

Application Number	07/1408/FUL	Agenda Item	9.1
Date Received	10th December 2007	Officer	Mr Andrew Thompson
Target Date	4th February 2008		
Ward	Coleridge		
Site	2 Derwent Close Cambridge Cambridgeshire CB1 8DZ		
Proposal	Change of use of extension to separate, self-contained, two-bed dwelling.		
Applicant	Mr And Mrs P Bianco 2 Derwent Close Cambridge Cambridgeshire CB1 8DZ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 This application relates to 2 Derwent Close, a modern, two-storey, semi-detached house, with a flat roof. 2 and the adjoining house, 4, were a pair of identical semi-detached dwellings front onto a communal green, around which similar houses in the Close are arranged. The position of number 2 is such that its west side boundary faces the of Derwent Close highway, and the rear garden backs onto an access road (serving a court of terraced garages) beyond which are the rear gardens of houses in Cherry Hinton Road.
- 1.2 No. 2 has been extended by the addition of a two storey height, 3.1 metres wide extension on its western side. Further additions, in the form of a single-storey pitched-roof element across its entire frontage (original and side extension), and a single-storey, pitched-roof extension across the entire width of the rear elevation (original and side extension), have also been added, so that the overall depth of the footprint is now 14.7 metres, when it was 9.8 metres originally. The attached neighbouring property, number 4, has a single-storey flat roofed element to its frontage (beside the front door) which would

appear to be part of the original house. Number 2 has also had, including across the rear elevation of the east side extension.

- 1.3 The west side boundary of number 2 abuts the footway to Derwent Close. There is an approximately one metre wide path between the side wall of the house (as extended) and the boundary fence to the footway. This boundary fence is close-boarded and approximately 1.8 metres high for that part of its length adjacent to the side wall of the original house of number 2. This fence drops to approximately 1.7 metres where it borders the rear garden on both the side and rear boundaries of the garden. A similar 1.7 metre high close-boarded fence forms the boundary between the rear gardens of numbers 2 and 4.
- 1.4 Access to the rear curtilage of number 2 can currently be obtained via the access road to the court of terraced garages, there being a dropped kerb, and vehicular gates in the rear boundary fence of number 2. The rear garden area has been almost completely paved with no dividing structure between the main, original, part of the house and the east side extension for which permission is being sought for use as self-contained accommodation. There are some planting beds with small trees in the rear garden area adjacent to the eastern boundary fence to the footway of Derwent Close.
- 1.5 A door in the west flank of the side extensions the subject of this application provides an access, separate from the front door of the original house which faces the communal green. There are also French doors in the rear elevation of the side extension which give access to the paved rear garden area.
- 1.6 The approximately one metre wide path between the west side wall of the house and the boundary fence to the footway gives access from the front of the house to the entrance door in the side extension, and to the rear paved area. The side door and French windows in the extension have a small step up, although it would appear that ramped access could be achieved to both.
- 1.7 The front door of No. 2 is close to the front door of the adjoining house. A dropped kerb from Derwent Close serves an area of paved hardstanding which has been installed directly in front of the house, in place of the front garden, such that two cars could be parked in tandem in front of the house as extended. This

paved area is directly outside the front window of the extension, a window that is indicated as serving a kitchen.

- 1.8 There are no on-street parking restrictions in the Close. Cars are parked on the street and in lay-bys in the Close (and in parking areas), so that there does not appear to be undue impeding of the free-flow of traffic.
- 1.9 The site has no specific allocation in the Cambridge Local Plan 2006 and is not in a Conservation Area. The site is not within the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 Change of use of extension to separate, self-contained, two-bed dwelling

3.0 SITE HISTORY

Reference	Description	A/C, REF, W/D
07/0133/FUL	Single-storey rear extension	A/C
04/1153/FUL	Erection of part two and single-storey side extension	A/C
C/04/0736	Erection of two-storey side extension	A/C
C/03/1130	Roof extension (change from flat roof to pitched roof) to existing dwelling and single-storey front extension	?

4.0 PUBLICITY

- 4.1 Advertisement: No
Adjoining Owners: Yes
Site Notice Displayed: No
Public Meeting/Exhibition (meeting of): No
DC Forum (meeting of): 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 Planning Policy Statement 3 (PPS 3) Housing:

Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

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 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

5.6 **East of England Plan 2008**

SS1 Achieving sustainable development

T9 Walking, cycling and other non-motorised transport

T14 Parking

ENV7 Quality in the built environment

WM8 Waste management in development

5.7 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

5.8 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

4/13 Pollution and amenity

5/1 Housing provision

5/2 Conversion of large properties

8/2 Transport impact

8/6 Cycle parking

8/10 Off-street car parking

Planning Obligation Related Policies

3/8 Open space and recreation provision through new development

5/14 Provision of community facilities through new development

10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

5.9 Material Considerations

Cambridge City Council (2004) – Planning Obligation Strategy: Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

Cambridge City Council (2006) - Open Space and Recreation Strategy: Gives guidance on the provision of open space and recreation facilities through development.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 Comments are awaited. These will be reported on the amendment sheet or orally at the meeting.

Head of Environmental Services

6.2 Comments are awaited. These will be reported on the amendment sheet or orally at the meeting.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations with respect to the proposal as originally described (*Change of use of extension 'ancillary' to main dwelling to self-contained 'annexe'*). See below, under Planning History, for an explanation of the change in description to the current proposal. The neighbours notified of the original proposal, and anyone who submitted a representation about the original proposal, have been re-notified of the amended description (*Change of use of extension to separate, self-contained, two-bed dwelling*). Any further representations received in response to this re-notification will be reported at Committee, or included in the amendment sheet:

- 4 Derwent Close
- 8 Derwent Close
- 25 Derwent Close

7.2 The representations can be summarised as follows:

- attention is drawn to the likelihood of the extension being let as a separate dwelling, and its apparent use as such
- increased traffic congestion
- increased competition for on-street car parking spaces

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 The main considerations in the determination of this application are as follows:

1. Planning history
2. Principle of development
3. Context of site, design and external spaces
4. Disabled access
5. Residential amenity
6. Refuse arrangements
7. Highway safety
8. Car and cycle parking
9. Third party representations
10. Planning Obligation Strategy

Planning History

8.2 The current permitted use of the extension to which this application relates is solely as part of the main house, and not as a separate self-contained unit; notwithstanding that, the extension contains all the necessary facilities to be used independently of the original house, has its own external entrance, and is internally accessible from the original house by only one door.

8.3 This planning application was originally submitted under the following description: *Change of use of extension 'ancillary' to main dwelling to self-contained 'annexe'*. However, the use of the extension as an annexe, to accommodate visiting members of the family related to those occupying the main house, would not require planning permission. The intention of the applicants is to use the extension not just for visiting members of their

family, but also occasionally for paying tenants not related to the family. Use as a separate planning unit., occupied by non-family paying tenants requires planning permission, and takes the use of the extension beyond that of an 'annexe'. The description of the proposed development was therefore changed to the present proposal: *Change of use of extension to separate, self-contained, two-bed dwelling*. If planning permission were granted for this use, the extension would become a separate house, which could be let by the occupants of the main house to non-family members, or sold as a separate dwelling.

Principle of Development

- 8.4 The provision of additional dwellings, and the provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing, and PPS 13 Transport, subject to other criteria being met. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses. Policy 5/2 of the Local Plan allows for the conversion of single residential properties into self-contained dwellings, subject to specified criteria. The first of these criteria is that the dwelling has a minimum floorspace of 110 square metres, which the present house has. (The other criteria are assessed below). The proposal is acceptable in broad principle.

Context of site, design and external spaces

- 8.5 The proposed dwelling would comprise the existing two-storey side extension and part of the front and rear additions to the house. The proposal would have no significant adverse impact on the appearance of the area in terms of the physical building itself, as the appearance need not change further than has already occurred. It is proposed that a dividing fence be erected in the paved rear garden to separate the rear garden of the proposed house from that which would remain for the original house. A separate pedestrian access would be created in the existing rear fence to give access to the rear garden of the original house from the access road serving the garage block. There is already a dropped kerb and vehicular access serving that part of the rear garden, which would become the rear garden of the proposed house. It is considered that the

erection of the dividing fence as proposed would not adversely affect the appearance of the area. The creation of an additional separate dwelling in the extension would not result in an unacceptably cramped form of development, not least of all because the extension already exists, and is adjacent to the road, rather than sandwiched between two houses. To facilitate access for disabled people, it would be necessary to install a ramp up to the door of the proposed house. However, this would have no adverse visual impact. To meet the requirements for bicycle and bin storage, a structure of some sort would need to be erected in the rear garden of the proposed house. Again, this would not be significantly detrimental to the appearance of the area, subject to details, the submission of which can be required by condition. The proposal is therefore considered to be compliant with the East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 5/2.

Disabled access

- 8.6 As mentioned above, it would be possible to install a ramp to the main entrance, and to the rear French doors, of the proposed dwelling, thereby achieving level access. There would be no specific parking space for the proposed dwelling, but there are on-street parking facilities nearby which could accommodate the requirements of a disabled person. Although this arrangement is not ideal, and an on-street parking space cannot be guaranteed, it is considered that in the context of maximum car parking standards this would not, in itself, justify refusal of this application. The proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policy 3/7.

Residential Amenity

- 8.7 The proposal would have no physical impact on any neighbouring property. The use of the extension as a separate dwelling would increase the general level of activity at the site. However, this would not have a significant adverse impact on any existing dwelling. The proposed house would become an end-of-terrace property, which would be separated from number 4 by the existing house, 2 Derwent Close. As described above, a fence would be erected in the rear garden to separate the rear garden of the proposed house from the existing. This fence

would have no adverse impact on the adjoining property, number 4.

- 8.8 The use of the existing car parking space in front of number 2 Derwent Close by the occupants of this property would result in some noise disturbance to the occupants of the proposed dwelling. However, the ground-floor window of the proposed house, adjacent to this parking space, would serve a kitchen. It is considered that the noise disturbance would not be sufficient to warrant refusal.
- 8.9 The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with East of England Plan (2008) policy ENV7, Cambridge Local Plan (2006) policies 3/4 and 5/2.

Refuse Arrangements

- 8.10 The proposed house would have its own access to the rear garden from both the front and back. There is sufficient space in the rear garden for a bin store, which would not be significantly detrimental to the appearance of the area or to the amenities of any other property. Similarly, it is intended to create a pedestrian access in the rear fence to the rear garden of the original house, where the bins for this property can be stored, again without significant detriment to the appearance of the area or to the amenities of the neighbours. Subject to a condition requiring the submission of details of the proposed bin stores, the proposal is compliant with East of England Plan (2008) policy WM8 and Cambridge Local Plan (2006) policy 5/2 with respect to refuse arrangements.

Highway Safety

- 8.11 The Highways Authority response will be reported on the amendment sheet or orally at Committee.

Car and Cycle Parking

- 8.12 The proposal includes no off-street car parking space for the proposed dwelling. However, there is provision for on-street car parking, with specific lay-bys provided in Derwent Close, and an off-street car parking space currently serves the existing house. Although the site is not near the City Centre, or close to a major

supermarket, it is close to a bus route on Cherry Hinton Road, with buses serving the city centre and the Tesco supermarket off the Fulbourn Road. There may be an increase in on-street car parking as a result of the proposal, with consequent increase in inconvenience to existing residents reliant on such car parking, but the policy emphasis is on discouraging car use and encouraging car-free development as far as is practicable. It is therefore considered that the lack of off-street car parking does not constitute a reason for refusal in this instance.

- 8.13 As with refuse storage, there would be sufficient space in the rear gardens of the existing and proposed houses to accommodate the necessary bicycle parking provision for both.

Subject to a condition requiring the submission of details of the proposed bicycle parking facilities, the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.14 The points raised in the representations received to date are addressed in the above assessment.

Planning Obligation Strategy

- 8.15 The following contributions are required under the terms of the Planning Obligation Strategy:

Community facilities:	£1,085
Formal public open space:	£720
Informal public open space:	£612
Children's play space:	£798

- 8.16 The applicants have agreed to enter into a Section 106 Agreement, in the form of a Unilateral Undertaking (Version B), for the payment of these contributions. This Agreement has yet to be finalised, but an update will be given at the Committee Meeting or on the amendment sheet.

9.0 CONCLUSION

- 9.1 The proposal would have no adverse physical impact on the appearance of the area or upon the amenity of the occupants of

any nearby dwelling. The use of the extension as a small, self-contained house would not create a significant increase in noise disturbance to the occupants of any other dwelling, or adversely affect the amenities of the occupants of neighbours in any way. An access ramp for disabled people can be installed to the external door of the proposed dwelling. Adequate bicycle and bin storage facilities can be accommodated within the rear gardens of both the existing and proposed dwellings, and satisfactory access to these facilities provided. The existing house has an off-street car parking space; the lack of provision of an off-street car parking space for the proposed dwelling is not considered to be sufficient grounds for refusal. The applicants are willing to enter a Section 106 Agreement for the payment of contributions required under the Planning Obligation Strategy. Subject to the completion of this Agreement, and the imposition of relevant conditions, the proposal is acceptable on planning grounds and should be approved.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 1st October 2008 and subject to the following 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. Bicycle parking: Within three months of the date of this permission, details of facilities for the covered, secure parking of bicycles for use in connection with the development hereby permitted shall be submitted to the local planning authority for approval which is to be given in writing. Within six months of the date of this permission or before first occupation of the separate dwelling, whichever is the sooner, the secure cycle parking shall be provided, in accordance with the approved details and to the satisfaction of the local planning authority, and shall be retained thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

3. Within three months of the date of this permission, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to the local planning authority for approval which is to be given in writing. The details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. Within six months of the date of this permission or before first occupation of the separate dwelling, whichever is the sooner, approved waste provision shall be provided, in accordance with the approved details and to the satisfaction of the local planning authority and shall be retained thereafter unless alternative arrangements are first agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridge Local Plan 2006 3/12)

4. 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 extensions, or additions or garages shall be erected without the prior approval of the local planning authority.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policy 3/4)

INFORMATIVE: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended).

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, T9, T14, ENV7 and WM8

Cambridgeshire and Peterborough Structure Plan 2003: P6/1 and P9/8

Cambridge Local Plan 2006: 3/4, 3/7, 3/8, 4/13, 5/1, 5/2, 5/14, 8/2, 8/6, 8/10 and 10/1

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.

2. In the event that the planning obligation required in connection with this planning application is not completed by 1st November 2008, it is recommended that this planning application be reviewed and, following consultation with Chair and Spokes of this Committee, REFUSED planning permission for the following reasons:

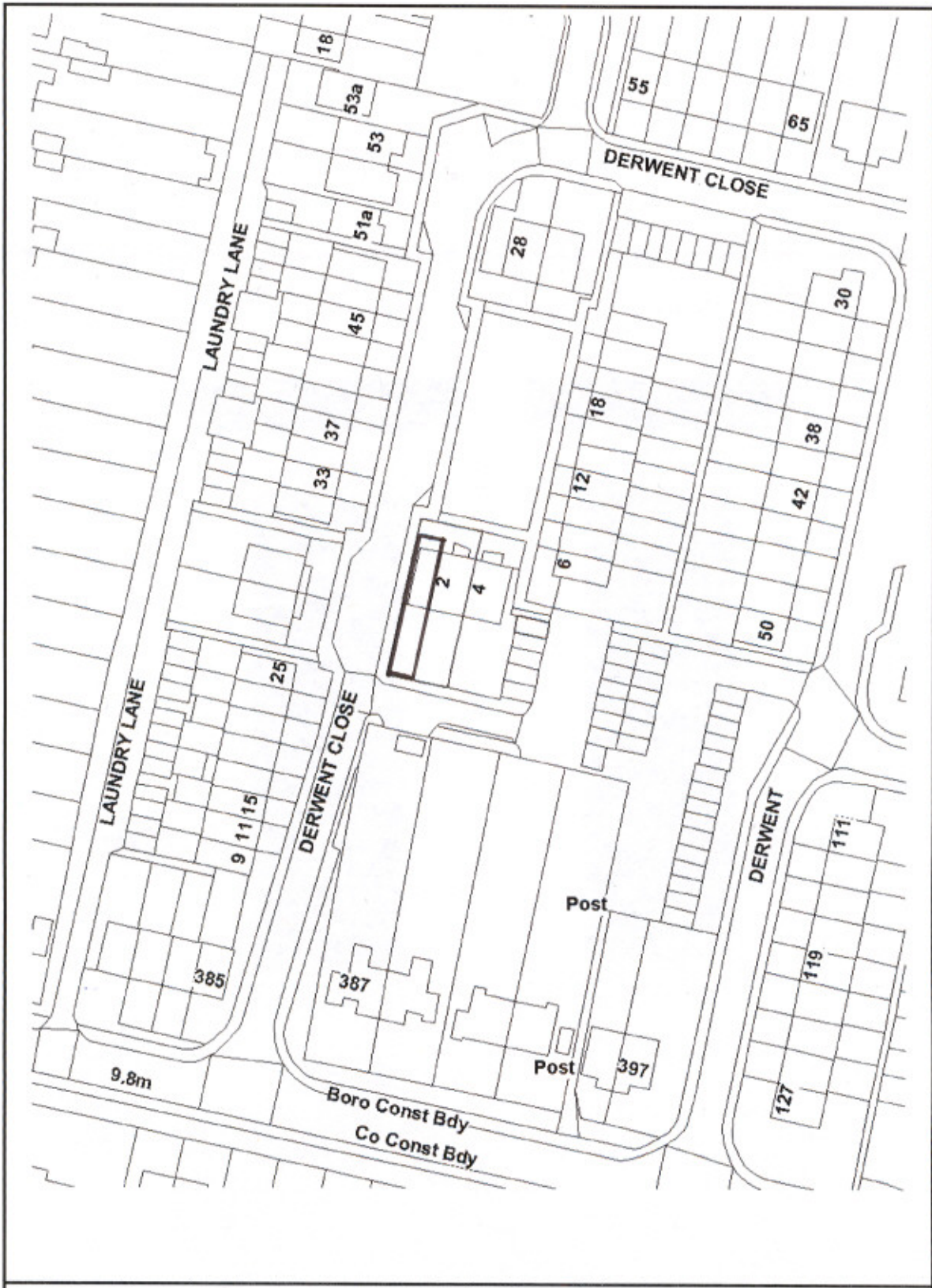
The proposed development does not make appropriate provision for public open space or community development facilities in accordance with policies 3/8, 5/14, and 10/1 of the Cambridge Local Plan (2006), and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan (2003), and as detailed in the Planning Obligation Strategy (2004) and Open Space and Recreation Strategy (2006).

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.



07/1408/FUL

2 Derwent Close Cambridge Cambridgeshire CB1 8DZ