

Application Number	15/1021/FUL	Agenda Item	
Date Received	1st June 2015	Officer	Mr Sav Patel
Target Date	27th July 2015		
Ward	Abbey		
Site	15 Whitehill Road Cambridge Cambridgeshire CB5 8LT		
Proposal	Erection of new 3 Bedroom dwelling to the land r/o 15 Whitehill Road, Cambridge and creation of new access off Elfleda Road.		
Applicant	Mr Tim Dean c/o Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed development would due to its design and scale sympathetically integrate into the site and make a positive contribution to the street scene. <input type="checkbox"/> The proposed dwelling has been carefully designed and laid out to mitigate the impact on the surrounding neighbours. <input type="checkbox"/> The proposed development would make efficient use of ancillary garden land in a residential area.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site forms the rear garden of no.15 Whitehill Road which is located on the corner with Elfleda Road to the south. The site also consists of a detached single storey flat roof double garage adjacent to the eastern boundary. The site is located within a residential area characterised mainly by two

storey hipped roof semi detached dwellings with deep albeit narrow rear gardens.

- 1.2 To the north is the rear garden of no.13, to the south is Elfleda Road, and to east is no.60 Elfleda Road which is a two storey dwelling.
- 1.3 The site not located within a Conservation Area and there are no listed buildings or buildings of local interest within close proximity to the site.

2.0 THE PROPOSAL

- 2.1 The proposal is to subdivide the curtilage of no.15 to create a new residential plot consisting of a two storey hipped roof 2bed detached dwelling with car parking, cycle and bin storage and amenity space. The proposed dwelling would be located on a similar footprint as the existing garage building.
- 2.2 The application is a resubmission of a previous application which was withdrawn due to concerns with overlooking of the host property from first floor bedroom and study room windows in the western elevation, the amount of amenity space and height of the dwelling.
- 2.3 The applicant has revised the layout of the first floor so that there would be only one window in the western elevation which serves a bedroom. The window is proposed to be obscure glazed. The bedroom also would have a clear window facing south onto Elfleda Road.
- 2.4 The applicant has also reduced the height and footprint of the proposed dwelling to increase the amount of private amenity space.

3.0 SITE HISTORY

Reference	Description	Outcome
15/0513/FUL	Erection of new 3 Bedroom dwelling to the land r/o 15 Whitehill Road, and creation of new access off Elfleda Road.	WITHDRAWN

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

5.2 Cambridge Local Plan 2006

3/4 Responding to context
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

5.3 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction
Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

5.4 Material Considerations

City Wide Guidance

Cycle Parking Guide for New Residential Developments (2010)

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 The development may impose additional parking demands upon the on-street parking on the surrounding streets. The proposal is unlikely to result in any significant adverse impact

upon highway safety subject to conditions and informatives relating to no unbound material, install access in accordance with County specification, construction access with adequate surface water drainage, visibility splays, return vehicle crossover to normal footway, access free from obstruction, notify applicant of offence to carry out work to highway without consent, and not to affect public utilities

Head of Refuse and Environment

6.2 No objections in principle subject to conditions relating to 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:

- 38 Elfleda Road
- 34 Elfleda Road
- 60 Elfleda Road
- 13 Whitehill Road
- 13 Whitehill Road
- 8 Holyoake Court, Whitehill Road

7.2 The representations can be summarised as follows:

- Confirmation that only private cars will be use the car parking spaces and not commercial vehicles;
- The proposal would add to car parking problems in the area, particularly during match days at Cambridge United;
- Disruption during demolition and construction process from noise, vibration, dust pollution and traffic generation on this narrow road;
- Concerns with noise and disturbance from future residents;
- Concerns with the proximity of the proposed dwelling to the existing dwelling to the east;
- Concerned by the potential loss of light into the rooms at the front of the house;

- Concerned by the presence of large commercial food vending vehicles that currently park in front of the existing garage;
- Impact on views during the day and night

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 principle of residential development in this location is considered to be acceptable as it would be a use that is compatible with surrounding uses. However, to assess the proposed subdivision of the existing garden to create the additional residential plot, policy 3/10 is relevant. I set out below my assessment of the proposal in relation to policy 3/10.

8.2 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).

8.3 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.

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

a) Residential amenity

- 8.5 The proposed dwelling has been designed to ensure there are no windows, particularly at first floor that would cause direct overlooking of the neighbouring properties. The rear elevation includes a window at first floor which would serve a landing area. This window is proposed to be obscure glazed. Other than this no additional windows are proposed in the rear elevation at first floor or above, apart from two rooflights in the roof. These rooflights would serve the main bathroom and en-suite. I am therefore satisfied that the existing residents to the north would not be directly overlooked by the proposed dwelling. I have recommended an obscure glazing condition (5) to ensure the window is obscure glazed to Pilkington level 3 and restricted from opening.
- 8.6 No windows are proposed in the side elevation facing the eastern boundary adjacent to no.60 Elfleda Road. I have recommended a condition (7) to prevent windows at first floor in this elevation and the rear elevation.
- 8.7 The west elevation includes a first floor window which would serve a bedroom but the applicant has proposed to make this obscure glazed. I have again recommended an obscure glazing condition (5). At ground floor the proposed dwelling would include French patio doors. However, as the applicant is proposing a 1.8 metre boundary fence to define the boundary between each plot, I do not consider the patio doors would cause any adverse overlooking issues.
- 8.8 The proposed dwelling would be located a sufficient distance from the host dwelling to not cause loss of light. The proposed dwelling would be located east of no.15 and no.13 and so would not cause any significant loss of light or adverse levels of overshadowing.
- 8.9 The proposed dwelling would be located within the width of the side elevation of no.60 Elfleda Road. Whilst no.60 has windows in the side elevation, these appear to be secondary windows. The proposed dwelling would be located to the west of the side elevation and therefore is unlikely to cause any significant levels of loss of light on the existing windows to warrant refusal.
- 8.10 In my view, the proposed dwelling would not result in any

significant loss of light on the neighbouring dwellings.

- 8.11 In terms of overbearing, the proposed dwelling would be located a sufficient distance from the host dwelling so as not to appear overbearing. The proposed dwelling would not project beyond the rear elevation of no.60 and so would not be visible from the rear windows. The proposed dwelling would be set approx. 1.4 metres back from the rear elevation. Whilst the proposed dwelling would be located approx. 2.4 metres of the side elevation of no.60, I do not consider this would cause an adverse sense of enclosure such that it would have a significantly adverse impact on the occupiers' residential amenity.
- 8.12 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.
- 8.13 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

- 8.14 The proposed subdivision of the plot would result in two defined curtilages. The host dwelling would maintain some private amenity including an off street car parking space. The garden for the host property would be between 4.6 and 8 metres deep and 10.9 metres wide and also include an off street parking space for one car. The garden area for the proposed dwelling would be 6 metres deep and 9.6 metres wide (excluding the front garden area). 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 and make efficient use of land to accommodate additional housing.

c) Detract from the prevailing character of the area

- 8.15 The proposed dwelling has been designed to integrate into the street scene of Elfleda Road. It has a hipped roof similar to

no.60 and would be set back and follow the same building line as no.60. The proposed dwelling would not appear as back-land development due to the corner plot of no.15 and instead read as a continuation of Elfleda Road. 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.

- 8.16 In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1.

Context of site, design and external spaces

- 8.17 The proposed dwelling is of a scale, design and layout such that it would sympathetically integrate into the site without appearing out of character or a cramped form of development.

- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.19 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

- 8.20 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

- 8.21 Suitable and convenient provision for refuse storage has been proposed for both the existing and proposed dwellings.

- 8.22 In my opinion the proposal is compliant with Cambridge Local

Plan (2006) policy 3/12.

Highway Safety

- 8.23 The proposed car parking spaces for each plot includes visibility splays to ensure vehicles entering Elfleda Road can do so with sufficient visibility of pedestrians and other road users.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car parking

- 8.25 The proposal includes one car parking space for each dwelling. This is considered to be sufficient to serve both dwellings. The existing highway is unrestricted and so there is on street car parking.

Cycle parking

- 8.26 There is enough space within the curtilage of the existing dwelling to accommodate cycle parking. Three cycle spaces are proposed for the proposed dwelling within an enclosed structure.
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.28 I set out below my response to the concerns raised in the third party representations received.

- Confirmation that only private cars will be use the car parking spaces and not commercial vehicles;

The proposal is for residential development. If the is a material change of use of the site away from residential use then planning permission may be required. There is nothing in the application to suggest that the site will be for anything other than residential use.

- The proposal would add to car parking problems in the area, particularly during match days at Cambridge United;

The proposed residential development is unlikely to have a material impact on traffic generation in this area. It is up to the County Council to enforce any illegal parking or nuisance parking during match days.

- Disruption during demolition and construction process from noise, vibration, dust pollution and traffic generation on this narrow road;

This is an inevitable part of development. I have therefore recommended a construction hours condition to mitigate the impact from demolition and construction work.

- Concerns with noise and disturbance from future residents;

If concerns are raised regarding noise and disturbance from future residents then local residents should contact the Environmental Service team or police to deal with any concerns.

- Concerns with the proximity of the proposed dwelling to the existing dwelling to the east;

The proposed dwelling would be 2.4 metres from the side of the adjacent dwelling. This is comparable to the spacing between existing dwellings. I therefore do not consider the proposed dwelling would have an overbearing impact on the occupier of the dwelling to the east.

- Concerned by the potential loss of light into the rooms at the front of the house;

The proposed dwelling is considered to be a sufficient distance from surrounding dwellings so as not to cause any loss of light.

- Concerned by the presence of large commercial food vending vehicles that currently park in front of the existing garage;

Elflada Road is unrestricted in terms of on street parking.

Therefore, if there are vehicles that are causing a nuisance to local residents then this should be reported to the County Council who manage the adopted highway.

- Impact on views during the day and night

The proposal would result in the introduction of a dwelling that would be sympathetic to the local context and appearance of the local area. The proposed dwelling would make a positive contribution to the visual appearance of the area.

9.0 RECOMMENDATION

- 9.1 The proposed subdivision of the curtilage of no.15 Whitehill Road to create a new residential curtilage consisting of a two storey 2bed dwelling is considered to be acceptable and would make efficient use of the deep rear garden. The proposed dwelling has been designed and laid so that it would not have an adverse impact on the residential amenity of local residents and would provide future residents with a high quality living accommodation and environment.

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. The windows identified as having obscured glass on drawing number PL(21)01 rev P1 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 3/12 or 3/14).

6. No new windows or openings of any kind shall be introduced at first floor level in the East and North Elevations of the hereby approved dwelling.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

7. 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)

8. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

9. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: for the safe and effective operation of the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

10. Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: for the safe and effective operation of the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

11. The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: for the safe and effective operation of the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

12. Two 2.0 x 2.0 metres visibility splays shall be provided as shown on the drawing PL(90)01 rev P2. The splays are to be included within the curtilage of the new dwelling. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

Reason: for the safe and effective operation of the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

13. The redundant vehicle crossover of the footway must be returned to normal footway and kerb at no cost to the Highway Authority.

Reason: for the safe and effective operation of the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

14. The access shall be provided as shown on the approved drawings and retained free of obstruction.

Reason: for the safe and effective operation of the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

15. Dust informative

The demolition phase may give rise to dust and therefore the applicant is advised to ensure that appropriate measures are employed to minimise the spread of airborne dust from the site. Further guidance can be obtained from:

-Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":

https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/documents/SustainComSPD_WEB.pdf

-Control of dust and emissions during construction and demolition - supplementary planning guidance

https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf

INFORMATIVE: This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

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.