

<b>Application Number</b>	10/0432/CL2PD	<b>Agenda Item</b>	
<b>Date Received</b>	13th May 2010	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	8th July 2010		
<b>Ward</b>	West Chesterton		
<b>Site</b>	34 Leys Avenue Cambridge Cambridgeshire CB4 2AW		
<b>Proposal</b>	Application for Lawful Development Certificate (S192) for side and rear dormer.		
<b>Applicant</b>	Mr Clift 34 Leys Avenue Cambridge Cambridgeshire CB4 2AW		

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## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The site is located to the north of the City Centre on the north side of Leys Avenue. The area is residential in character with a predominating feature of semi-detached properties.
- 1.2 To the north of the site is a passage way leading to residential properties to the rear. The east and south boundaries share boundaries with the adjoining properties.
- 1.3 There is a tree preservation order on the site in the rear garden. The site falls outside the controlled parking zone and is not a listed building or in a Conservation Area.

## **2.0 THE PROPOSAL**

- 2.1 This is an application for a Certificate of Lawfulness for the erection of side extension and rear dormer to the roof of 34 Leys Avenue.
- 2.2 The application is accompanied by the following supporting information:
  1. Associated plans, existing and proposed (SRD/5813/04/10 no. 1 and SRD/5813/04/10 no. 2).

2. Location Plan;
3. Block Plan

2.3 The application has been brought to Committee because the applicant is a member of City Council staff and therefore it cannot be determined under the terms of the Scheme of Delegation.

### **3.0 SITE HISTORY**

3.1 There is no planning history for this site.

### **4.0 PUBLICITY**

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

### **5.0 POLICY**

#### **5.1 Central Government Advice**

5.2 **Planning Policy Statement 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.

5.3 **Planning Policy Statement 3: Housing (2006):** 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.

**Planning Policy Statement 3 (PPS3): Housing** has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

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**

SS1 Achieving sustainable development  
ENV7 Quality in the built environment

5.6 **Cambridge Local Plan 2006**

3/1 Sustainable development  
3/4 Responding to context  
3/14 Extending buildings  
4/4 Trees

## 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.

## 5.8 Material Considerations

### Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

### City Wide Guidance

**Roof Extensions Design Guide (2003)** – Guidance on roof extensions.

## 6.0 CONSULTATIONS

6.1 No consultations have been carried out. This is standard practice with this type of application.

## 7.0 REPRESENTATIONS

7.1 No representations have been received

## 8.0 ASSESSMENT

- 8.1 This is an application made under S192 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for the erection of a side and rear dormer to the roof of 34 Leys Avenue.
- 8.2 The applicant seeks to demonstrate that the proposed works fall within Class B of the Town and Country Planning (General Permitted Development)(Amendment)(No 2) (England) Order 2008.
- 8.3 Class B allows the enlargement of a dwelling house consisting of an additional or alteration to its roof. From the plans submitted, the side extension and rear dormer will not be higher than the existing ridge nor extend beyond the plane of the existing roof slope which form the principal elevation fronting the highway. In this particular case, the dwelling fronts onto Leys Avenue and that west facing elevation must be considered as the principal elevation, in this instance. The cubic content permissible is 50 cubic metres which in this instance is 39 cubic metres. The side window proposed is to be obscured glazed and fixed shut and there are no balconies. The materials proposed are to be similar to the existing. The proposed use of the extension will be additional living space.

## 9.0 Conclusions

- 9.1 Based on the evidence supplied in the plans accompanying the application, it is concluded that the proposed outbuilding will constitute permitted development under Class B of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development)(Amendment)(No 2) (England) Order 2008 and accordingly such works do not require specific planning permission and would be lawful for planning purposes.

## 10.0 Recommendation

- 10.1 That a Certificate of Lawfulness be **GRANTED** Section 192 of the Town and Country Planning Act 1990 (as amended) for the side and rear dormer at 34 Leys Avenue.

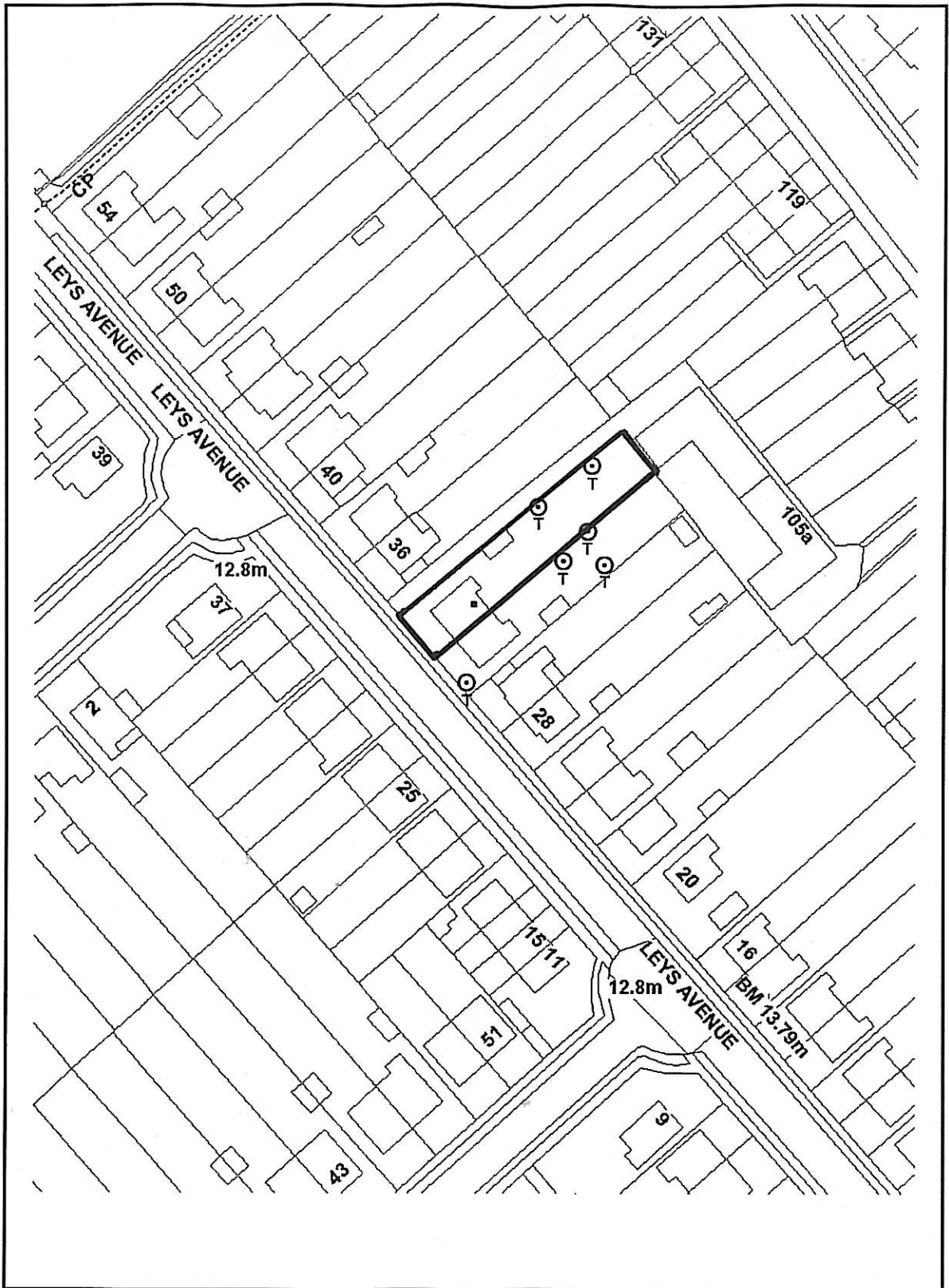
1. Based on the evidence supplied in the plans accompanying the application, it is concluded that the proposed outbuilding will constitute permitted development under Class B of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development)(Amendment)(No 2) (England) Order 2008 and accordingly such works do not require specific planning permission and would be lawful for planning purposes.
2. That a Certificate of Lawfulness be GRANTED Section 192 of the Town and Country Planning Act 1990 (as amended) for the side and rear dormer at 34 Leys Avenue.

### **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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