

Application Number	09/0853/FUL	Agenda Item	
Date Received	14th September 2009	Officer	Mr Tony Collins
Target Date	9th November 2009		
Ward	West Chesterton		
Site	58 De Freville Avenue Cambridge Cambridgeshire CB4 1HU		
Proposal	Amendments to ground floor north elevation including changes to roof, wall and windows.		
Applicant	Mr Simon Young 58 De Freville Avenue Cambridge Cambridgeshire CB4 1HU		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 58 De Freville Avenue is a two storey semi detached house located at the junction of De Freville Avenue and Aylestone Road. The dwelling is constructed of red/yellow brick under a slate roof and has been substantially extended to the side and rear. The surrounding area is residential and is characterised by dwellings of a similar style to the application site.
- 1.2 The site is within City of Cambridge Conservation Area No.11 (De Freville). It is not within the Controlled Parking Zone. No protected trees are affected by the development.

2.0 THE PROPOSAL

- 2.1 The application seeks planning permission for amendments to an approved scheme for alterations and extensions to the dwelling and relates to the side extension to the house which lies adjacent to Aylestone Road. The alterations are described in detail below.

- 2.2 The application has been brought before Area Committee because the site, and previous applications on it, have been the subject of much local interest including from Ward Members and the site is currently the subject of enforcement action taken following the refusal by North Area Committee of permission for an earlier amended scheme under 08/0765/FUL. For these reasons it is the view of officers that the application should not be determined under delegated powers.
- 2.3 The application relates to works that have already commenced on site and in part seeks to regularise unauthorised development.
- 2.4 The applicant has identified each successive set of drawings produced in the recent history of the site with an alphabetic suffix. The current application was submitted with a series of drawings carrying the suffix 'K'. Following a meeting with officers, a revised version labelled 'N' was submitted, followed rapidly by two further iterations labelled 'P' and 'R'. At this point neighbours were notified of the revised drawings and invited to comment further. The drawings now accepted as forming part of this application (the 'R' series) show the following changes when compared with the scheme approved under 03/1254.
- (a) Eaves height of wall adjacent to Aylestone Road altered from three different heights to uniform 2.4m throughout length (central high section eliminated).
 - (b) Long glazed panel in extension roof adjacent to Aylestone Road replaced by five separate roof lights.
 - (c) Two central windows in flank wall reduced in size from 1.9m x 1m to 0.9m x 1m.
 - (d) First 1.2m of flank wall brought out to abut the footway (approved scheme set back by 1m at this point).
 - (e) Side extension roof – previous flat and pitched configuration changed to uniform lean-to roof across whole extension.
 - (f) Front of extension (library) entirely reconfigured: flat front replacing projecting bay (hipped roof eliminated); second front door eliminated; window altered from double sash to triple sash.

3.0 SITE HISTORY

3.1

03/1254	Alterations and extensions to single storey part of dwelling	Approved with conditions
07/0189	Erection of first floor side/rear extension	Refused
07/0507	First floor side and rear extension	Refused
07/1425	First floor side and rear extension	Refused
08/0765	Amendment to 03/1254 (ground floor only)	Refused
09/0518	Amendment to ground floor north elevation, including changes to roof, walls and windows	Refused

3.2 Enforcement action was initiated following the refusal of 08/0765. This action was the subject of an appeal. The appeal was dismissed, and the enforcement notice upheld, by the Inspector on 3rd December 2009. The Inspector allowed a period of twelve months for work to comply with the enforcement notice to be carried out.

4.0 PUBLICITY

Advertisement	No
Adjoining Owners	Yes
Site Notice	No

5.0 POLICY

5.1 PPS 1 – 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. Paragraph 34 states that planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

5.2 PPG15 Planning and the Historic Environment (1994): This guidance provides advice on the identification and protection of historic buildings, conservation areas and other elements of the historic environment.

5.3 East of England Plan 2008

ENV6 The historic environment
ENV 7 Quality in the built environment

5.4 Cambridge Local Plan 2006

3/4 Responding to context
3/14 Extending buildings
4/11 Conservation areas

5.5 Supplementary Planning Documents

Sustainable Design and Construction 2007
De Freville Conservation Area Appraisal 2009

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No comment received.

Historic Environment Manager

Front Elevation

6.2 The removal of the additional entrance door is welcomed. The removal of the bay window also brings the main focus of the elevation back to the original building. The sashes in the side extension window should be 1 over 1 to match those of the original house. The lintel over the window must be stone (artificial or reconstituted) to match those of the windows to the original house.

North Elevation

6.3 The reduction in the number of rooflights is welcomed. The reduction in the size of the window and the lowering of the eaves line above it helps to bring the scale of the extension down to a more acceptable size. It does result in a large expanse of slate, but this is preferable to the previous plans for this development.

Rear Elevation

6.4 Unclear whether the plans as submitted will work. However, the proposals are again preferable to the previous plans.

Summary

6.5 The amended plans are an improvement on those originally submitted for this application, and would result in an extension that is a better scale than what is already in existence or what was originally proposed. I do still have reservations remain about the brick arches on the north elevation, the use of a plastic roofing material over the conservatory and the painting of the electricity and gas meter boxes. However, provided more appropriate materials than what is currently in place are used, on balance, the amended plans are acceptable.

7.0 REPRESENTATIONS

7.1 Letters of representation were received in response to the application as first submitted from occupiers of the following addresses:

13 Aylestone Road
65 De Freville Avenue

7.2 These representations raise the following issues

- too bulky
- no relationship between interior and exterior
- additional front door designed to form access to separate flat
- too many roofs
- messy appearance

7.3 Letters of representation have also been received in response to the revised drawings ('R'series) from occupiers of the following addresses:

13 Aylestone Road
60 De Freville Avenue
67 De Freville Avenue
72 De Freville Avenue

7.4 These letters of raise the following issues:

- latest version is 'least-worst' way forward
- materials and detailing are critical
- work must be completed in accordance with plans approved
- work must be done within reasonable timescale
- property must be used as dwelling house only

7.5 The above is a summary of comments received. Full details of representations are available on the application file.

8.0 ASSESSMENT

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

1. Site History
2. Context of the site, design and external spaces
3. Residential Amenity
4. Third Party Representations

Site History

- 8.2 The site has a long and protracted history as raised by local residents. In January 2004 planning permission was granted for alterations to an existing side extension to the house. The conservatory extension that was on site at that time had been built several years previously and comprised a red brick wall abutting Aylestone Road with a lean-to plastic roof over. The case officer at the time of the 2004 approval described the proposed works which included increasing the height of part of the brick wall and forming a slate roof over parts of the plastic roof as modest and an improvement to the streetscene.
- 8.3 During the course of 2007/2008 three applications were submitted all of which sought planning permission to add a first floor extension over the flat roof element of the previously approved scheme. Although the design of these extensions varied they were all considered to have a detrimental impact on the street scene and planning permission was refused in each case.
- 8.4 Works have been carried out on site. However what has been constructed is not in accordance with the approved 2004 scheme and has been the subject of investigation by the Council's Planning Investigation Team. Following the refusal of 08/0765/FUL enforcement action was taken by the Council with the aim of securing the restoration of the building to the form approved by 03/1254/FP. An appeal was lodged by the applicant against this enforcement action. The appeal was dismissed. A further application for an alternative scheme for extensions and alterations to the house (09/0518/FUL) was submitted while the enforcement appeal was pending. This application was refused by North Committee on 27th August 2009

Context of the site, design and external spaces

- 8.5 The current application proposes a number of changes to the scheme approved under 03/1254/FP. Since that application

was approved, building works have taken place which are not in accordance with the approved scheme, and the current form of the building does not replicate either the approved drawings or the drawings submitted with the current application. During this period, a large number of alternative proposals have been put forward by the applicant, either informally, or in the form of applications which have been refused. In these circumstances, I feel it is necessary to take each of the elements in which this scheme differs from the approved scheme, and consider in turn whether they are acceptable.

Level eaves line at 2.4m above ground level adjacent to Aylestone Road (item (a) from paragraph 2.4 of this report).

- 8.6 In my view, this change, reducing the height of the whole wall, eliminating the raised section in the centre of the elevation, and achieving a consistent eaves line along the footway on this side, is unfussy and more in proportion with the main house than the scheme originally approved. Compared to the approved scheme, it would enhance the street scene and the appearance of the conservation area.

Rooflights along Aylestone Road flank (item (b) from paragraph 2.4 of this report)

- 8.7 In my view, the use of rooflights responds better to the surrounding context than the originally approved glazing, although perhaps more rooflights are proposed than is ideal. I note the wish expressed in representations that 'conservation-style' rooflights should be used, but I do not believe that this part of the City of Cambridge Conservation Area No.11 (De Freville) has a sufficiently homogeneous or unmodified character to make such a demand justified.

Reduction in size of central windows in flank wall (item (c) from paragraph 2.4)

- 8.8 Although these windows are smaller than the two windows in the approved scheme, I do not consider them inappropriately proportioned, nor harmful to the conservation area. In my view, this change is acceptable. I share the concern expressed in representations that out-ward opening casements would be hazardous to users of the footway, and for this reason, I

recommend that if these windows are to be openable, sash windows be required by condition

Movement of front section of flank wall closer to Aylestone Road (item (d) from paragraph 2.4)

- 8.9 The approved scheme shows the extension set back from the Aylestone Road footway by 1m for the first 1.2m of its length. The current proposal would reconfigure the north-west corner of the proposed library, bringing a full-height flank wall close up to the Aylestone Road footway at this point. I have previously considered this undesirable, but in the present scheme, I consider that it is acceptable. The lower eaves height along Aylestone Road diminishes the presence of this section of wall to some extent, and the reconfiguration of the front of the extension means that its subsidiary nature is clear despite this small added volume. In my view, this feature is not detrimental to the quality of the street scene or the character of the conservation area.

Altered form of main extension roof (item (e) from paragraph 2.4)

- 8.10 In my view, the uniform lean-to roof proposed for the whole extension reads slightly awkwardly against the main house; the angle required to span the extension and fit below the first-floor windows is not wholly congruent with the form of the principal roof. Nonetheless, I consider that the roof configuration proposed here is a markedly better solution than the approved scheme. The single slate surface sits more comfortably above the wall along this footway, and the lean-to form signals a clearly subsidiary character for the extension. This roof is not uncharacteristic of the locality, and I consider that it would preserve the appearance of the conservation area.

Reconfiguration of front of extension (item (f) from paragraph 2.4)

- 8.11 The front of the extension is reconfigured as a simple flat-front lean-to. The elevation does not read in a wholly comfortable way, because the low height of the Aylestone Road eaves forces the position of the window over towards the south side. However, the retention of this low eaves height is desirable for other reasons, indicated above. The simplicity and clearly

subsidiary quality of the lean-to form, and the elimination of the anomalous second front door, are elements which in my view render this front elevation much more appropriate in this context than the scheme originally approved. I agree with the opinion of the conservation officer and respondents about the elimination of vertical glazing bars from the sash windows proposed on this elevation.

8.12 In my view, items (a), (b), (e) and (f) from the above list represent a significant improvement in design not only over any of the long series of amended versions put forward since 2004 and the form currently in place on the site, but also over the originally improved scheme. Eaves height, roof form, fenestration and front elevation all contribute to an extension which would be more clearly subsidiary to the main house, less intrusive in the street scene, and less harmful to the character of this part of the City of Cambridge Conservation Area No.11 (De Freville). Provided that sash windows are used, item (c) from the list is of neutral impact. Item (d), the forward extension of the north wall of the building, enclosing a small additional volume within the library, is not in itself desirable, but in my view its minor negative quality is outweighed by the contribution which this configuration makes to achieving a simple form overall. The De Freville Conservation Area Appraisal indicates that the existing extension is one which detracts from the area's character. In my view, this proposal, when compared to the scheme previously approved under C/03/1254/FP, would significantly enhance the character and appearance of the City of Cambridge Conservation Area No.11 (De Freville).

8.13 In my opinion the proposed development responds appropriately to its context and has taken the opportunity to improve the character or quality of the area. The development is therefore in accordance with policies ENV6 and ENV7 of the East of England Plan, policies 3/4, 3/14 and 4/11 of the Cambridge Local Plan, policies 8.2, 8.3 and 8.11 of the De Freville Conservation Area Appraisal 2009, and guidance provided by PPS 1 and PPG15.

Residential Amenity

8.14 In common with previous proposals on the site, the proposed development will have no direct impact upon residential amenity.

Third Party Representations

- 8.15 I have addressed some of the concerns of local residents above, the following matters remain to be addressed:

On-site works/implementation of approved plans

- 8.16 Unauthorised works have been carried out on site and enforcement action has been taken by the Council. In dismissing the appeal against the enforcement notice, the Planning Inspector allowed 12 months for compliance. Were this application to be approved, the revised form proposed would then form a lawful alternative to the existing permission, but the Council would not desist from the enforcement proceedings unless officers were satisfied both that implementation of the approved alternative (ie the scheme proposed here) had commenced, and that work to complete the scheme was taking place at a reasonable pace.

Separate residential units within the site

- 8.17 It is possible that parts of the existing house and extension (whether constructed according to the existing approval or the scheme proposed here) could be used as separate residential units or as an HMO. However this would need planning permission and no such permission has been applied for. Conditions relating to such use could not be justified on this application.

Materials and detailing

- 8.18 Given the prominence of this site, and the issues which have arisen in connection with materials previously, it is my view that a condition requiring submission of materials is necessary. I recommend other conditions and informatives in connection with details of the proposal.

9.0 CONCLUSION

- 9.1 In my view the proposed development would, in comparison with the extension previously approved on this site, enhance the character and appearance of the conservation area. It is in accordance with Development Plan policy and my

recommendation is that, subject to conditions, it should be approved.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. No new brickwork or stonework shall be carried out, nor roofing materials installed, until samples of those materials have been submitted to and approved in writing by, the local planning authority. Work shall be carried out only in accordance with the schedule of materials so approved.

Reason: To ensure that the appearance of the building responds positively to the context and avoids harm to the appearance of the conservation area (Cambridge Local Plan 2006 policies 3/4, 3/14 and 4/11)

2. Notwithstanding the approved drawings 1R and 4R, the sash windows installed in the front window of the approved extension shall be constructed without vertical glazing bars, so that the panes in each of the three windows are arranged on the form 'one over one'.

Reason: To ensure that the appearance of the building responds positively to the context and avoids harm to the appearance of the conservation area (Cambridge Local Plan 2006 policies 3/4, 3/14 and 4/11)

3. All new joinery shall be of timber and not metal or upvc.

Reason: To ensure that the appearance of the building responds positively to the context and avoids harm to the appearance of the conservation area (Cambridge Local Plan 2006 policies 3/4, 3/14 and 4/11)

4. All windows and doors shall be recessed by at least 50mm from the surface of the wall in which they are set. The means of finishing the reveal shall be submitted to, and approved in writing by the local planning authority before any new doors or windows are installed, and work shall be completed only in accordance with the approved details.

Reason: To ensure that the appearance of the building responds positively to the context and avoids harm to the appearance of the conservation area (Cambridge Local Plan 2006 policies 3/4, 3/14 and 4/11)

INFORMATIVE: The applicant is advised that internal subdivision of the building, or letting residential space within the building to tenants may involve a change of use of the building, which would require planning permission. The applicant is advised to check any proposals for letting, sub-division, or multi-occupancy with the Council's Development Control, Building Control, and Environmental Health teams.

INFORMATIVE: The applicant is advised that the proposed oversailing of the footway by guttering may raise issues for the highway authority. The applicant is advised to check this matter with the highway authority before proceeding with installation of guttering.

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: policies ENV6 and ENV7

Cambridge Local Plan (2006): policies 3/4, 3/14 and 4/11

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.

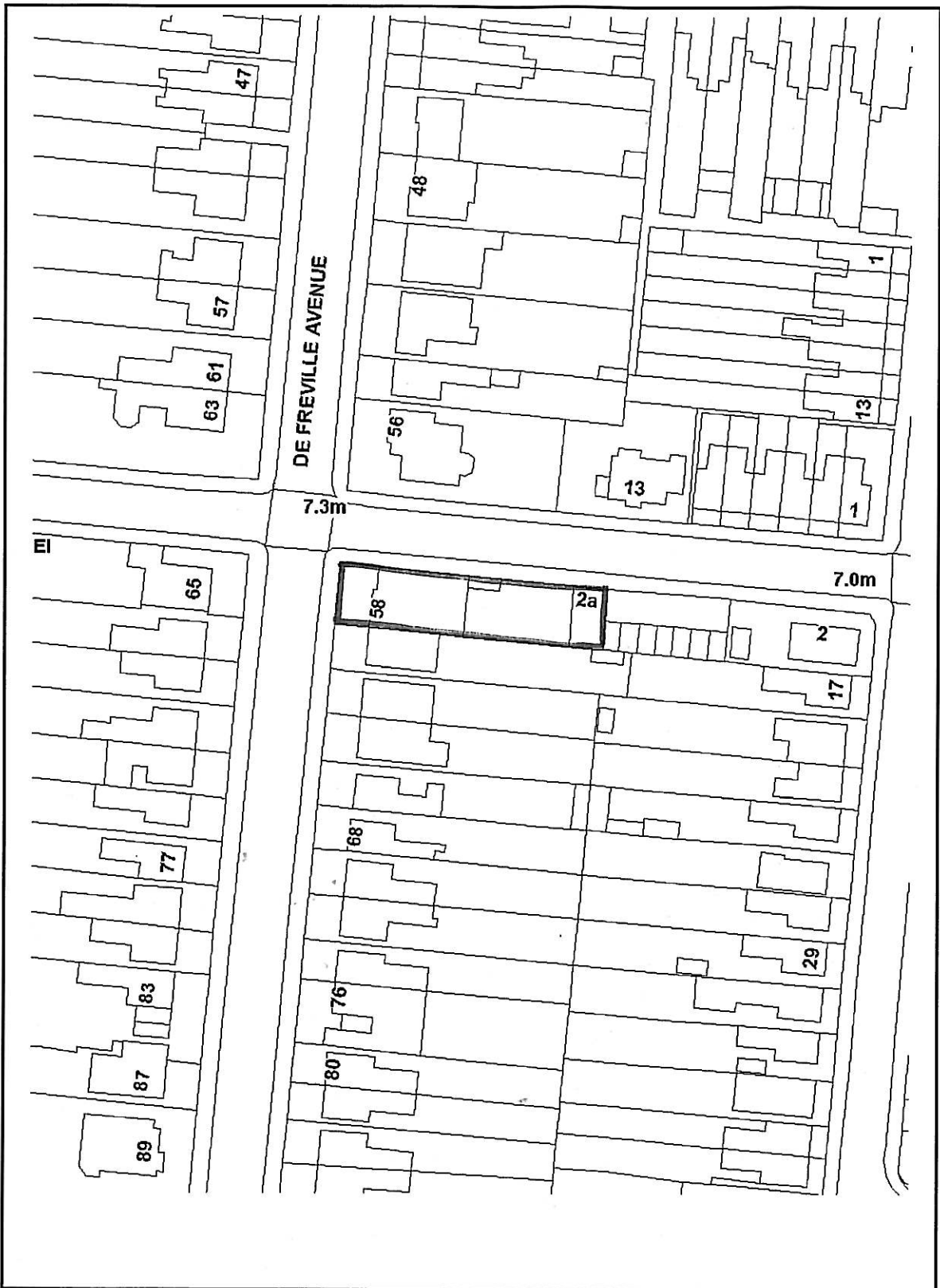
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

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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