

<b>Application Number</b>	14/1245/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st July 2014	<b>Officer</b>	Mr Toby Williams
<b>Target Date</b>	25th September 2014		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	39 Long Road Cambridge CB2 8PP		
<b>Proposal</b>	Demolition of existing dwelling and construction of new dwelling previously approved scheme 12/0834/FUL and subsequent non-material amendment application 14/0201/NMA for changes to fenestration.		
<b>Applicant</b>	Mr And Mrs Page 39 Long Road Cambridge CB2 8PP		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>-The development would not be overbearing or cause any significant loss of amenity in terms of light or privacy to neighbouring properties.</li> <li>-The design of the new house would be acceptable and is very similar to an approved scheme for its extension.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The subject site comprises a detached, two-storey dwelling and its associated front and rear gardens, situated on the northern side of Long Road, close to the junction with Sedley Taylor Road. The property is finished in light brown brickwork under a tiled roof. The neighbouring dwelling to the east at No. 37 Long Road contains a lime and silver birch tree to the rear garden and relatively close to the boundary with the subject dwelling. The neighbouring dwelling to the west is enclosed on its sides by high conifer hedging.

1.2 The northern side of this section of Long Road contains a number of detached properties, while opposite, on the southern side is the Long Road 6<sup>th</sup> Form College and Addenbrooke's Hospital campus.

1.3 The site does not lie within a Conservation Area.

## **2.0 THE PROPOSAL**

2.1 The applicant seeks planning permission for the demolition of the existing dwelling and construction of a new dwelling. The design of the new dwelling is almost identical to previously approved plans (12/0834/FUL) which sought to extend the existing dwelling.

2.2 The changes from the previously approved application (12/0834/FUL) are as follows:

- Roof material changed from tile to slate.
- The two existing chimneys have been removed and a single replacement chimney has been proposed on the western side of the dwelling.
- The position and scale of windows and doors has been altered.
- A section of the glazed conservatory has been replaced with render.

2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement

### 3.0 SITE HISTORY

Reference	Description	Outcome
14/0201/NMA	Non material amendment on application 12/0834/FUL for changes to fenestration	Approved
12/0834/FUL	Extend house to rear and side including raising of roof ridge height by 300mm.	Approved
11/0811/FUL	Part two storey, part single storey rear extension incorporating roof terrace, first floor extension above garage, roof extension incorporating dormers to front, side and rear for rooms in roof and new front porch.	Part Refused, Part Approved
09/0112/FUL	Two storey rear extension, first floor side extension and front porch.	Refused and appeal with split decision
08/0978/FUL	Two-storey side and rear extension with glass link and replacement porch to the front	Refused
04/0948/FUL	Two storey rear extension and first floor extension above existing garage and front porch.	Approved

3.1 Members will note three previous refusals (11/0811/FUL, 08/0978/FUL and 09/0112/FUL) and a subsequent appeal for 09/0112/FUL, which was part approved and part dismissed. The appeal involved a long rear projection into the site and is not comparable to the current proposal. 12/0834/FUL sets the benchmark for comparison purposes.

### 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 Responding to context 3/7 Creating successful places 3/12 The design of new buildings 4/4 Trees 5/1 Housing Provision

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 Guidance	Cambridge City Council (May 2007) – Sustainable Design and Construction
Material Considerations	<u>City Wide Guidance</u>  Arboricultural Strategy  Cycle Parking Guide for New Residential Developments (2010)

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. No emerging policies are relevant.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Engineering)**

6.1 No comment.

## **7.0 REPRESENTATIONS**

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

- o 37 Long Road
- o 41 Long Road
- o 63 High Street, Trumpington

7.2 The representations can be summarised as follows;

- The property has been deliberately neglected so as to claim that it needed to be demolished.
- The house was in good condition under the previous owner before it was sold.
- Concerns about overlooking effect of the 2<sup>nd</sup> floor loft window. The window in the rear elevation appears double the size of the previously approved application. Increasing the width of this window means that hooding, which addressed overlooking in the previous 2012 scheme, would be a bigger problem as to be effective. This window should be restricted to the size on the 2012 plans.
- The small window in the first floor northern wall of bedroom 3 is not necessary and should be removed.
- Some form of efficient hooding should be used, similar to that of the 2<sup>nd</sup> floor loft window.

- Concerns about upheaval caused by the demolition and subsequent building works causing disturbance.

## **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. Trees
4. Residential amenity
5. Third party representations

### **Principle of development**

8.2 There is nothing in policy terms which prevents the principle of a replacement dwelling on this site from being acceptable. The continued use of the site for housing would accord with Cambridge Local Plan policy 5/1. The Local Planning Authority cannot exercise any planning control concerning the demolition of the property. The demolition could be permitted development under part 31 of the General Permitted Development Order 1995 (as amended). Third party concerns regarding the neglect of the building are not relevant to the consideration.

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

8.3 From a visual perspective the proposed scheme would be almost identical to the approved scheme. None of the changes increase the scale or footprint of the building form over and above what has been approved by way of extensions to it. There is a rich diversity of design styles and appearances in the area and the proposed scheme, in comparison to the previously approved scheme, is entirely appropriate within the context of the site and the surrounding area.

8.4 It is my opinion that, from a visual perspective, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

### **Trees**

- 8.5 The proposed two-storey rear wing is no deeper than previously approved. Within the Inspector's report relating to the application (11/0811/FUL), he considered that if the appeal had been allowed, a condition could have been imposed to ensure that protection measures were in place to protect the trees during construction works.
- 8.6 I see no reason to deviate from the Inspector's logic. Subject to appropriate conditions, the proposal will not harm the trees and is compliant with policy 4/4 of the Cambridge Local Plan 2006.

### **Residential Amenity**

- 8.7 Impact on amenity of neighbouring occupiers.
- 8.8 This is the key issue for consideration in determining the application, as objections have been received from neighbours either side of the site.
- 8.9 Of the two neighbours, I consider that it is the potential impact on the neighbouring amenity of the occupants of no. 37 Long Road, which has formed reasons for refusal previously and in the Inspectors decision, that needs the most careful consideration.
- 8.10 The proposed dwelling would include a part two-storey and part single-storey rear wing adjacent to the boundary with no. 37. The depth of the extension is of a subservient two-storey form with lowered eaves for only 4 m, closest to the existing rear elevation of the property and then with a reduced single-storey element for the remaining 4 m. It is of the same dimensions and similar design to that approved already. The space above the single storey extension would not be used as an external terrace and a condition to remove such use is recommended.
- 8.11 The velux windows that were originally proposed on the roof of the first floor on this elevation have been removed and instead two windows have been introduced on the sloping roof of the single storey element. The windows serve to provide daylight for the ground floor dining room and there is no privacy issue.

- 8.12 My view remains the same as the previously approved application that the proposal is acceptable in terms of its impact on outlook from and enclosure of no 37.
- 8.13 The proposed first floor side extension on the western flank of the property, adjacent to no.41, largely replicates that proposed in the previous planning application. The position of the velux windows on the roof has been altered, but all of the differences are very minor and are acceptable.
- 8.14 I note that the occupants of no. 41 have concerns regarding privacy in their rear garden, which is almost entirely private, being surrounded by a tall conifer hedge. They are concerned regarding the increased size of a second floor window serving a bedroom and the presence of a small window on the first floor northern elevation. I do not consider that the scheme would impinge upon this privacy. The larger window is indicated as having obscured windows in its two wider panes and a privacy hood would remain for the central clear part of the window as per the approved scheme. The first floor window is smaller than previously approved and in the same location and I see no reason to remove it. All windows shown as obscure glazed are conditioned to remain as such.
- 8.15 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 and 3/12.

### **Third Party Representations**

- 8.16 The majority of neighbour concerns have been addressed within the main report. Whether the house has or has not been neglected by the current owners is irrelevant.
- 8.17 Conditions regarding construction times, delivery times and a 'considerate contractors' informative have been recommended to ensure that disturbance caused by the demolition and construction stages is controlled.



## **9.0 CONCLUSION**

- 9.1 The application adequately respects the amenity of its neighbours and would not be out of keeping with the street scene.

## **10.0 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. 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. 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)

5. Except with the prior written agreement of the local planning authority, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

6. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouse shall not be allowed without the granting of specific planning permission.

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

7. Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that order with or without modification), the enlargement of the dwellinghouse consisting of an addition or alteration to its roof shall not be allowed without the granting of specific planning permission.

Reason: To ensure that the privacy of occupants of adjacent properties is adequately protected and to safeguard visual amenity (Cambridge Local Plan 2006 policies 3/4 and 3/14).

8. Access/ use of the first floor roof is prohibited, except for the purposes of carrying out maintenance works.

Reason: To avoid harm to the residential amenity of neighbouring properties (Cambridge Local Plan 2006 policies 3/4, 3/7 and 3/12).

9. The following shall be installed prior to the use of the respective bedrooms and shall be retained as such thereafter:

-Master bedroom west-facing window at first floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall.

-Loft second floor bedroom north-facing window privacy hood (details to be agreed prior to installation) and obscure glazing to side panels to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall .

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

10. No development, including demolition, shall commence on site until the following details have been submitted to and approved by the local planning authority:

(a) A plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;

(e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage during the course of development.

(f) details of any trees proposed for removal.

In the condition retained tree means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: To safeguard and ensure the protection of those existing trees which are to be retained on or adjacent to the site. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/4)

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor Project Officer in the Planning Department (Tel: 01223 457121).