

<b>Application Number</b>	12/1096/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	24th August 2012	<b>Officer</b>	Miss Sophie Pain
<b>Target Date</b>	19th October 2012		
<b>Ward</b>	West Chesterton		
<b>Site</b>	21 Belvoir Road Cambridge CB4 1JH		
<b>Proposal</b>	Side and rear roof extension		
<b>Applicant</b>	Mr Ian Jolley 21 Belvoir Road Cambridge Cambridgeshire CB4 1JH		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed development addresses the reasons for refusal of earlier planning applications and appeal decisions;</li> <li>2. The proposed alterations to remove the extension over the projecting rear wing considerably reduce the scale and massing of the 'as built' development. Taking the decisions of the Inspectors as important material considerations the proposal must be accepted as not having a harmful impact on the character and appearance of the Conservation Area. The proposal is therefore compliant with East of England Plan 2008 policy ENV6 and Cambridge Local Plan 2006 policy 4/11; and</li> <li>3. The proposed alterations to remove the extension over the projecting rear wing considerably reduce the scale and massing of the 'as built' development. Taking the decisions of the Inspectors as important</li> </ol>
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	material considerations the proposal must be accepted as not having a harmful impact on the amenity of neighbouring residents and the enjoyment of their properties. The proposal is therefore compliant with Cambridge Local Plan 2006 policies 3/4 and 3/14.
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 21 Belvoir Road is located on the west side of the street, about 30 metres south of the junction with Aylestone Road. It is the southern half of a pair of semi-detached bungalows, which when built each had an L-shaped footprint, combining to form a U-shape; the main roof of the pair has a ridge parallel with Belvoir Road and was high enough to allow some accommodation in the roof and was hipped at the ends, with lower ridges at 90 degrees to the main ridge, projecting down the gardens over the rear 'wings'.
- 1.2 At some time both properties have introduced small additions (not as deep as the rear 'wing') to the centre of the 'U'. No 21 has had a flat roof, timber-clad, 'garden room' built a short distance back from the rear wing.
- 1.3 In late 2008 works were commenced to the roof of 21 Belvoir Road. The works comprised a change to the main roof involving the introduction of a gable to the southern end instead of a hip, and behind the newly extended main ridge a substantial 'box' dormer projecting out from just below the ridge; it is 6 metres wide (from the new gable to the chimney), 3.6 metres deep and stands 3.0 up from a point about 300 mm above the eaves. A further addition was made above the rear wing, projecting a further 3.2m out from the back of the box dormer already referred to (7.0 metres in all from the ridge) at the same height as the 'box dormer' with a lean-to over the last 1.4m of the 'wing'. Tiles have been used on the front of the hip to gable element and the box dormers are finished in painted timber. To the rear a casement window is shown in the study/bedroom and French doors and a 'juliet' balcony have been introduced to the bedroom. These works do not have the benefit of planning

permission, having been refused and the subsequent appeals dismissed (see Section 3 below).

- 1.4 The site falls within the De Freville Conservation Area, an area dominated by late 19th and early 20th century houses but with small pockets of more recent development, including the appeal premises.

## **2.0 THE PROPOSAL**

- 2.1 The proposal as submitted seeks retrospective planning permission for the roof extension and alterations to the 'as built' structure in the following manner:

- To remove the roof extension that projects over the original single storey rear wing of the property, save for a 400 mm nib that allows the airing cupboard and toilet to remain. This extension is 3.2 m in length and of the same height as the main box dormer; and
- The removal of this extension would allow the applicant to restore the roof of the former single storey rear extension to a dual pitched roof with hipped north elevation. The eaves of the restored single storey rear extension would match the existing and the ridge would be no more than 4 m in height.

- 2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Plans

- 2.3 The application has been brought before North Area Committee because in the opinion of Officers there is a complicated history to the site that North Area Committee have participated in through previous planning application decisions.

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
08/0625/FUL	Addition of new first floor accommodation. Rooms in new roof with dormers to side and rear.	Refused
09/0798/FUL	Loft conversion with roof extension	Withdrawn
09/1089/FUL	Loft conversion with roof extension (retrospective)	Refused Appeal dismissed
11/0405/FUL	Proposed alterations to reduce bulk of existing loft rooms.	Refused Appeal dismissed
12/0322/FUL	To reduce height of dormer.	Refused

3.1 Copies of the Planning Inspector appeal decisions can be found attached at Appendix 1 of this report.

3.2 The most recent reason for refusal relating to 12/0322/FUL was as follows;

The rear additions to the roof are of a size and scale that do not reflect or successfully contrast with the form or materials of the existing building. Their size and height, particularly the length and height of the rear projection over the original rear 'wing' and the discord is unacceptable. The additions proposed are intrusive and have a harmful, overbearing and dominating affect upon No.19 which will cause the occupants of that property to suffer a sense of enclosure that will unduly detract from and be harmful to the level of amenity they should reasonably expect to enjoy. For these reasons the proposal is contrary to Cambridge Local Plan 2006 policy 3/14. It follows that the proposal has failed to respond to its context or to draw inspiration from key characteristics of the surroundings and is therefore also contrary to East of England Plan (2008) policy ENV7 and Cambridge Local Plan 2006 policy 3/4.

#### 4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

#### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	ENV6 ENV7
Cambridge Local Plan 2006	3/4 3/14 4/11

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u>

	Roof Extensions Design Guide
	<u>Area Guidelines:</u> Conservation Area Appraisal: De Freville

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

6.1 No comment.

### Historic Environment Manager

6.2 Due to the size of the box dormer window and the use of timber cladding, this application is not supported as it is detrimental to the character and interest of the conservation area and does not conform to policy 4/11.

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 in support of the application:

- 1 Aylestone Road
- 14 Highfield Avenue
- 20 Belvoir Road
- 24 Belvoir Road
- 27 Belvoir Road
- 36 Belvoir Road

7.2 The representations can be summarised as follows:

- Fully supportive of the proposals; and
- The extension is not visible from the street.

7.3 The owners/occupiers of the following addresses have made representations in objection to the application:

- 19 Belvoir Road
- 23 Belvoir Road
- 34 Belvoir Road
- Pear Tree Cottage, Hutton Magna, County Durham.

7.4 The representations can be summarised as follows:

- Although an improvement on previous proposals the remaining extension, particularly at first floor level will overlook the gardens of neighbours at No's 19 and 23;
- Overbearing nature caused by the extension;
- The materials used and the their colour are deeply unsympathetic to the environment of the conservation area;
- Harassment to neighbouring properties; and
- The building is too high and provides overshadowing to No.23.

7.5 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 site is in the Conservation Area and the development has been undertaken without the benefit of planning permission; there have been four retrospective planning applications which were refused and two of these decisions have subsequently been appealed and dismissed by Planning Inspectors. Notwithstanding that background, this further application needs to be properly assessed; the current application proposes to remove the projecting extension that sits above the existing single storey rear extension. The most recent Planning Inspector came to the view that there were two main issues:

- (i) the effect of the development upon the character and appearance of the De Freville Conservation Area; and
- (ii) the effect upon residential amenity of the occupiers of nearby dwellings owing to overlooking and loss of privacy or the creation of an overbearing effect.

- 8.2 As the application proposal is relatively little different from that previously considered, I consider those are the still the main issues to consider.

**Design, Context and the effect of the development on the character and appearance of the De Freville Conservation Area**

- 8.3 As built, the design of the retrospective roof extensions are cumbersome and heavy handed. The very square form of what is built and the materials are such that I have some sympathy with the comment that its appearance is not unlike a container. From neighbouring gardens, particularly No.19, the 'as built' rear additions appear disproportionate and intrusive, overwhelming the rear roof of the dwelling and not reflecting or successfully contrasting with the existing form.
- 8.4 The proposal to remove the extension over the single storey rear wing save for a nib of 400 mm is considered to be appropriate. This will allow for the dormer window to be contained within the rear roof slope of the property, where it has been set in from the northern elevation, adjacent to No.19 and the existing eaves of the property. This would allow for the roof of the single storey rear projection to be restored to its original form as a dual pitched roof with a hipped end.
- 8.5 The Conservation Officer acknowledges that the removal of this rear projection greatly reduces the bulk of the extension, improving the existing situation. However, the proposal still retains a large dormer window that goes up to the ridge and appears as a second storey and not acting as a subservient extension.
- 8.6 However, in the appeal decision dated 23 November 2010, the Planning Inspector, when coming to his decision recognised that there are a number of dormers in the rear roofs of houses which are visible in the local street scene and that they were part of the character of the Conservation Area when it was designated in 2009. It was accepted that the upper part of the rear dormer at No.21 as built was clearly visible from Aylestone Road, but he took the view that it was not intrusive and that the proposal had no harmful impact upon the character and appearance of the Conservation Area, which, he stated, could be preserved.



- 8.7 In the second appeal decision dated 24<sup>th</sup> August 2011, the Planning Inspector shared this view and considered that beyond the neighbouring gardens, views were limited, and when viewed against the backdrop of the wall of No.23 Belvoir Road, the character and appearance of the Conservation Area would be preserved.
- 8.8 In my view the proposed removal of the projecting extension has improved the setting of the extension as the 3.2 m extension is the element which can be seen most predominantly from Aylestone Road. With this section removed and the extension confined to the main roof slope, I believe that the harm upon the Conservation Area is reduced further.
- 8.9 In the Inspectors decision of 23 November 2010, he considered that the green painted cladding did not draw attention to itself...when seen against the side wall of...23 and had no material impact when glimpsed through the gap on the frontage in Belvoir Road. I am also in agreement with this view. Although the chosen material is not of exceptional quality, and the Conservation Officer would prefer to see it clad in lead or slate, I consider that a recommendation of refusal on this basis could not be justified.
- 8.10 Therefore, I am of the view that the proposed alterations to remove the extension over the projecting rear wing considerably reduce the scale and massing of the 'as built' development. It will now allow views back towards the brick north elevation of No.23 and the roof extension would then be contained within the main roof slope of the property. Given this view and taking the decisions of the Inspectors as important material considerations, it is my opinion that the proposal must be accepted as not having a harmful impact on the character and appearance of the Conservation Area. The proposal is therefore compliant with East of England Plan 2008 policy ENV6 and Cambridge Local Plan 2006 policy 4/11.

**Effect upon residential amenity of the occupiers of nearby dwellings owing to overlooking and loss of privacy or the creation of an overbearing effect**

8.11 In the previous applications, small amendments were made that provided minimal improvements on the living conditions of neighbouring properties. As such, both Officers and Planning Inspectors considered that the proposed development was harmful to the neighbouring occupiers.

#### Overlooking and loss of privacy

8.12 Neighbours have raised objection to the continued presence of full height French doors and Juliet balcony, which serve the main bedroom. It is argued that the presence of such a feature does result in a loss of privacy to the attached neighbour, No.19 and has affected their ability to use the garden in the manner, which they desire. Prior to the construction of the development, unlike No.19, there were no windows in the roof of No.21.

8.13 Although Officers recommended refusal of an earlier application to North Area Committee, who upheld the decision, partly on the basis of overlooking, the Planning Inspector in his decision of 23 November 2010 concluded that the degree of overlooking was not significant enough to amount to a reason for refusal of planning permission.

8.14 The Inspector considered that the affect of these windows would be mitigated by the presence of net curtains. However, such a request cannot be imposed and when the doors are open as they were through the summer, net curtains have little mitigation effect. In saying this, the Inspector continued to state that as the doors relate to a bedroom, the number of occasions when overlooking might occur would be limited. Such overlooking is commonplace at the rear of two storey houses and these predominate in the area. There is a dormer window to No.17, which is to the north of No.19 that overlooks the garden and the development to No.21 does not provide views over any area of the garden that is not already overlooked by No.17. Therefore, taking the Inspectors decisions as material considerations and coming to my own view, I do not consider that there is an unacceptable impact created by the presence of French doors upon the amenity of No.19 Belvoir Road.

8.15 With the removal of the projecting extension along the boundary with No.23, there may be the argument that this improves visibility towards No.23. Taking a 45 degree sight line from the centre of the French doors means that views towards No.23 are

likely to be obstructed by the existing conservatory and will not result in a loss of privacy to either the house, via the velux window in the single storey extension to No.23 or the garden of No.23, especially given the distances involved.

### Overbearing

- 8.16 In previous decisions the reason for refusal referred to additions having a harmful, overbearing and dominant impact on No.19, thereby causing the occupants of that property to suffer a sense of enclosure.
- 8.17 Referring back to the Inspectors decision of 23 November 2010, it acknowledges that the impact of the projecting extension although closer to No.23 has a greater impact on No.19, a view that the Council concurs with. This element is stark in appearance and in the view of the Conservation Officer very angular. In the comments made by the Conservation Officer relating to 09/1089/FUL it is suggested that in order for the development to be less imposing it should be reduced to a full width box dormer and the extension over the rear extension removed. The Inspector goes on to say that the size of the rear projection is particularly intrusive and has a harmful overbearing impact on No.19. The second appeal decision concurred with this view.
- 8.18 As such, in response to the Inspectors decisions and the Council's the applicant now seeks to remove the projecting extension, save for a 400 mm nib and to restore the roof of the single storey extension. I consider that this proposal addresses the reasons that have previously been cited for refusal and that by removing this projecting wing it also removes the overbearing and dominant impact to No.19. This would result in the extension within the main roof providing a more comfortable relationship with the attached bungalow and could not be considered as overbearing or dominant in the proposed form.
- 8.19 For these reasons, I consider that the proposal overcomes previous reasons for refusal and no longer harms the amenity of the neighbouring property to such an extent as to justify a recommendation of refusal for this application. Taking the decisions of the Inspectors as important material considerations, it is my opinion that the proposal must be accepted as not having a harmful impact on the amenity of

neighbouring residents. The proposal is therefore compliant with Cambridge Local Plan 2006 policies 3/4 and 3/14.

### **Third Party Representations**

8.20 I appreciate the frustration of neighbours but the planning application and any Enforcement proceedings are independent of one another, although they are two processes that are running in parallel with one another.

### **9.0 CONCLUSION**

9.1 I consider that the proposal has amended the development in such a way as to address the previous reasons for refusal. The removal of the projecting roof extension has removed the overbearing and dominant element of the development and I do not consider that the presence of a full height French door significantly harms the amenity of the attached neighbour, 19 Belvoir Road.

10.0 **RECOMMENDATION: APPROVAL** subject to the following conditions:

#### **PLEASE NOTE in connection with the current enforcement notice:**

North Area Committee gave delegated authority for officers to take action on behalf of the Council in respect of the failure to comply with the requirements of the Enforcement Notice on 24th November 2011. This has led to current prosecution proceedings, which are on-going.

If Members are minded to approve the planning application then the approval will partially over-ride the existing enforcement notice. This is because the development as built and presently in situ exceeds the amount of development that would be permitted if the application is approved. In order to comply with planning control, the roof extension over the original single storey rear wing of the property would need to be removed and the roof restored. The existing roof extension within the rear roof slope, including the 400 mm nib would be approved by this application if Members are minded to agree with the Officer recommendation. Only compliance with the dimensions of this application and restoration of the rest of the roof to its original condition would eliminate the breach.

The authority that was agreed on 24th November 2011 will remain in force until such time as all the remaining breaches of planning control have been eliminated.

However, if this permission is granted and implemented (including restoration of the roof to its original condition), then the requirements of the Enforcement Notice may be mitigated once the works are complete.

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. **Reasons for Approval**

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

East of England plan 2008: ENV6 and ENV7

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

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 details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

## **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 on the City Council website at:  
[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)  
or by visiting the Customer Service Centre at Mandela House.