

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/2608/12/FL - FOXTON

**Construction of two dwellings following demolition of existing two dwellings at
14 Fowlmere Road, Foxton
for Mrs Joyce Ward**

Recommendation: Refusal

Date for Determination: 15 February 2013

**This Application has been reported to the Planning Committee for
determination at the request of the Local Member**

To be presented to the Committee by Paul Derry

Members will visit the site on 5 March 2013

Site and Proposal

1. The application site is located within the designated Foxton village framework. It forms a pair of semi-detached properties set back from the road frontage. There is a single access to the front serving the parking areas for each dwelling. The dwellings are set at a higher level than the road, with a distance of approximately 23m between the dwellings and road frontage. Given its location, the properties have small rear gardens, which back onto the rear gardens of the two storey properties to the east side of St Laurence Road. The land slopes down northwards, given a visible change of level between the site and adjacent properties. To the north is a boundary shared with the rear garden of 5 Barons Lane, a two storey property set on lower ground than the application site.
2. To the south of the site is the grade II listed building of 20 Fowlmere Road. This property is set approximately 11m from the site frontage, and sits with its gable facing the road. The shared boundary is a combination of a low brick wall with hedge above, a larger brick wall and a 1.8m high panel fence to the rear of the site.
3. The full application, validated on 21 December 2012, seeks the demolition of the existing two properties, and their replacement with two semi-detached properties. The footprint of these dwellings would bring the development closer to Fowlmere Road. The design of the units does differ from those it is replacing. The application is accompanied by a Design Statement and overshadowing information.

Site History

4. This application follows a previous refusal on the site for two replacement dwellings (S/0745/12/FL). This was refused on grounds of the proportions, massing, form, siting and scale of the dwellings not being compatible with the location; overlooking, overshadowing and overbearing impact to neighbouring properties; and impact upon the setting of the listed building.

Planning Policy

5. **South Cambridgeshire Local Development Framework Core Strategy (LDF CS), adopted January 2007:** ST/6 Group Villages
6. **Local Development Framework Development Control Policies (LDF DCP) 2007:** DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, HG/1 Housing Density, NE/1 Energy Efficiency, NE/6 Biodiversity, NE/10 Foul Drainage – Alternative Drainage Systems, NE/15 Noise Pollution, CH/4 Development Within the Curtilage or Setting of a Listed building & TR/2 Car and Cycle Parking Standards.
7. **District Design Guide SPD** – adopted March 2010 and **Listed Buildings SPD** – adopted July 2009.
8. **National Planning Policy Framework:** Advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects. Paragraph 133 also states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Consultation by South Cambridgeshire District Council as Local Planning Authority

9. **Foxton Parish Council** recommends approval, and notes the application addresses the amenity and proportion issues of the previous refusal. The revised design is considered acceptable although the accommodation is somewhat restricted. Conditions regarding the timing of use of power-operated machinery and parking of construction/tradespersons' vehicles are recommended.
10. The Council's Conservation Officer notes the previous reason for refusal regarding the setting of the listed building has not been overcome, and the proposal, by virtue of the proportions, massing, form and scale of the dwellings, would be harmful.
11. The Council's **Environmental Health Officer** recommends conditions regarding the timing of use of power-operated machinery and the use of driven pile foundations, and informatics regarding bonfires and burning of waste and the requirement of a Demolition Notice.

12. The **Local Highways Authority** recommends conditions regarding drainage from the access, materials to be used for the access and a traffic management plan. An informative regarding works to the public highway is also recommended.

Representations by Members of the Public

13. None were received.

Planning Comments

14. The key considerations in the determination of this application are the impact upon the setting of the adjacent listed building and the street scene, and the impact upon the amenity of the occupiers of the neighbouring properties. There is no objection to the principle for the replacement of the dwellings on the site, subject to the site specific issues discussed below.

Impact upon the Setting of the Adjacent Listed Building

15. The neighbouring property of 20 Fowlmere Road is a grade II listed building. The existing properties of 14-18 Fowlmere Road sit deep into the plot, giving a spacious setting to this listed building, especially from views along Fowlmere Road to the north. Application S/0745/12/FL was refused on grounds of the size, scale and poor proportions of the development negatively impacting upon the setting of the listed building. The plans have been altered from the previously refused scheme, with the replacement dwellings relocated 2.4m deeper into the plot. The span and height have also been reduced by 2m and 1m respectively.
16. The proposal would move the dwellings forward on the site from between 3.4m and 5.2m. The height of the proposal increases the existing from 3.7m and 6.3m to the eaves and roof ridge respectively, to 4.3m and 7.8m. The replacement dwellings would therefore be more prominent in the setting of the listed building than the existing layout. The existing span of 6.3m is a traditional size for a building adjacent to heritage assets. The increase to 10.5m creates a form of development not historically expected in such locations, which would appear out of keeping with its surroundings.
17. The changes to the previously refused scheme are not therefore considered to have been overcome, and a deleterious impact upon the setting of the listed building remains due to the size, scale and poor proportions.

Impact upon the Amenity of the Occupiers of the Neighbouring Properties

18. To the northwest of the application site is the rear garden to 5 Barons Lane. This property is set on lower ground, with the garden itself rising towards the shared boundary, a fence approximately 1.5m in height. The previous application S/0745/12/FL was refused on grounds of the overbearing impact when viewed from this dwelling. The existing property close to the boundary has a span of 6.3m for the two storey element, with a further 2.3m at ground floor level only. It measures 3.7m and 6.3m in height to the eaves and roof ridge respectively. Given the change of levels there are clear views of the proposal from the rear garden of 5 Barons Lane.

19. The proposal increases the two storey span of development to 10.5m, all of which is opposite the rear boundary of the neighbour. The height of the scheme has increased to 4.3m and 7.8m to the eaves and ridge respectively. The reduction in height of the roof ridge by 1m and the reduction of the span of the two storey bulk by 2m over the previously refused scheme are not considered to overcome the Council's objections. The proposal is therefore considered to cause serious harm to the amenity of the occupiers of 5 Barons Lane.
20. Application S/0745/12/FL was also refused on grounds of overlooking to 5 Barons Lane. The side window at first floor level is shown as being obscure glazed, and would therefore prevent such overlooking. The proposed ground floor windows in the facing elevation would allow some views over the shared boundary fence. However, a condition can ensure a taller boundary in this location. A further condition can prevent any further first floor windows in this side elevation. The application has also demonstrated that any overshadowing towards the rear boundary of 5 Barons Lane would not warrant a reason for refusal.
21. The previously refused scheme at the site was also refused on harmful impacts to the neighbouring properties at 20 Fowlmere Road and 21-25 St Laurence Road. With regards to 20 Fowlmere Road, the applicant has confirmed the side window serving bedroom 2 would be fitted with a brise-soleil, which would prevent views into the rear garden of no. 20. A further condition can prevent any further first floor windows in this elevation. The front facing windows will allow some views over the side/front garden of 20 Fowlmere Road. However, this is a neutral impact on the existing situation.
22. The two-storey bulk of the existing properties are located between 7m and 9m from the shared boundaries with the properties along St Laurence Road. At present there are two bedroom windows and a landing window facing the rear gardens to these neighbouring properties. The proposal shifts the two-storey bulk approximately 8m from the boundary. It has two bedroom windows and a bathroom window in its rear elevation. As a result, the proposal is considered to have a neutral impact upon the occupiers of these properties.

Other Matters

23. Comments from the Local Highways Authority and the Council's Environmental Health Officer are noted, and the relevant conditions and informatives can be added to any approval on the site.

Recommendation

24. Refusal for the following reasons

1. The neighbouring property at 20 Fowlmere Road is grade II listed. It sits forward of the existing dwellings at the application site, and has a spacious setting in the street scene as a result, especially when viewed from the north. The proposed development moves forward on the site by between 3.4m and 5.2m, and increases the two-storey roof ridge by 1.5m and the span of the two storey element by 4.2m. As a result of the increase in scale of the development and the proportions of the design, the proposal is considered to cause serious harm to the setting of this listed building. The proposal is therefore contrary to Policy CH/4 of the

Local Development Framework Development Control Policies 2007 (LDF DCP), which states planning permission will not be granted for development which would adversely affect the curtilage or wider setting of a listed building.

2. The proposed built form would be located between 2m and 2.4m from the shared boundary with the rear garden of 5 Barons Lane to the northwest. The land slopes down away from the application site. The proposed development would be larger than the existing properties, given an increase in span of two storey development from 6.3m to 10.5m, and a height increase to the eaves and ridge from 3.7m and 6.3m to 4.3m and 7.8m respectively. As a result of the increase in size of development, the change in levels and its proximity to the shared boundary, the proposal would be viewed as overbearing from the rear garden of 5 Barons Lane. The proposal is therefore contrary to Policy DP/3 of the LDF DCP, which states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.

Informative

For the avoidance of doubt, the refused plans are dwgs P.1 rev B, P.2 rev A, P.3 rev A, P.4 rev A, P.7 rev A, P.9 rev A, and P.10 date stamped 21 December 2012.

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

- South Cambridgeshire Local Development Framework Core Strategy 2007.
- Local Development Framework Development Control Policies 2007.
- District Design Guide SPD and Listed Buildings SPD
- National Planning Policy Framework.
- Planning File refs: S/2608/12/FL and S/0745/12/FL.

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