

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 September 2014

AUTHOR/S: Planning and New Communities Director

Application Number: S/1128/14/FL

Parish: Hardwick

Proposal: Replacement dwelling with double garage

Site address: zAnti, 27 St Neots Road

Applicant: Ms Marilize Snyman-Harvey

Recommendation: Delegated Approval

Key material considerations: Principle (including Green Belt), design, impact on character of the area, residential amenity, and other matters.

Committee Site Visit: Yes

Departure Application: No

Presenting Officer: Paul Sexton

Application brought to Committee because: The officer recommendation of delegated approval is contrary to the recommendation of refusal from Hardwick Parish Council

Date by which decision due: 10 July 2014

Planning History

1. S/1189/13/FL – Replacement Dwelling (Passivhaus two-storey house) and double garage - Withdrawn

Planning Policies

2. *National Planning Policy Framework*
3. Paragraph 89 states that the construction of new buildings in the Green Belt should not be considered inappropriate development where it relates to the replacement of a building, provided that the new building is in the same use, and is not materially larger than the one it replaces.

4. *Local Development Framework*
 - ST/1 – Green Belt
 - ST/6 – Group Village
 - DP/1 – Sustainable Development
 - DP/2 – Design of New Development
 - DP/3 – Development Criteria
 - DP/4 – Infrastructure and New Developments
 - DP/7 – Development Framework
 - GB/1 – Development in the Green Belt
 - GB/2 – Mitigating the Impact of Development in the Green Belt
 - HG/7 – Replacement Dwellings in the Countryside
 - NE/1 – Renewable Energy
 - TR/2 – Car and Cycle Parking Standards

5. Supplementary Planning Documents

District Design guide SPD – adopted March 2010

6. *Draft Local Plan*
 - S/3 – Presumption in Favour of Sustainable Development
 - S/4 – Cambridge Green Belt
 - S/10 – Group Villages
 - CC/3 – Renewable and Low Carbon Energy in New Developments
 - CC/4 – Sustainable Design and Construction
 - HQ/1 – Design Principles
 - NH/4 – Biodiversity
 - H/13 – Replacement Dwellings in the Countryside
 - TI/3 – Parking Provision

Consultations

7. **Hardwick Parish Council** – recommends refusal “on the grounds that the building is totally out of character for the road. If minded to approve should be put before Planning Committee.”
8. **Local Highway Authority** – no objection subject to conditions.
9. **Environmental Health** – requests that a condition is attached restricting hours of operation of power driven machinery during the period of demolition and construction, along with standard informatives.

Representations

10. Letters have been received from the occupiers of Nos. 29, 39 and 69 St Neots Road, objecting to the application on the following grounds:
 - a. Design is ugly and totally out of character with the area. Although it is accepted that all houses should not be the same, this is a rural area and new dwellings should at least be in keeping. A flat roofed dwelling is not appropriate. Paragraph 64 of the NPPF states that ‘permission should be refused for development of poor design that fails to take the opportunities available for improving the character of the area and the way it functions’.

- b. Intrusive to neighbours. The occupiers of No.29 will be looking at an intimidating and uncompromising high vertical wall, faced with dark cladding that only becomes darker in time.
 - c. The occupiers of 29 St Neots Road are concerned at the loss of direct sunlight to a dining room window, which forms part of a through lounge. The light survey submitted with the application has not tested this window as it is referred to not being a main living room window. The stained glass window has also been ignored.
 - d. The building has to be set into the ground – is this environmentally friendly?
 - e. Site is in the Green Belt and therefore should fit in with surroundings
 - f. Set a precedent for future applications, which could ruin the area.
 - g. The fact that the building is said to be ‘eco-friendly’ should not influence the decision. The materials used are not in keeping with the area.
 - h. Applications to demolish properties have been refused in the past.
 - i. There are too few bungalows. The applicant should buy a plot to build a house, rather than replace what is there.
 - j. Previous alterations to properties on St Neots Road have had to retain pitched roofs.
 - k. Solar panels will be visible from the St Neots Road.
11. The occupier of No.25a St Neots Road has no objection to the application, commenting that the existing site has a negative impact on her property.
 12. **Councillor Jim Stewart** – supports the application commenting. “Hardwick Parish Council objected to the previous application for this site on the grounds that the proposed dwelling should be moved back into the site to prevent overlooking the neighbour to the east. The applicant has done this and made other changes on the advice of planning officers.
 13. Now the Parish Council has recommend refusal because the proposed building would be more modern looking than anything else currently on St Neots’ Road. This is somewhat inconsistent, as it is very similar to the first proposal.
 14. Personally I was happy with the previous submission apart from the overlooking issue, and I see nothing objectionable about the current application. Yes it is a modern design, but it is set well back on the site and in my view will add interest to what is already a mixed and somewhat nondescript scene. The proposed house is eco-friendly, would cause no problems for any neighbours. The applicant has done everything possible to take account of previous objections and comments. A refusal would be inconsistent and unfair.
 15. I hope the Planning Committee will go along with the officer’s recommendation and grant consent.”

Planning Considerations

Site and Proposal

16. The existing 1930's single storey dwelling is located in a line of dwellings on the St Neots Road. It has footprint of approximately 79m² and a ridge height of 5.3m. It has an approximate volume of 308m³. To the east is a bungalow and to the west a bungalow with rooms at first floor.
17. The full application proposes the demolition of the existing bungalow and replacement with a two-storey flat roofed 'Passivhaus' dwelling, with a separate flat roofed garage to the front of the plot. The proposed dwelling will have a footprint of 105m² (excluding garage), and height of 5.3m above existing ground level. The dwelling will be set down 0.5m below existing ground level. The volume (excluding garage) will be 420m³.
18. The two storey section of the proposed dwelling will be set back 6m from the front line of the existing dwelling. This is a further 4m back from that proposed in the 2013 application. The proposed garage will be set back 5m from the front boundary of the site, and is located on the east side of the plot. It has a height of 2.6m.
19. Materials proposed are untreated larch cladding for the walls, with a sedum, grass and wildflower roof.
20. The application is accompanied by a Design and Access Statement and Daylight and Sunlight Study. In the documentation the applicant stresses the sustainability credentials of the proposed dwelling, which will achieve Code 5 or 6, and states that the completed building will be submitted for Passivhaus accreditation and certification.

Principle of development (including Green Belt)

21. The site is within the outside the village framework and in the Cambridge Green Belt.
22. Policy HG/7 of the Local Development Framework states that the principle of a one for one replacement dwelling in the countryside is acceptable subject to the requirements of the General Permitted Development Order (maximum 15% increase in volume), and the need to provide satisfactory internal layout and amenities. The proposed dwelling should be in scale with the one it replaces, be in character with its surroundings; and not that materially increase the impact of the site on the surrounding countryside.
23. Policy H/13 of the Submission Local Plan 2013 does not refer to a maximum increase in volume and does not make specific reference to a replacement building having to be in scale with the one it replaces, however it states that in the Green Belt a replacement dwelling should not be materially larger than the one it will replace (reflecting paragraph 89 of the NPPF).
24. Policy H/13 states that for assessment of design quality, scale, countryside impact and effect on local character a proposal will be assessed against other policies in the plan. Policy HQ/1 of the Local Plan 2013, amongst other criteria, requires new developments to preserve or enhance the character of the local area; be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area; protect

the health amenity of occupiers from overlooking, overbearing, or results in loss of light. Policies CC/1 and CC/4 support sustainable design, and water conservation.

25. Paragraph 216 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to the stage of plan preparation (the more advanced the greater the weight); the extent of unresolved objections to relevant policies (the less significant the objections the greater the weight to the policies and the more significant the less weight); and the degree of consistency of the policies with the NPPF.
26. Although there have been a number of objections to Policy H/13, planning practice in the implementation of Policy HG/7 in the current Local Development Framework has already taken a more flexible approach, dispensing with the existing 15% limitation. Officers are therefore of the view that considerable weight can be given to the submission Local Plan policy, as a material consideration.
27. In considering the principle of development it is first necessary to consider whether the proposal is appropriate development by definition in the Green Belt. The footprint of the proposed dwelling (excluding garage) is increased by 33% and the volume by 36%, although floor area is doubled with the introduction of the first floor. The overall height is unchanged. Officers are of the view that overall the proposed dwelling is not materially larger than the one it replaces, and is therefore not inappropriate development by definition in the Green Belt. Officers are also of the view that the proposal does not materially harm the openness of the Green Belt as it is located in an existing long line of ribbon development on the St Neots Road.
28. The matters of design, character of the area and residential amenity are considered in the following paragraphs.

Design and impact on the character of the area.

29. The design of the proposed dwelling does not reflect that of existing dwellings along the St Neots Road. As proposed in the 2013 application officers were concerned about the impact of the replacement building on the amenity of the occupiers of No.29. At that time the Parish Council stated that although it opposed the application on grounds of impact on residential amenity, it approved of the concept and would be inclined to approve if the building was moved back. The application was withdrawn to allow officers to negotiate with the applicant to secure an alternative layout, and reduction in scale of building, which would reduce the impact on the neighbouring property. In commenting on the current application Hardwick Parish Council has taken a different view on the design of the building.
30. Officers are of the view that the building is of a high standard of design and being a Passivhaus provides a high level of sustainability credentials. Officers are of the view that the key issue is whether the design is appropriate in this context and whether, if approved, it would materially detract from the character of the area.
31. To some extent this judgement is subjective. The proposed dwelling is no greater in height, footprint and volume than other properties along St Neots Road, and the proposed dwelling is set back from the road, behind the building line of No.29. There will be limited long distance views of the proposed dwelling from St Neots Road, and therefore any significant impact is very localised.
32. The majority of properties along this section of St Neots Road are brick or rendered dwellings, although there are some examples of boarding, with pitched tiled roofs.

The proposed dwelling will introduce different external finishes, with the untreated larch boarding being the most visible.

33. Although the overall height of the proposed building will be no higher than many other properties in St Neots Road, and lower than No.29 to the west, the more 'box' type form that the dwelling will take, means that the height of vertical walling at 5.3m, is higher than surrounding properties. However, overall the property is still a relatively small dwelling. The height of the proposed dwelling above existing ground level has been reduced from that in the 2013 application by 0.6m. Most of this reduction is achieved by setting the building into the site.
34. Garages in the front gardens of properties along St Neots Road have previously been permitted. The low flat roofed form of the garage proposed will minimise visual impact in the street scene.
35. Officers accept that the proposed design, form and materials do not reflect those of existing properties in the area, but are of the view that the proposed dwelling will not have a materially detrimental impact on the character of the area for the reasons set out above.

Residential amenity

36. The occupiers of No.29 St Neots Road, have a dining room and kitchen window in the east elevation facing the site. The dining room is part of a through living room/dining area, which has further windows in the rear (south) elevation. The location of the existing dwelling means that it already has an impact on light into these windows, although the existing pitched roof slopes away from the boundary.
37. The proposed dwelling will be set further back into the site, but 1.7m away from the boundary with No.29 (1.3m closer than the existing building). The front wall of the proposed building will only project directly in front of a small part of the dining room window of No.29.
38. The application is accompanied by Daylight and Sunlight Assessment, which has considered the effect of the proposed development on the dining room window of No.29 and the rooflight above, and concludes that the BRE daylight requirements are satisfied. The report states that sunlight to these windows has not been assessed as BRE guide notes state that this should only be tested to main living room windows. Given the neighbours concern, and that the dining room window faces within 90 degrees of south, and is part of a larger area, which includes the living room, officers have asked for the impact on this window to be assessed. The conclusions will be reported at the meeting. However officers are of the view that while there is likely to be loss of sunlight to the dining room window early in the day in winter months, at other times of year it may be increase with the setting back of the dwelling.
39. The report demonstrates that the development passes BRE tests in respect of overshadowing to gardens and open spaces.
40. Officers are of the view that, taking into account the additional impact resulting from the increase in vertical walling and closer proximity to the boundary with No.29, and balancing this against the benefits in the setting back of the proposed dwelling from the existing structure, the impact on No.29 in terms of overbearing impact from both inside the dwelling and from its garden, will not be so significant to warrant refusal of the application. On balance officers are likely to take a similar view in respect of loss of sunlight, but will update Members on this point at the meeting.

41. There are a number of first floor openings in the side elevations of the proposed dwelling, which should be obscure glazed to prevent overlooking. This can be secured by condition.
42. The occupier of the bungalow to the east has not objected to the application, and officers are of the view that the proposed building will not have an unreasonable adverse impact on the amenities of that property.

Other matters

43. The application provides for adequate off-street parking.
44. There will be no increase in the number of bedrooms on the site and therefore contributions under Policy DP/4 and SF/10 are not required.
45. A condition can be imposed on any consent for a scheme of surface water drainage, renewable energy technology, and restricting access to the flat roof to maintenance purposes only.

Conclusion

46. Officers are of the view, for the reasons outlined above, that the proposed dwelling is acceptable in principle, and that on balance the impact on the character of the area does not warrant refusal of the application. Officers will update Members in respect of potential loss of sunlight to No.29 St Neots Road.

Recommendation

47. Subject to officers being satisfied that the proposed development will not have a materially adverse impact on the occupiers of No.29 St Neots Road, by reason of loss of sunlight, that the application is approved.

Conditions (to include)

- (a) 3 year time limit
- (b) Approved drawings
- (c) Landscaping
- (d) Tree/hedge protection
- (e) External materials
- (f) Boundary treatment
- (g) Surface water drainage
- (h) Restriction on hours of power driven machinery during demolition and construction
- (i) Levels
- (j) Withdrawal of PD
- (k) No further windows in specified elevations
- (l) Restrict roof access – maintenance only

Background Papers

Where the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and

- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/1128/14/FL and S/1189/13/FL

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