

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee

6<sup>th</sup> July 2005

**AUTHOR/S:** Director of Development Services

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**S/1000/05/F - Swavesey  
House at Land Adj. 41 Priory Avenue for T Mendham**

**Recommendation: Approval  
Date for Determination: 15<sup>th</sup> July 2005**

### Site and Proposal

1. The 0.046ha site is located on the corner of Gibraltar Lane and School Lane. The site comprises of an area of largely flat, grassed garden land. It is surrounded along the School Lane and Gibraltar Lane boundaries by a belt of mixed, mature planting, including some approximately 5.6m high trees and a 3 metre high hedgerow, and a 2 metre high close board fence which obscure views into the site. The adjacent properties in Priory Avenue are 2 storey semi-detached dwellings.
2. The application, received 20<sup>th</sup> May 2005, proposes the erection of a two-storey detached, 3 bedroom, dwelling, featuring a conservatory on the south-west elevation, with a vehicular access onto Gibraltar Lane. The density equates to 22dph.

### Planning History

3. **S/1479/04/F** - Application withdrawn for a detached 1 ½ storey dwelling with access onto Gibraltar Lane.
4. **S/0716/83/F** - Application approved for an extension and garage for 41 Priory Avenue. No additional conditions were attached to this consent.
5. **C/0700/71/D** - Application approved for the erection of 97 houses with garages for Trend Housing Ltd at land at School Lane. This application granted consent for the erection of all houses in the Priory Avenue estate, including no. 41. No conditions were placed on this consent relating to access from Gibraltar Lane.

### Planning Policy

6. The site is located within the Swavesey village development framework.
7. Swavesey is a Rural Growth Settlement (Policy **SE2** of the Local Plan 2004) in which residential development on unallocated land will be permitted subject to a number of criteria, including being sensitive to the character of the village and the amenities of neighbours. Density should achieve a minimum of 30dph unless there are strong design grounds for not doing so.
8. Policy **HG11** of the **South Cambridgeshire Local Plan 2004** states that development to the rear of existing properties will only be permitted where the development would not result in overbearing, overlooking or overshadowing of existing residential properties; result in noise and disturbance to existing residential

properties through use of its access; result in highway dangers through the use of its access; or be out of character with the pattern of development in the vicinity.

### **Consultation**

9. **Swavesey Parish Council** - recommends that the application is refused on the following grounds:

“Access point in Gibraltar Lane. There are currently no other access points/driveways to properties on the north side of Gibraltar Lane (rear of Priory Avenue). Allowing this new development access from Gibraltar Lane would set a precedent for future applications from other properties in Gibraltar Lane, which have been refused in the past.

The Parish Council believes that there were original conditions within the development of Priory Avenue, which did not allow access from properties in Priory Avenue into Gibraltar Lane.

Access in Gibraltar Lane. The proposed access is close to the junction of School Lane, which at this point bends round into Gibraltar Lane and with the hedges along the north side, gives poor visibility.

Gibraltar Lane is the main route for school children to and from the Village College. It is also extensively used by vehicles travelling to/from the Cherry Trees development off the top of School Lane. A new access at the proposed point and on the north side would cause additional hazard along this narrow lane.

Additional dwelling on a garden plot. The Parish Council does not consider this plot a suitable plot for an additional dwelling to the Priory Avenue development, it is infill building and there is no safe or suitable access to the proposed development.”

10. The comments of the **Landscape Design Officer** will be reported verbally to the Committee.

### **Representations**

11. The Occupier of 45 Gibraltar Lane raises a number of concerns with regards to the loss of up to a 10m section of the hedge along the north side of Gibraltar Lane to enable the creation of the proposed access. The hedge has a number of species and is of amenity value. It abuts the carriageway. Hence visibility when leaving the property would be very restricted. The proposal would set a precedent.

### **Planning Comments - Key Issues**

12. The key issues in relation to this application are:
- Residential Amenity including Overbearing Impact
  - Highway Safety
  - Visual Impact on the Street Scene

### ***Residential Amenity including Overbearing Impact***

13. Although the proposal features a two-storey dwelling, the proposal has been designed to set the dwelling away from the boundaries with the two adjoining properties. The north-eastern boundary wall is set approximately 2.6 metres off the shared boundary with no. 42 Priory Avenue and avoids overlooking by featuring only

two high level windows at first floor that serve a toilet and staircase. Both are proposed to be fitted with obscure glass. The relationship between these two properties is further assisted by the positioning of the existing single storey garage building which serves no. 42 and is located on the boundary between the two dwellings. The south-eastern boundary wall is set approximately 5.8 metres away from the shared boundary with 41 Priory Avenue and features a ground floor toilet window and entrance door and a first floor toilet window which is also proposed to be fitted with obscure glazing and so avoids overlooking. To further protect the amenities of the adjoining residents the site would benefit from conditions which would ensure the permanent maintenance of the obscure glazing in the aforementioned casements and also prevent the installation of additional windows in these elevations which may afford the opportunity for overlooking.

14. With regard to the proposed access and parking area, this is shown as being located as approximately 1.8 metres away from the adjoining garden serving 41 Priory Avenue. Given the separation between the two areas and the minimal use of a single residential access, this should not represent any undue harm. However, to secure the use of suitable materials to ensure that a minimum of noise and disturbance is caused by users of the parking area the site would benefit from conditions relating to the treatment of the driveway, car parking areas and the treatment of the shared boundary.

#### ***Highway Safety***

15. The planning approval (application ref: **C/0700/71/D**) for the erection of the Priory Avenue estate did not include any conditions which precluded access onto Gibraltar Lane. Given the lack of any condition of consent it may be possible for the dwellings in Priory Avenue to create a new access onto Gibraltar Lane without the need for prior planning approval. Furthermore the Planning Authority does not have record of any applications to construct an access from any of the properties within Priory Avenue onto Gibraltar Lane.
16. The proposal illustrates a proposed driveway and access, which includes 2m x 2m Pedestrian visibility splays within the site boundaries, although there is no public footpath on this side of Gibraltar Lane. A new footpath has been created on the opposite side of the carriageway for pedestrian users of the lane. A verge exists beyond the extremes of the site boundary, which a vehicle would need to cross prior to gaining access onto Gibraltar Lane. The access is located directly opposite the existing access which serves 47 Gibraltar Lane and is set approximately 27 metres away from the junction with School Lane. Members would need to be satisfied that, given the presence of the new footpath, the provision of internal visibility splays and the distance of the proposed access from the junction with School Lane, it would be difficult to envisage a highway safety concern. In order to ensure that vehicles can enter and leave the site in a forward gear, which would further enhance vehicular visibility, the provision of a plan demonstrating that this would be possible is recommended. The proposed layout does not achieve space for parking and turning.

#### ***Visual Impact on the Street Scene***

17. Although the application proposes the erection of a dwelling onto part of the garden land associated with no. 41 Priory Avenue, the development would visually front onto Gibraltar Lane.
18. The proposed single storey conservatory would be located relatively close to the Gibraltar Lane boundary, however by nature of its construction this is a fairly

unobtrusive structure and the bulk of the dwelling would be set a minimum of 6 metres away from the road. The site benefits from a belt of mixed, mature planting which screens a large proportion of the site from the street scene in Gibraltar Lane. Some of this planting will be removed as part of the application to create the access but the applicant has indicated that he is willing to work with the Authority's Landscape Design Officer in order to provide a suitable planting scheme. The applicant has also shown a 2 metre high fence to be erected along the boundaries of the site, which would provide further site screening. A condition to secure a scheme of landscaping, which would include an indication of all existing trees and hedgerows on the site that are to be retained, would ensure that the majority of the existing landscaping is retained, where possible, and improved where necessary in order to protect the visual appearance of the site from the street scene.

19. Some views would still be afforded through the site from the road, by virtue of opening up of a new access. However, this is typical of the pattern of development on the other side of Gibraltar Lane. The proposed development has a form similar to the adjoining dwellings at 41 and 42 Priory Avenue and, provided that it is built using materials which are in keeping with the character and appearance of the area, I consider that the development would not cause undue harm to the street scene. To ensure that the Authority has control over the finished details of the scheme a condition, which required the prior approval of the external materials for the house and any hardstanding, could be attached to any approval in order to ensure that the development did not appear incongruous.

### **Recommendation**

20. Subject to the receipt of an amended layout plan which demonstrates an acceptable parking and turning arrangement. APPROVE subject to the following conditions:
1. SCA - RCA
  2. No development shall commence until details of the materials to be used for the external walls and roofs and for materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.  
(Reason - To ensure that visually the development accords with neighbouring buildings; and to ensure that the development is not incongruous.)
  3. The first floor windows in the north-eastern and south-eastern elevations of the house, hereby permitted, shall be fitted and permanently maintained with obscured glass.  
(Reason - To safeguard the privacy of occupiers of the adjoining properties.)
  4. No windows, doors or openings of any kind shall be inserted in the north-eastern and south-eastern elevations of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
(Reason - To safeguard the privacy of occupiers of the adjoining properties.)
  5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

(Reason - To enhance the quality of the development and to assimilate it within the area.)

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
(Reason - To enhance the quality of the development and to assimilate it within the area.)
7. Details of the treatment of all site boundaries shall be submitted to and approved in writing by the Local Planning Authority and the work completed in accordance with the approved details before the dwelling is occupied or the development is completed, whichever is the sooner.  
(Reason - To ensure that the appearance of the site does not detract from the character of the area.)

## **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:**  
**None**
  - **South Cambridgeshire Local Plan 2004:**  
**SE2** (Rural Growth Settlements)  
**HG11** (Backland Development)
2. The proposal is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Residential amenity including overbearing impact
  - Visual impact on the street scene
  - Highway Safety

**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 files Refs: S/1000/05/F and S/1479/04/F

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