

<b>Application Number</b>	14/0083/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	23rd January 2014	<b>Officer</b>	Ms Lorna Gilbert
<b>Target Date</b>	20th March 2014		
<b>Ward</b>	Abbey		
<b>Site</b>	32A Keynes Road Cambridge CB5 8PR		
<b>Proposal</b>	Erection of new detached 1.5 storey dwelling		
<b>Applicant</b>	Mr Kirk Geohan 32a Keynes Road Cambridge CB5 8PR		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>-The proposal has addressed the reasons for appeal dismissal of the previous scheme.</li> <li>-The character and appearance of the area would be adequately respected.</li> <li>-The impact on residential amenity is acceptable.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 32 and 32A Keynes Road are two-storey terraced houses situated on the southern side of Keynes Road, to the west of the junction with Ekin Road. The site is the end part of the rear gardens of these houses, accessed from Ekin Road. The surrounding area is predominantly residential in character containing a mixture of terraced flats and semi-detached two-storey dwellings and three-storey flats. The site is not within a Conservation Area.

## 2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for a 1.5 storey, detached house. It would face Ekin Road. At ground floor it would have an open plan kitchen/living room area and a garage. At first floor one double bedroom and a bathroom would be provided. The bedroom would incorporate a dormer window on the rear roof slope. Externally, a 5m deep garden would be provided at a width of 11.4m which would allow access for bikes and bins around the side of the dwelling. The garden would back onto the rear garden of 30 Keynes Road. It would be built from red brick, white plastic windows and concrete tiling.
- 2.2 The application is accompanied by the following supporting information:
- Design and Access Statement

## 3.0 SITE HISTORY

Reference	Description	Outcome
C/87/0515	Outline application for the erection of a detached bungalow.	REF
C/01/0705	Erection of detached two bed bungalow and new access.	REF
07/1010/FUL	Erection of 1 2-bed attached dwelling and 2 semi-detached single garages	REF Appeal allowed
10/1219/FUL	Erection of one dwelling house [material amendment to 07/1010/FUL)	A/C
11/1015/FUL	Amendments to planning approval 10/1219/FUL to parking layout, external works and boundary treatment.	A/C
11/1523/FUL	Erection of 1 1/2 storey 2 bed dwelling fronting Ekin Rd, to the rear of no's. 32 & 32a Keynes Rd	Withdrawn
12/1536/FUL	Erection of new detached 1.5 storey dwelling to the rear of 32 and 32A Keynes Road.	REF Appeal dismissed

- 3.1 The recent appeal decision is key in determining this application. It is attached to the appendix along with the

previously refused plans. I refer to it throughout my assessment.

3.2 The main difference between the submitted scheme and the dismissed scheme is the removal of a first floor bedroom above the garage. In effect, this has shortened the width of the proposed roof and taken a 'chunk' of roof massing out of the scheme at its point closest to the rear garden of 32a Keynes Road.

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/4 3/7 3/10 3/12 8/2

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning

Guidance	Document (February 2012)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> None relevant

#### 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report the following policies in the emerging Local Plan are of relevance:

-50, 52, 55, 56 and 57.

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

6.1 No objection: recommends informatives and conditions.

### **Head of Refuse and Environment**

6.2 No objection: recommends conditions relating to construction and delivery hours,

## **7.0 REPRESENTATIONS**

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

- 30 Keynes Road
- 34 Keynes Road

7.2 The representations can be summarised as follows:

- Loss of light into the garden of no. 30 Keynes Road
- Loss of privacy into the garden of no. 30 Keynes Road
- Dropped kerb for No. 34 is not included in the drawing, access needs to be kept clear when work starts.

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

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential, and therefore it is my opinion that residential use is acceptable here in principle in accordance with policy 5/1.

8.3 Policy 3/10 of the Cambridge Local Plan (2006) states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:

- a) have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
- b) provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) detract from the prevailing character and appearance of the area;
- d) adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
- f) prejudice the comprehensive development of the wider area of which the site forms part.

8.4 Parts d) and e) of policy 3/10 of the Local Plan are not relevant to this application. The site is a windfall site and, in my opinion, it is unlikely that the neighbouring garden land could be developed, because there is not access to it. It is, therefore, my view, that the proposal will not prejudice the development of neighbouring land. Parts a), b) and c) of policy 3/10 will be discussed later on in this report.

### **Context of site, design and external spaces**

8.5 The application site is the rear portion of the garden of 32 and 32A Keynes Road. The proposed house would be accessed from Ekin Road and would stand 1.8m back from the footway, 1.4m further back than the side of 32A Keynes Road and 5.6m further forward than the side of 99 Ekin Road.

8.6 It would be 5.8m to the ridge. The width of the roof form facing the road would be 6.2m. The garage would incorporate a flat roof.

8.7 The section of Ekin Road that the house would be accessed from is flanked by the side elevations of the end houses on Keynes Road and Ekin Road, and their associated gardens.

There are no houses accessed from this section of Ekin Road, and the majority of the gardens are screened by close boarded fences. The proposed house would represent a break in the green garden character of Keynes Road and Ekin Road created by the original layout of the estate.

- 8.8 In considering issues of character and appearance, put forward as a reason for refusal by the Council previously, in dismissing the previous scheme the Inspector stated:

*‘ 4. The proposal is the erection of a dormer bungalow on an unused area of garden land to the rear of 32 and 32A Keynes Road. Access would be off Ekin Road, which passes along the side of the rear gardens of No.32A and the house backing onto it. The Council is concerned that the proposal would create a break in the green garden character of the area, which it considers to be an important feature of the original layout of this circa 1950s local authority housing estate. Except for a short section of steel mesh security fencing, the site is enclosed by a 1.8 metre high close boarded fence. Views into the site from the public highway are therefore restricted. There is no evidence that it contains features of landscape value.*

*5. Notwithstanding that it would represent a departure from the original layout of the estate, the limited size and height of the proposed dwelling would not unduly detract from the spacious appearance of the area and would allow views of existing trees in nearby rear gardens. The appeal site is not in a conservation area and I find no compelling reason why the original layout of the estate should be preserved for its own sake. The design and scale of the proposed dormer bungalow would not appear incongruous in this location and would be sympathetic to the character of the estate, which contains a mixture of houses, bungalows and three-storey flats in the immediate area.*

*6. A pair of garages could be erected on the site in connection with a planning permission granted in 2007 for the house at 32A Keynes Road, which was built in the side garden of No.32. There are two car parking spaces in the front gardens of both Nos.32 and 32A and I have no substantive evidence to indicate that there is a significant probability that these garages would be constructed*

*should this appeal be dismissed. This therefore limits the weight that I can attach to it as a fall-back position.*

*7. For the above reasons I conclude that the proposal would not cause material harm to the character or appearance of the area. Accordingly, there would be no significant conflict with Policies 3/4, 3/10 and 3/12 of the Cambridge Local Plan (2006) (the Local Plan)'*

- 8.9 In my opinion the appeal decision is a strong material consideration. The proposed house is smaller in size than that previously dismissed. I do not consider there is now any substantive argument against allowing the proposal in terms of its impact on the character and appearance of the area. In my view, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

### **Residential Amenity**

#### *Impact on amenity of neighbouring occupiers*

- 8.10 In considering issues of residential amenity, put forward as a reason for refusal by the Council previously, in dismissing the previous scheme the Inspector stated:

*'8. The gabled flank wall of the proposed bungalow would face directly towards the rear elevation of No.32A and would be seen at an angle from No.32. Its height at the apex would reduce to single storey level at the front and rear eaves. However, given the separation distance of only 11.6m between the proposed gable wall and the ground floor rear elevation of Nos.32 and 32A, the massing of the proposal, which includes dormer windows in the rear roof slope, would result in the occupants of those existing properties experiencing an unduly overbearing sense of enclosure. In addition, the positioning of the proposed dwelling directly to the south of the host properties would result in the loss of sunlight and daylight to a significant part of their rear gardens, notwithstanding that the sitting-out areas closer to the houses would be largely unaffected in this respect.*

*9. For the reasons outlined above I conclude that the proposal would cause material harm to the occupants of*



*Nos.32 and 32A Keynes Road with particular reference to outlook and loss of light. Accordingly, there would be conflict with Local Plan Policy 3/7...'*

- 8.11 The revised scheme has taken on board these criticisms. The part of the roof element closest to nos. 32 and 32a has been reduced resulting in a loss of a bedroom at the first floor. The distance between the ground floor of no. 32a and the side gable flank of the proposed house would be 14m, as opposed to 11.6m previously.
- 8.12 In my view, the reduction in massing would result in a more spacious and less enclosed outlook from the rear gardens of 32 and 32a. It would bring more light into the rear gardens of adjacent properties. I do not consider there to be an issue regarding enclosure or loss of light for the occupants of nos. 30, 32 or 32a Keynes Road.
- 8.13 The remaining issue would appear to be the privacy of the occupants of no.30 in terms of overlooking. This would be from the rear facing first floor dormer bedroom window. The glazed width would be 1.7m. It would be some 6.5m from the rear boundary of no. 30 but positioned so to overlook only the very end of No. 30's garden. The rear garden environment of No. 30 is far from being totally private: it is overlooked by surrounding upper floor windows of surrounding 2- and 3- storey properties. I acknowledge that the window in question would be closer than any of those surrounding, but in my view, given its limited width, position and context, I consider any loss of privacy to be minimal.
- 8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

*Amenity for future occupiers of the site*

- 8.15 The proposed garden would be 5m deep and wider than the footprint of the house. For a relatively small property, I consider the private amenity space to be more than adequate.
- 8.16 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity

for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

### **Refuse Arrangements**

- 8.17 Adequate space is provided within the rear garden for three bins.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.19 There are no highway safety issues raised. It is unlikely that an impediment across no. 34's dropped kerb access will arise, but in any event this is not a planning matter.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.21 One off road car parking space within a garage is proposed. Vehicular parking for nos. 32 and 32a Keynes Road is to the front and would not be affected. There is adequate secure space within the garden and garage for cycles to be stored.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.23 These have been addressed above.

### **Planning Obligation Strategy**

#### **Planning Obligations**

- 8.24 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

- 8.25 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.
- 8.26 The application proposes the erection of 1 x 1-bedroom house. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £

studio	1	238	238		
1 bed	1.5	238	357	1	357
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>357</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	1	403.50
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>403.50</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	1	363
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>363</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948		
4-bed	4	316	1264		
<b>Total</b>					<b>0</b>

## Community Development

- 8.27 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	1	1256
2-bed	1256		
3-bed	1882		
4-bed	1882		
<b>Total</b>			<b>1256</b>

## Waste

- 8.28 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	1	75
Flat	150		
<b>Total</b>			<b>75</b>

## Monitoring

- 8.29 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial

head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

### Planning Obligations Conclusion

8.30 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 CONCLUSION**

9.1 The revised proposal has overcome the previous reasons for dismissal. It would represent a relatively inconspicuous infill development and would accord with adopted policy.

## **10.0 RECOMMENDATION**

**APPROVE** subject to completion of the s106 Agreement and 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. The window identified as having obscured glass on the north elevation at first floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

5. Except with the prior written agreement of the local planning authority no construction work or demolition or deliveries shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

6. 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 windows or dormer windows other than those expressly authorised by this permission shall be constructed.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

7. The curtilage of the property as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the dwelling or in accordance with a timetable agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10).

**2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 1 May 2014, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):**

The proposed development does not make appropriate provision for public open space, community development facilities, waste facilities, and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 8/3 and 10/1 as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010.

**3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development**