

Application Number	15/1163/FUL	Agenda Item	
Date Received	30th June 2015	Officer	Lorraine Casey
Target Date	25th August 2015		
Ward	Queen Ediths		
Site	104 Wulfstan Way Cambridge CB1 8QJ		
Proposal	1no two bedroom dwelling		
Applicant	Mr P Geoghan 104 Wulfstan Way Cambridge CB1 8QJ		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <p>The proposed development would not provide an appropriate standard of residential amenity for future occupiers of the proposed new dwelling, contrary to Policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006.</p>
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Nos. 104 and 104a Wulfstan Way are terraced brick and tile two-storey dwellings situated on the west side of Wulfstan Way. The gardens back onto Hulatt Road to the west from which vehicular access is obtained.
- 1.2 The surrounding area is residential in character and formed primarily of two-storey semi-detached properties.
- 1.3 There are no site constraints.

2.0 THE PROPOSAL

- 2.1 The application proposes to erect a detached two-storey (6m high) 2-bedroom dwelling on the land to the rear of 104 and 104a Wulfstan Way. The dwelling would be located towards the western end of the site fronting Hulatt Road, from which

vehicular access would be obtained. Car parking would be provided to the front of the property. A 7m deep garden, incorporating bin and cycle storage, would be provided to the rear/east side of the dwelling, backing onto the retained garden areas serving the existing properties fronting Wulfstan Way.

2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
13/1372/FUL	Single storey front extension and new dwellinghouse	Approved
13/1053/FUL	Single storey front extension and new dwellinghouse	Refused

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

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

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)

- 6.1 The application provides no information regarding how the parking needs of the existing dwelling will be addressed. The development may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity that the Planning Authority may wish to consider when assessing this application.

Head of Refuse and Environment

- 6.2 No objections providing conditions are added to any planning permission to restrict construction hours and requiring details of any piled foundations. An informative requiring remediation of any contamination should also be added to any permission.
- 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:

- 100 Wulfstan Way
- 106 Wulfstan Way
- 15 Hulatt Road
- 1 representation with no address supplied

7.2 No.106 Wulfstan Way has expressed support for the application. Objections have been raised within all other responses, and these representations can be summarised as follows:

- Loss of privacy to occupiers of 15 Hulatt Road from the proposed front facing first-floor windows.
- Overlooking of No.100 Wulfstan Way's garden.
- Would increase the demand for parking in the area.
- Would result in overdevelopment of the site to the detriment of the character of the area given that No.104 has already been extended to the side to create an additional dwelling (No.104a).
- Would be out of keeping with the pattern of development in the area, and the scale and proportions of surrounding buildings.
- Would make it difficult to resist similar applications for dwellings fronting Hulatt Road, with consequent harm to the character of the area.
- Access for services for the proposed property via Hulatt Road will be restricted by the piped stream.

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. Highway safety
6. Car and cycle parking
7. Third party representations

8. Planning Obligations (s106 Agreement)

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses.
- 8.3 Policy 3/10 of the 2006 Local Plan 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.
- 8.4 In my opinion, the principle of the development is broadly acceptable and in accordance with policy 5/1. The site is not near a listed building or BLI, would not affect protected trees/wildlife features and would not prejudice the comprehensive development of the area. Issues relating to residential amenity impacts and the character of the area, as set out in Policy 3/10, are assessed in further detail below.

Context of site, design and external spaces

- 8.5 Policy 3/10, part c, of the 2006 Local Plan states that residential development within the garden area of existing properties will not be permitted if it will detract from the prevailing character and appearance of the area.

- 8.6 The surrounding area is extremely varied in character, in terms of the scale and design of dwellings and pattern of development in the area. The properties in Wulfstan Way are predominantly two-storey brick dwellings fronting the road. No.104 has recently been extended on its south side to create an additional dwelling (No.104a). The east side of Hulatt Road comprises a mixture of single-storey and two-storey buildings, all of differing design, sited in close proximity to the road. These include a semi-detached two-storey dwelling and bungalow located adjacent to No.98 Wulfstan Way, for which planning permission was granted in 1999. Directly to the north of this, planning permission was granted at Planning Committee earlier this year (contrary to Officer recommendation) for the erection of two new 6m high dwellings to the rear of 90 and 92 Wulfstan Way. These have not yet been constructed but, as this is an extant permission, represents a material consideration in the determination of this application. On the west side of Hulatt Road are single-storey, two-storey, and 1¹/₂ storey properties that are predominantly sited in close proximity to the road frontage.
- 8.7 The proposed dwelling would be located in the middle of six presently undeveloped rear gardens. However, given the character of the east side of Hulatt Road immediately to the north and south of these gardens, including the recent consent granted at 90/92, my opinion is that the scale, design and siting of the dwelling would not have a significant adverse impact upon the character and appearance of the area.
- 8.8 In my opinion, the proposal is therefore compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 (criterion c) and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 With regards to the impact on the amenity of neighbouring occupiers, the proposed dwelling would be located 14m from the rear elevation of Nos. 104 and 104a Wulfstan Way. Given this separation and the relatively low height of the building, I do not consider the development would result in an unacceptable loss of light or outlook to the adjacent properties.

- 8.10 The only first-floor windows in the east/rear and north side elevations of the proposed dwelling are high level rooflights. The development would not therefore give rise to any overlooking of Nos. 104 and 104a or other adjacent properties in Wulfstan Way.
- 8.11 With regards to the impact of the development upon properties on the opposite side of Hulatt Road, the proposed dwelling includes a first-floor bedroom window in the west-facing gable end elevation. The distance between this window and the dwellings opposite, is approximately 17/18m. As these neighbouring windows face the road and pavement to the front, rather than being to private rear gardens, they enjoy limited privacy at present. I therefore consider the proposal would not give rise to an unacceptable level of overlooking of these neighbouring properties.
- 8.12 In my opinion the proposal adequately respects the residential amenity of its neighbours and would secure an appropriate level of amenity for future residents, and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Amenity for future occupiers of the site

- 8.13 A 7m deep garden is proposed to the rear of the dwelling, and this backs onto a retained garden depth of 7m for the frontage dwellings, Nos. 104 and 104a. Whilst no first-floor windows are proposed in the rear elevation of the new dwelling, there are first-floor bedroom windows in the rear elevations of Nos. 104 and 104a that would look directly into the new property's kitchen/diner and living room windows (at a distance of 14m rather than the generally accepted 20m rule of thumb) and main private garden area. I therefore consider that future occupiers of the proposed dwelling would suffer an unacceptable level of privacy in the rear garden by reason of overlooking from the first-floor windows in the rear elevation of the frontage dwellings.
- 8.14 This site differs in this respect from the recently approved scheme to the rear 90-92 Wulfstan Way. In that case, there is a back-to-back distance of approximately 18.5 - 19m metres between the existing and new dwellings, and the existing properties have a retained garden depth of around 12.5 - 13m. This therefore ensures a more appropriate separation between

opposing habitable room windows, and also between the gardens of the new dwellings and first-floor windows in the rear elevations of the existing properties.

- 8.15 Notwithstanding the above concerns, the rear garden would measure 7m x 13m (approximately 90 square metres) and includes ample space for the storage of bins and cycles, with pedestrian access achievable to the side of the dwelling. Adequate parking is also proposed to the front of the property. The site is in a sustainable location, close to services and facilities in the immediate area and within walking distance of nearby bus stops.
- 8.16 Due to the harm caused by overlooking from the existing dwellings, in my opinion the proposal would not provide a high-quality living environment and appropriate standard of residential amenity for future occupiers of the proposed new dwelling, and is therefore unacceptable in this respect.

Refuse Arrangements

- 8.17 Adequate bin storage has been shown within the drawings and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.18 The Highways Authority has commented that the application includes no information regarding how the parking needs of the existing dwelling will be addressed. Having researched the history of the site, I have noted that the planning permission for No.104a Wulfstan Way showed the provision of parking spaces for both 104 and 104a to the front, accessed via Wulfstan Way. As such, the development would not result in the loss of parking provision for the existing dwellings and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.19 Adequate car and cycle parking is shown for the proposed dwelling and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.20 The majority of third party representations have been addressed in the main body of this report.
- 8.21 The issue of access to services is not a material planning consideration and would therefore need to be resolved separately by the owner should planning permission be granted.

Planning Obligations (s106 Agreement)

- 8.22 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. Each planning obligation needs to pass three statutory tests to make sure that it is

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements.

- 8.23 This application was received prior to the High Court ruling on 31 July 2015, which quashed the ministerial statement from the Department of Communities and Local Government in late November 2014 that S106 contributions should not be sought from developments of fewer than 11 homes. Whilst this means that new S106 contributions can once again be considered for housing developments of 10 homes or less, the implications of the S106 pooling constraints, which came into effect from 6 April 2015, also need to be taken into account.
- 8.24 Given the council's previous approach to S106 contributions (based on broad infrastructure types within the city of Cambridge), the pooling constraints mean that:
- S106 contributions have to be for projects at specific places/facilities.

- The amount of S106 contributions secured has to relate to the costs of the project for mitigating the development in the context of the capacity of existing facilities serving the development.
- Councils can no longer sign up to any more than five new S106 contributions (since 6 April 2015) for particular projects to mitigate the impact of development.

8.25 The Council is, therefore, now seeking S106 contributions for specific projects wherever practicable, but this does not mean that it will be possible to seek the same number or amount of contributions as before. In this case, for example, there has not been enough time, since the High Court ruling, to identify suitable specific on-site projects. Council services are currently reviewing and updating their evidence bases to enable more S106 contributions for specific projects to be recommended in future. More details on the council's approach to developer contributions can be found at www.cambridge.gov.uk/s106.

9.0 CONCLUSION

9.1 Occupiers of the proposed dwelling would not enjoy a satisfactory level of privacy as the rear ground floor windows and rear garden would be overlooked, at a distance of just 14m, by first floor windows in the rear elevations of Nos. 104 and 104a Wulfstan Way.

10.0 RECOMMENDATION

REFUSE for the following reason:

1. Future occupiers of the proposed dwelling would not enjoy a satisfactory level of privacy, as the ground floor kitchen/diner and living room windows in the rear elevation and private rear garden would be overlooked, at a distance of just 14m, by first floor windows in the rear elevations of Nos. 104 and 104a Wulfstan Way. As a consequence, the development is not compliant with Cambridge Local Plan (2006): Policies 3/4, 3/7 and 3/12, which require buildings to respond well to their context and to provide high quality living environments and interrelations between buildings; and 3/10 which states that residential development within the curtilage of existing properties will not be permitted if it would have a significant adverse impact on residential amenity through loss of privacy.