

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 7th September 2005
AUTHOR/S: Director of Development Services

**S/1426/05/F - Caldecote
Extension 16 West Drive for Mr and Mrs I Jackson**

**Recommendation: Approval
Date for determination: 13th September 2005**

Members will visit the site on Monday 5th September 2005.

Site and Proposal

1. The application related to an existing 1½-storey chalet bungalow within the village framework. The dwelling has not previously been extended. To the north, the dwelling is adjoined by a detached house at 14A West Drive. The applicants' dwelling has a ridge height of 8.5m. The ridgeline is located 9.0m from the boundary with No.14A, and the nearest side wall is 2.5m from this boundary. There is a 1.8m high close boarded fence on this boundary.
2. The application, received 18th July 2005, is to extend the rear of the dwelling in two-storey fashion by 2.7m. To achieve this, the existing 8.5m high ridge is shown to be lengthened by 1.5m, and the hip extended downwards to allow for the full 2.7m depth at a height of 5.0m. This will enable the two rear bedrooms to be enlarged.

Planning History

3. **S/0337/05/F** Planning permission granted earlier this year to extend in single storey fashion at the rear by a depth of 2.7m. The permission also included a side extension towards No.14A having 3.7m in width and 6.5m in height, with a small hipped end. This extension was shown to come to 1.0m of the boundary with No. 14A. Consent was granted in addition for the erection of a double garage at the front of the site.
4. **S/2050/04/F** Planning permission refused in 2004 to extend full height at the rear 2.7m and at the side near full height by 3.7m. The grounds for refusal were overshadowing and overbearing impact on No.14A.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003:

5. **Policy P1/3** (Sustainable Design in Built Development): A high standard of design and sustainability for all new development will be required which provides a sense of place which responds to the local character of the built environment and pays attention to the detail of forms, massing, textures, colours and landscaping.

South Cambridgeshire Local Plan 2004:

6. **HG12** - (Extensions and Alterations to Dwellings within Frameworks): Planning permission will not be permitted where:
 1. The design and use of materials would not be in keeping with local characteristics;
 2. The proposals would seriously harm the amenities of neighbours;
 3. There would be an unacceptable loss of off-street parking or garden space within the curtilage;
 4. There would be an unacceptable visual impact upon the street scene;
 5. Boundary treatment would provide an unacceptable standard of privacy and visual amenity.
7. Office of the Deputy Prime Minister Planning Fact sheet 3 (Overshadowing) states: "Doesn't the law lay down minimum distances between buildings, or acceptable angles of shadow? - No. Houses, flats and gardens tend to be all shapes and sizes, at different distances from, and in a unique orientation to, any neighbouring buildings. No practical, reasonable and enforceable design standards have been devised which would allow the full use of land while guaranteeing retention of all daylight for every householder. Where there is a planning application to assess, securing a reasonable degree of daylight for everyone is a task for the expertise and judgement of each local planning authority".
8. Guidance published by the Building Research Establishment (1991) recommends that no more than 20-25% of the amenity area of a garden should be prevented by buildings from receiving any sunlight on 21st March (the equinox). For gardens that would become so shaded, if the reduction in the area that receives sunlight on 21st March falls below 0.8 of its former value as a result of the development, the loss of sunlight is likely to be noticeable.

Consultations

9. **Caldecote Parish Council** - Recommends refusal on the grounds of overshadowing of 14A West Drive and overbearing impact on this dwelling (Policy HG12)

Representations

10. The occupiers of 14A West Drive have objected on the grounds of the extension being overbearing when viewed from their garden, and overshadowing. The existing property at 16 West Drive already extends a third of the length of the neighbours' garden. The proposed extension will add nearly 3 metres to this length, about the same as their patio again. This means that it will extend nearly two thirds of their garden, which they believe to be certainly overbearing. The approved application will already seriously diminish the amount of light coming into their garden, this proposal would add to this. They believe that this is planning by piecemeal. To all practical purposes this is the same as the refused application.
11. In response to this and earlier refused application S/2050/04/F the objectors have submitted a photographs taken on 21st October, at 9.37am, 11.13am and 13.31pm. At 9.31am, the shadows are long but do not encroach on the objectors' garden.

At 11.31am, the applicants' roofline casts a shadow over approximately one third of the width of the garden and over its full length i.e. some 30-40% of its area. The photograph at 13.31pm shows the shadow of the existing roof to fall almost halfway across the rear garden, and approximately halfway down it i.e. some 25% of its area.

Representation from the Applicant

12. This application is made to enable the applicants' children to have rooms large enough to take full-length single beds.
13. The applicants are familiar with the guidance published by the Building Research Establishment (1991). Applying this advice, they conclude that the impact of the extension on loss of skylight will be nil. This is on account that there are no windows in the elevation of 14A that face south towards the applicants' dwelling, and because the distance of the roof extension from the boundary is adequate, and because of the long hip in the design.
14. In relation to sunlight, they conclude that the impact of the extension on the rooms in No.14A will be nil, as there are no facing windows. As regards the rear garden, this will be affected by shadowing only in late autumn and winter during the hours approximately 9.30am to 10.30am, when the sun is low and to the south east. This is a negligible impact. The photograph submitted by the occupier of No.14A does not indicate the time of day that it was taken, nor does it track the movement of the shadow.
15. The applicants have submitted photographs taken at 9.30am and 1.30pm on 23rd April and 8am, 9am, 10am, 11am, 12 noon and 1pm on 15th May. These show that the shadow of the existing roof does not encroach at all on the adjacent garden at these times. The applicants conclude that the proposed extension will not cast a shadow on the adjacent garden on the equinox, 21st March. They believe that there is no ground to refuse the application on the basis of being overbearing or overshadowing.
16. The applicants have raised procedural concerns about the comments of the Parish Council. These have been brought to the attention of the Clerk to the Parish Council. These concerns do not affect the planning merits of the proposal.
17. As a result of representations received, the agent has indicated that he will supply further evidence of the effects of overshadowing of the adjacent dwelling and its rear garden area to be considered at Committee.

Planning Comments - Key Issues

Amenity of adjoining dwelling

18. In viewing the site, Members will be able to assess the likely overbearing impact of the extension on the use of the neighbouring garden at No 14A. The proposal has been designed to limit the extension of the existing roofline to 1.5m, the remainder of the additional volume to be accommodated under the extended hip, so reaching a 2.7m depth at a height of 5.0m. This is a modest increase in the bulk and mass of the existing profile of the building when viewed from the adjacent garden, which in my view is insufficient to justify a refusal of planning permission under Policy HG12.

19. Members will also be able to consider the likelihood of serious overshadowing of the neighbouring garden area having visited the site. The photographs submitted by the adjoining owner indicate overshadowing in October during the morning and early afternoon. There is no evidence of overshadowing during the summer months, nor as early as April, based on the photographs supplied by the applicants. The agent is expected to provide evidence of the path of the shadow at the equinox, 21st March. Moreover, the main part of the extension is at 5m height, which is considerably lower than the ridge, and still less than that refused in S/2050/04/F. Taking these factors into account, I am not persuaded that any serious overshadowing or loss of daylight will result from the proposed development.

Recommendation

20. Approval, subject to the following conditions:
1. Standard Condition A - Time limited permission (Reason A)
 2. SC19 (Matching materials) (RC19)
 3. SC22 (No further windows at first floor level in the northern elevation) (RC22)

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
 - **South Cambridgeshire Local Plan 2004:**
HG12 (Extensions and Alterations to Dwellings within Frameworks)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity by reason of overshadowing and overbearing effect

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/1426/05/F; S/0337/05/F; S/2050/04/F
- Office of the Deputy Prime Minister Planning Fact sheet 3 (Overshadowing)
- Building Research Establishment: Site Layout - Planning for Daylight and Sunlight by P J Littlefair (1991)

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