

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

1 October 2014

**AUTHOR/S:** Planning and New Communities Director

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<b>Application Number:</b>	S/1458/14/FL
<b>Parish:</b>	Coton
<b>Proposal:</b>	Erection of four bedroom dwelling with associated driveway
<b>Site address:</b>	57 The Footpath
<b>Applicant:</b>	Mr R Young
<b>Recommendation:</b>	Delegated Approval
<b>Key material considerations:</b>	Principle, impact on character of the area, residential amenity, and other matters.
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Paul Sexton
<b>Application brought to Committee because:</b>	The officer recommendation of delegated approval is contrary to the recommendation of refusal from Coton Parish Council
<b>Date by which decision due:</b>	2 September 2014

### Site and Proposal

1. Erection of two storey detached dwelling on a 0.016ha area of land which comprises part of the side and rear garden to No 57 The Footpath, Coton. The proposed 4-bedroom dwelling will have a maximum ridge height of 7.75m. Access will be gained via an existing grassed driveway between Nos. 71 and 73 The Footpath, with parking at the front of the proposed dwelling.
2. The existing dwelling at 57 The Footpath, which includes a rear annex extension, is located to the south east of the proposed dwelling, and will retain a substantial rear garden. It has access from The Footpath between it and No.69.
3. Directly in front of the proposed dwelling are a pair of cottages Nos. 69 and 71 set close to the road, and which have relatively shallow rear gardens, although these are quite well planted on the rear boundary. To the east is a detached house set back from the road.

4. There is conifer hedging on both the east and west boundaries of the site. The Footpath is a narrow road with no formal footpaths. The land rises slightly to the north.
5. The application is accompanied by a Design and Access Statement and Draft Heads of Terms

### **Planning History**

6. S/1128/88/O – Erection of house and garage - Refused
7. S/0421/79/F – Erection of bungalow and garage – Refused – Appeal Dismissed

### **Planning Policies**

9. *National Planning Policy Framework*
10. *Local Development Framework*  
 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  
 HG/1 – Housing Density  
 SF/10 – Outdoor Play Space, Informal Open Space and New Developments  
 SE/11 – Open Space Standards  
 NE/1 – Renewable Energy  
 TR/2 – Car and Cycle Parking Standards
11. Supplementary Planning Documents  
  
 District Design guide SPD – adopted March 2010
12. *Draft Local Plan*  
 S/3 – Presumption in Favour of Sustainable Development  
 S/10 – Group Villages  
 CC/3 – Renewable and Low Carbon Energy in New Developments  
 CC/4 – Sustainable Design and Construction  
 HQ/1 – Design Principles  
 H/15 – Development of Residential Gardens  
 SC/6 – Indoor Community Facilities  
 SC/7 – Outdoor Play Space, Informal Open Space and New Developments  
 SC/8 – Open Space Standards  
 TI/3 – Parking Provision

### **Consultations**

13. **Coton Parish Council** – recommends refusal.
14. “The proposed house was too big and a serious overdevelopment for that location.
15. The proposed dwelling dominates 69, 71 and 73 creating loss of amenity in terms of light, views, vehicle movements, loss of privacy etc.

16. The application creates a precedent for a second row of hoses in back gardens, a form of development alien to the area, as was already recognised in 1988. It also puts pressure on The Footpath amenities with tight vehicular movements.
17. An earlier application was refused in 1988 by the South Cambs. Planning Department and this application offers no material difference or advantages.
18. The proposed dwelling is a two storey building some 8-9 metres high with upstairs bedrooms and the proposal understates the overlooking and shadowing problem.”
19. **Local Highway Authority** – requests that a method statement relating to the process of demolition and construction and any effects this may have on the adopted public highway is submitted. Temporary parking clear of the public highway should be provided for all vehicles visiting the site during the period of construction.
20. **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**

21. Letters have been received from the occupiers of Nos. 69 and 73 objecting to the application on the following grounds:
  - a. Loss of sunlight to garden of No.73. The existing houses at Nos.73, 75 and 77 are staggered to prevent loss of light. Although there is an existing 3.55m high conifer hedge on the boundary which shades the garden, the impact of the new building, twice the height, will be much worse and most of garden would be in shadow during the afternoons, even in summer. The application underestimates the impact.
  - b. The hedgerow alongside the front of the house will be removed, which will result in overlooking of No.73, particularly as there could be re-profiling of the site. It would be better if the building were set further forward and away from the boundary.
  - c. The proposed house will completely dominate the area.
  - d. The occupier of No.69 strongly requests that given the large size and appearance of the proposed dwelling, that its orientation and placement are altered to reduce the negative impacts on the appearance and character of the local area. It would also minimise the impact on the amenities currently enjoyed by adjacent residents.
  - e. There will be a substantial increase in the amount of hard surfacing, which will result in the need to remove the excess water that will result. There have already been instances of water pooling as a result of new development in the area, which has been brought to the attention of the Council. The Design and Access Statement recognises that there will be limited changes to site levels. The drawings should contain these details and a proper modelling of the surface water run-off, indicating where extra drains will be placed.
  - f. The application mentions rainwater harvesting but gives no details. This would have to be extremely large to cope with excess water in winter months. It is

assumed that the ditch will be used as the primary means of removing water from the site, but this has limited capacity in winter months, and can flood.

- g. Concern that access for emergency vehicles along the footpath is restricted.
- h. The occupier of No.69 states that it is the intention to apply for a modest extension to the rear of that property and this should be taken into account when determining the current application.

## **Planning Considerations**

### *Principle of development*

- 22. The site is within the village framework. The site is not in the Green Belt, the boundary of which coincides with the rear of the plot. The principle of development is therefore acceptable subject to the proposal being compliant with other policies in the Development Plan.
- 23. Policy H/15 of the emerging Plan sets out the Council's proposed approach to dealing with applications for development of residential gardens, and the criteria which will be assessed. These include the character of the local area; any direct and on-going impacts on the residential amenity of nearby properties; the proposed siting, design, scale and materials of construction of the building; the existence of or ability to create a safe vehicular access; the provision of adequate existing on-site parking or the existence of adequate existing on-street parking; and the impacts on biodiversity and important trees.
- 24. 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.
- 25. There have been no objections lodged to Policy H/13, and Officers are therefore of the view that considerable weight can be given to the submission Local Plan policy, as a material consideration.
- 26. These matters are considered below.

### *Design and impact on the character of the area.*

- 27. The proposed dwelling will sit behind existing dwellings on the footpath and slightly further back from the road than No.73 to the east, although no further back than No.77 The Footpath. Although the location of the proposed dwelling will introduce a dwelling which is behind existing dwellings, which is not characteristic of The Footpath, officers are of the view that it is well related to the existing pattern of development, and will not result in any significant harm to the character of the area.
- 28. In coming to this view officers are mindful of the appeal dismissed for a dwelling at the rear of No.57 in 1979, however are of the view that when considered against existing policy criteria the proposal is acceptable.
- 29. The proposed dwelling is well designed and will not detract from the appearance of the area.

### *Residential amenity*

30. The proposed dwelling is set behind the rear gardens of Nos 69 and 71 The Footpath, which are limited in their depth. The proposed dwelling contains three bedroom windows in the front elevation facing these gardens, however the closest of these will be 15m from the common boundary. The two dormer windows will be further away at 20m. The distance from the first floor gable window to the first floor rear windows of No. 69 will be 25m. These distances comply with the minimum standards in the District Design Guide SPD.
31. The height of the front gable will be 7.75m, which is 2.4m higher than that of the existing dwellings at the front, however officers are of the view that given the separation distance it will not appear unduly overbearing. It will not result in loss of light to the cottages at the front.
32. The access driveway is immediately to the east of the side elevation of No.71, which contains a number of ground floor windows. The driveway is currently grassed, but will be hard surfaced if development proceeds. The access is already used to serve the site, although the usage would be intensified if the proposed dwelling were to be erected. At present there is only a low fence between No.71 and the driveway, however officers have met the occupier of that property on site, who does not object to the application, and would not wish to see the height of the fence raised.
33. The proposed dwelling will be sited immediately to the rear of the adjacent house to the east, with its gable end between 1.0m and 1.4m from the boundary. The garden of No.73 is already partly overshadowed by the existing boundary hedge, and although the gable is fairly wide and will result in some additional overshadowing, officers are of the view that this will not be materially detrimental to the amenity of the occupiers of that property to the extent which would justify a refusal of the application. Officers are however of the view that the relationship between the two dwellings would be improved if the proposed dwelling were to be sited further forward, and this will be discussed with the applicant's agent. This would however require a redesign of the dwelling to avoid overlooking of the existing cottages.
34. The relationship of the proposed dwelling to No.57 is acceptable.

### *Other matters*

35. The application provides for adequate off-street parking.
36. The applicant has submitted a draft Heads of Terms which recognises the need for contributions in respect of open space and community infrastructure.
37. Officer recognise that surface water drainage has been an issue for the occupier of No.73 and should consent be granted conditions should be imposed requiring a scheme for surface water drainage and levels of the site to be submitted and approved

### *Conclusion*

46. Officers are of the view, for the reasons outlined above, that the proposed dwelling is acceptable as submitted.

## **Recommendation**

47. Subject to the prior signing a Section 106 Agreement that delegated powers are given to approve the application subject to conditions.

### **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

## **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/1458/14/FL, S/1128/88/O and S/0421/79/F

**Report Author:** Paul Sexton – Principal Planning Officer  
Telephone: (01954) 713255