

Application Number	14/1163/S73	Agenda Item	
Date Received	28th July 2014	Officer	Mr Tony Collins
Target Date	22nd September 2014		
Ward	West Chesterton		
Site	21 Victoria Park Cambridge Cambridgeshire CB4 3EJ		
Proposal	Section 73 application to remove condition 5 of permission 14/0489/FUL to remove requirement for amended floor plan.		
Applicant	Mr David Lewis 21 Victoria Park Cambridge Cambridgeshire CB4 3EJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. Enlarged and clarified drawings remove the apparent inconsistency originally noted and hence eliminate the need for the condition
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 21 Victoria Park is a three-storey semi-detached house. It is finished in a cream coloured Cambridge brick, with a natural slate roof. The site is on the western side of Victoria Park.
- 1.2 The site is situated within the conservation area. The building is not listed, statutorily or locally. There are no tree preservation orders on the site. The site lies outside the controlled parking zone.

2.0 THE PROPOSAL

2.1 An application for a single storey rear extension was approved at North Area Committee on 3rd July 2014. The Committee report for that application is attached as Appendix A. The drawings submitted with that application created some confusion, because there appeared to be an inconsistency between the elevational drawings and the plans about the position of the north wall of the proposed extension. The plan seemed to show this wall aligned with a particular brick joint on the rear wall of the existing building between No. 21 and No. 23, while the elevation seemed to show it set into the curtilage of No.21 by approximately 100mm. (There is a difference of opinion between the occupiers of No.21 and the occupiers of No.23 about whether the line of this brick joint represents the common boundary between the two properties.)

2.2 North Area Committee consequently added a condition to the approval, as follows:

Notwithstanding the approved drawings, no development shall take place until a revised ground floor plan, on which the set-back of the north wall of the extension from the common boundary with No.23 corresponds with the 100mm distance shown on the approved west elevation, has been submitted to, and approved in writing by, the local planning authority. Development shall take place only in accordance with the revised drawing submitted to discharge this condition.

2.3 The applicants assert that the confusion about these drawings arose as a result of misunderstandings, and that the drawings consistently showed the wall of the extension as being along the line of the brick joint on the existing building. They therefore seek to remove the condition, having submitted new drawings which they believe will clarify the position of this wall.

2.4 The application is brought before Planning Committee because the previous application was called in to North Area Committee at the request of Councillor Pitt, and since Committee attached the condition which this application seeks to vary, officers felt that the application should not be determined under delegated powers.

3.0 SITE HISTORY

Reference	Description	Outcome
C/83/0710	Erection of two-storey extension to existing dwelling house	A/C
C/86/0881	Formation of room in roof.	A/C
C/89/0676	Extension to house (erection of conservatory).	A/C
14/0489	Single-storey rear extension	A/C

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, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/14 4/4 4/11

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
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Supplementary Planning Guidance	Cambridge City Council (May 2007) – Sustainable Design and Construction:
	Area Guidelines Castle Area and Victoria Road Conservation Area Appraisal (2012)

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 there are no policies which can be considered of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No comment.

Urban Design and Conservation

6.2 No issues.

7.0 REPRESENTATIONS

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

- 19 Victoria Park
- 23 Victoria Park

7.2 The representations can be summarised as follows:

Compliance with condition

- No reason to vary condition – original wording should be complied with.

Further inconsistency in drawings

- Drawings not sufficiently clear about nature of proposed gutter
- Submitted drawings do not show same ridge height as approved drawings
- Submitted drawings show additional ‘buttress wall’ not included in approved drawings
- S73 application should not be determined on the basis of inconsistent drawings

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 issues in this application are the consistency of drawings and the impact of the proposal on neighbor amenity.

Consistency of drawings

8.2 I agree with the objectors that the first ‘west elevation enlarged’ drawing submitted with this application, dated 06/07/2014, contains information which is at odds with the approved drawings; namely a different ridge height and the appearance of a ‘buttress wall’. The applicant has now submitted a drawing consistent with those previously approved eliminating these two discrepancies. I am satisfied that a different ridge height is not sought, nor is approval for a buttress wall.

8.3 I am satisfied that the revised ‘west elevation enlarged’ drawing dated 10/09/2014 now clearly shows the north wall of the proposed extension aligned with the brick joint on the existing building, and a concealed gutter which does not overhang beyond the elevation. In my view these details are acceptable, and the clarification renders the condition originally imposed unnecessary.

- 8.4 In my opinion, subject to reference to the new clarifying drawing dated 10/09/2014, the proposal to remove the condition causes no conflict with Cambridge Local Plan (2006) policies 3/4 or 3/14.

Residential Amenity

- 8.5 As I have previously indicated in my report on 14/0489/FUL, I do not consider that the proposed extension would have a harmful impact on neighbor amenity.

Third Party Representations

- 8.6 I have dealt with the issues raised by third parties above.

9.0 RECOMMENDATION

APPROVE, 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. 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. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. Except with the prior written agreement of the local planning authority no construction work or demolition 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)