

Application Number	09/0828/FUL	Agenda Item	
Date Received	30th September 2009	Officer	Mr Marcus Shingler
Target Date	25th November 2009		
Ward	Trumpington		
Site	57 Shelford Road Cambridge Cambridgeshire CB2 9LZ		
Proposal	Insertion of 4no velux rooflights to roof area.		
Applicant	Mr John Fox-Teece 57 Shelford Road Cambridge Cambridgeshire CB2 9LZ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 55 Shelford Road is a detached two-storey dwelling and its associated front and rear gardens, which are situated on the north eastern side of Shelford Road, approximately 50metre north-west of the former railway line. The area is residential in character, but with a mix of types and sizes of dwelling. The subject property has a two-storey rear wing.
- 1.2 At the time of the Officers site visit it was noted that the velux windows that are the subject of this application, had already been installed.
- 1.3 The site does not lie within a conservation area.

2.0 THE PROPOSAL

- 2.1 The application seeks retrospective permission for the insertion of 4 velux windows in the roof slopes to the rear of the property. 2 of the windows have been inserted in the main rear roof slope; each measures 750mm high by 500mm. A third velux window has been inserted into the north west facing roof slope of the rear wing, again measuring 750mm high by 500mm wide;

and a fourth velux window is inserted in the rear (north east) facing roof slope of the rear wing, this one measuring 650mm high by 500mm wide.

- 2.2 The application is reported to Committee at the request of Councillor Blackhurst, in order that Members can consider whether an undue adverse impact on neighbours.
- 2.3 The insertion of windows into a dwellinghouse does not in many instances require the grant of permission. It does in this case because the permitted development rights to do so were removed by a condition of the planning permission granted in 2000 which is set out below in Section 3. The application is therefore a section 73 application seeking retrospective permission for insertion of windows without compliance with a previously imposed condition.

3.0 SITE HISTORY

Reference	Description	A/C,REF,W/D
00/0512/FP	First floor extension over existing dwelling and erection of two-storey rear extension.	A/C

This planning permission, which was granted on the 26th September 2000, was subject to certain conditions, including one that stated:

3. Notwithstanding the provisions of the Town and Country Planning (General permitted Development) Order 1995 (or any order revoking or 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.

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 PPG13 Transport (2001): This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.

5.4 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.

5.5 East of England Plan 2008

ENV6 The historic environment

ENV7 Quality in the built environment

5.6 Cambridge Local Plan 2006

3/4 Responding to context

3/14 Extending buildings

5.7 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

6.1 Cambridgeshire County Council (Engineering): No comments.

7.0 REPRESENTATIONS

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

53, 55 Shelford Road

7.2 The representations can be summarised as follows:

Loss of privacy to No. 53 Shelford Road;

The ridge height of the house far exceeds neighbouring properties;

The windows are in breach of an earlier condition imposed on the original planning permission;

The street scene plan is inaccurate and does not reflect the correct height of neighbouring dwellings;

The house as built is visually dominant and “cliff” like when viewed from No. 55 Shelford Road;

Overlooking and loss of privacy to No. 55 Shelford Road;

Overlooking of neighbouring gardens of No’s 47, 49, 51 and 53 Shelford Road (NB: This comment is from owner of No. 55);

The roof windows will lead to an inevitable conversion of the loft into habitable accommodation and possible multiple occupancy.

- 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. The issues raised, where pertinent to the determination of this application, are considered below. The issues raised in respect of the height of the built house cannot be considered here as the application solely relates to the velux roof windows.

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

Context of site, design and external spaces

- 8.2 The velux roof lights have been inserted to the rear roof of the main dwelling and into the rear wing of the main dwelling and are not visible in the street scene from Shelford Road. Views are afforded to the rear of the site from allotments and a public footpath to the north west, but such views are distant and I do not consider that the roof lights harm the character and appearance of the locality. Views of the dwelling and the rooflights are also possible from neighbouring gardens. I am however of the opinion that the visual presence of the windows in the roof is not unacceptable or intrusive and that they integrate satisfactorily with the roof of the extended dwelling. The development is consequently considered to be acceptable from the visual perspective.

- 8.3 In my opinion the development is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

- 8.4 The velux roof lights add no additional bulk to this extended

property and thus there is no impact on light to or outlook from neighbouring dwellings. The main issue to be considered is, therefore, whether the inserted roof lights impact adversely on neighbouring privacy. This was the reason for the condition being added to the 2000, but did not of itself preclude the possibility of applications for additional windows, or suggest that it would not be possible to introduce windows that would not adversely affect neighbours; concern that such problems might occur required that permission be sought before introduction of additional windows.

- 8.5 I consider that the windows undoubtedly add to the perceived sense of loss of privacy, most obviously from the nearby gardens to the rear at No's 53, 55 and 59 Shelford Road. However, I consider that the actual impact on privacy as a result of these windows is not sufficient to merit refusal. In reaching this conclusion, I have taken account of existing first floor rear windows to No. 57 that already provide views over neighbouring gardens and the velux rooflights, to my mind, do not impact to a significantly greater degree. I have also considered the potential impact should the loft be converted into habitable accommodation, but any views would be relatively oblique, given the angle of the windows, and not harmful in my opinion. No other neighbouring properties are adversely affected by the development.
- 8.6 In my opinion the development 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 3/14.

Third Party Representations

- 8.7 The issues raised in third party correspondence are largely addressed above. The issue raised in respect of the height of the dwelling cannot be addressed here as this does not form part of the current application. Additionally, the plans do not indicate multiple occupancy and this does not form part of the application and again cannot be addressed here.

9.0 CONCLUSION

- 9.1 For the reasons set out above, the development is considered

to be acceptable and it is thus recommended that permission be granted. If however, Members are minded to refuse permission, then a separate report seeking authorisation for appropriate enforcement procedures will need to be agreed at a future meeting

10.0 RECOMMENDATION

1. APPROVE - without conditions

1. 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 - ENV7 Quality in the Built Environment.

Cambridge Local Plan (2006) Policies 3/4, 3/14

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.

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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