

Application Number	14/1627/FUL	Agenda Item	
Date Received	17th October 2014	Officer	Mr Amit Patel
Target Date	12th December 2014		
Ward	West Chesterton		
Site	22 George Street Cambridge CB4 1AJ		
Proposal	Retrospective planning application for new summer house		
Applicant	Mrs S. Wilson 22 George Street Cambridge CB4 1AJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The outbuilding is in keeping with the scale and massing of other outbuildings</p> <p>The use of the outbuilding is ancillary to the main house and therefore the use is acceptable</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is on the west side of the road. The site is within a Conservation Area but the building is not listed or a Building of Local Interest. The area is characterised by residential properties. The property is a mid-terrace house.

2.0 THE PROPOSAL

2.1 This is a retrospective application for a summer house in the rear part of the garden. The building is hexagonal in shape. The building measures 2.5m by 2.5m by 3.3m to the top of the flue. The building is set in off the boundary by 900mm.

3.0 SITE HISTORY

There is no planning history for the site.

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 3/12 4/13

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)

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 that are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No comment to make on this application.

Head of Refuse and Environment

Comments awaited. Any comments made will be reported..

7.0 REPRESENTATIONS

7.1 This application has been called in by Cllr. Tunnacliffe. The reason for the call in is that further discussion at Committee is required for the potential loss of amenity and proximity to 38, 40, 42 and 44 Herbert Street.

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

- 38 Herbert Street
- 40 Herbert Street
- 42 Herbert Street
- 44 Herbert Street
- 46 Herbert Street
- 48 Herbert Street

7.3 The representations can be summarised as follows:

- Use of the summer house as a barbecue will cause safety hazard through fire spreading as there is wooden fencing and trees;

- Smoke from the chimney will cause pollution and nuisance to the neighbours
- The design of the chimney is not in keeping with the surrounding
- The use of the building as a barbecue will attract rodents from the smells and residue
- The replaced building is taller than the previous shed
- Impact on privacy as discussions from neighbours are heard

7.4 The following neighbours have made comments supporting the application:

- 20 George Street
- 25 George Street

7.5 The representations can be summarised as follows:

- This is a very small and unobtrusive building and the buildings either side are much larger
- The chimney is several metres away from nearest boundary

7.6 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. Context of site, design and external spaces
2. Residential amenity
3. Third party representations

Context of site, design and external spaces

8.2 The site is the rear part of the garden, close to the boundaries of properties facing Herbert Street. Number 22 George Street shares a common boundary with number 42 and 44 Herbert Street. If the building was set in from the boundaries by 1m or more, than the structure would not require formal permission up to 4m high. The proposal is 900mm from the boundaries and therefore the building only needs permission as it is more than

2.5m tall, otherwise, the building could be constructed under permitted development without the need for any formal planning permission.

- 8.3 There are much larger outbuildings within the neighbouring gardens and therefore I consider that the outbuilding is appropriate in terms of its scale and massing. With regards to the use of materials, which has been raised as an issue, this is a building in the rear of the property and not highly visible in the public street scene. There are other buildings made from similar materials and therefore I do not consider that this building is out of keeping with the area. I note that the top of the flue will be visible in neighbouring gardens but I do not consider this would cause any significant harm.
- 8.4 I consider that the building will fit well into its context and will not have a detrimental impact on the character of the area.
- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The building is set away from the boundaries. The overall height of the building is 3.3m high. There are no windows at high level that overlook neighbours on Herbert Street. Although the building is to the rear of the properties and close the gardens of Herbert Street, there are two larger out- buildings in the neighbouring gardens, I do not consider that the building will have any significant impact in terms of overlooking, over shadowing or loss of privacy. Comments have been received regarding conversations in the building being heard in other gardens. However, the site is relatively open and people talking in the rear part of the garden would be heard regardless of the building being here or not, and I therefore do not consider that this would be a reasonable reason for refusal.
- 8.7 Comments have been received regarding potential nuisance and the attraction of rodents through the use of the building as a barbecue area. The building can be used as an indoor barbecue but an open barbecue could be used in this position without the

need for any permission. I do not consider that this could be a justifiable reason for refusal.

- 8.8 Fire risk from possible barbecue use is not a planning consideration. This building is exempt from Building Regulations due to its size. Any damage caused to other property from embers or sparks would be a civil matter, but as I have indicated above, an open barbecue could be used in this position without the need for permission.
- 8.9 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 4/13.

Third Party Representations

- 8.10 The issues raised by third parties have been addressed in the main body of the report above.

9.0 CONCLUSION

- 9.1 The outbuilding is already in place. The building is smaller in scale and mass than the adjoining neighbouring buildings. I do not consider that any impacts from barbecuing would be different from those created by an open barbecue which would not require permission. I recommend APPROVAL.

10.0 RECOMMENDATION

1. 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.