

<b>Application Number</b>	15/0924/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	15th May 2015	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	17th July 2015		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	3 Fendon Close Cambridge Cambridgeshire CB1 7RU		
<b>Proposal</b>	Part two storey part single storey rear and side extensions, incorporating rear balcony, following demolition of existing garage and part demolition of existing house. Roof extension incorporating rear dormers and balcony and raising ridge height.		
<b>Applicant</b>	Mr Xiahai Liu 3 Fendon Close Cambridge Cambridgeshire CB1 7RU		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed extensions would not detract from the character of the area.</li> <li>- The proposed extensions would not significantly harm the amenity of neighbouring properties.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site, no.3 Fendon Close, is comprised of a two-storey detached property situated on the west side of Fendon Close, designed in red brick and brown tile. There is a long drive and parking at the front of the site and a large garden to the rear with a detached garage adjacent to the boundary of no.4 Fendon Close.

1.2 The surrounding area is residential in character and is formed primarily of similar sized detached properties set back and facing towards the road. Properties around Fendon Close are designed predominantly in either red brick or render with pitched tiled roofs.

1.3 There are no site constraints.

## **2.0 THE PROPOSAL**

2.1 The proposal seeks planning permission for part two-storey, part single-storey, rear and side extensions. The works incorporate the demolition of an existing garage and part demolition of the existing house. A roof extension including rear dormers and a balcony is included in the scheme, which also involves an increase to the ridge height of 0.2m.

2.2 At single-storey level, the proposed extension would project out to the rear by 5m and to the side by 5.6m. The two-storey element would project out to the rear by 6.3m, 1.3m further than the ground floor and to the side by approximately 4m. The proposed extension is designed with a gently curving and slanted roof and is designed predominantly in render but there are smaller areas designed in red brick, stone and timber cladding, while the new roof would be designed in pre-weather zinc.

2.3 The roof would also be increased in height by 0.2m, taking the total ridge height up to 8m, and extended out to the rear as the same depth as the proposed two-storey element with an eaves height of approximately 5.2m. The roof form at the rear would also be converted from a hipped roof to a pitched roof with two gable ends facing out to the rear.

2.4 The application has been called in for determination at planning committee by Councillor Moore due to concerns regarding the impact of the proposal on the amenity of no.4 Fendon Close.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
13/1239/FUL	Two storey side extension and	Withdrawn.

part two storey part single storey  
 rear extension (following  
 demolition of garage)

**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 Local Plan 2006	3/4 3/7 3/11 3/14

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 of relevance.

## 6.0 CONSULTATIONS

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

6.1 No objection.

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

6.2 No objection subject to demolition/ construction hours and demolition/ construction delivery/ collection hours conditions.

## 7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations in objection to the proposals:

- 30 Station Road
- 2 Fendon Close
- 4 Fendon Close

7.2 The representations can be summarised as follows:

- Overlooking/ loss of privacy
- Enclosure/ visual dominance
- Detrimental impact on character of the area

- Poor design
- Overshadowing
- There are inaccuracies in the drawings.
- Some of the statements in the design and access statement are false and misleading.
- Concerns regarding change of use to house in multiple occupation (HMO).

7.3 The owner/ occupiers of the following addresses have made representation in support to the proposals:

- 21 Fendon Road
- 29 Kinnaird Way

7.4 The representations can be summarised as follows:

- Positive impact on character of area
- Good design

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

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

8.2 The proposed extension would be visible from the street scene of Fendon Close.

8.3 Concerns have been raised from neighbouring properties regarding the design of the proposed extension and how it is not in keeping with the character of the area. The concerns state that the mass and footprint of the extension would be disproportionate to the size of the existing dwelling and that this would appear overly dominant and cramped in the site. In

addition to this, the objections state that the scale and massing of the roof extension are not in keeping with the existing roof forms in the area. The materials are also criticised as exacerbating this dominating impact of the additional mass.

- 8.4 The proposed extension would significantly increase the footprint of the dwelling at ground floor and first floor level and would inevitably lead to an increase in mass when viewed from the street scene of Fendon Close. However, there would be a 1m gap retained between the boundary of the site and the dwelling as a result of the extension and this gap would gradually increase as the extension curves away from the boundary. I consider that given that there is a gap between the proposed extension and the boundary and it has been designed to curve away from the boundary, the proposed extension will not read as cramped or overdeveloped on the plot. Furthermore, as the property is situated over 25m from the road, I do not believe that the additional mass as a result of the increased footprint will be so prominent as to detract from the character of the area.
- 8.5 The change in scale and massing of the roof to the front and side would be visible from the street, while the two additional gables and changes to the rear of the roof will be concealed from the main views from the street. The sloping roof is set at a relatively steep gradient which reduces its prominence when viewed from the street scene. While I accept that the design is unique and not reflective of the predominant pitched roof form established in the area, the design of this contemporary roof slope is integrated into the extension well and I believe that this style contrasts successfully with the surrounding area.
- 8.6 While I acknowledge that the materials on the roof are not reflective of the more traditional tiled roofs in the surrounding area, I consider that these materials reinforce the contemporary identity of this extension and this further enhances the successful contrast from other properties.
- 8.7 In conclusion, while I accept that the overall mass, design and choice of materials are distinct and noticeable from the street scene, I consider this contrast to be successful. There is not a uniform building line as properties are incoherently staggered back from the road and there is a mix of render and brick

externally on other properties which reduces the need for the proposed extension to conform to a particular form or style.

- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.9 The main consideration is the impact on the two adjacent properties at nos. 2 and 4 Fendon close. I have visited no.4 Fendon Close specifically to understand the nature of the potential impact of the scheme and requested additional visualisations of the scheme from this property.

#### Overlooking/ loss of privacy

- 8.10 There are already first-floor rear windows that have views out across the rear garden of no.2. While the windows on the roof extension and balcony of the study room on the second floor would have views across this neighbour's garden, I do not consider that this would be significantly different to the existing views from the first floor rear windows and that the privacy of this neighbour will not be significantly compromised.
- 8.11 The neighbour at no.4 has raised concerns regarding overlooking into their garden from the proposed first floor side balcony. The proposal has been amended to increase the balustrade width and create an additional privacy screen made of vertical louvres. I consider that the views from the first floor side balcony will be oblique and will not allow for direct overlooking of this neighbour's garden.
- 8.12 No.4 has also raised concerns regarding overlooking into their front first-floor bedroom from a side first-floor window on the proposed extension, which would serve a bathroom. The window in question would have a view into this neighbouring bedroom window. As a result, I have added a condition to ensure that this window be obscure glazed so that there is no outlook towards this neighbouring window.
- 8.13 The occupier of no.4 has requested that the large velux window on the roof slope be obscure glazed so as to prevent

overlooking into the first-floor front bedroom window of no.4. However, in consideration of the height of this window on the roof slope and the obliqueness of the view from this velux window, I do not consider this necessary as there would not be a clear view into this neighbouring bedroom window.

#### Overshadowing/ loss of light

- 8.14 The proposed extension will have no bearing on sun light to no.2 given the orientation of this property to the site.
- 8.15 The main consideration in terms of overshadowing is the impact on no.4 as this property is positioned to the north-west of the application site.
- 8.16 The focus of this assessment is the impact of overshadowing in the hours from morning until midday when the sun rises from the east. After midday, the impact is insignificant.
- 8.17 The shadow studies provided demonstrate that from the hours of 8am until 11am, there would be overshadowing over windows and the front porch and drive areas of no.4. The degree of overshadowing would be at its greatest at the earliest hours and would gradually decrease over the course of the morning hours when the shadow cast is not as great and fewer windows are affected.
- 8.18 In order to evaluate the degree of harm this overshadowing would cause, an assessment of the windows and spaces affected needs to be made.
- 8.19 The first floor front bedroom window would only be noticeably overshadowed during the winter months when the sun path is lower than normal and would be affected during the hours of 10am to 12pm. While this would lead to a loss of light for this room, I do not consider the loss of roughly two hours of sunlight at this time of year to a bedroom to be so significant as to warrant refusal.
- 8.20 The front porch and part of the drive area would be overshadowed during the autumn months from the hours of 9am to 12pm. This is not the main private outdoor amenity space for this neighbour, which is in the rear garden. Therefore, given the limited hours of overshadowing, and the fact that the

overall enjoyment of the external areas of no.4 would not be significantly compromised, I am satisfied that the levels of overshadowing on this area are acceptable.

- 8.21 The small front facing window at ground floor level is a relatively insignificant window and the living room that it connects to is not dependent on this outlook for lighting purposes.
- 8.22 Looking at the side elevation of no.4, the eastern most ground floor living room window would experience overshadowing from around 8am to 9am in the summer months, and between 9am to 11am in the autumn months. This increase in overshadowing is relatively limited as this window will still receive a considerable amount of sunlight during the midday to afternoon hours. I am also mindful that other windows serve this living space which are less affected by the proposal. I am content that this level of overshadowing would not significantly harm no.4's amenity within its internal living space(s).
- 8.23 Similar to the preceding assessment, the central and western most windows on the ground floor would only experience overshadowing as a result of the proposed extension from 8am to 9am during the autumn months and I do not consider this level of overshadowing great enough as to warrant refusal of the application.

#### Visual Enclosure/ Dominance

- 8.24 The main consideration in terms of the impact of enclosure on no.2 is the visual dominance when perceived from the rear ground floor windows of this neighbour. The proposed extension is set approximately 1m away from the side of this neighbouring property and the first floor element of the proposal is set 1.6m further away from this neighbour than the ground floor element. There is a relatively high wall and boundary treatment that runs between these two properties. I do not consider that the overall scale and mass of the proposed extension would visually dominate the outlook from these neighbouring ground floor windows given the level of separation and existing presence of boundary treatment between these two properties.

- 8.25 Concerns have been raised from no.4 regarding the enclosure that the proposed extension would cause, particularly on the side ground floor windows of this neighbouring property.
- 8.26 Looking at the south elevation of this neighbouring property, the central and western most windows would not be visually enclosed by the proposed extension. The extension would be partially visible from the central window but the overall outlook from this window will be retained and so I do not consider that the outlooks from these windows will be visually dominated.
- 8.27 The main window in question in terms of enclosure is the eastern most window of no.4. At present the lower half of the outlook from this window is partially obscured by the boundary treatment and the wall of the existing garage of no.3 which is hard up against this shared boundary and is at a height of approximately 2.5m. Under the proposed extension this 2.5m high wall of the garage would be removed and a 3.8m high wall that forms part of the extension, set 2m further back from the boundary than the existing garage would be built. It is clear that the proposed 3.8m high wall will visually enclose the outlook from this window. However, the living room that the window serves already has two other outlooks on this elevation and a far more encompassing outlook to the west from the glazing on the rear conservatory. As a result, I do not consider the outlook in this direction to be vital to the enjoyment of this room, and so while this outlook will be visually enclosed, I consider that on balance, the proposal will not significantly harm the amenity of this neighbour.
- 8.28 Additional virtual views have been provided to show the visual presence of the proposed extension when viewed from the front drive area of no.4. In consideration of the impact of enclosure on the front drive area, I do not believe the proposal will be significantly harmful. This is because a gap would still be retained between these two properties, and, the sloping and curving roof form and use of white render helps reduce the visual prominence when viewed from this space.
- 8.29 In my opinion, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider on balance that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

## Third Party Representations

8.30 The majority of the third party representations have been addressed in the main body of this report.

8.31

<b>Representation</b>	<b>Response</b>
Overlooking	See paragraphs 8.10 – 8.13
Overshadowing	See paragraphs 8.16 – 8.25
Visual Enclosure/ Dominance	See paragraphs 8.26 – 8.30
Poor design/ Impact on character of area	See paragraphs 8.2 – 8.8
There are inaccuracies in the following drawings:	
SK-032/R2: View from south – FF side balcony has been omitted	The first floor side balcony appears behind the tree line. In any case, this is an indicative drawing and does not form part of the formal submission (i.e. scaled elevations, floorplans etc)
SK-034/R3: boundary line between no.3 and no.4 is shown as crooked.	The boundary line is accurately shown on this drawing. This was raised with the architect on site and measurements were taken on site which proved that the distances from the house to the boundary were correct.
SK-034/R3: the windows of no.4 are labelled incorrectly.	The labelling of neighbours windows does not hold any weight in the assessment of this application. I have been to site and am well aware of what these windows serve.
SK-029/R3: West elevation: architect incorrectly labels existing as extension, and extension as existing	This discrepancy does exist. However, in making my decision, this oversight has not had any impact. The elevations marry up with the floorplans and so I am content that this error does not undermine the validity of this

	application.
SK-022/R3: boundary appears incorrectly drawn	The boundary on this drawing appears to be in the correct position. I agree that the aerial photograph layer does make the boundary more difficult to determine than a plain background but I consider the position to be very similar to that of the site boundary. In any case, it is the location plan boundary (SK-001/R2) that needs to be correctly shown as this has been done.
SK-007/R2: The existing garage is shown as a rectangular block and omits the sloping roof in reality. This could alter the outcome of the shadow study.	Yes this is correct; the garage is shown as having a flat roof in this drawing when in reality there is a very slight slope. However, upon viewing the site, this slope is not very steep and does not drastically alter the overall mass of this garage. In any case, I do not believe that this minor change in roof form would drastically affect the shadow study and I remain of the position that the levels of overshadowing are acceptable.
SK-040-43/R0 indicates a first floor side window not shown on SK-024/R3	Yes, the first floor side window is not shown on SK-024/R3. However it is shown on SK-029R3 and I am aware that it would serve a bathroom. The impact of this window has been assessed in this report in paragraph 8.12
Several drawings, most of which on the shadow study, do not show the ground floor side window of no.4.	SK-034/R3 is an indicative drawing to demonstrate distances for illustrative purposes and is not included in the list of approved/ refused drawings that would be referred to on the decision

	<p>notice. The shadow study, as pointed out, does not include a small ground floor side window which connects to the front porch and this is correct. However, the reason for the shadow study is to demonstrate to the local planning authority the likely effects of overshadowing on the windows on the side elevation which serve the living room. This side porch window is not critical to the amenity of this neighbouring property in terms of direct sunlight and so I am of the opinion that the impacts on the window will not harm the amenity of this neighbour.</p>
<p>SK-044/R0 is incorrectly labelled, does not include the western most side elevation window of no.4 or the window to the front of the room.</p>	<p>I do not consider the labelling of the windows to be an issue as I am well aware of what windows these indicative views relate to in making my assessment. The drawings do not include the western most window on the side elevation or the small front window of the living room. However, I am content that the views from this window will be unaffected by the proposed extension and so do not consider this additional information necessary in making my assessment. These drawings were requested for demonstrative purposes to show the impact of enclosure and not overshadowing or overlooking.</p>
<p>SK-048/R0: the existing and proposed labels are wrong.</p>	<p>Yes, this discrepancy does exist. However, I am well</p>

	<p>aware of this oversight and am able to interpret these images. In any case, I have not used these images in making my assessment of the impact of overshadowing on no.4 and have referred to the shadow studies.</p>
<p>The application form boundary treatment section is incorrect.</p>	<p>As the boundary treatment is not altering and is staying as existing, I do not consider it necessary to clarify or amend this section of the application form. However, for the purposes of clarity, a boundary treatment condition has been included to ensure that details of the boundary treatment are provided.</p>
<p>The design and access statement is inaccurate and misleading and should not be included in the application.</p>	<p>The design and access statement is not a document that is referred to in the decision notice when granting/refusing planning permission. The application has been judged on the relevant drawings provided and the representations made during the time that this application has been valid.</p>
<p>Concerns regarding change of use to HMO</p>	<p>The proposal does not seek planning permission for any change of use and so this has not been assessed under this application.</p>

## 9.0 CONCLUSION

- 9.1 The proposed extensions would not harm the character of the area or adversely impact on the amenity of neighbouring properties and so approval is recommended.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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.

2. 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.

3. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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)

4. There should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on 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. The window identified on the west elevation serving the bathroom 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 (of the extension) 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 3/14).

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/14)