

Application Number	14/1652/FUL	Agenda Item	
Date Received	24th October 2014	Officer	Miss Catherine Linford
Target Date	19th December 2014		
Ward	Queen Ediths		
Site	23 Baldock Way Cambridge CB1 7UX		
Proposal	Demolition of the bungalow and replacing it with a chalet bungalow		
Applicant	Mr A Dr Simone 436 Milton Road Cambridge CB4 1ST		

SUMMARY	<p>The development is contrary to the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed dwelling would have a significant adverse impact on the occupiers of 71 and 73 Glebe Road through an overbearing sense of enclosure and dominance; 2. As very little external amenity space is provided, the proposal fails to provide accommodation that offers an adequate level of residential amenity for its future occupants.
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 23 Baldock Way is a detached bungalow situated on the eastern side of Baldock Way. The surrounding area is predominantly residential mainly consisting of two-storey detached, semi-detached and terrace houses. The site is not within a Conservation Area

2.0 THE PROPOSAL

2.1 Full planning permission is sought to demolish the existing bungalow and would replace it with a 1.5 storey detached house.

- 2.2 The proposed house would have a similar footprint to the existing bungalow and would stand 6.2m from the common boundary with 73 Glebe Road and 1.8m from the common boundary with 71 Glebe Road. The house would be 3.4m in height to the eaves and 7.4m in height to the ridge.
- 2.3 The proposed house would have accommodation on two floors and would also have a basement.

3.0 SITE HISTORY

Reference	Description	Outcome
C/75/0789	The erection of one detached dwelling house	REF
C/77/0532	Erection of one detached chalet bungalow and garage	REF
C/78/0035	Erection of detached bungalow	A/C
14/0129/FUL	Demolition of bungalow and erection of detached house	REF Appeal dismissed

The Appeal Decision is attached as Appendix 1.

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 3/8 3/11 3/12 4/13 5/1 5/14 8/6 8/10 10/1

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	Sustainable Design and Construction (May 2007)
	<u>City Wide Guidance</u> Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Strategic Flood Risk Assessment (2005) Cambridge and Milton Surface Water Management Plan (2011) 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.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The proposal includes the provision of gates adjacent to the public highway. These gates could not be opened whilst a car is parked in the outer parking space unless opening over the public highway, which would be a breach of the Highways Act, 1980. Cars waiting to open or close the gates would obstruct the public highway. The Highway Authority therefore recommends that unless and until the application is proposed to remove the gates the application must be refused planning permission.

Head of Refuse and Environment

- 6.2 No objection, subject to conditions related to construction hours and piling.
- 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 objecting to the application:

- 26 Baldock Way
- 71 Glebe Road
- 73 Glebe Road - Tenant
- Woodlands Farm, Hive Road, Witcham, Ely – Owner of 73 Glebe Road

7.2 The representations can be summarised as follows:

Principle

- The NPPG requires councils to consider the housing needs of older people including “the need for particular types of general housing such as bungalows”. Given Cambridge’s aging population the loss of the bungalow would be inconsistent with central government policy.
- The existing bungalow was built in the garden of 73 Glebe Road and the proposal should be assessed against policy 3/10 of the Local Plan

Context and character

- Out of character
- Out of scale
- Overdevelopment
- The height and formal design of the front wall and gates would dominate the very informal, suburban (almost rural) street scene at this end of Baldock Way, which is characterised by trees, hedges and low fences

Residential amenity

- Overlooking
- Dominance and enclosure
- Lack of garden space

Refuse

- The bins could not be moved out of collection with cars parked on the drive and it is likely that they will be left out on the street

Car parking and cycle parking

- Cars entering or leaving the premises would obstruct the road, which would have an impact on the safety of other road users
- The car parking layout is impractical and will result in the residents parking on the street
- The cycle parking is inadequate as it would not be possible to use the store with cars parked on the drive

Other

- Flooding – the existing bungalow blocked the natural direction of drainage and such a large building would further limit the drainage of neighbouring land
- Additional pressure on the sewerage system

7.3 The owners/occupiers of the following address has made a representation supporting the application:

- 59 Hills Avenue

7.4 The representations can be summarised as follows:

- Considerably improves a very poor street scene with an unsightly bungalow offering very little in terms of quality living accommodation

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 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 land uses. There is an existing dwelling standing on the site, and the site is within a predominantly residential area. Therefore, the principle of a replacement dwelling is acceptable.
- 8.3 Paragraph 50 of the NPPF and NPPG state that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as older people). However, as the site is not in a Conservation Area the existing bungalow could be demolished without the need for planning permission and it would, therefore, be unreasonable to refuse planning permission because of its loss in my view.
- 8.4 The existing bungalow was granted planning permission in 1978 and whilst it appears to have been built on part of the garden of 73 Glebe Road it is my view that it could not still be considered to be garden land. In my opinion, policy 3/10 which relates to the subdivision of existing plots, does not apply here.
- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.6 The site is located within a suburban area and the nearby properties have spacious gardens. There is an allotment and single storey building to the north of the site. The existing bungalow has limited garden space and appears to have been built as part of the subdivision of garden land associated with 73 Glebe Road.
- 8.7 There is a mixture of architectural styles and forms in this area with traditional and contemporary dwellings sitting side by side.
- 8.8 The design of the property is considered to be well proportioned and the fenestration symmetrical. I therefore have no concerns with the proposed property in design terms.

- 8.9 Concern has been raised regarding the proposed boundary treatment at the front of the house, due to its height and formal appearance. 75 Glebe Road has a 1.8m close boarded fence running along the boundary with Baldock Way, but this is a side boundary and not a front boundary. In my opinion, it would not be appropriate to have a high front boundary wall, as on this part of Baldock Way front boundaries are generally delineated by hedges or low fences, or are left open. In saying this, as this could be dealt with by a condition requiring further information, it is my view that it would not be reasonable to refuse planning permission for this reason.
- 8.10 At the front of 73 Glebe Road there is a tree, which is the subject of a Tree Preservation Order (TPO). This tree stands approximately 10m from the application site, and is therefore unlikely to be affected by the proposals.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.12 I have concerns regarding the scale of the proposed building within this modest site and its proximity to the adjacent rear gardens of 71 and 73 Glebe Road. In my opinion, the proposed dwelling would dominate and enclose 71 and 73 Glebe Road to an unacceptable degree. It is my view that the application should be refused for these reasons.

Dominance and enclosure

- 8.13 The previous application was refused for the following reason:

Due to the height of the proposed dwelling and its proximity to the common boundaries with 71 and 73 Glebe Road, the proposed dwelling would have a significant adverse impact on the occupiers of these neighbouring properties through an overbearing sense of enclosure. The proposed dwelling would dominate the outlook from these neighbouring properties and enclose them to a far worse degree than the existing bungalow on the site. The proposed dwelling is therefore considered to

be unacceptable and contrary to policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).

- 8.14 The Inspector agreed with this, and in paragraphs 7 and 8 of her decision she explained that:

At the rear of No 73 there is a garden about 7m in depth. The existing outlook at ground level is of the bungalow roof gable. The open aspect at first floor level provides a relief to this outlook. However the new dwelling would change this as the increased height of the flank wall would occupy most of the width of the garden. This would create a sense of enclosure due to its proximity and the contrast with the surrounding open space. The sense of enclosure would be experienced by the occupiers both within the dwelling and in the garden. The scale of the building would result in a dominant outlook for the occupiers of No 73 and this would not be diminished by the slight set back of the siting of the replacement dwelling.

No 71 adjoins No 73 and I consider that the outlook for these occupiers would also be affected. Currently the roof of the bungalow extends about 11m along the boundary with No 71 and slopes away from it. The new development would result in a wall about 5.6m high to eaves along the same length of garden, and as with the bungalow, would only be about 1.4m away from the fence line. The angle of pitch of the new roof would be similar to the bungalow and it too would slope away from the boundary. Whilst the effect on the outlook from within No 71 would be off set by the length of garden inbetween, within the garden the new development result in a dramatic change and would be a dominant feature at the end of the garden. The impact of the development would be all the more noticeable due to the contrast with the remaining open aspect.

- 8.15 The proposed dwelling would stand approximately 1.8m from the common boundary with 71 Glebe Road and would be 10.3m in length along this boundary. The dwelling would be 3.4m in height to the eaves and would be 7.4m in height to the ridge. Whilst the dwelling would be set 13.2m from the rear wall of 71 Glebe Road it is my opinion that it would be excessively dominant.

- 8.16 When seen from the rear garden and upstairs windows of 71 Glebe Road, the existing bungalow is a prominent and

oppressive feature. The proposed dwelling would stand in the same position as the existing bungalow in terms of its proximity to the common boundary and would be 1m taller to the eaves and 1.8m taller to the ridge than the existing bungalow. Whilst, at its closest point the proposed dwelling would be set back approximately 13.2m from the rear of 71 Glebe Road, the outlook from this neighbouring property would be affected by the proposed building. As the existing bungalow is, in my view, dominant when seen from 71 Glebe Road it follows that the proposed taller dwelling would have a significant detrimental impact on the occupiers of 71 Glebe Road as it would dominate the outlook from their property and enclose them to a far worse degree than the existing bungalow on the site. I consider this to be unneighbourly and unacceptable.

- 8.17 73 Glebe Road, directly to the south of the site would be also be affected. The proposed dwelling would stand 5.2m from the common boundary with this neighbour, 13.2m from the rear elevation. The southern elevation of the proposed dwelling would be 7.7m wide and 3.4m in height to the eaves and 7.4m in height to the ridge. The proposed dwelling would be similar in width to the existing bungalow, but as it would be taller it is my view that it would also dominate the outlook from 73 Glebe Road and enclose this neighbouring property to an unacceptable and unneighbourly degree. Whilst I recognise that the current scheme is reduced in scale from that previously dismissed it nevertheless is unneighbourly.

Overshadowing

- 8.18 The previous application was refused for the following reason:

The proposed dwelling would stand to the west of the rear garden of 71 Glebe Road and in the absence of a shadow study to demonstrate otherwise, due to the orientation of the dwelling and its height, it would be likely to cast shadow over this neighbour's garden in the afternoon to an unacceptable degree. The proposal is therefore unacceptable and contrary to policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).

- 8.19 The Inspector did not agree with this, and as the proposed house is not as tall as the previous proposal I cannot conclude that the proposed house would have an unacceptable impact in terms of overshadowing.

Overlooking

- 8.20 Windows are proposed on the southern elevation of the house at ground floor levels. The existing bungalow has windows on the southern elevation, which are clearly visible from the upstairs windows of 71 Glebe Road and from 73 Glebe Road. I do not consider it likely that overlooking would be possible from the proposed glazed doors, due to the 1.8m close boarded fence. I have taken the view that it would be unreasonable to refuse the application on the grounds of overlooking from the southern elevation of the proposed house.
- 8.21 Windows are proposed on the eastern elevation of the house at ground and first floor levels. The existing bungalow has a conservatory on the eastern elevation which does not have planning permission. At the time of the previous application, the boundary fence on the common boundary between the site and 71 Glebe Road, was lower than is shown on the submitted plans when it came in front of the existing conservatory. Now, a 1.8m close boarded fence, as shown on the plans has been erected inside the rear garden of No. 71, approximately 1-1.5m in from the common boundary. Clear views would then not be possible into the rear garden of 71 Glebe Road from the proposed ground floor windows. The proposed rooflights would serve bedrooms. As they are set in a steep roof slope only sky would be visible from them and it would not be possible to overlook neighbouring gardens. I therefore consider that it would be unreasonable to refuse the application on the grounds of overlooking from the eastern elevation.
- 8.22 In my opinion the proposal does not adequately respect the residential amenity of its neighbours and the constraints of the site and I consider that it does not comply with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.23 The previous application was refused for the following reason:

The proposal to provide a substantial family dwelling by leaving very little external amenity space is unacceptable in that the proposal would not provide the attractive, high quality accommodation required by Cambridge Local Plan 2006, policy

3/7. As very little external amenity space is provided, the proposal fails to provide accommodation that offers an adequate level of residential amenity for its future occupants and in doing so has not recognised the constraints of the site or responded to the context of the site and its surroundings. For these reasons the proposal is contrary to policies 3/4, 3/7, 3/11 and 3/12 of the Cambridge Local Plan 2006.

8.24 The proposed house is a family house situated on a small, constrained plot, with very little garden space. Whilst the existing bungalow also has very limited outdoor amenity space, the proposed dwelling is a larger dwelling and it is my opinion that the amenity space proposed is not appropriate or sufficient for a family house of this size. What is proposed is a substantial family house and I consider it unacceptable that limited space is provided for children to play. In my view, the lack of amenity space means that this is not a high quality living environment, and the application should therefore be refused for this reason.

8.25 In my opinion the proposal does not provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policies 3/7 or 3/12.

Refuse Arrangements

8.26 The submitted plans show provision for bin storage, which is acceptable to Environmental Health. Due to the positioning of the bin store it would, in my view, be difficult to pull the bins out to the street on collection day, but as further details could be required by condition I do not consider that it would be reasonable to refuse planning permission for this reason.

8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

8.28 The Local Highway Authority has objected to the application on the grounds that the proposal includes gates, which would open out onto the public highway. This would be in breach of the Highways Act 1980, and cars waiting to enter the drive would

obstruct the public highway also obstructing the public highway. If the application were to be approved, the gates could be removed from the planning permission by way of a condition. I have taken the view that it would be unreasonable to refuse planning permission for this reason.

- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.30 Appendix D (Cycle Parking) of the Cambridge Local Plan (2006) states that at least three secure, covered cycle parking spaces must be provided for a dwelling of this size. A cycle store is shown on the submitted plans, which is satisfactory.

- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

Flooding and drainage

- 8.32 If the application were to be recommended for approval the details of drainage could be required by condition. I do not consider this to be an unresolvable issue and it would, therefore, be unreasonable to refuse planning permission for this reason.

Additional pressure on the sewerage system

- 8.33 This is a matter for Building Control.

9.0 CONCLUSION

- 9.1 In my opinion, the proposed dwelling would have a significant and unacceptable detrimental impact on the occupiers of 71 and 73 Glebe Road due to the enclosure and dominance of these neighbouring properties. Due to the lack of outdoor amenity space, it is my view that the proposed dwelling would not offer a high quality living environment. The outcome of the Appeal Decision confirms this conclusion and is a strong material consideration. For these reasons, I recommend that the application is refused.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. Due to the height of the proposed dwelling and its proximity to the common boundaries with 71 and 73 Glebe Road, it would have a significant adverse impact on the occupiers of these neighbouring properties through an overbearing sense of enclosure. The proposed dwelling would dominate the outlook from these neighbouring properties and enclose them to a worse degree than the existing bungalow on the site. The proposed dwelling is therefore considered to be unacceptable and contrary to policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).
2. The proposal to provide a large family dwelling and in so doing leaving very little external amenity space is unacceptable, in that the proposal would not provide the attractive, high quality accommodation required by Cambridge Local Plan 2006, policy 3/7. As very little external amenity space is provided, the proposal fails to provide accommodation that offers an adequate level of residential amenity for its future occupants and in doing so has not recognised the constraints of the site or responded to the context of the site and its surroundings. For these reasons the proposal is contrary to policies 3/4, 3/7, 3/11 and 3/12 of the Cambridge Local Plan 2006.