of surrounding properties. There was no reference in the reason for refusal to any harm caused to the character of the Conservation Area.

### ***Residential Amenity***

21. The site is surrounded by residential dwellings, and significant concerns have been raised by the occupiers of adjoining properties to the impact of the dwelling upon their amenities.
22. The proposed dwelling includes two bedrooms at first floor level that would be served by windows in the gable end elevations and by high-level rooflights in the side elevation facing No.16 Fen Road. A dormer window is also proposed in the south side elevation in order to provide headroom to the bathroom. This would be fitted with fixed shut obscure glass, with a high-level top-hung opening light provided for ventilation. The proposed dwelling would be sited some 26 metres away from the rear elevation of No.14 Fen Road. The adopted District Design Guide SPD requires a minimum distance of 25 metres to be achieved between opposing windows and this separation between the existing and proposed properties is sufficient to ensure the dwelling would not adversely affect the amenities of occupiers of the existing property by reason of overlooking or overshadowing.
23. The adjoining properties at Nos. 12 and 16 Fen Road have been extended to the rear, such that they are 22 metres and 11 metres away from the proposed dwelling respectively. Although these distances are lower than the separation required within the Design Guide, the first floor windows facing these properties have been recessed behind protruding fins which channel views straight down the site and prevent oblique views across to neighbouring properties. The windows in the roof slope facing No.16 Fen Road consist of high-level rooflights and a dormer window that would be fitted with fixed shut, obscure glass (other than a high level opening light). As such, the windows in this elevation would not overlook the private garden area of No.16 Fen Road. The proposed dwelling would be sited close to the extended rear elevation of No.16 but, given its orientation to the north-west of this property, is not considered to result in an unacceptable loss of sunlight/daylight or overshadowing of this neighbouring garden area. Due to the physical

separation between the dwelling and No.12 Fen Road, the development is also considered to avoid any harmful overshadowing or overbearing impact upon occupiers of this dwelling.

24. No. 1a Coles Road consists of commercial premises at ground floor level with first floor flats above. The flats have a large balcony that overlooks the western end of the site, as well as first floor windows recessed behind the balcony. The proposed dwelling would be sited approximately 2.2 metres away from the edge of the balcony and 5.4 metres from the first floor windows. Although in close proximity to the balcony, the dwelling would be positioned such that its front elevation would be roughly level with the eastern edge of the balcony/windows. As a result, the dwelling would not encroach into the direct outlook from the balcony/windows and, given its low height, would not encroach into a 25 degree line drawn from the bottom of the nearest edge of the balcony. It is therefore considered that the dwelling would not result in an undue loss of sunlight and outlook to occupiers of the flats at 1a Coles Road. With regards to the amenities enjoyed by future occupiers of the proposed dwelling, the site is presently directly overlooked by the first floor windows at the rear of No.1a Coles Road. However, the property has been positioned so that the main private garden would be on the east side, screened by the proposed dwelling, with the land to the west comprising the access and front garden area. This relationship is therefore considered to be acceptable.
25. The dwelling at No.1 Coles Road is located approximately 18 metres to the south-west of the site, and the side gable of this property facing the site has a kitchen window at ground floor level and a bathroom window on the first floor. The first floor elevation facing towards this property includes two bedroom windows. To prevent oblique overlooking towards the garden, these windows have again been recessed behind protruding fins, thereby channelling views directly ahead. With regards to these more direct views towards the kitchen window, one of the proposed openings would be concealed behind a timber screen whilst the other would be at a low height above the floor level. A cross-section drawing demonstrates that, with a new 1.8m high fence proposed to be constructed along the common boundary, the first floor windows serving bedroom 2 would not overlook No.1 Coles Road's kitchen window. The owner of No.1 Coles Road has expressed a preference for the proposed boundary fence to be extended to the front of the dwelling. The applicant's agent has agreed to this, and this can be secured through a boundary treatment condition.

### ***Highway Safety and Parking***

26. The application proposes to provide replacement parking for the existing dwelling at the front of the site off Fen Road. The Local Highways Authority has raised no objections to this subject to the provision of pedestrian visibility splays. This can be conditioned as part of any planning consent.

### ***Trees***

27. The application has been accompanied by a Tree Survey, which states that the development would not have any adverse impact upon existing trees. No objections have been raised to the proposal by the Council's Trees Officer.

### ***Infrastructure requirements***

28. The proposal would result in the need for a financial contribution towards the provision and maintenance of open space, in accordance with the requirements of Policies DP/4 and SF/10 of the Local Development Framework. For the 2 bedroom dwelling proposed, this amounts to £2,244.90, as calculated at the time of the application. It would also result in the need for a contribution towards the provision of indoor community facilities (£378.88) and household waste receptacles (£69.50), together with additional costs relating to Section 106 monitoring and legal fees. The applicants' agent has confirmed, in writing, his client's agreement to such payments.

### **Recommendation**

29. Approval:
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: 101, 104, 105, 106, 108, 109, 110, 111 and 112 Rev P1 (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 details of the materials to be used for the external walls and roofs of the dwelling, 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.)
  4. 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 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.)
  5. 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.)

6. 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.)
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 any elevation of the dwelling at and above first floor level (including in the roof space) 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. 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 or Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason – To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the Local Development Framework 2007.)
9. No development shall begin until details of a scheme for the provision of recreational and community facilities infrastructure, and household waste receptacles, 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 recreational infrastructure in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007 and to the Supplementary Planning Document, Open Space in New Developments, adopted January 2009)
10. The dwelling, hereby permitted, shall not be occupied until the access and car parking spaces for No.14 Fen Road have been provided in accordance with the details shown within drawing number 104 Rev P1. The spaces shall thereafter be retained in accordance with the approved details. (Reason – To ensure the provision of replacement car parking for No.14 Fen Road, in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. Visibility splays shall be provided on both sides of the new access to No.14 Fen Road 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.)

12. Within 28 days of the bringing into use of the new access to No.14 Fen Road, the existing access shall be permanently and effectively closed and the footway/highway verge reinstated in accordance with a scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority.

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

13. The projecting fins to the windows shall be fitted in accordance with the approved plans before the occupation of the dwelling, hereby permitted, and shall thereafter be maintained in perpetuity.

(Reason – To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 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 (LDF) Development Control Policies, adopted July 2007.
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007.
- Supplementary Planning Documents: Development Affecting Conservation Areas; Open Space in New Developments; Trees and Development Sites; District Design Guide.
- Circular 11/95 and 05/2005.
- Planning File References: C/0555/66/D and S/1715/11.

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