

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0364/12/VC – Histon & Impington

Material Amendments for the erection of a dwelling approved under reference S/1013/09/F with the addition of a planning condition specifying substitute approved drawings at Land Rear of No.1 Cottenham Road, Histon for Mr Angus Sutherland

Recommendation: Conditional Approval Subject to completion of S106 Legal Agreement

Date for Determination: 13th April 2012

This application has been referred to the Planning Committee due to the officier's recommendation conflicting with that of Histon & Impington Parish Council.

Members will visit the site on Tuesday 1st May 2012.

Site and Proposal

- 1 The application site comprises 0.128 hectares of garden land ancillary to, and west of, no.1 Cottenham Road, Histon. The existing property on site consists of a large detached two-storey dwelling finished in render and timber cladding and plain roof tiles. The site's residential curtilage benefits from large secluded gardens to the front, side and rear of the property with extensive treed boundaries to the north, south, east and west along with a prominent established hedgerow to its frontage. The site is accessed from the end of Cottenham Road via a narrow lane leading from the corner of Cottenham Road with Church Street.
- 2 The site is located within the village's development framework and Histon is designated as a rural centre due to its existing services and facilities and good public transport links. The site is well located to the village's centre, which is within short walking distance. Opposite the site lies St Andrews Church, a Grade II listed building, which is within the Histon Conservation Area. The application site lies outside of both the Conservation Area and the setting of this listed building. The nearest residential property to the application site is No.4 St Andrews Park, to the south of the site. St Andrews Park is a cul-de-sac development of 4 dwellings, with No 4 located adjacent to the proposed housing plot. The trees upon the southern boundary are afforded statutory protection by virtue of tree preservation orders. To the north of the site are the long rear gardens or dwellings in Cottenham Road.
- 3 The application proposes to amend the design of the dwelling previously approved under planning reference S/1013/09/F, with the following revisions:
 - The squaring off of principal front elevation;
 - Increase of length of building footprint by approximately 1.2m;

- Increase in width of two-storey element by approximately 0.5m;
- Introduction of two ground floor openings upon northern flank elevations;
- Introduction of first floor dormer upon southern elevation;
- Alternative fenestration upon ground floor northwest, southeast and southwest elevations, first floor northwest and southwest elevations including the removal of roof light windows upon southwest elevation;
- Omission of pergola to southwest elevation;
- Omission of flue to two-storey roof;
- Introduction of roof light window upon two-storey northeast and southeast roof slopes and introduction of three roof light windows upon single storey northeast roof slope;
- Internal alterations to layout including removal of utility door opening upon southeast elevation;
- Re-grading of ground level resulting in higher level upon northwest section of building envelope of approximately 0.6m and a lower ground levels upon southeast building envelope;

- 4 The above revisions are sought through the introduction of a planning condition to the original planning consent specifying the numbers of the proposed substitute plan numbers. The proposal is in part retrospective, as a considerable amount of work has commenced onsite following the discharge of the pre-commencement conditions on the 10th November 2011. A Design and Access Statement accompanies the application. For the avoidance of doubt the original approved planning drawings are provided in appendix 1 to this report.

Planning History

- 5 Planning Application S/1013/09/F was approved for the erection of a three-bedroom dwelling at land to the rear of no.1 Cottenham Road, Histon. The building's design took two forms, a central two-storey element with a single storey range to the rear.

Policies

- 6 **National Planning Policy Framework 2012**
- 7 South Cambridgeshire Local Development Framework Core Strategy 2007
ST/4 Rural Centres
- 8 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

- 9 South Cambridgeshire Supplementary Planning Documents
District Design Guide, Adopted March 2010.
Open Space in New Developments, Adopted January 2009.
Trees & Development Sites adopted January 2009.

Consultations

- 10 **Histon & Impington Parish Council** – Recommends refusal raising concerns over the alterations to the building including its scale, proximity to the boundary, massing and fenestration commenting that the planning application process for this site has been less than rigorous as levels to properties in this area vary and a height for the building should have been controlled by the previous planning consent, as such a site visit and determination by the full planning committee is requested.
- 11 **Environmental Health** – Raise no objections from an environmental health standpoint.

Representations

- 12 Letters of objection have been received from the occupiers of nos. 3, 5, 7, 9 and 21 Cottenham Road and 4 St Andrews Park, the contents of which are summarised below:
- The proposed dwelling restricts light to the dining room of no.4 St Andrews Way and results in the upstairs room being overlooked;
 - The proposal dominates views from the garden of no.9 Cottenham Road;
 - The amended design is inappropriate for this sensitive location;
 - Planning permission for a dwelling was approved despite previous objections and now that work is underway the building sits higher than that originally proposed to the detriment of the privacy to no.4 St Andrews Park;
 - The impact of the increase in ground levels upon the original planning consent are evident given the work that has commenced on site and are intrusive as they overshadow and conflict with the character, setting and amenity of the area;
 - The building has been amended so that it is 1m higher, 1.5m longer and has increased in width, which represents a material change to the approved consent;
 - The boundary fence in situ represents a great intrusion and was not mutually agreed with the applicants;
 - The introduction of a window and door upon the northeast elevation allows users to look over the fence into the garden of no.3 Cottenham Road;
 - The building is visually unacceptable and shades a large area of the garden of no.3 Cottenham Road to the detriment of the amenity of its occupiers;
 - The work that has been carried out onsite has been done so with total disregard to the original planning consent;

- The original planning consent did not accord with development control advice note 8 (backland development) and should not have been granted planning permission;
- The original consent sought a low lying building with an eaves height of 2m and the drawings indicated that the level of the building would be lowered to align with the general established levels to the adjacent no.3 Cottenham Road;
- The original consent showed no openings within its northern elevation looking back over neighbouring properties;
- The dwelling under construction appears alarming high in relation the environment and constitutes a significant intrusion;
- The dwelling at the amended level represents a differential to the surrounding ground levels creating an appearance of approximately 1m higher than originally indicated in relation to the surrounding plots;
- The proposed cross sections fail to suggest a significant variation in ground level across the site, whereas the elevation drawing shows the house towering above the fence line;
- The boundary fence erected raised inordinately high in places adding to the overbearing character of the overall development;
- The drawings also indicate that the boundary fence would be waist height around the new building;
- The degree of visual intrusion into the garden of no.3 Cottenham Road is unacceptable and the reference to obscure glazing is irrelevant;
- Raising the fence line to provide a suitable screen is not an option as it would only add to the looming great height above the boundary line;
- The provision of a retaining wall on the building's southern side in order to establish the appropriate formation level would of allowed the building to site properly within the site;
- The northeast boundary had been screened by mature hedgerow and trees;
- It is not clear if the proper calculations and investigations as to whether the proposed foul drainage connection into the existing 100mm drain that runs across the back of the rear gardens of properties within Cottenham Road can accommodate the 10% increase flow;
- The boundary fence should be stepped so that it is no higher than 2m above ground level from both sides;
- The proposed dwelling sits upon particularly high ground and has the appearance of a raised platform;
- The dwelling fills a substantial part of the landscape and dominates a large part of the horizon as viewed from no.21 Cottenham Road;
- Approval of the proposals would set a undesirable precedent;
- Housing in the area is well established and generally in co-ordinated style, infill houses at 15a and 19a Cottenham road are also co-ordinated aligned appropriately and are not elevated above their surroundings. The proposal is in contrast to this, as it is not in keeping, is excessively large and is being built above the general terrain;
- The development will add load to the part of the sewer not previously affected by new development.

Planning Comments

- 13 The key considerations in the determination of this application are the impact that the proposed amendments to the originally approved development would have upon the residential amenity of surrounding neighbouring properties and the character and appearance of the public realm. The application follows a previous planning application, whereby all planning conditions were discharged, as such, matters such as the principle of residential development, means of access, car parking, highway safety and tree protection are not material considerations in the determination of this planning application. Nevertheless, should permission be granted, the current legal agreement relating to the previous planning consent will need to be varied to take into consideration the new planning application reference and all necessary changes therein.

Character & Appearance

- 14 The development proposal is located to the rear of no.1 Cottenham Road approximately 55m from the adopted public highway. The building currently under construction is partially visible at a distance, at the point of the joint vehicular access serving both it and no.1 Cottenham Road. However, the building sits upon lower land than the highway and is partially obscured by a tree and no.1 itself. There are no other clear vistas of the dwelling other than views of the buildings from the surrounding private dwellings and gardens. Whilst land levels to the rear of the plot have been increased as a consequence of the re-grading of the site the levels to the front of the plot around the principal elevation orientated toward the highway are in fact lower than that previously approved, thus reducing the perception of the building's scale from this public vantage point.
- 15 Despite the proposed material amendments referenced in paragraph 3 above, the development proposal is situated in the same location, is predominantly single storey with a two-storey element and remains of a similar shaped footprint to that which was previously approved. Whilst the proposed amendments materially alter the external appearance and mass of the building, these changes are not considered to represent any undue harm to the visual amenity or character and appearance of the public realm. This has been determined on the grounds that there are very limited views of the building in question and the building's form and external appearance is similar to that which was approved under planning consent S/1013/09/F.

Residential Amenity

16. The development site is flanked by no.1 Cottenham Road to the southeast, no.3 Cottenham Road to the northeast, and no.4 St Andrews Park to the southwest. It is these three properties that are most effected by the development proposal and it is therefore necessary to assess the impact that the material amendments specified within paragraph 3 have upon the amenity that would be experienced by the occupiers of these properties if the original plans were implemented.
- 17 The nearest residential dwelling to the site is no.4 St Andrews Park, which is sited approximately 15m south to southwest of the two-storey element of the development proposal. That property has a gable end and dormer window

facing the common boundary with two first floor windows overlooking the site. The common boundary at this point comprises a chain link fence and evergreen hedge with a tree belt comprising a mixture of pines, which are afforded statutory protection by a Group Tree Preservation Order. The material amendments to the approved dwelling do not propose to add any openings to the elevation facing no.4, but do propose the introduction of a high level roof light window, the cill height of which would be above the internal floor level such as to not allow a direct line of sight from this opening onto the common boundary.

- 18 The Council's District Design Guide SPD outlines the design principles for acceptable building relationships. This adopted policy guidance stipulates that the minimum relationship between an elevation with first floor windows and a blank elevation is 12m, which is considered an acceptable distance to safeguard the impact of direct overlooking and loss of daylight (overbearing). Furthermore, the development proposal sits due northeast of no.4 St Andrews Park and would not therefore impede sunlight to this property. In light of the above, the proposed material amendments are not considered to result in any detrimental harm upon the amenities currently experienced by the occupiers of no.4 St Andrews Park due to the distance between the two properties and the treatment of the southwest elevation of the dwelling.
- 19 The proposed additional ground floor openings upon the southwest elevation are modest and serve a bathroom, with a high level window serving a living room. These openings are minor and being obscure glazed and high level respectively, along with the distance of 15m, would not compromise privacy for both the occupiers and the adjacent occupiers of no.4 St Andrews Park. Indeed the proposed amendments propose to remove a ribbon of high-level fenestration to the single storey element of the proposed building resulting in a decrease in openings facing the common boundary with no.4 St Andrews Park. Whilst re-grading of the site has resulted in the single storey element of the building being raised approximately 0.6m the height of the two-storey element of the dwelling has been reduced as a consequence, and would have no increased impact upon the outlook of no.4 in terms of overbearing than that of the previous planning approval.
- 20 The nearest elevation of No.1 Cottenham Road is sited approximately 13m due southeast of the proposed development with the rear elevation containing first floor openings located approximately 21m from the boundary. In line with the design guide principles referenced in paragraph 17 above the proposed material amendments do not result in a detrimental impact upon the amenity currently experienced by the occupiers of that property. As stated in paragraph 18 above, the two-storey element would sit lower than that previously approved and the alterations to the principal elevation are minor to that previously approved despite the squaring off of this elevation.
- 21 The development proposal is located approximately 30m from the rear elevation of no.3 Cottenham Road to the northwest of the nearest point of the boundary with the application property. The rear garden of no.3 Cottenham Road is characterised in two parts, the immediate garden associated to the rear of the dwelling and a secondary garden located adjacent to the development proposal at a further distance from that house. This further section of the garden (nearest the application site) comprises a vegetable patch and formal planting areas and the ground level is considerably lower than that of the development site.

- 22 Further to the design guidance stipulated in paragraph 17 above, the development proposal is sufficiently spatially divorced from the rear elevation and immediate amenity area of the rear garden to the rear of no.3 Cottenham Road as to not result in a significant detrimental impact upon the amenities currently experienced by the occupiers of this dwelling. Notwithstanding this, the proposed amendments propose material changes to the length, floor level and external appearance of the flank elevation adjacent to the further rear area of the garden to no.3. The increase in the length of the building and the re-grading of the site thus increasing the finished floor level of the development proposal has resulted in the building being more visually prominent from the outlook of this garden. In addition the boundary treatment in situ has been erected upon the sloping common boundary and therefore varies in height to accommodate the different levels between the two properties, thus also being visually prominent from the outlook of this garden area. There are also two proposed openings facing the common boundary with no.3 at ground floor level, which due to the finished floor level and height of the current boundary fence would overlook that garden.
- 23 In light of the above, it is considered that the current (as proposed) situation with regard to the visual impact upon the rear garden of no.3 Cottenham Road, could be mitigated through the use of conditions to ensure that the proposed openings upon the northeast elevation of the development proposal were fixed shut and obscure glazed. Furthermore a revised boundary treatment, set in from the common boundary commensurate to the finished floor level of the proposed dwelling would allow for a standard domestic fence line of approximately 2m in height that would better screen the dwelling to its eaves height, thus reducing the extent of the domestic appearance of the dwelling from the outlook of this garden. The visual prominence of the fence could be further reduced if the fence line was stepped in height for the length of the boundary.
- 24 Prior to the part construction of the proposed dwelling, a hedgerow and an apple tree previously screened the common boundary between the application site and the rear garden of no.3 Cottenham Road. Despite the re-grading of the application site, the garden of no.3 Cottenham Road was lower than that of the application site. However, as stated in paragraph 18 above, the re-grading of the site has resulted in the increase of the finished floor levels of the single storey element in particular, whereas the ground levels to the southwest two-storey element of the building have been reduced as a consequence of the back scraping of soil. It is acknowledged that the finished floor level of the dwelling has resulted in an increase in its visual prominence. However, the building's form as originally designed provides a low profile single storey range adjacent to this common boundary that, subject to a revised boundary scheme, is not considered to be unduly overbearing upon the adjacent further rear area of the garden serving no.3 Cottenham Road and would not result in a significant marked difference in terms of overshadowing, compared to that of the previous landscaping upon this boundary.
- 25 There is no private right to a view in planning, and the building's location and scale would not obstruct public or extensive views of landmarks such as the St Andrews Church and the Conservation Area to the south other than from the furthest part of the rear gardens of no.3 and possibly no.5 Cottenham Road, although it is unclear if the landscape boundary that once existed upon

the common boundary would have similarly screened such views. The trees within the application site, which provide such visual amenity as to be afforded statutory protection by virtue of a tree preservation order, are still widely visible to the surrounding area. Conditions are to be attached to ensure that the building cannot be extended under normal permitted development rights, thereby requiring planning permission for any extension, and that no further openings are permitted upon its principal (front) and flank elevations. In light of the above considerations the amended development proposal is not considered to result in significant harm to the amenity of surrounding residential properties subject to the recommended conditions.

Drainage

- 26 The development proposal indicates a foul drainage connection to the main public sewer. Anglian Water is the foul drainage statutory undertaker serving the village and it is only necessary to consult them on development proposals of 10 or more dwellings. Therefore whilst local knowledge indicates that the capacity of the existing foul sewer connection may not be suitable to take additional flows within this area this will be a matter for a Building Control Inspector and Anglian Water to ensure that a suitable connection is implemented. In the case whereby improvement works are necessary to make such connection it will be the responsibility of the water company to ensure that the necessary works are implemented.

Infrastructure

- 27 The development proposal would comprise 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 was calculated at £3,104.38 (index-linked) at the time of the previous consent and remains the same for the current proposal. The development proposal also requires a contribution to the sum of £284.08 towards community infrastructure within the village in addition to a S106 monitoring fee of £50 and refuse bin provision fee of £69.50. Histon and Impington have a recognised shortfall in these services and facilities and the applicant entered into a S106 legal agreement to secure obligations for public open space only, as part of the previously approved consent. In light of the current material amendment application, this agreement will be required to be amended in order to reference the approved planning consent that is implemented onsite. Therefore should members of the planning committee approve the development proposal, a deed of variation will need to be completed.
- 28 The developer has acknowledged the above planning obligations and has agreed to enter into a varied S106 agreement, they are also aware of bearing the cost of all associated legal fees.

Conclusion

- 29 The retrospective nature of the works undertaken resulting in material alterations to the original planning consent is unfortunate and has caused undue anxiety to a number of surrounding residents. However, based on the assessment within this report, officers are of the opinion that the proposed

alterations do not represent significant undue harm to either the character of the area of the residential amenity of neighbouring dwellings to warrant a refusal of planning permission. At present the scaffolding and boundary fence in situ exacerbates the visual impact of the development proposal, as does the lack of external finish to the building. Officers consider that a revised boundary scheme and the implementation of the external finish to the building will represent an acceptable visual impact in relation to the outlook of neighbouring residents.

- 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 subject to the conditions noted below and the completion of an amended S106 legal agreement.

Recommendation

- 31 Approve subject to completion of a variation to the S106 legal agreement and the following Conditions

1. The development, hereby permitted, shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of any one of the following requirements not being met:
 - i) Within 3 months of the date of this decision there shall have been submitted for the written approval of the Local Planning Authority schemes for the provision of alternative boundary treatment upon the northern common boundary with no.3 Cottenham Road including section and elevation drawings and the said schemes shall include a timetable for their implementation.
 - ii) Within 11 months of the date of this decision, the alternative boundary treatment upon the northern common boundary with no.3 Cottenham Road scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority fail to approve such schemes, or fail to give a decision within the prescribed period, an appeal shall have been lodged and accepted by the Secretary of State;
 - iii) In the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the submitted the alternative boundary treatment upon the northern common boundary with no.3 Cottenham Road scheme shall have been approved by the Secretary of State.
 - iv) All works comprised in the alternative boundary treatment upon the northern common boundary with no.3 Cottenham Road schemes as approved shall have been implemented, and completed within the timetable set out in the approved schemes.

(Reason - To ensure that a scheme of appropriate appearance and privacy is implemented in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, AS07-11A, AS01-11, AS02-11, AS03-11, AS04-11, AS06-11, AS05-11, Envirosearch Residential report RS34726939_1_1 dated 10th May 2011 & approved landscape plan dated 8th November 2011.
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990).
3. 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.)
4. 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, C 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 - To ensure adequate private amenity space for future occupiers and to safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. During the period of demolition and construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and 13.00 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.)
6. The existing hedge on the front boundary of the site shall be retained except at the point of access; and any trees or shrubs within it which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
(Reason - To protect the hedge, which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area in accordance with Policies DP/1 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 of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree 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. The proposed ground floor windows in the northeast elevation of the building, hereby permitted, shall be fitted and permanently maintained with obscure glass and fixed shut.
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the side or principal elevations of the dwelling 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.)
10. The development, hereby permitted, shall be carried out in accordance with the approved external materials, Anthracite colourcoat urban roofing, Larchwood timber cladding and bloc and smooth white painted render.
(Reason - To ensure the appearance of the development is satisfactory 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)
- NPPF
- Planning application files S/0364/12 and S/1013/09.

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