

Application Number	15/0134/FUL	Agenda Item	
Date Received	3rd February 2015	Officer	Mr Toby Williams
Target Date	31st March 2015		
Ward	Queen Ediths		
Site	44 Queen Ediths Way Cambridge CB1 8PW		
Proposal	Part two storey, part single storey, front, side and rear extensions including conversion of the garage to living space (retrospective).		
Applicant	Mr H EFTAR 47 Gunhild Way CAMBRIDGE Cambs CB1 8QZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> -The design and scale of the extensions is appropriate. -The extensions would not result in unreasonable overlooking, overshadowing or visual domination of adjacent properties.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located on the corner of Queen Edith’s Way and Nightingale Avenue and comprises a detached two storey property. It is not located within a Conservation Area or any other area of specific constraint.
- 1.2 The general pattern of development in the area is characterised by two storey detached and semi-detached properties on generous plots.
- 1.3 To the east of the property is Nightingale Avenue. To the south is 2a Nightingale Avenue, a detached infill property close to the rear gardens of 42 and 44 Queen Edith’s Way. To the west is no. 42 Queen Edith’s Way which sits in broad alignment with no. 44

1.4 The house and its curtilage are highly visible from the corner of Queen Edith's Way and Nightingale Avenue.

2.0 THE PROPOSAL

2.1 The proposal is part-retrospective and seeks full planning permission for part two storey, part single storey, front, side and rear extensions including conversion of the garage to living space.

2.2 The physical dimensions of what is proposed have already been largely completed in terms of brickwork. Work has ceased on the site however pending the determination of this application.

2.3 The various components of the proposal can be summarised as follows:

a) To the east (side) of the building onto Nightingale Avenue, the conversion of the existing garage and utility room and a first floor extension above to create two new en-suite bedrooms at ground and first floors.

b) To the south (rear) of the building into the garden, almost full width ground floor and partial width first floor extensions.

-At ground floor, the works extend to a maximum depth of 4.4m. The depth is partially staggered and shorter at the side facing Nightingale Avenue. New kitchen and family room space is shown as being provided.

-At first floor, a square shaped new master bedroom is proposed. This extends 4.4m off the original back wall of the host property, is set in marginally by 0.74m, and extends to a width of 4.4m.

c) To the north (front) of the property facing Queen Edith's Way, ground and first floor extensions are proposed 0.54m outwards.

2.4 The east side of the extensions are to be finished in a mixture of brick at ground floor and render at first floor. The remaining parts of the extensions are finished in a matching brick.

- 2.5 The proposed first floor side extension ties into the existing ridge height of the property. The proposed rear first floor extension is hipped and at a lower ridge height. A new front door would be provided. New windows are located in all east, south and north facing elevations.
- 2.6 The plans have been amended on a number of occasions. The original plans and subsequent amendments did not reflect what was built on site. I have compared the latest plans with key measurements I have taken from all elevations from my last site visit. The latest set of plans accord with what has been built in terms of the physical dimensions of the extensions. I have re-consulted on this basis.
- 2.7 The agent has confirmed in writing that the property is intended for use for the family of the applicant.

3.0 SITE HISTORY

Reference	Description	Outcome
12/0820/FUL	Part single storey, part two storey extension side and rear extensions and single storey front extension.	A/C
C/81/0236/FUL	Erection of single-storey extension to existing dwelling house	A/C

- 3.1 The site history is a material consideration. The 2012 permission is currently extant, expiring on 19 September 2015. 12/0820/FUL granted permission for a similar scheme involving alterations to all east, south and north elevations. I compare the key differences in dimensions between what has been approved and what is now sought in the assessment section of my report.

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, 3/14

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	N/A
Material Considerations	Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u> N/A

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 should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No significant adverse effect upon the Public Highway should result from this proposal, should it gain the benefit of Planning Permission.
- 6.2 The above response is a summary of the comment that has been received. Full details of the consultation response can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations:
- 42 Queen Edith's Way
 - 47 Queen Edith's Way
 - 52 Queen Edith's Way
 - 1 Nightingale Avenue
 - 2A Nightingale Avenue

- 7.2 The representations can be summarised as follows:

Design and Character

- The design is poor, the extent of brickwork is substantial and detracts from the character of the area.
- The revised plans for the side to include render and a window now soften this elevation (previous concerns that it was all brick and that a window had been removed from the plans).

- The ground floor plans are too deep.
- The proposal represents an overdevelopment of the site.
- Guttering will overhang the drawn dimensions.

Overbearing

- The enlarged 2-storey extension would visually dominate no. 42, which is already enclosed (4.4m now proposed as opposed to 4m as approved).
- The roofline and structure on the side of the rear extension will negate any indenting of the first floor and be dominating.
- The application is retrospective and has a greater material impact on the occupants of no. 42 Queen Edith's Way than previously.

Light

- Early morning sunlight will be affected into the property and garden/patio of no. 42.

Privacy

- Scaffolding has not been screened on the side facing no. 42 resulting in loss of privacy during construction.

Permitted Development

- The large extension does not fall within the permitted development rights of the property.
- The applicants intend on erecting a dormer window under permitted development rights, which should be removed if permission is granted. The loft extension would reduce light into the side and velux windows of no. 42 Queen Edith's Way; cause overlooking to no. 42's garden; not be in keeping; and be overbearing in size and proximity. The absence of the dormer window from the plans does not give the overall impact of works proposed for the property.

Parking and Highways

- The plans show 7 bedrooms which will add to parking pressures locally.

- Additional occupancy of the dwelling will add to car parking pressure within Nightingale Avenue which has a hazardous crossing with Queen Edith's Way.
- It has not been demonstrated that cars would be able to turn within the site and leave in forward gear.

Noise and Disturbance

- The kitchen extractor will face no. 42.
- The house has been used for the letting of students who were unduly noisy at unsociable hours. With the dormer and extensions, it will allow for 9 bedrooms over 3 floors and more noise and disturbance.
- Construction work has taken place at unsociable hours contrary to the Party Wall Act.

Use

- The side extension will be used separately and accessed down the side passage adjacent to no. 42 causing noise and disturbance. Internally, there is not currently access from the side extension to the main body of the house.
- The property will be used as a business/hotel which will bring with it noise and disturbance, parking problems and the letting of which would be out of character with the area.

Other

- The site location plan is out of date and does not show 2a Nightingale Avenue.
- The construction of the extensions has led to health and safety issues and highway danger.
- The plans do not reflect what has been built.
- Conditions of any permission should remove pd rights for dormers, restrict the no. of occupants of the property, restrict separate letting, control working hours, ensure privacy screening is erected for scaffolding before any further work commences.
- Errors in the plans give no confidence in future development or of neighbourliness.
- Trees have been removed, infringing on privacy.
- The ground floor extension has been constructed with disregard to the Party Wall Act, infringing privacy and causing stress.

-The 2012 permission is the extent of what should be allowed.

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.

7.4 The application is being reported to Main Planning Committee because it has been called in by Councillor Moore on the following grounds:

- Aesthetically the altered plan will not fit in with the surrounding houses, especially the enlarged blank wall facing Nightingale Ave.
- The additional encroachment towards the neighbours on the other side (42) is not insubstantial, particularly the second floor which would be oppressive.
- The number of additional bedrooms, past plans, and floor plans suggests that the house is intended for use as a HMO. It should be viewed in that light with the additional safety concerns and resultant building regulations.
- To allow, in the future, an attic extension under permitted development would result in an out sized dwelling that does not fit in with the surrounding houses, and that would overlook several local private gardens. It would also add to the mass towering over no 42. Consideration should be given to preventing this as a condition.
- Given the history of building outside the agreed planning permission, and unsafe building practice (insecure perimeter fencing, creating a dangerous slippery clay covered pavement, blocking the pavement, leaving the cut telephone line across the road, encouraging fly tipping and more) additional conditions should also be considered.

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

2. Context of site, design and external spaces
3. Residential amenity
4. Permitted Development Restrictions and Use
5. Highway safety
6. Third party representations

Principle of Development

- 8.2 Planning permission is being sought for a range of extensions to the existing property for domestic use. There is nothing in principle in adopted policy which states that this is unacceptable.

Context of site, design and external spaces

- 8.3 The proposed front extension onto Queen Edith's Way is very modest in scale and would extend the existing profile of the roof downwards to provide marginally more living space to existing and proposed rooms at the property. I have no concerns with the effect of this part of the extension or the arrangement of windows or doors.
- 8.4 The proposed side and part rear extension onto Nightingale Avenue is long at 12.7m and hard onto the verge. Amended plans have broken down the use of materials on this elevation to include render and brick, with a first floor window. The neighbour at no. 48 Queen Edith's Way on the opposite side of Nightingale Avenue has undertaken a similar styled extension. Provided the extension is finished in the manner proposed, I am satisfied that it would sit comfortably within the street.
- 8.5 The proposed rear extensions are a mixture of ground and first floor elements. The first floor extension is subservient in height and of an appropriate width for the property. I have no concerns with the proposed single storey elements, which are modest in scale and configuration. I do not consider any of the extensions too deep or that the extensions in any way represent an overdevelopment of the site.
- 8.6 Overall, I consider the scheme has adequately responded to its context and that its overall massing and design is appropriate. In my view it accords with policies 3/4 and 3/14 of the Cambridge Local Plan 2006.

8.7 Residential Amenity

Impact on amenity of neighbouring occupiers

Enclosure and Dominance

- 8.8 No. 42 Queen Edith's Way is immediately to the west of the application site. The proposed first floor extension would extend 4.4m off from the back of the rear of no. 44. The ridge height would be lower than the main ridge. The extension is inset by 0.740m, and extends to a width of 4.4m.
- 8.9 I have visited the garden of no. 42 to examine the visual impact of the extension. I have also considered the proposed extensions in light of other properties and extensions to houses nearby. I do not consider that the first floor rear extension would unduly dominate either internal or external spaces to no. 42. This is a substantial detached property with a relatively generous garden and the overall impact on the amenity for the occupants would, in my view, be acceptable. I acknowledge that the impact would be greater than approved, but that in itself is not a reason to refuse this application.
- 8.10 I do not consider that any other aspect of the extensions cause significant issues of enclosure or dominance for other adjacent properties.

Overshadowing/loss of light

- 8.11 Located to the east of no. 42, the extensions could potentially cause some loss of morning sunlight. However, at 4.4m in depth - 0.4m longer than previously proposed - I do not consider that the windows or garden space of no. 42 would in any way be significantly affected. I have not requested shadow studies because in my view it would be unreasonable to do so given the history, the modest size of the extensions, the south rear facing aspect and the relatively generous garden width of no.42.
- 8.12 I do not consider that any other aspect of the extensions cause significant issues of overshadowing or loss of light for other adjacent properties.

Overlooking/loss of privacy

- 8.13 I have no issues with any of the proposed ground floor windows or privacy issues arising from them. The first floor rear extension would provide for a new master bedroom window looking south. Whilst further back into the site, this would only be some 400mm more than approved previously. I am mindful that there was a first floor bedroom window on the rear side of no. 44 which gave partial oblique views into the garden of no. 42 previously. The new master bedroom will also cut off an oblique view from bedroom 2. I do not consider any significant harm to privacy will arise from the proposed extensions on the occupants of no. 42.
- 8.14 The occupants of no. 42 have asked for privacy screening for scaffolding adjacent to their boundary to be erected if permission is forthcoming. I do not consider that it is necessary or reasonable to condition this as part of a planning permission because of the temporary nature of the scaffolding works.
- 8.15 I do not consider that any other aspect of the extensions cause significant issues of privacy for other adjacent properties.

Noise and disturbance

- 8.16 The proposed plans are for extensions to a detached house and the applicants have indicated their intention to use the property as a dwelling. The submitted plans show all of the spaces to be interconnected internally providing 6 bedrooms in total, one at ground floor with an en-suite and five at first floor. I do not consider the scale of the extensions unusual for a domestic property and I cannot see any reason why noise and disturbance arising out of the domestic use of the property would be harmful.
- 8.17 The location of a kitchen extractor facing no. 42. is not unreasonable and the location of such features is not ordinarily a planning issue.
- 8.18 I understand the property has been used for the letting of students previously who were unduly noisy at unsociable hours. Planning legislation does not set out to provide control over who lives at a particular property, who a property is let to or how neighbourly people should be. These are civil matters between

property owners which can be normally resolved through direct communication or as necessary either through separate Environmental Health legislative controls or the police as necessary.

- 8.19 The applicants are not seeking a change of use of the property and the local planning authority cannot determine this application based upon fears of how it might be utilised in the future. If the applicants did indeed wish for the property to be used as a HMO for more than 6 persons, planning permission would be required, as would a change of use to bed and breakfast or a subdivision of the property into one or more independent units. I acknowledge that some internal works will have to be rectified to accord with the proposal, such as the knocking through of a wall to form a link with a proposed family room from the side extension. Condition 1 ensures that works are carried out in accordance with the approved plans.
- 8.20 Likewise, third parties state that with the dormer extensions, it will allow for 9 bedrooms over 3 floors and create more noise and disturbance. However, the dormer extensions are not part of this application and could be carried out separately under the existing applicant's permitted development rights. I do not necessarily equate such extensions as resulting in undue noise and disturbance. These works are not within the Council's reasonable control in any case.
- 8.21 I acknowledge that construction work can take place at unsociable hours. I recommend standard condition 2 to control this.
- 8.22 In summary and 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 and 3/14.

Permitted Development Rights and Use

- 8.23 All of the proposed works on the proposed plans in combination with one another require planning permission.
- 8.24 Objectors have raised the issue of the applicant's intention to also erect a dormer window under permitted development rights (not shown on the submitted plans but forwarded from an

objector) over the original roof slope of the property. It is requested that a condition be imposed upon any permission removing permitted development rights for dormers because of concerns regarding its possible impact.

- 8.25 The Local Planning Authority can, if it considers it reasonable, remove permitted development rights for development proposals and for changes of use at properties under a planning permission. This would normally be undertaken, for example, where a new bungalow was being built in a rear garden and it was only granted on the basis of no dormer windows being inserted into certain roof-slopes or windows into walls which the Council would otherwise be unable to control and which would create overlooking issues. The imposition of planning conditions also has to apply to the proposal for which permission is being sought. That is not the case in this circumstance as the dormer would be in the original roof space of the house and not include the roof space of any of the proposed extensions. Members should also note, in consideration of this issue, that permitted development rights already exist at the property, so the applicants could nonetheless undertake these works presently. My view is that a condition removing permitted development rights would be unreasonable and that the same logic applies to fears of a change of use to a small scale House in Multiple Occupation (C4 use class) which would also be permitted development.
- 8.26 I acknowledge that the loft extension could reduce light into windows of no. 42, create additional overlooking, unbalance the look of the property and potentially create additional enclosure on top of what is being proposed, but the Council does not have any planning control over this aspect of development if the applicants choose to implement their permitted development rights. The Council does have control over changes of use which require planning permission, such as a change of use to a sui generis HMO, a bed and breakfast or the separation of the side extension and its use as a separate flat. These uses would have to be subject to applications for separate planning permission in their own right and would be judged on their own merit. I have appended an informative to the recommendation to highlight this to the applicants.
- 8.27 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 and 3/14.

Highway Safety and Parking

- 8.28 The Local Highway Authority has not raised any objection to the scheme. At least three spaces are set out for the parking of vehicles within the front garden which is approximately 10.5 – 11m wide. I consider this is sufficient space, albeit tight, for cars to turn and exit in forward gear. The access arrangement remains unaltered with the proposed scheme from that existing.
- 8.29 On-street parking is at a premium in this part of the City but given the on-site provision, I do not consider that the extensions to the house would necessarily worsen the situation or create harm.
- 8.30 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

- 8.31 A number of outstanding third party issues remain. I deal with them in the table below.

Issue	Officer Response
The site location plan is out of date and does not show 2a Nightingale Avenue.	It is sufficient to identify the site. The officer assessment acknowledges the presence of 2a to the south of the site
The construction of the extensions has led to health and safety issues and highway danger.	Health and safety issues arising from the construction work on the site is the responsibility of the contractors. Obstruction of the highway is a matter for the highway authority and/or police to deal with.
The plans do not reflect what has been built.	I acknowledge this, but the plans do represent what the applicants wish to complete and the external physical dimensions of what is built on site reflect the plans (as

	amended), now put forward.
Conditions of any permission should restrict the no. of occupants of the property, restrict separate letting, control working hours.	Provided the property is used as a dwellinghouse I have no reason to restrict the number of occupants. Use by more than 6 individuals as a HMO would require planning permission and does not need to be conditioned. Separate use of the side extension as a flat would require planning permission.
Errors in the plans give no confidence in future development or of neighbourliness.	I accept that the applicants have failed on a number of occasions to produce accurate plans and this has led to numerous consultations having to be carried out. This has now been corrected but has led to a lack of confidence in future plans for the property or improved neighbourliness. I have relayed these concerns to the agent for the site, but they do not amount to reasons for refusal.
Trees have been removed, infringing on privacy.	I understand that the trees which were removed were not protected. Notwithstanding this, I do not consider privacy issues to be harmful because of the arrangement of windows in the existing property compared to that proposed.
The ground floor extension has been constructed with disregard to the Party Wall Act, infringing privacy and causing stress.	This is a civil matter.
The 2012 permission is the extent of what should be allowed.	I disagree. The proposed extensions are relatively modest and entirely

	acceptable.
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9.0 CONCLUSION

9.1 I understand entirely that the retrospective nature of this application, the issues that have arisen as a result of poor contractor working, incorrectly detailed plans and issues of neighbourliness have created a number of issues for adjacent residents which have heightened sensitivity to it. Work has ceased on the site in order for the current planning application to run its course. Taking all of the issues into account, I am of the view that the proposed extensions are entirely reasonable in their own right and do not give rise to any significant design or amenity issues that would warrant a refusal of planning permission.

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. 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)

INFORMATIVE: The applicants are reminded that the use of the property as a House in Multiple Occupation for more than 6 people, for bed and breakfast or the creation of a separate planning unit as part of the side extension as a flat or similar would all require separate planning permission in their own right.