

Application Number	15/0563/FUL	Agenda Item	
Date Received	25th March 2015	Officer	Mr Amit Patel
Target Date	20th May 2015		
Ward	West Chesterton		
Site	45 Elizabeth Way Cambridge Cambridgeshire CB4 1DB		
Proposal Applicant	Proposed one bedroom bungalow Mr J O' Sullivan 9 Hillcrest Bar Hill Cambs CB23 8TJ		

<p>SUMMARY</p>	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposal would not provide a good quality living environment for the future occupiers <input type="checkbox"/> The proposal will create a development that will have a harmful impact on the living conditions of the proposed occupiers in the host building of number 45 and new dwelling <input type="checkbox"/> The proposals would be out of keeping with the character of the area. <input type="checkbox"/> The car parking arrangement is such that the manoeuvrability of cars is restricted and would not allow cars to access the parking spaces and to leave the site in a forward gear
<p>RECOMMENDATION</p>	<p>REFUSAL</p>

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site relates to a detached house of multiple occupation situated on the western side of Elizabeth Way. The property has been previously extended with a 2 storey flat roof rear extension.
- 1.2 To the north of the site is land which has planning approval for residential properties. The area is characterised by two storey buildings.
- 1.3 The site is surrounded by residential curtilages. The site is not within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 The application seeks to split the current curtilage of the plot to accommodate a one-bedroom bungalow at the rear of the site.
- 2.2 The bungalow would be nearly the full width of the plot. The proposal will be finished in a pitched and hipped roof design and a patio area to the northeast part of the proposed plot. Bins and bike storage will be located within the patio area.
- 2.3 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
C/87/0371	First floor rear extension	Approved
C/00/1170	Retention of store building and parking area (3 no. bays) in the curtilage of a HMO (house of multiple occupation)	Approved
13/1062/FUL	First floor extension (rear) to dwelling.	A/C

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	3/1 3/4 3/7 3/10 3/11 3/12 4/13 5/1 8/1 8/2 8/6 8/10

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 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential

	Developments (2010)
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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 (Engineering)

- 6.1 No additional provision is made for the additional dwelling therefore demand for on street car parking could lead to residential amenity impact but unlikely to result in a significant adverse impact upon highway safety.

Head of Refuse and Environment

- 6.2 No objection in principle to the application subject to conditions relating to construction hours and collection and deliveries.
- 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:

- 44 Elizabeth Way

7.2 The representations can be summarised as follows:

- Suitable for a young person

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 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. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan explains that provision is made for an increase of 12,500 dwellings over the period 1999-2016; although it recognises that many of these will be from larger sites within the urban area and in the urban extensions, development for housing on windfall sites, such as this, will be permitted subject to the existing land use and compatibility with adjoining uses.

8.3 The NPPF (para. 53) still allows local authorities to resist private residential gardens from previously developed or brownfield land to greenfield land. This does not, however, mean that garden land cannot be developed under any circumstances. At the present time, national policy does not preclude the development of private gardens, but garden land is now not considered to be brownfield land and is not, therefore, of the same priority for development as was the case previously. Proposals for the development of garden land will continue to be assessed against Policy 3/10 of the Cambridge Local Plan (2006) relating to the subdivision of plots.

- 8.4 In my opinion, and notwithstanding the new guidance about the status of garden land, the broad principle of development is acceptable and in accordance with policy 5/1, which supports the development of windfall sites such as this but must be considered in the light of the re-issued NPPF and other policies of the Local Plan 2006, including policy 3/10 which addresses the subdivision of gardens.
- 8.5 Policy 3/10 of the Cambridge Local Plan 2006, Sub-division of Existing Plots, states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a) - have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
 - b) - provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
 - c) - detract from the prevailing character and appearance of the area;
 - d) - adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
 - e) - adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
 - f) - prejudice the comprehensive development of the wider area of which the site forms part.
- 8.6 These six elements are not uniformly relevant to this site. I do not think that the development of this site would prejudice the comprehensive development of the wider area of which the site forms part, and it would not prejudice the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site; on that basis I consider neither d) or f) to be relevant here. The other parts of this policy will be discussed later on in the report.

Context of site, design and external spaces

- 8.7 The site is within the rear part of the hardstanding area which includes a shed. The area is residential in character and there

are other outbuildings in the area. To the southwest is a development site where there is approval for five new family homes. The plans for the new homes show that the garden area for house three will run along the southwestern boundary of the proposed bungalow.

- 8.8 The building measures 2.5m to the eaves and 3.9m to the overall ridge height. The design of the building is acceptable as this will in keeping to the materials that have been used in the area. The site is currently used as car parking and storage. Three car parking spaces will be kept and the wooden shed will be demolished to accommodate the bungalow.
- 8.9 The proposal will be visible through the gap between the properties, within the street scene. Although the proposal will be masked by the proposed boundary it will be clear that there is a new dwelling to the rear.
- 8.10 There are no other sites in the immediate area which has approval for the sub-division of plots. The plot is shorter in length than other properties further northwest of the application site and this adds to the constraints of the site. I consider that the sub-division of this plot is not acceptable and would be detrimental to the character of the area.
- 8.11 In my opinion the proposal is not compliant with Cambridge Local Plan (2006) policies 3/4 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.12 The site lies to the north of 43 Elizabeth Way. The proposed bungalow on this boundary will be 6.5m in depth and 3.9m high to the ridge of the roof. This will be to the rear part of the garden. I do not consider that the proposal will have any significant impact on sunlight to that property and there are no windows in the southern elevation so privacy will not be affected.
- 8.13 The proposal is stepped off the boundary with number 47 Elizabeth Way by 1m given the design of the roof, its low height and the existing boundary treatment; I do not consider that there will be any significant shadowing or domination of the

garden space. There are no windows proposed in the side elevation and therefore no overlooking impact.

- 8.14 The main route for access to this property will be from the side of the existing house. The floor plan layout, taken from the submitted 13/1062/FUL application, show that the utility, hallway and kitchen of the main house are closest to the access at ground floor. There are bed rooms to the front and rear at ground floor but these are not adjacent to the access and therefore I do not consider that these properties would be impacted significantly worse than the current situation.
- 8.15 The bedroom facing the car park will not have a buffer for privacy. Although this is the current situation the addition of a new dwelling in my opinion, alters this arrangement as the car parking would be used by residents of the existing HMO and new arrangement introduces a separate occupier. I do not consider that this would provide a high quality living arrangement for this occupier.
- 8.16 In addition to this the car parking area will have comings and goings for the ground floor rooms. The comings and goings from the car parking area to this room will have potential noise and disturbance that would be detrimental to the occupier. I consider that by adding a new dwelling to the rear the comings and goings will intensify within this area, which is close to ground floor living room windows and by not having any break out space the situation for the current occupiers on ground floor level in number 45 would be severely compromised.
- 8.17 The plans do not provide for any amenity space for the occupiers of the main house. Other properties in the area have some form of amenity space and the current situation also provides amenity space. Although the current area is a car park there is outdoor space if needed for the occupiers. I therefore consider that the proposal is not acceptable, due to a lack of provision of outdoor/amenity space and worsening the existing situation.
- 8.18 In my opinion the proposal does not respect the residential amenity of its neighbours and the constraints of the site and I do not consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/12.

Amenity for future occupiers of the site

- 8.19 The proposed bungalow will be close to the proposed boundaries enclosing the site. The proposed bedroom will be served by a single window with an outlook towards the southwest. The building will be 1m from the boundary fence. I consider that this gap will lead to a very dark and not a high quality living space. The windows will receive light in the later part of the afternoon and being so close to the boundary fence will not create a high quality habitable space.
- 8.20 In my opinion the proposal would provide an unsatisfactory living environment and a poor standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.21 The proposal shows a bin and bike storage for the new dwelling. This is acceptable.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12, relating to refuse arrangement.

Highway safety and Car and Cycle Parking

- 8.23 The highway authority has not raised any concerns regarding highway safety impact. The number of spaces provided accords with the Car Parking Standards but as previously mentioned the usability of the car parking spaces is a concern.
- 8.24 The plans show cycle parking space for two bikes. This is in a safe and secure space and is acceptable and accords with the Cycle Parking Standards. The proposals would comply with the requirements of Policies 8/6 and 8/10.
- 8.25 The position of the car parking spaces in relation to boundaries makes the car parking space unusable. The space adjacent to the proposed dwelling would not allow a car to turn around due to the width of the site and leave a reversing gap of 4.2m for a cars parked in this space. The acceptable distance is 6m. Due to the constraints of the site I consider that this adds to the

concerns about whether this development is acceptable. Therefore it is likely that vehicles would reverse into and out of the site conflicting with pedestrian, cycling and other vehicle traffic detriment to highway safety.

- 8.26 In my opinion the proposal is not compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

- 8.27 The third party objection related to the proposed use and therefore, has been addressed in the main body of the report.

Planning Obligation Strategy

Planning Obligations

- 8.28 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

- 9.1 The proposal is for a new dwelling to the rear of the House in Multiple Occupation. The proposal will have a detrimental impact upon the character of this back land area as there are no other forms of development of this scale and layout. The proposal will also have a detrimental impact on the host building through loss of privacy, amenity space and noise and disturbance. In addition the future occupiers will not have a high quality living environment as the window serving the bedroom, which faces west will be close to the boundary and therefore will have a lack of outlook and light. The car parking arrangement will not be functional as there would not be room to manoeuvre cars in forward gear onto Elizabeth Way. This will result in an overdevelopment and cramped form of development. The

combination of all of this is that this is an overdevelopment of the site and would not comply with relevant Development Plan Policies.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed new building in this location would have a harmful effect on the character of the area. Living accommodation in this position within the curtilage is not characteristic of the area. The proposal fails to respond positively to the character of the area and would result in a cramped form of development and an over development of the site. The proposal would therefore be poorly integrated with, the immediate locality, contrary to policies 3/4, 3/7 and 3/10 of the Cambridge Local Plan 2006
2. The proposed bungalow would have single aspect windows serving the bedroom giving outlook onto the rear passage way. In so doing, future occupiers would have a poor outlook due to having these windows being located within 1m of the boundary and limited natural light . This arrangement would not create a high quality living environment for future occupiers and is contrary to policies 3/4, 3/7 and 3/10 (b) of the Cambridge Local Plan 2006 and National Planning Policy Guidance (2012).
3. The proposed car parking layout does not allow for sufficient room for cars to manoeuvre in and out of the access, in forward gear and could result in cars reversing out onto Elizabeth Way, compromising highway safety. The proposal is contrary to policy 8/2 in the Cambridge Local Plan (2006).
4. Number 45 curtilage would be diminished to the extent that the occupiers would have no access to private garden space. The development would therefore result in a poor standard of amenity for existing occupiers contrary to policies 3/4, 3/7 and 3/10 of the Cambridge Local Plan (2006).
5. Impact on the ground floor rooms in number 45 being prejudicial by the comings and goings of cars for the rear plot, impacting on the amenity of the existing occupiers contrary to policies 3/4, 3/7 and 3/10 of the Cambridge Local Plan (2006).