

Application Number	15/0585/FUL	Agenda Item	
Date Received	6th May 2015	Officer	Mr Amit Patel
Target Date	1st July 2015		
Ward	Romsey		
Site	84 Cavendish Road Cambridge CB1 3AF		
Proposal	Single storey rear extension and first floor side extension		
Applicant	Mrs Rosalind Morgan 84 Cavendish Road Cambridge CB1 3AF		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The development will not have a detrimental impact on the Conservation Area <input type="checkbox"/> The development will not significantly harm the residential amenity of neighbouring occupiers
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 84 Cavendish Road is located on the eastern side of the road. The area is characterised by residential properties within a terrace. Number 84 is an end of terrace property with a side access.
- 1.2 The site falls within a Conservation Area but the building is not listed or a Building of Local Interest. There are no tree preservation orders on the site. The site falls within the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The application seeks approval for a first-floor extension and ground floor single-storey rear and side extension.

- 2.2 The ground-floor extension to the rear and side has already gained approved under planning reference 14/2103/FUL.
- 2.3 The applicants have amended the application to show the proposed first-floor extension will be finished in matching brickwork and window detailing.
- 2.4 A further drawing showing a 45 degree line from the adjoining occupier's window has been submitted.
- 2.5 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Plans
- 2.6 Cllr Smart has requested the application to be determined at Committee due to wider issues of development in the Conservation Area and impact on neighbours.

3.0 SITE HISTORY

Reference	Description	Outcome
14/2103/FUL	New rear infill extension and rear dormer	A/C

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

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	3/11	3/14
		4/11				

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)
Material Considerations	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

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 (Engineering)

Initial Comments

- 6.1 The Highway Authority does not consider that this application has any implications that will affect the highway network.

Comments on revised Drawings

No comment to make on the revised drawings

Urban Design and Conservation team

Initial Comment

- 6.2 This application is not supported. The design, junctions with the existing building and materials will have a detrimental impact on the Heritage Asset.

Comments on revised drawings

The design and materials are now different and the proposal is now considered acceptable.

- 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

Submitted Scheme

- 7.1 The owners/occupiers of the following addresses have made representations:
- 16 Cavendish Place
 - 82 Cavendish Road

7.2 The representations can be summarised as follows:

- Loss of light
- Use of materials is detrimental to the character of the building
- Gable end sills, windows not to project into the shared access
- Windows to be opaque
- Restrict outlook from first-floor rooms
- The roof extension will not preserve or enhance the character of the Conservation Area
- Choice of windows is not in keeping with the area

Revised Scheme

7.3 The owners/occupiers of the following addresses have made representations:

- 82 Cavendish Road (x2)
- 16 Cavendish Place

7.4 The representations can be summarised as follows:

- The design is still at odds with the character of the area.
- Loss of privacy
- Loss of light
- Noise from construction activity
- The ground floor is no higher than the approved scheme
- Gable end windows to be flush with the wall
- No additional windows are added to the ground-floor
- The process is long and time lines are short.
- No consultation has taken place with the neighbours from the applicant or architects
- Wider consultation should have taken place
- The building is not being built in accordance with the approved plans

7.5 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.

7.6 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. Context of site, design and external spaces
2. Impact on heritage assets
3. Residential amenity
4. Third party representations

8.0 ASSESSMENT

Context of site, design and external spaces

8.1 The proposal seeks permission for the ground-floor side and rear and first-floor extension. This scheme seeks to amend the ground floor extension by reducing it in height and shortening it. This element now measures 5.5m deep and 3m high. A larger ground-floor extension has already been approved under planning reference 14/2103/FUL. Having visited the site I do not consider that it would be reasonable to refuse this element as the site context has not altered.

8.2 The first-floor extension would be an anomaly as there are no other extensions within the terrace at this level. However, there is already a flat roof extension which was approved under planning reference 14/2103/FUL and the proposal is to the rear. The amended scheme will be finished in matching materials (condition 3) and will use traditional window detailing and on balance I consider that the proposal is acceptable.

8.3 The plans also show a dormer window, but this is for information purposes only, as it has already been granted planning permission under reference 14/2103/FUL.

8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14.

Impact on the Conservation Area

8.5 Representations have commented that the proposal is detrimental to the character and context of the Conservation Area because of the design. The proposal is to the rear and will be finished in matching materials and a more traditional window. The proposal is not highly visible in the street. The

Conservation Officer has commented that the amended design and form would be acceptable. Whilst I accept that there are no other examples of flat roofed first floor extensions in the immediate vicinity of the site, given that the Conservation Officer has not objected to the proposals and also that there is a flat roofed single storey extension existing at the property I do not consider that a refusal on design and impact on the Conservation Area could be sustained in this instance due to the specific character of this site.

- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 Representations have been received regarding the loss of light to the neighbours. The proposal does not project past the existing two-storey element and therefore there will be no impact upon number 86 to the north. Having visited the site I consider that the main impact will be on the neighbour to the south, number 82. The proposal is lower than the main ridge and not higher than the eaves and being to the south with a separation gap of 3.6m from proposed gable to the building at number 82, I do not consider that the proposal will have a significant impact upon loss of light to the neighbours.
- 8.8 Representations have also commented that the outlook will also be restricted. Although the proposal will come closer to the boundary with number 82, there is an access way between the properties and the two-storey element is further set back from the boundary of number 82. There will be a total separation gap of about 4m, from building to building and the proposal is not higher than the eaves and projects 3m. The windows at ground-floor serve the kitchen and living space and their outlook will be compromised to some extent, however, the proposal is set away from these neighbours and there will be uninterrupted outlook from the living room down the garden and therefore taking into account the separation distance, height and depth of the proposed first-floor extension, on balance I consider the proposal is acceptable and that the impacts would not be so severe as to warrant refusal of planning permission in this case.

- 8.9 Representations have been received regarding the impact of new windows in the side elevation. There will be new high level windows in the main building facing the neighbour at number 82. These will serve bedroom 2 and the ensuite to bedroom 1. I consider that these should be obscure glazed up to a height of 1.7m above floor level and any opening shall be 1.7m above floor level to prevent overlooking (Condition 5). This can be secured by way of a condition. There will also be a high level fixed window in the ground floor extension. This high level window serves the dining room and being 1.7m high from floor level and non-opening I do not consider that this will allow any significant overlooking into the neighbouring property.
- 8.10 There will also be a new window in the rear elevation facing down the garden. There will be outlook into neighbouring gardens but due to the tight urban nature of the area there is already outlook from first-floor windows and this would not be significantly different. Due to the boundary treatment I do not consider that the windows at ground-floor level will have any impact in terms of loss of privacy.
- 8.11 Representations have been raised regarding noise from construction activity. I consider a standard working hours condition would overcome any construction noise outside the prescribed hours which could impact the neighbouring occupiers and I recommend a condition (4).
- 8.12 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.

Third Party Representations

- 8.13 The issues raised regarding loss of light, impact on the building and Conservation area through use of materials, design and overlooking and privacy have been addressed in the main body of the report above.
- 8.14 The issue raised relating to encroachment into the access area by windows is a civil matter and cannot be reasonably used to refuse the application on these grounds.

- 8.15 The comments regarding the dormer cannot be reasonably used to refuse the application because this has already been approved under the previous application and does not form part of this application.
- 8.16 With regards to the ground floor extension and additional windows, the plans show the ground floor element being slightly smaller than the approved scheme and addition of windows at ground floor level and these would not be reasonable to refuse as the adjoining boundary treatment could be raised to 2m.
- 8.17 The planning process does not restrict the number of times an applicant can put in planning applications or the time take for negotiations. The issue regarding the applicant or agent not consulting the neighbours is only for guidance and would be sensible but could not refuse an application on these grounds.
- 8.18 The issue about wider consultation has been carried out. Immediate neighbours were notified and a site notice was placed on street furniture. I have also visited the site and assessed the level of consultation carried out in relation to the scale of the proposed development. I am satisfied that an appropriate level of consultation has been carried out for these proposals and that there has not been any procedural error.
- 8.19 The issue of the building not being built in accordance with the approved plans is an Enforcement issue. I shall raise this with the Enforcement Team for an investigation to start, if any breaches are found there would be a formal process to follow. This aspect cannot be afforded any weight in the determination of the current application.

9.0 CONCLUSION

- 9.1 The amended application is supported as it will not have a harmful impact upon the Conservation Area or the adjoining occupiers.

10.0 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. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, and 3/14)

4. 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)

5. The windows identified on drawing number apa.096/112 rev.P1 and apa.096/111 rev. P1 on the south elevation at first floor level 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 any opening shall be 1.7m above internal floor level and shall be retained as such thereafter.

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