

Application Number	15/1038/FUL	Agenda Item	
Date Received	9th June 2015	Officer	Mr Sav Patel
Target Date	4th August 2015		
Ward	Queen Ediths		
Site	92 Queen Ediths Way Cambridge CB1 8PW		
Proposal	Two storey dwelling to the rear of 92 Queen Edith's Way		
Applicant	Mrs Lynda Burchell 92 Queen Ediths Way Cambridge CB1 8PW		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed subdivision of the existing residential curtilage to create a new residential plot is considered to be acceptable as it would be compatible with existing residential context of the area; <input type="checkbox"/> The design and scale of the proposed dwelling is appropriate for this site. The modern design and form would contrast well with the traditional house types in this area. The scale is considered to be modest and would not appear out of place in this context. <input type="checkbox"/> The proposed dwelling would not have a detrimental impact on the residential amenity of the adjoining neighbour or those in the host property.
<p>RECOMMENDATION</p>	<p>APPROVAL</p>

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site consists of a raised hardstanding area within the rear garden of no.92 Queen Edith's Way. There are

double gates facing Almoners Avenue. The site also contains a small shed in the south-west corner.

- 1.2 No.92 is an extended two storey detached dwelling which is set back from the road. The dwelling is screened from the front and side by boundary vegetation. The built form of the area is characterised by two storey detached dwellings which are set back from the road and on generous plots.
- 1.3 To the boundary of the site adjoins the rear garden of 37 Kinnaird Way which is also a two storey dwelling on a generous plot. Adjacent to the rear boundary of no.37 is a single storey pitched roof garage with access onto Almoners Avenue.
- 1.4 The site not located within a Conservation Area and there are no listed buildings or buildings of local interest within close proximity of the site. None of the trees in or around the site are protected.

2.0 THE PROPOSAL

- 2.1 The proposal is to subdivide the curtilage of no.92 to create a new residential plot consisting of a modern two storey pitched roof detached dwelling which would utilise the existing access onto Almoners Avenue.
- 2.2 The proposed dwelling would be 6 metres to the main ridge; and 3.5 metres to the eaves line (4.4. to the projecting element on the south elevation). In terms of footprint the proposed dwelling would be 5.2 metres wide and 10 metres in depth.
- 2.3 The curtilage would include an off street parking space, garden area and sliding gate which would replace the existing double timber gates.
- 2.4 The dwelling would be set off the northern boundary with the host dwelling by 1.5 metre and approx. 1 metre from the western boundary; and between 4.2 and 5.8 metres off the southern boundary. The northern boundary of the plot would be approx. 11 metres from the rear elevation of the host dwelling.
- 2.5 The proposal has been amended following concerns with the size of private amenity space in the original scheme. The plot has been increased in depth by 1.9 metres.

3.0 SITE HISTORY

Reference	Description	Outcome
C/88/0824	ERECTION OF 1 NO 2-BED CHALET BUNGALOW (OUTLINE APPLICATION).	REFUSED
C/02/0003	Erection of a single storey side extension to existing dwellinghouse.	APPROVED

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework 2012
National Planning Practice Guidance 2014
Community Infrastructure Levy Regulations 2010
Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)

5.2 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/10 Subdivision of existing plots
3/11 The design of external spaces
3/12 The design of new buildings
5/1 Housing provision
8/6 Cycle parking
8/10 Off-street car parking

5.3 Material Considerations

City Wide Guidance

Cycle Parking Guide for New Residential Developments (2010)

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 Concerns have been raised regarding the proposed sliding gates as this would require a vehicle to wait on the public highway which could also conflict with users of the footway. This can be overcome if the gates are removed or set back from 5 metres.

The existing gates would open onto the highway which is an offence under the Highway Act.

Subject to the above being addressed the following conditions and informatives are recommended:

- Visibility splays;
- Driveway constructed to avoid surface water draining onto public highway;
- No unbound material on the access;
- No encroachment from foundations under the adopted public highway;
- Works to public highway is an offence and require separate consent;

Head of Refuse and Environment

- 6.2 The proposal is acceptable subject to conditions on 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:
- 1 Almoners Avenue
 - 35 Kinnaird Way
 - 37 Kinnaird Way
 - 96 Queen Edith's Way

7.2 The representations can be summarised as follows:

Residential amenity:

- Truncate garden of no.92 to insufficient level and bring the new dwelling closer to the boundary of no.37 Kinnaird Way which would result in noise and massing issues on the boundary;
- The proposed dwelling would have a very small curtilage and appear cramped on the site;
- Insufficient useable outdoor space to support a two bed house;
- Overlooking from first floor windows resulting in loss of privacy;
- Overlooking of gardens and windows;
- Breach of the Human Rights Act
- The proposal would result in loss of light

Design, scale, context:

- The proposal is inconsistent with the urban grain of the area and would appear incongruous within the street scene;
- The new dwelling would damage the character of the area;
- Precedence set for this type of development at no.1 Nightingale Avenue, however the proposed arrangement would be significantly smaller;
- The proposed dwelling would be located closer to the road which is out of keeping with other houses in Almoners Avenue, detracting from the street scene
- The proposal fails to respond to local context in terms of siting, massing and design;

Use:

- Retirement property – this would be difficult to enforce and there is no shortage or desire for these types of properties

Highway safety

- No turning space within the plot so future occupier would need to reverse into or out of the site, either option would obstruct the highway and cause highway safety issues.
- No visitor parking;
- Significant increase in traffic and parked cars

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

Principle of Development

- 8.1 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses.
- 8.2 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.
- 8.3 As the proposal is for the subdivision of an existing residential plot, Local Plan policy 3/10 is relevant in assessing the acceptability of the proposal. Policy 3/10 allows for the subdivision of existing plots, subject to compliance with specified criteria. However, in this instance, Section d, e and f of the policy are not relevant as the proposal would not adversely affect the setting of a listed building (d), would not adversely affect trees, wildlife features or architectural features of local importance (e), and would not prejudice the comprehensive development of the wider area (f).
- 8.4 Residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a) have a significantly adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and generation of unreasonable levels of traffic or noise nuisance;
 - b) provide inadequate amenity space, or access arrangements and parking spaces for the proposed and existing properties;

c) detract from the prevailing character and appearance of the area.

8.5 I set out below my assessment of the proposal in relation to the above.

a) Residential amenity

8.6 The proposed dwelling has been carefully designed to mitigate the impact on the residential amenity of the surrounding neighbours. No windows are proposed in the western elevation which would prevent overlooking of the gardens to the west. Also no windows are proposed in the north elevation to prevent overlooking of the host property. I am therefore satisfied that the proposal would not cause loss of privacy to the residents to the west and host property.

8.7 Windows are proposed in the southern elevation at first floor level. These windows would serve a bedroom and bathroom. The bathroom window would be obscure glazed but the bedroom window which is set 1.3 in from the western elevation is not proposed to be. The bedroom would also be served by a rooflight. The rear elevation of the proposed dwelling would be 5.8 metres from the rear boundary and approx. 36.6 metres from the rear of no.37 Kinnaird Way. The pitched roof garage of no.37 would also be within 1.7 metres of the rear boundary of the site at 4.1 metres in height. The eaves line of the dwelling would overhang the window thus reducing the angle of view and outlook. The internal head room at the window would be 1.57 metres due to the pitch of the roof. Therefore, views from the bedroom window over the rear garden of no.37 Kinnaird Way would be mitigated by the existing garage and level of separation. The applicant has also produced a street elevation plan showing the sight lines. This shows that due to the garage and height of the first floor window, it would not be possible to view the rear garden of no.37. However, I have recommended a condition (7) to obscure glaze the window pane closest to the side elevation to mitigate overlooking of the gardens to the south-west. In order to mitigate the impact from overlooking of the adjoining neighbour's garden at no.90 (west), I have recommended a condition (10) to restrict any additional windows. Also due to the level of separation from no.90 (approx. 16.6 metres), I do not consider the proposed dwelling

would appear overbearing or cause an adverse sense of enclosure.

- 8.8 The proposed dwelling would be located to the south of the host property. Currently the garden is subdivided by a tall hedge which separates the garden area from the hardstanding area. Whilst a shadow study has not been carried out, I am satisfied that the modest height of the proposed dwelling (6 metres to the ridge and 4.4 metres to eaves) and its separation from the host property (12.4 metres) and other adjacent dwellings, would not cause significant levels of overshadowing such that it would have an adverse impact on the residential amenity of the existing occupiers. I do not consider the proposed dwellings would cause any adverse levels of shadowing on adjacent plots due to the level of separation and scale of the proposed dwelling.
- 8.9 The proposed dwelling would be set off all four boundaries by a minimum of 1 metre and maximum of 5.8 metres. The nearest dwelling to the proposed dwelling would be the host at 12.4 metres. No windows are proposed in the rear elevation. Therefore due to the modest scale of the proposed dwelling; compared to the existing built form and level of separation from other dwellings, I do not consider it would appear overbearing such that it would cause an adverse sense of enclosure of the residential amenity of the surrounding residents.
- 8.10 In terms of traffic generation, the proposed includes one off street parking space to serve the 2bed dwelling. I do not consider the proposed dwelling would result in significant levels of traffic generation such that it would have a materially adverse impact on the residential amenity of the local area in terms of noise nuisance/disturbance. Almoners Avenue is partly unrestricted and therefore whilst the proposal includes an off street space, any future resident would be able to park on street if they desired. This is the same for any of the existing residents.
- 8.11 I am therefore satisfied that the proposed dwelling would not have a significantly adverse impact on the residential amenity of the neighbour occupiers.

b) Amenity space, access and parking

8.12 The proposed subdivision of the plot would result in two defined curtilages. I have recommended a condition (8) to ensure the curtilage of the proposed dwelling is retained. Concerns were originally raised regarding the amount of usable garden space for the proposed dwelling and a request was made to increase this. The applicant response to this was to increase the size of the plot from 10.6 metres in width to 12.5 metres. This provides an additional 1.9 metres of garden space resulting in a garden area of 5.8 metres (including patio areas) by 5.7 metres. This is considered to be a sufficient amount of amenity space. Whilst the revision would take up garden land for the host dwelling, the occupier of the host dwelling would still enjoy a relatively generous amount of private amenity space (excluding the front garden area which is screened by boundary vegetation). The garden for the host property would be between 13.2 and 14.2 metres wide and 10.8 metres deep. Whilst these gardens would be much smaller than those gardens in the adjoining plots, I am satisfied that the subdivision would provide a satisfactory level of outdoor space for both dwellings without appearing as a cramped form of development. The proposal would also make efficient use of land to accommodate additional housing.

8.13 Both plots would include off street parking. The host property would maintain the existing off street car parking at the front of the site.

c) Detract from the prevailing character of the area

8.14 The built form of the area is characterised by a mix of house styles and features, particularly on Almoners Avenue. The prevailing feature of the rear is of projecting gables. The proposed dwelling would be located gable side onto the highway thus reflecting the gable feature in the area. The design of the dwelling which includes a projecting bay element, although unusual, is not, in itself, considered inappropriate; there is no uniformity amongst existing houses in the vicinity, and there are examples of gables facing the street close by. The proposed external materials of render and timber cladding also reflect the materials on adjacent buildings. I am therefore satisfied that the proposed dwelling would sympathetically assimilate into the site context and character of the area without appearing as an alien form.

- 8.15 In my opinion, the principle of the development is acceptable and in accordance with policies 3/4, 3/7, 3/10, 3/11, 3/12 and 5/1.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.16 As set out in paragraphs 8.6 to 8.12 above. 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 3/7.

Amenity for future occupiers of the site

- 8.17 In my opinion the proposal provides a high-quality living environment and an appropriate 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

- 8.18 The proposed plan indicates that the bins (3 receptacles) would be stored adjacent to the eastern boundary. However, no details of the type of enclosure has been provided. Therefore whilst I am satisfied that there is sufficient space within the plot to accommodate bins, I have recommended a waste storage condition (5) so that details of the type of enclosure is provided for our consideration. Subject to the submission of details, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.19 The applicant has proposed to remove the sliding gates to overcome the highway concerns. As for the parking issue, the proposed parking arrangement is similar to that of other existing properties i.e. vehicles reserving out of driveways onto the highway. I have not yet received additional comments from County Highway on the revised arrangements. I will therefore report their comments either orally or on the Amendment Sheet.

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

Car and Cycle Parking

Car parking

8.21 The proposal includes one off street parking space to serve the proposed 2bed dwelling. The Car Parking Standards set a maximum provision of one car parking space per dwelling with up to two bedrooms outside of the controlled parking zone. The proposal is therefore compliant with the Council's car parking standards. It is Local Plan policy to promote lower levels of car parking in order to encourage a modal shift towards sustainable forms of transport. The City's Car Parking Standards are therefore expressed as maximum levels, and in a location such this; relatively well placed for local services, the railway station and cycle routes into the city, the level of car parking is acceptable.

Cycle parking

8.22 The applicant has indicated an area adjacent to the western boundary for a cycle store. However, no details of the store have been provided. The proposal would need to provide one cycle parking space (per 3 bedrooms) to serve the proposed dwelling which is in accordance with the City Council's minimum Cycle Parking Standards as set out in Appendix D of the Cambridge Local Plan (2006). There is enough space within the plot to accommodate this provision.

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

Third Party Representations

8.24 I set out below my response to the concerns raised in the third party representations:

Representation	Response
Truncate garden of no.92 to insufficient level and bring the new dwelling closer to the boundary of no.37 Kinnaird Way which would result in noise and massing issues on the boundary;	The subdivision of the garden of no.92 to accommodate an additional residential plot would provide sufficient levels of garden/outdoor space for both the existing and proposed dwelling. The proposed dwelling is unlikely to create significant levels of noise disturbance to have a significantly adverse impact on the residential amenity of the occupier of no.37 Kinnaird Way. The massing of the proposed dwelling would not adversely impact the occupier of no.37 Kinnaird Way as it would be screened by the existing detached garage.
The proposed dwelling would have a very small curtilage and appear cramped on the site;	See para 8.9. The curtilage for the proposed dwelling is considered to be acceptable in terms of size and usable space.
Insufficient useable outdoor space to support a two bed house;	As above.
Overlooking from first windows resulting in loss of privacy;	See para 8.7-8.8. The proposed dwelling would not cause overlooking of neighbouring properties.
Overlooking of gardens and windows;	As above.

Breach of the Human Rights Act	The proposal has been carefully assessed to ensure it does not have a significantly adverse impact on the residential amenity of existing neighbours.
The proposal would result in loss of light	Due to the scale of the proposed dwelling and level of separation from existing dwellings, the proposed dwelling would not result in the significant loss of light on existing neighbours.
The proposal is inconsistent with the urban grain of the area and would appear incongruous within the street scene;	In this context, the proposed dwelling would make a positive contribution to the street scene along Almoners Avenue.
The new dwelling would damage the character of the area;	As above.
Precedence set for this type of development at no.1 Nightingale Avenue, however the proposed arrangement would be significantly smaller;	Each application is considered on its own merits and the proposed dwelling is considered to be of an appropriate scale for this location.
The proposed dwelling would be located closer to the road which is out of keeping with other houses in Almoners Avenue, detracting from the street scene	The proposed dwelling would be closer to the road than the dwellings on the opposite side of the road. However, in this context, where Almoners Avenue has grassed verges and pavements, I do not consider the scale of the proposed dwelling would detract from the character of the street scene.
The proposal fails to respond to local context in terms of siting, massing and design;	See para 8.14

Retirement property – this would be difficult to enforce and there is no shortage or desire for these types of properties	I do not consider it necessary to enforce the proposed dwelling is occupied as a retirement property. I have assessed the proposal on the basis of it being a dwelling for general habitation.
No turning space within the plot so future occupier would need to reverse into or out of the site, either option would obstruct the highway and cause highway safety issues.	This is no different to how some of the existing residents enter and leave their curtilage. Therefore, it would be difficult to argue the proposal would materially impact highway safety over and above the existing arrangement in the street.
No visitor parking;	The proposed car parking arrangement is compliant with the car parking standards. No visitor car parking is required for the proposed dwelling.
Significant increase in traffic and parked cars	The addition of one extra vehicle would not significantly increase traffic in the area such that it would have a materially adverse impact. Almoners Avenue has unrestricted on street parking.

9.0 Conclusion

- 9.1 The proposed residential development of this ancillary rear garden site is considered acceptable in principle. The design and scale of the proposed dwelling would sympathetically assimilate into the site and street scene without appearing as an alien form. The scheme is considered to provide a high-quality living environment and an acceptable standard of residential amenity for future occupiers and its neighbours. The proposal would also make efficient use of garden land for additional housing. As such, I recommend the application be approved.

9.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.

2. 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.

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. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the adjoining properties.
(Cambridge Local Plan 2006 policy 4/13)

5. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside or within 5m of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason - To protect the amenities of nearby residents /occupiers and in the interests of visual amenity. Cambridge Local Plan 2006 policies 3/12 and 4/13

6. The window identified as having obscured glass on drawing number shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation of the dwelling 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 3/12 or 3/14).

7. The pane window closest to the western boundary at first floor level in the south elevation as shown on drawing no.1050/P02 rev A shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation of the dwelling and shall have restrictors (if necessary) 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 3/12 or 3/14).

8. The curtilage (garden) of the proposed property as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land, which is currently part of the host property (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10)

9. 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 treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied 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 3/12)

10. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

11. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

INFORMATIVE: Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

INFORMATIVE: Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer.