

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5 December 2012

AUTHOR/S: Planning and New Communities Director

S/1444/12/FL – LITTLE WILBRAHAM
New Chimney, Increased Height of Side Wall and Air Conditioning Units to West Elevation, and New Gates and Piers to Southern Boundary (PARTLY RETROSPECTIVE)
The Scholars, Rectory Farm Road
for Mr Edward Wells
Recommendation: Approval

Date for Determination: 5 September 2012

This Application has been reported to the Planning Committee for determination on the request of District Councillor Robert Turner

To be presented to the Committee by Andrew Winter

Site and Proposal

1. The Scholars is a semi-detached dwelling dating back to 1860 when it accommodated the village school and the headmaster's residence. The building was later used as two separate dwellings and is now known as The Scholars and 2 Rectory Farm Road. The application site is located at the junction of Rectory Farm Road and Great Wilbraham Road and within Little Wilbraham Conservation Area and village framework. The land to the east of the site is farmland within the Green Belt and on the opposite side of Rectory Farm Road is Reed Cottage a Grade II listed building.
2. The application, validated on 11 July 2012, seeks approval for a new chimney to enclose an existing unauthorised flue to the west elevation of the dwelling. On this elevation also the applicant seeks retrospective approval for 4 air conditioning units located upon a flat roof and an increase of 0.75m in the parapet side wall to screen these air conditioning units. To the southern boundary the application seeks approval for gates and gate piers serving the vehicular access to the site (retrospective permission is sought only for the gate piers in this instance). The existing detached outbuilding to the east side of the site has been omitted from the application and will be required to be removed under the planning enforcement notice currently in place on the site, as detailed below.

Site History

3. S/0797/10/F – Planning permission was granted and implemented for a rear two storey extension to the existing house comprising a kitchen, dining room, study and family bathroom
4. Planning Enforcement Notices 4816 & 4817 were appealed with permission granted for the roof lantern on the rear extension (as seen to the west side of the dwelling) and enforcement action upheld on all other elements of the

development, requiring the following measures to be complied with by 15 August 2012:

- a) removal of the stainless steel extraction flue together with all exterior brackets and supports to the west side of the extended dwelling;
 - b) removal of the four air-conditioning units and associated cabling and pipework;
 - c) remedial works to the southern boundary wall and piers to ensure no part exceeds 1m;
 - d) removal of the garden outbuilding to the east side of site;
 - e) removal from the affected land of all scrap and surplus material resulting from compliance of (c) and (d).
5. The aforementioned planning enforcement action is at present pending the outcome of this planning application.

Planning Policy

6. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
7. **South Cambridgeshire Local Development Framework Development Control Policies 2007:**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
CH/4 Development Within the Curtilage or Setting of a Listed Building
CH/5 Conservation Areas
NE/15 Noise Pollution
TR/2 Car and Cycle Parking Standards
8. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
District Design Guide SPD – adopted March 2010
Development Affecting Conservation Areas SPD – adopted January 2009
Listed Buildings SPD – adopted July 2009

Consultation by South Cambridgeshire District Council as Local Planning Authority

9. **Little Wilbraham Parish Council** - Recommends refusal in respect of each element of the development as follows: (1) the retention of the flue is contrary to the enforcement appeal decision and would be visually disruptive to the original design of the rear extension; (2) the air conditioning units are contrary to the enforcement appeal decision as is the raised parapet wall to screen these units; concern also exists regarding the noise and disturbance of these units to the immediate neighbour; (3) the outbuilding is contrary to the enforcement appeal decision; (4) concern exists regarding the width of the gateway and the safety of the gated access; (5) the roof lantern should be agreed with the building inspector.

10. **Acting Environmental Health Manager** – Noise from the 4 air conditioning units is noticeable from the facing bedroom window at 2 Rectory Farm Road and has the potential to be a problem for the adjoining neighbour. However, the applicant and neighbour have come to an agreement that the air conditioning units be shut off overnight and since this measure has been taken it has not been a problem for the neighbour. Alternative locations have been considered for the units, but the neighbour at No.2 believes that the suggested alternative positions are likely to give rise to noise in another area.
11. Consequently, a good compromise has been reached between the neighbour and the applicant, and if planning permission is granted a condition is recommended that precludes the use of the air conditioning units between the hours of 21.30-08.30 hours on any day. Conditions are also recommended to ensure the units are maintained throughout their life and the proposed parapet wall is implemented in order to screen the units.
12. **Conservation Officer** – The proposed raised brick parapet is considered acceptable as well as the bricking-in of the flue, subject to better coping detail for the proposed chimney. The wide vehicle access should be reduced if possible and the outbuilding is not supported in this application as it is over prominent.
13. **Local Highway Authority** – Recommends a condition requiring the gates to be set back at least 5m from the near edge of the highway boundary. The parking layout is constrained and unfeasible and the applicant needs to show spaces that are 2.5m x 5m with a manoeuvring area that is demonstrably capable of allowing a vehicle to turn and leave the site in forward gear.
14. **Building Control** – It is feasible that the proposed chimney to the west elevation of the building can be satisfactorily built in its location next to the party wall. However, it is slender and tall in form and should be checked by the architect's engineer to ensure it is structurally sound.

Representations by Members of the Public

15. District Councillor Robert Turner – Comments to follow in the update report.

Material Planning Considerations

16. The main issues in this application are:
 - the impacts of the proposal upon the Conservation Area
 - the residential amenity of immediate neighbours;
 - parking and highway safety.

Impact Upon the Conservation Area

17. The existing unauthorised garden outbuilding has been removed from the planning application and is required to be removed from the site in accordance with planning enforcement notice served at appeal. Therefore, the assessment of this application concerns all other aspects of the development, taken in turn as follows:

Chimney

18. The chimney would be of similar height and design to the existing chimney to the end of the rear extension and amended drawings have been submitted to confirm the capping to this chimney. The proposal would use matching brickwork to the rear extension and given its relatively slender form and subservient height to the prominent side gable of the School House it is not considered to be unduly prominent within the local area. It would result in a busier west elevation compared to the original simplicity of the rear extension scheme; however, at the same time the chimney would break up the large massing of brick wall on this elevation, which presents little visual interest.
19. The main concern in the enforcement appeal surrounded the ability to build this chimney close to the party wall. The Council's building control team has confirmed that the proposal is not in conflict with building regulations in this respect and the applicant has confirmed with his architect that the slender form of the stack is structurally possible.
20. Overall, the chimney is not considered to present an unacceptable adverse impact upon the building's character nor the character and appearance of the Conservation Area, in accordance with Policy CH/5.

Parapet Wall and Air Conditioning Units

21. The proposed parapet wall height increase has been conceived to address the visual harm of the existing air conditioning units, as viewed from the surrounding area. The proposed height difference in the parapet wall would provide sufficient screening to these units to mitigate their visual harm and the submitted plans will be conditioned to ensure matching brickwork.

Gates and Piers

22. As noted by the Planning Inspector in paragraph 30 of the enforcement appeal decision, the Conservation Area is characterised by a variety of boundary treatment including brick walls that exceed one metre in height and, consequently, there is scope for allowing the gate piers to exceed one metre to provide necessary emphasis to the gateway. In the case of the appeal, the existing gate piers were refused with regard to their siting and the 'potential harm' of an over-dominant vehicle entrance. Such a decision was based on what was effectively an unfinished boundary scheme and the Inspector paid heed to the need to consider both the type of gates and the width of the proposed access together. As built, the unfinished scheme with its exposed brick piers is agreeably obtrusive and dominant but any further consideration of the type of gates and finishing to the piers was not possible within the enforcement appeal.
23. In this application, there is opportunity to give further consideration to the overall southern boundary treatment. The style of the proposed gates is rural in appearance with its timber construction and open top bar detailing combined with a downward sloping form to maintain a low height close to what would otherwise be permitted development in terms of boundary treatment. The 'potential harm' of a dominating vehicular access is therefore considered to be overcome by these additional details, which the Inspector noted in paragraph 31 of the appeal decision would be a matter for agreement with the Local Planning Authority.

24. Consequently, the revised development is considered to sufficiently address the harm outlined in the planning enforcement appeal and accord with Policy CH/5.

Residential Impact

25. The concern with regard to residential amenity in this application relates solely to the noise impact of the air conditioning units, which has been assessed by the Council's environmental health section. The findings of this assessment show that, whilst the air conditioning units do result in a certain degree of noise, the neighbour and the applicant have come to an agreement to restrict the hours of use of these units in order to mitigate their impact. Accordingly, a condition is recommended to control the hours of use of the units.
26. A further condition is recommended to ensure the building up of the parapet wall, as proposed in this application, and a timescale for this will need to be agreed. The maintenance of the air conditioning units is the responsibility of the owner and to condition such would prove difficult to enforce for the Local Planning Authority. Therefore, a planning informative is suggested to relay this advice to the applicant.
27. Consequently, subject to conditions, the development is not found to result in unacceptable adverse harm to the residential amenity of immediate neighbours. This assessment is based on recent investigation of the air conditioning units and therefore differs from the appeal decision given the updated situation between the applicant and the neighbour and the mitigation measures in place.

Parking and Highway Safety

28. The applicant has submitted revised drawing 2001-014-F (amended 7 November 2012) to confirm that the proposed gates would be set back behind the gate piers providing the necessary 5m distance to the public highway to enable a car to park clear of the carriageway.
29. It is understood that parking on the site is historically limited with no facility to enable vehicles to turn and leave in forward gear. The development provides a wider access for cars but does not impact upon the parking provision, which provides at least 2 parking spaces. Consequently, the development meets the Council's parking standards set out in Policy TR/2 and does not pose any increased safety risk to users of the public highway in accordance with Policy DP/3.
30. The application is therefore considered acceptable without the retention of the outbuilding, which will now be demolished as required by the enforcement appeal decision.

Recommendation

31. Approval, subject to the following conditions:

1. **The development hereby permitted shall be carried out in accordance with the following approved plans: 2001-012-F and 2001-014-F.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
2. **The development, hereby permitted, shall be carried out in accordance with the following:**
 - i) **Within 2 months of the date of this decision there shall have been submitted for the written approval of the Local Planning Authority a timescale for the completion of the development in accordance with the approved plans of this application.**
 - ii) **Within 4 months of the date of this decision, the timescale in (i) above shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuses such a scheme, or fails 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 timescale shall have been approved by the Secretary of State.**
 - iv) **All works as approved in this application shall be implemented and completed within the approved timescale.**
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)
3. **The air conditioning units, hereby permitted, shall not be operated after 2130 hours and before 0830 hours on any day.**
(Reason - To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. **The gates, hereby permitted, shall be of timber construction.**
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy CH/5 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 DPDs and Supplementary Planning Documents.
- National Planning Policy Framework

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