

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

S/0962/12/FL - MILTON

Change of use of annexe to separate dwelling (retrospective)

Recommendation: Approval

Date for Determination: 28 June 2012

Notes:

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

To be presented to the Committee by Katie Christodoulides.

Site and Proposal

1. The site is located within the Milton village framework. No. 33A Froment Way originally formed the detached garage and was converted to an annexe to No. 33 Froment Way in 1992. The building has been used as a separate dwelling since 2008. It lies at the end of a cul-de-sac and is set back in line with the rear elevation of No. 33 Froment Way. It is single storey in height and constructed from brick/render for the walls and pantiles for the roof. Two parking spaces are provided on a block paved area to the front. A garden is proposed to the rear of the annexe, with a proposed 1.8 metre high close boarded fence separating this from No.33's remaining garden. A 2 metre high wall aligns the western boundary adjacent to a public right of way and a 2 metre high fence aligns the northern boundary. The front boundary remains open.
2. The proposal seeks to regularise the use of the building as a separate dwelling. This is a revised application following a previously refused application

Planning History

3. Planning application **S/0168/12/FL** was previously refused for a change of use from annexe to separate dwelling. The application was refused for two reasons, those being that the kitchen window in the rear elevation of the dwelling would result in overlooking to the rear garden to the neighbours at No.33 Froment Way and severe loss of privacy to the amenities of that dwelling and the proposed dwelling would have no external amenity space, which would adversely affect the amenities of the occupiers of the new dwelling.

Planning Policy

4. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007**

ST/6 -Group Village

5. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted July 2007**

DP/1 -Sustainable Development

DP/2- Design of New Development

DP/3 -Development Criteria

DP/7- Development Frameworks

HG/1- Housing Density

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

6. **South Cambridgeshire Local Development Framework (LDF) Supplementary Planning Documents SPD**

Open Space in New Developments- Adopted January 2009

District Design Guide - Adopted March 2010

Consultation

7. **Milton Parish Council** recommends refusal on the grounds of overdevelopment of the site, cramped and congested form of development, incongruous and inappropriate development and harmful to the character and appearance of the area. The proposals would be contrary to the aims of the Development Control Policies including DP/2. This would set a precedent for this type of development.
8. The **Local Highways Authority** comments that the proposal would have no significant adverse effect upon the public highway.
9. The Council's **Environmental Health Officer** has no objections in principle provided the new dwelling meets Building Control standards in relation to thermal insulation and current construction standards.
10. The Council's **Enforcement Officer** supports the application subject to conditions for adequate parking and Section 106 Contributions.
11. The **Rights of Way and Access Team** has no comments on the application as no public rights of way are affected by the proposal.

Representations

12. The **Local Member** objects to the application on the grounds of the proposal being a cramped form of development and out of character with the local area. Concerns are raised that the development will set a precedent in the area, where there are a lot of double garages and the splitting of the garden in two is unacceptable. In addition, concerns regarding the space between the garage and the wall being too

narrow to take a bin through from the back garden and push a bicycle through are also raised.

13. A letter received with **No Name & Address** supplied, comments that the garage has been used as a separate dwelling for the last few years not since 1992. There is insufficient parking to have two separate households in the same plot and this type of dwelling is not in keeping with the rest of the area.

Planning Comments – Key Issues

14. The key issues to consider in the determination of this application are the principle of residential development and density, the impacts of the development upon the character and appearance of the area, impact upon the amenities of neighbours, and highway safety, and if the previous reasons for refusal have been addressed.

Principle of Development

15. The site is located within the village framework of a group village where residential developments of up to eight dwellings are considered acceptable in principle subject to all other material planning considerations.
16. The site measures 0.009 of a hectare in area. The development of one dwelling would equate to a density of 111 dwellings per hectare. This would more than comply with the density requirement of at least 30 dwellings per hectare that should be achieved in sustainable villages such as Milton.

Character and Appearance of the Area

17. Froment Way forms part of a modern housing estate that mainly comprises two-storey detached dwellings with single storey garages set within moderate sized plots with an element of spaciousness.
18. The proposed dwelling would result in subdivision of the plot and the creation of two narrow plots with the buildings sited right up to the boundaries. Whilst it is noted that this would lead to a cramped form of development that would be visually incongruous, it is not considered to be out of keeping with the character and appearance of the area as the building is already in existence.

Neighbour Amenity

19. The building is in existence and it is not considered to seriously harm the amenities of No. 33 Froment Way through being unduly overbearing in mass or a loss of light, as the situation would remain the same.

Highway Safety

20. Two parking spaces are provided for the proposed dwelling and one parking space would be provided for the existing dwelling. The Council's Parking standards require an average of 1.5 spaces per dwelling and a maximum of two spaces per dwelling. Given that the numbers of parking spaces would comply with the requirements, that Milton is a sustainable village with good access to public transport links, and that any on-street parking would be on a cul-de-sac with no parking restrictions, the proposal is considered acceptable and would not be detrimental to highway safety.

Previous reasons for refusal

21. Previous planning application reference (S/0962/12/FL) was refused for two reasons. Firstly, the kitchen window in the rear elevation of the annexe would result in overlooking to the garden of the neighbour at No. 33 Froment Way and would lead to a loss of privacy to the amenities of the occupiers of this property. Secondly the proposed dwelling did not have any external amenity space which would result in a poor quality development that would adversely affect the amenities of the occupiers of the new dwelling, which would be contrary to Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.
22. This revised application has addressed these two reasons for refusal by separating the two dwellings by a 1.8 metre high close boarded fence, creating separate amenity areas for No.33 and No.33a Froment Way. A door has been proposed to the rear elevation of the new dwelling to provide access to the rear garden amenity area.

Developer Contributions

23. The South Cambridgeshire Recreation Study 2005 identified a shortage of sport and play space within Milton. No public open space is shown within the development. The increase in demand for playspace as a result of the development requires a financial contribution of £743.82 (index linked) towards the improvement of existing open space in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent.
24. The South Cambridgeshire Community Facilities Assessment 2009 states that Milton has an excellent level of community facilities. However, due to the increase in the demand for the use of this space from the development, a financial contribution of £284.08 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any consent.
25. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide which outlines the basis for planning conditions and obligations. In accordance with the guide, developers are requested to provide for the household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. This would be secured via a legal agreement that would be a condition of any planning consent.

Recommendation

26. Approval. The following conditions and informatives are suggested: -

Conditions

- i) 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.)

- ii) The development hereby permitted shall be carried out in accordance with the following approved plans: 1A, 2A, 4.
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- iii) The proposed boundary fence shall be erected within one month from the date of this permission.
(Reason – To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- iv) Within 3 months of the date of this decision, details of a scheme for the screened storage of refuse for the dwelling shall be 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 and timetable.
(Reason – To provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- v) Within 3 months of the date of this decision, details of a scheme for the provision of recreational infrastructure and community facilities to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 and Policy DP/4 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 and timetable.
(Reason – To ensure that the development contributes towards recreational infrastructure and community facilities in accordance with the above-mentioned Policy SF/10 AND Policy DP/4 of the adopted Local Development Framework 2007.)

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

- Local Development Framework Development Control Policies 2007.
- Open Space in New Developments SPD & District Design Guide SPD.
- National Planning Policy Framework
- Planning File ref: S/0168/12/FL

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