

Application Number	09/1135/FUL	Agenda Item	
Date Received	7th December 2009	Officer	Mr James D'Arcy
Target Date	1st February 2010		
Ward	Abbey		
Site	710 Newmarket Road Cambridge Cambridgeshire CB5 8RS		
Proposal Applicant	New garden annexe (ancillary to the main house). Mr And Mrs DeLuca 710 Newmarket Road Cambridge Cambridgeshire CB5 8RS		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 710 Newmarket Road is a large semi-detached, formerly residential property located on the south side of Newmarket Road, opposite the City Cemetery, at the eastern edge of the City. It has previously had a shallow, flat roof, two storey extension to the rear and a long flat roof extension added to the side and rear of the house along the eastern boundary.
- 1.2 This part of the road is typified by large, two-storey, semi-detached dwellings, a number of which have been extended by varying degrees.
- 1.3 The houses along this stretch of the road all have considerable rear gardens, which measure approximately 40 metres from the rear of the original dwelling to the rear boundary of the garden. There is a large outbuilding in the rear garden of the neighbouring property (number 708), and a garage style building of significant height in the rear of the property which adjoins the rear boundary of numbers 710 & 712, almost abutting the boundary line.
- 1.4 There is also a tall pergola (circa 2.5m in height) in existence at the bottom end of the garden of 710, which is orientated to face the house. There is also a small shed and associated garden furniture forming an outdoor seating area at the rear of the garden. The pergola is located flush to the eastern boundary

(with number 712), and there is a 2m tall close boarded fence along this boundary. There is a much lower and open fence to the boundary with number 708.

- 1.5 The property is not located within a Conservation Area, nor is it in close proximity to a listed building. No protected trees will be impacted by the proposed development.

2.0 THE PROPOSAL

2.1 The application seeks permission for an annexe at the southern end of the garden of number 710, as far it is possible to place a building from the existing dwellinghouse/guest house. The proposed annexe has an “L-shaped” footprint, measuring 7.2 metres in width (a reduction of 0.9 metres from the previously refused application) and 4.2 metres deep at the rear, with a wing projecting forward towards the house that is 4.6 metres deep and 3.7metres wide. The annexe will have a relatively shallow conventional pitch roof rising to ridges 3.4 and 3.5 metres high, with an eaves height of approximately 2.5 metres.

2.2 The orientation of the annexe is such that it faces the rear of number 710 Newmarket Road, with the blank, 8.8 metre facade facing number 708 (west), and the smaller, “open” aspect of the L-shape facing the garden of number 712 Newmarket Road (east). The annexe comprises a living room, a kitchen, a shower room, a cupboard, and a bedroom. The gross floor area is under 50 square metres.

2.3 The application is accompanied by the following supporting information:

1. Design Statement
2. Plans and elevations

3.0 SITE HISTORY

Reference	Description	Outcome
C/01/0919	Two storey rear extension and single storey side and rear extension.	A/C
09/0168/CL2PD	Application for a Certificate of Lawfulness (S192) for erection of an outbuilding for ancillary use to the main	CG

	dwelling as a study/games room.	
09/0310/FUL	Change of use (part) of dwelling to guest house (3 bedrooms) (retrospective) and erection of single storey annexe at rear of site (ancillary to main dwelling).	Part Approval (c/u) Part Refusal (Annexe)

The annexe element of the previous application 09/0310 was refused for the following reasons:

1. The proposed annexe is unacceptable in that it is a built form which, because of its size and its position and the blank nature of three substantial walls it presents to neighbours to the south, west and east does not demonstrate that it has responded to context or drawn inspiration from the key characteristics of its surroundings, or responded positively to existing features of local character. Instead it introduces a form and use into the rear garden that is of a scale that will have a detrimental impact upon the amenity of neighbouring property through the loss of privacy and sense of enclosure that will not have a positive impact on its setting. For these reasons the proposal constitutes poor design that is contrary to policy ENV7 of the East of England Plan (2008) and policies 3/4 and 3/12 of the Cambridge Local Plan (2006) and to advice in Planning Policy Statement 1 Delivering Sustainable Development (2005).

2. The position and scale of the proposed annexe is such that the building and its siting, hard up to the common boundaries with 708 and 712 Newmarket Road and 28 and 30 The Homing will cause it to dominate the rear gardens of these properties, creating an unreasonable sense of enclosure to the detriment of the amenity that the occupiers would reasonably expect to enjoy. The proposed use of the building and its siting is likely to result in an unacceptable increase in noise and activity generated by comings and goings associated with the proposed annexe; from the more concentrated use of the space between the house and the annexe; and through the erosion of the privacy of neighbouring property resulting from what would effectively be a permanent residential presence at the end of the garden. The presence of another residential entity also increases the pressure on the finite and limited space available for the parking for the parent property and its mixed residential/guest house use, again with potential implications for neighbour amenity. For these reasons the proposal is not in context, is unneighbourly, and is contrary to policy ENV7 of the East of England Plan (2008) and policies 3/4 and 3/12 of the Cambridge Local Plan (2006).

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

5.0 POLICY

5.1 Central Government Advice

- 5.2 **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.4 **East of England Plan 2008**

SS1 Achieving sustainable development

T14 Parking

ENV7 Quality in the built environment

5.5 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/12 The design of new buildings

3/14 Extending buildings

4/13 Pollution and amenity

8/10 Off-street car parking

5.6 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

6.0 **CONSULTATIONS**

Cambridgeshire County Council (Engineering)

6.1 No Objection.

Head of Environmental Services

6.2 Conditions recommended.

6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:

708 Newmarket Road - Support

712 Newmarket Road (on behalf of numbers 712, 714, 716, 718) -
Objection

7.2 The representations can be summarised as follows:

Building will integrate well

No traffic impact will be realised

Proposal reflects residential need

Concerns raised relating to the potential for increased disturbance

Concerns detailing the proposed use of the proposed annexe

Concerns relating to the amenity impact of the proposed annexe.

Concerns that building is potentially two double apartments/a bungalow

Ability for overlooking from the proposed building

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Third party representations

Principle of Development

- 8.2 It can be noted from the history set out above there has previously been a prior Certificate of Lawfulness granted for an outbuilding (ancillary to dwelling house) in a more central area of the rear garden, which would sit closer to the main dwelling. While that has clearly established the principle of another building within the garden area, it was clear from the decision of Committee at the last meeting, when permission for an annexe was refused, that the principle of accommodating an annexe rather than a outbuilding that had a totally ancillary function to the main house was not a straightforward matter.
- 8.3 The officers assessed this issue at the time of the previous application and came to the view that a building, used properly used as an annexe by immediate family of the principal occupiers of the main building, would be acceptable in principle. I remain of the view that an annexe, restricted by condition to be used only in association with and ancillary to the residential component of the main dwelling, and not as accommodation to let, is acceptable in principle, in policy terms, subject to being tested against other policies in the Local Plan.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 3/1, 3/4, 3/12 & 6/3 of the Cambridge Local Plan 2006

Context of site, design and external spaces

- 8.5 The application site benefits from a very long rear garden, with the annexe proposed at the very end, abutting the gardens with houses in The Homing. Although the opinion of officers at the time of the last application was that such a building and use was not out of context, that view was not shared by Committee, leading to the application being refused, in part on the basis that, "...the proposed use of the building and its siting is likely to result in an unacceptable increase in noise and activity generated by comings and goings associated with the proposed annexe; from the more concentrated use of the space between the house and the annexe; and through the erosion of the privacy of neighbouring property resulting from what would effectively be a permanent residential presence at the end of the garden. The presence of another residential entity also increases the pressure on the finite and

limited space available for the parking for the parent property and its mixed residential/guest house use, again with potential implications for neighbour amenity. For these reasons the proposal is not in context,

- 8.6 What is before Committee now is not fundamentally different from what was proposed previously, with regard to the annexe. The building has been reduced in width from what was proposed previously, but only by 900mm. In all other dimensions the building footprint has not been changed. The three elevations which face the neighbours are no different in length, but with a conventional instead of a monopitch roof, are only 2.5m to eaves and 3.4m to ridge instead of the sheer 3.6m blank wall surfaces proposed previously. While the new elevations will have some impact upon the vicinity, I am also conscious that a number of the properties in the area, including 708, have substantial constructions at the end of the rear gardens, which will reduce the overall impact of the presence of this structure. 710 already has an existing pergola structure, which although of a more "open" nature, is located flush to the boundary with 712, adjacent to a tall close boarded fence. As the proposed annexe is to be sited a bit further away from the boundary, albeit only 600mm, I consider that this will lessen still further the impact upon the neighbours to that side. Several of the outbuildings in the area do not make much of an aesthetic contribution to the character of the immediate area, but at the same time do not offer the potential for residential and therefore fulltime occupation.
- 8.7 I consider now as before that the sheer size of the garden will mitigate against the impacts of the proposed building upon the external spaces, save that having a building of more residential nature at the end of the garden will create a different relationship for neighbours who will have to become familiar with people, potentially, looking back towards the house. I do not therefore consider I can change my recommendation in this regard, despite the previous opinion of Committee
- 8.8 To address the potential visual impact, I would however, suggest that conditions be imposed relating to boundary treatments, to minimize the harm that this structure would have on neighbouring properties. For similar reasons no window should be allowed in what is currently the blank gable end facing the house. Similarly, I feel that the proposal would benefit from conditions relating to the materials which are proposed for the external surfaces of the

annexe, to ensure a minimal impact upon the surrounding area, although I consider that in light of the significant distances involved between the proposed building and the existing dwellings that the visual impact should be mitigated by virtue of the degree of separation this distance will provide.

- 8.9 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 4/13.

Residential Amenity

- 8.10 My primary concern in this application is the potential harmful impacts upon the residential amenity of neighbouring properties. Again, although in visual terms this has not changed radically from the position previously, the blank faces to the neighbours will be much lower and the ridges considerably further off the boundary. I do not think this lower, more distant form will be overbearing to neighbours. Subject to conditions relating to materials consider that these concerns can be mitigated to an extent.
- 8.11 While it is accepted that there is a prior Certificate of Lawful Development for an outbuilding which could be more dominant, that cannot be a major consideration as permission is not required.
- 8.12 Neighbours have expressed concerns relating to the potential for inter-looking and enclosure which would result from approval of this application, although I consider it is once more worth noting the distance at which this potential for interlooking would occur. Committee previously expressed concern about, "...the proposed use of the building and its siting being likely to result in an unacceptable increase in noise and activity generated by comings and goings associated with the proposed annexe; from the more concentrated use of the space between the house and the annexe; and through the erosion of the privacy of neighbouring property resulting from what would effectively be a permanent residential presence at the end of the garden." All these are possible effects of the proposal proceeding, but if restricted to family use only, I, unlike Committee, do not consider the change resulting would have such an impact as to justify refusal now, any more than I thought so previously.

- 8.13 I also consider that it would be highly unlikely, due to the angles involved, for any potential resident of the proposed annexe to view directly into the rear windows of the neighbouring properties to the east. The 2m fence removes any ability to look directly into lower floor windows, and the height of the proposed annexe would introduce a limited facility for any potential viewing (over a distance of approximately 30 metres) into the upper floors.
- 8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7, East of England Plan (2008) policy ENV7, Cambridge Local Plan (2006) policies 3/4 and 3/7.

Third Party Representations

- 8.15 It is noted in the representations that there is a degree of discrepancy relating to the proposed, or suggested, boundary treatments, and the resultant impact on amenity which these treatments will have. I am satisfied that subject to the conditions proposed in the above paragraphs that these concerns can be addressed.
- 8.16 I also consider that the impact of the annexe, in terms of overbearing, will not result in a significant harmful impact by virtue of the distance between the building and the existing property. I appreciate the concerns of neighbouring residents, although I also note that the element which borders the residents concerned is the more open of the 4 elevations, which will further reduce visual impacts.
- 8.17 I am satisfied that the use of the annexe can be secured via planning condition to prevent any potential commercial uses.
- 8.18 I note the concerns of the residents relating to the potential for overlooking, but consider that the distances at which this may occur are of a substantial nature, and as such would be unlikely to introduce any increased impact upon privacy, especially in those properties further to the east who will have little or no visibility of the windows of the proposed annexe.

9.0 CONCLUSION

- 9.1 Given the overturning of the recommendation to Committee when

the previous, not dissimilar, application was proposed, I have given a lot of thought to whether the position has changed sufficiently. Having supported the previous proposal, I feel that I cannot but support this less intrusive proposal, but am conscious in doing so that some of the anxieties expressed by Committee previously have not been overcome.

10.0 RECOMMENDATION

Approve, subject to conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no windows or dormer windows other than those expressly authorised by this permission shall be constructed.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

5. The building hereby permitted at the southern end of the garden shall be used solely as an annexe in conjunction with and ancillary to the residential element of 710 Newmarket and shall not be separately used, occupied or let by anyone other than a family member of the principal occupiers of the house.

Reason: To protect the amenity of the adjoining residential properties and to avoid the creation of a separate planning unit in an inappropriate location. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

INFORMATIVE: The applicant is advised that where a proposal involves works on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building, the provisions of the Party Wall Act 1996 shall apply. The granting of planning permission does not override any obligation arising from this or other legislation.

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: SS1, ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/12, 4/13

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

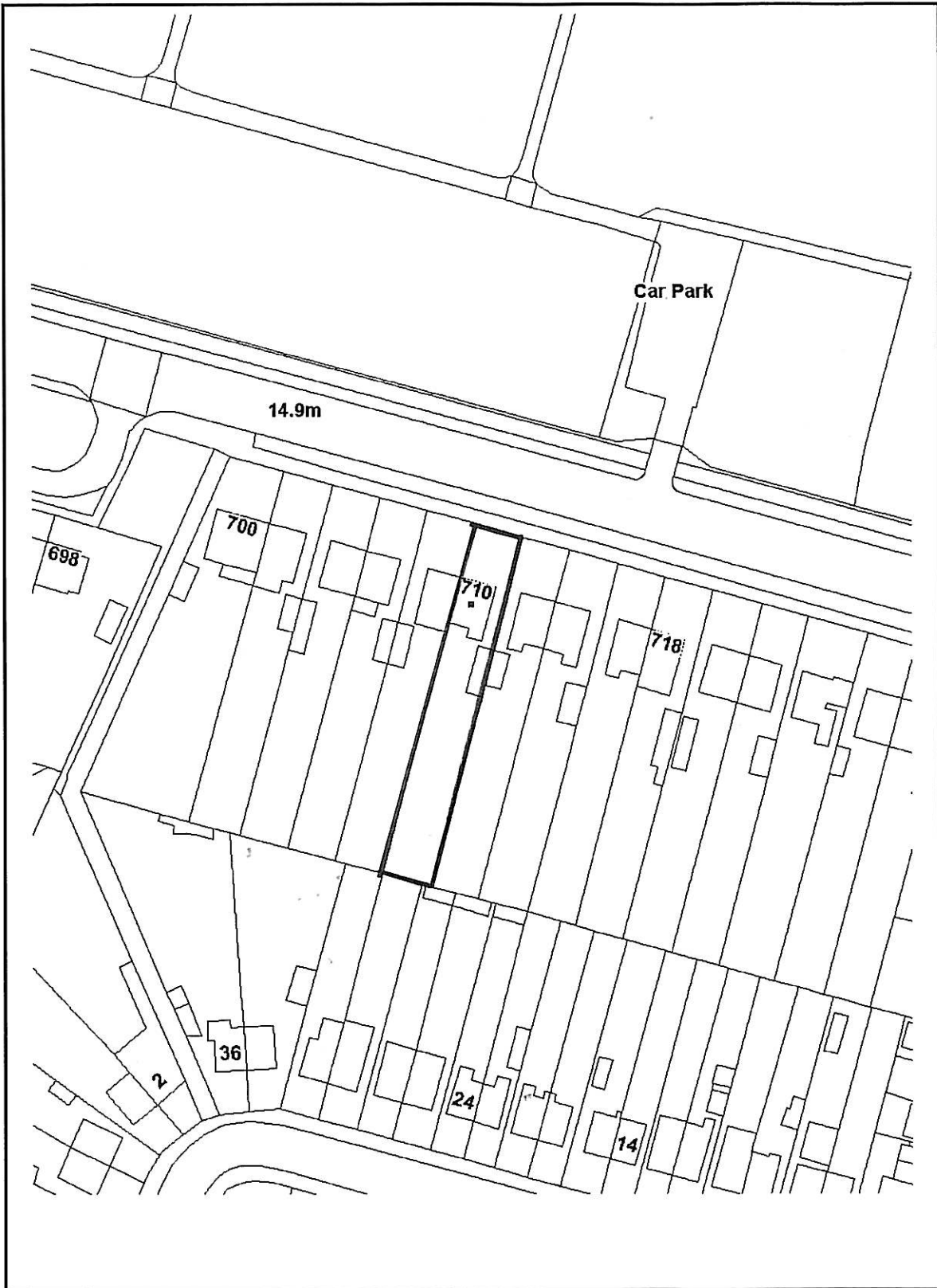
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



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