

<b>Application Number</b>	15/1588/S73	<b>Agenda Item</b>	
<b>Date Received</b>	18th August 2015	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	13th October 2015		
<b>Ward</b>	East Chesterton		
<b>Site</b>	184 Kendal Way Cambridge Cambridgeshire CB4 1LU		
<b>Proposal</b>	S73 Application to vary condition 2 of planning permission 14/1228/FUL to approve drawing number 15/1189/PL.01 Rev A - to permit dormer windows to front and rear and a half hip to the new roof.		
<b>Applicant</b>	Mr R Smyth 184 Kendal Way Cambridge Cambridgeshire CB4 1LU United Kingdom		

<b>SUMMARY</b>	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The design of half hipped and pitched roof would be an anomaly in the street</li> <li><input type="checkbox"/> The proposal will be highly visible in the street and therefore have a detrimental impact on the character and context</li> </ul>
<b>RECOMMENDATION</b>	<b>REFUSAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site 184 Kendal Way is located to the north of the City Centre. The area is characterised by two-storey residential dwellings with garden areas to the front and back. No. 184 is a corner plot with a wide frontage to the road which narrows to the rear of the site.

1.2 The site falls outside a Conservation Area. The building is not listed or a Building of Local Interest. There are no tree

preservation orders on the site. The site falls outside the controlled parking zone.

## **2.0 THE PROPOSAL**

2.1 This application seeks to amend the scheme previously approved under planning reference 14/1228/FUL to include a front dormer, this will also involve the roof shape being altered to half hipped and a half gable end.

2.2 The rest of the scheme remains unchanged from that approved under reference 14/1228/FUL (two flats see site history section below).

2.3 The application is accompanied by the following supporting information:

1. Plans

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
14/1228/FUL	Proposed two new flats - a one bed flat on ground floor and a two bed flat on 1st floor and in the roof space	A/C
14/0084/FUL	Proposed two new flats - a one bed flat on g/f and a two bed flat on 1st floor and in the roof space on land adjacent to 184 Kendal Way, Cambridge	Withdrawn

## **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	3/11	3/12
		10/1				

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

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Community Infrastructure Levy Regulations 2010</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Roof Extensions Design Guide (2003)</p>

## 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)**

- 6.1 The Highway Authority does not consider that this application has any implications that merit comment by the Highway Authority.

### **Head of Refuse and Environment**

- 6.2 I have no comments or recommended conditions to make regarding this application.
- 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.

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## **7.0 REPRESENTATIONS**

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

- 186 Kendal Way

7.2 The representations can be summarised as follows:

- The addition of dormer window will not be in keeping with the character of the area
- There will be a loss of light to the kitchen to 186 Kendal Way

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. Context of site, design and external spaces
2. Residential amenity
3. Third party representations
4. Planning Obligations (s106 Agreement)

### **Context of site, design and external spaces**

8.2 This application is an amendment to an approved scheme. Therefore, the principle of the development of the site for two flats has already been established. Comments in respect of this application have been received regarding the proposed dormer not being in keeping with the surrounding character. The proposal seeks to add a front dormer, which will involve the change in the roof form from a hipped to a part hipped and part gable roof. Having been on site and assessed the immediate area I note that there are no other developments of this nature. Although this is outside a conservation area, there is some character and uniformity to the estate. The previously approved scheme related well to this context and it was felt that the addition of a rear dormer which allowed a hipped roof was compliant with the character of the estate.

8.3 I consider that the current application, which proposes the addition of the front dormer and the change to a part hipped part gable roof, which will be highly visible in the street will not only impact on the street but also would relate poorly to the host

dwelling and I do not consider that design has responded to its immediate context contrary to policies 3/4 and 3/12.

- 8.4 In my opinion the proposal is not compliant with Cambridge Local Plan (2006) policies 3/4, and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.5 Representations have been received regarding the proposal impacting on the light to the kitchen window to No 186 Kendal Way. The addition of a front dormer and change in roof form will be directly opposite the front part of number 186. 186 is positioned to the east and therefore there would be some loss of light to this property, but limited to the northwest corner of number 186, and this is used as parking space and therefore the addition of the front dormer and change in the roof will not be significantly worse than the previously approved scheme and therefore I consider this acceptable.
- 8.6 There are no new windows in the side elevation proposed. I do not consider that there will be any significant loss of privacy to number 186 from the front dormer.
- 8.7 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.

### **Third Party Representations**

- 8.8 The third party comments have been addressed in the main body of the report above.

### **Planning Obligations (s106 Agreement)**

- 8.9 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.

- 8.10 In line with the CIL Regulations, councils can pool no more than five S106 contributions towards the same project. The new 'pooling' restrictions were introduced from 6 April 2015 and relate to new S106 agreements. This means that all contributions now agreed by the city council must be for specific projects at particular locations, as opposed to generic infrastructure types within the city of Cambridge.
- 8.11 It is the view of officers that as there has already been an agreement that is in place and monies have been paid, it would not be reasonable to attach a further agreement to this application as it is a minor modification to the original scheme.

#### Planning Obligations Conclusion

- 8.12 It is my view that the planning obligation is not necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation does not pass the tests set by the Community Infrastructure Levy Regulations 2010.

### **9.0 CONCLUSION**

- 9.1 The design of the half hip and half gable roof would be an anomaly in the street where there are no other forms of similar developments. The introduction of the front dormer would appear as an alien and incongruous feature and as such REFUSAL is recommended.

## 10.0 RECOMMENDATION

**REFUSE** for the following reasons:

1. The proposed front dormer window and change to a part hipped and part gable roof form fails to respond positively to the host dwelling and to immediate context of the site. By virtue of its unsatisfactory design, poor detailing and differing roof pitches the development would also be an alien and incongruous feature in an area where front dormer windows are absent, responding poorly to the immediate context contrary to policies 3/4 and 3/12 of the Cambridge Local Plan (2006), Roof Design Guide (2007) and advice provided by National Planning Policy Framework (2012).