

<b>Application Number</b>	15/1589/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	19th August 2015	<b>Officer</b>	Mr Sav Patel
<b>Target Date</b>	14th October 2015		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	23 Baldock Way Cambridge CB1 7UX		
<b>Proposal</b>	Demolition of the existing bungalow and the erection of a pair of two-bedroom residential units.		
<b>Applicant</b>	DGL Developments Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>– The proposed development is considered to be of high quality design and would enhance the existing appearance of the site and local area;</li> <li>– The proposed dwellings have been designed to mitigate the impact on the occupiers of the properties to the south. Whilst they are closer to the boundary of no.71 and 73 Glebe Road they have been reduced in scale such that they would not appear unduly dominant or significantly overbearing such that it would cause an adverse sense of enclosure on the neighbouring properties.</li> <li>– The proposed level of outdoor amenity space, which is proposed in two areas is considered to be acceptable to serve these dwellings and would provide future residents with adequate levels of outdoor space.</li> </ul>
RECOMMENDATION	APPROVAL

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 23 Baldock Way is a detached bungalow with an attached single flat roof garage and drive way to the north, situated on the eastern side of Baldock Way. The surrounding area is predominantly residential mainly consisting of two-storey detached, semi-detached and terrace houses. To the north of the site is an allotment site and to the south the site adjoins the rear boundary of no.73 Glebe Road. The application site has been formed from the subdivision of no.73.
- 1.2 The site is not within a Conservation Area or within the setting of any Listed Buildings or Buildings of Local Interest.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the demolition of the existing bungalow and construction of two 2bed dwellings with basement level and roof terrace. The proposed development includes cycle and bin storage for each dwelling.
- 2.2 The proposed dwellings would be between 4.2 metres and 5 metres in height. The stairwell would project 0.8 metres above the main (4.2 metre) ridge line.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/78/0035	Erection of detached bungalow	PERMITTED
14/0129/FUL	Demolition of bungalow and erection of detached house	REFUSED – dismissed at appeal*
14/1652/FUL	Demolition of the bungalow and replacing it with a chalet bungalow	REFUSED

A copy of the Inspector's Decision letter in relation to the appeal\* is attached in Appendix 2.

## **BACKGROUND**

- 3.1 I set out below a chronology of the most recent planning history and main issues to each case.

14/0129/FUL - Demolition of bungalow and erection of detached house – REFUSED (Appeal Dismissed)

This planning application was for a detached 3 ~ storey dwelling (including basement and loft). The application was refused on the followings grounds:

- Adverse sense of enclosure on the occupiers of no.71 and 73 Glebe Road;
- Overshadowing of the rear garden of no.71 Glebe Road; and
- Lack of external garden space to serve a family dwellings.

The Planning Inspector found that whilst the proposal would have an acceptable effect on the living condition of the occupiers of no.71 regarding overshadowing, it would have a harmful effect on the outlook of no.71 and 73 Glebe Road. He also found that the proposed development would not provide sufficient private amenity space for future occupants.

14/1652/FUL - Demolition of the bungalow and replacing it with a chalet bungalow - REFUSED

This planning application was for a 1 ~ storey dwelling (excluding basement) on a similar footprint as the existing bungalow. The application was refused on the following grounds:

- Adverse sense of enclosure on occupiers of no.71 and no.73 Glebe Road through dominance due to its height and proximity to the boundary;
- Lack of external garden space to serve a family dwelling.

The proposed chalet bungalow was 1.8 metres higher at the ridge than the existing and on a similar footprint. The case officer did not consider the reduced scale of the dwelling would overcome the previous refusal reasons. The case officer also did not consider the amount of garden space to be adequate for a family dwelling.

No appeal was lodged against this refusal.

## 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 3/8 3/11 3/12 4/13 5/1 5/14 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)

	<u>City Wide Guidance</u>  Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)  Strategic Flood Risk Assessment (2005)  Cambridge and Milton Surface Water Management Plan (2011)  Cycle Parking Guide for New Residential Developments (2010)
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#### 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 Development Management)**

- 6.1 The proposal is likely to impose additional parking demands upon on street parking which has the potential to impact residential amenity but is unlikely to result in any significant adverse impact upon highway safety. The following conditions/informative are recommended:

- Redundant crossover to be returned to footway and kerb;
- Traffic management plan;
- Work to public highway informative
- Public utility informative

### **Environmental Health**

- 6.2 The proposed development is acceptable subject to conditions on construction hours and piling.

### **Drainage**

- 6.3 No objections. The proposals are a redevelopment with near identical pre/post development impermeable areas. There is little scope within the site layout to provide any betterment and flood risk will not be increased as a result of the redevelopment.

### **Head of Streets and Open Spaces (Landscape Team)**

- 6.4 Concerned with the depth of shadow the amenity spaces would experience. Roof terrace for plot 2 with extensive walls around it would not be suitable. The proposed development is unacceptable and should be refused.

### **Access Officer**

- 6.5 Object to the loss of this type of housing that is accessible for disabled people. Both houses should be built to wheelchair access criteria.

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:
- 26 Baldock Way;
  - 71 Glebe Road;

- 73 Glebe Road (from Owner of property who lives at Woodlands Farm, Hive Road, Witcham);

## 7.2 The representations can be summarised as follows:

### Design, scale and layout:

- Architecturally better than the previous scheme but still overdevelopment of this small site;
- The increased height of the buildings and proximity to the boundary of neighbouring properties will exacerbate sense of dominance and enclosure that the existing bungalow already creates;
- Two houses on this small plot would appear very prominent and have an overbearing appearance on the character of the area;
- The proposed dwellings would provide insufficient external amenity space;
- The proposal would overdevelopment of this plot;
- Inappropriate to use examples of other planning permissions which were built on much larger sites.

### Residential amenity:

- The proposal does not protect residential amenity of neighbours;
- The proposal will cause overlooking and impact privacy of the neighbouring properties;
- The proposed roof terrace will look straight into the rooms of the neighbouring properties;

### Highway/car parking impact:

- No car parking is unacceptable for this suburban location;
- The site is not close to shops or services;
- Baldock Way is narrow and gets congested at times with parking associated with Addenbrookes and nearby schools;
- The proposal will have a negative impact on local road network and impact road safety;

### Other issues:

- The proposed development will further compound the flooding/waterlogging of the garden;

- Drainage system does not adequately cope with existing demand and causes overflowing;
- Loss of a type of housing that is in short supply;

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 land uses. There is an existing dwelling standing on the site, and the site is within a predominantly residential area. Therefore, the principle of a replacement dwelling is acceptable.

8.3 Paragraph 14 of the NPPF is also important. It states that there should be a presumption in favour of sustainable development running through the decision making process. This means approving development proposals that accord with the development plan without delay unless any adverse impact would significantly and demonstrably outweigh the benefits.

8.4 Paragraph 50 of the NPPF and NPPG state that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as older people). However, as the site is not in a Conservation Area the existing



bungalow could be demolished without the need for planning permission and it would, therefore, be unreasonable to refuse planning permission because of its loss in my view.

- 8.5 The existing bungalow was granted planning permission in 1978 and whilst it appears to have been built on part of the garden of 73 Glebe Road it is my view that it could not still be considered to be garden land. In my opinion, policy 3/10 which relates to the subdivision of existing plots, does not apply here.
- 8.6 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

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

- 8.7 The application site fronts onto Baldock Way and is situated on the eastern side of the road. The pattern of development along this stretch of Baldock Way (between Hills Avenue and Glebe Road) is generally characterised by predominantly two storey detached housing set back from the road and behind either hedgerows or timber fences along the front boundaries. However, there are examples of single storey and semi-detached dwellings but the prevailing pattern is of two storey detached.
- 8.8 The allotment site; to the north of the application site, gives the eastern side of Baldock Way a more open feel as opposed to the more built up setting on the western side. Baldock Way is characterised by tree planted on grass verges which separate the pavement from the road. The road itself is relatively unrestricted with the exception of a single yellow line that runs along the western side of the road.
- 8.9 The architectural character along this stretch of Baldock Way is varied and so there is no prevailing style from which to respond or take reference from. The existing bungalow has little architectural merit.
- 8.10 The proposal would result in the introduction of a contemporary form of housing development on the site. In this varied architectural context which also includes a mix of new and old, I feel that this approach is acceptable for this constrained site. The previous refused schemes were of traditional design and

appearance which was also considered to be acceptable. The Planning Inspector for the first scheme (14/0129/FUL) did not consider design as an issue of concern. The proposal, as with the previous schemes, also includes basement levels for each dwelling to provide additional accommodation, which would not be entirely visible from the public realm. Again, the Planning Inspector did not raise any concerns with this.

- 8.11 The proposed dwellings would be similar in design and scale. The design is considered to be creative way of redeveloping the site to provide two dwellings with adequate amounts of outdoor space. The proposed design is considered to be an improvement on the existing bungalow in terms of architectural style and appearance.
- 8.12 The main accommodation of the proposed development would be contained within the basement and ground floor level. The proposed roof sections would contain a roof terrace and enclosed stairwell. The roof sections would be set in and pitch away from the edges of the ground floor element. They would also be detached from each other to reduce their dominance from neighbouring properties and the street scene. The existing bungalow has a continuous ridge line which is just less than 5 metres in height. The main ridge line for the proposed dwellings would be 4.2 metres in height and include a small section which project 0.8 metres above this which serves the stairwell to the roof terrace. Also, unlike the continuous ridge line of the existing bungalow, the roof form of the proposed dwellings would be detached from each other. This would reduce the mass of the first floor and provide an outlook through the development from the neighbouring garden looking west and from the road looking east. In my view, the contemporary design is considered to be acceptable approach of this site, as it would enhance the appearance of the site and make a positive contribution to the street scene.
- 8.13 In terms of external amenity space, this was a concern that has been raised in the previous applications and by the Inspector with the first proposal due to the disproportionate amount of outdoor space to serve a large family dwelling. The proposal, which is for two small dwellings, includes two areas of private amenity space to serve each dwelling; basement courtyard area and a roof terrace. The amount of outdoor space is considered to be acceptable for the size of the proposed dwellings.

- 8.14 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

- 8.15 The Inspector's decision for the first proposal was to dismiss the proposal due to concerns with the potential significant impact from the proposed development on the residential amenity of the neighbouring properties. The main concerns related to the dominance and enclosure the previous scheme would have on the residential amenity of the occupiers of no.71 and no.73 Glebe Road which are to the south of the site. I set out below my response to how the proposed scheme differs from the previous schemes and how the impact has been addressed.

Dominance and sense of enclosure

- 8.16 The previous application (14/1652/FUL) was refused on the following basis:

*Due to the height of the proposed dwelling and its proximity to the common boundaries with 71 and 73 Glebe Road, it would have a significant adverse impact on the occupiers of these neighbouring properties through an overbearing sense of enclosure. The proposed dwelling would dominate the outlook from these neighbouring properties and enclose them to a worse degree than the existing bungalow on the site. The proposed dwelling is therefore considered to be unacceptable and contrary to policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).*

- 8.17 The issue in the above refusal was also referred to in the Inspector's assessment of the first scheme (14/0129/FUL). The Inspector, in paragraphs 7 and 8 of her decision, explained that:

*At the rear of No 73 there is a garden about 7m in depth. The existing outlook at ground level is of the bungalow roof gable. The open aspect at first floor level provides a relief to this outlook. However the new dwelling would change this as the increased height of the flank wall would occupy most of the width of the garden. This would create a sense of enclosure due*

*to its proximity and the contrast with the surrounding open space. The sense of enclosure would be experienced by the occupiers both within the dwelling and in the garden.*

*The scale of the building would result in a dominant outlook for the occupiers of No 73 and this would not be diminished by the slight set back of the siting of the replacement dwelling.*

*No 71 adjoins No 73 and I consider that the outlook for these occupiers would also be affected. Currently the roof of the bungalow extends about 11m along the boundary with No 71 and slopes away from it. The new development would result in a wall about 5.6m high to eaves along the same length of garden, and as with the bungalow, would only be about 1.4m away from the fence line. The angle of pitch of the new roof would be similar to the bungalow and it too would slope away from the boundary. Whilst the effect on the outlook from within No 71 would be off set by the length of garden inbetween within the garden the new development result in a dramatic change and would be a dominant feature at the end of the garden. The impact of the development would be all the more noticeable due to the contrast with the remaining open aspect.*

8.18 The Inspector concluded in paragraph 14 that the proposed dwelling would have an acceptable effect on the living condition of the occupiers of no.71 and 73 having regard to overshadowing. However, the proposal was considered to have a materially harmful impact on the living conditions of the occupiers of no.71 and no.73 in terms of outlook.

8.19 In terms of proximity, the proposed dwellings would be located on the rear boundary with no.73 Glebe Road. The previous schemes were set off the rear boundary of no.73 and on a similar footprint as the existing bungalow but taller in height. The ground floor element of the proposed development would fill the entire plot with the north, south and east boundaries defined by a brick wall. This would consist of a 2.1 metre high and 6.1 metre wide brickwall on the rear boundary of no.73 which is currently defined by a 1.8 metre high close boarded fence. The wall would increase to 2.6 metres in height for a 3.3 metre wide section which wraps around to form the rear elevation of the proposed dwellings. The eastern elevation (rear) of the development, which faces the side boundary of no.71, would consist of a 2.6 metre high brick wall set behind

the existing 2 metres high timber fence, which is owned by no.71 Glebe Road.

8.20 Therefore, whilst the proposal would bring the development close to no.71 and no.73, I do not consider the additional height over and above the existing boundary treatment and would cause significant harm to the residential amenity of the occupiers of these dwellings in terms of creating an adverse sense of enclosure. The Inspector for the first refused scheme (14/0129/FUL) concluded that the new dwelling would change the outlook from the rear of no.73, as the height of the flank wall (9.6 metres) would occupy most of the width of the garden creating a sense of enclosure due to its proximity and contrast with the surrounding open space. This relationship was clearly unacceptable. Therefore, whilst the proposed dwelling (plot 2) would be located on the boundary with no.73, it would be significantly lower in height than the previous schemes. The Inspector did not have an in principle objection to the proximity of the development to the boundary alone, it was a combination of height, width and proximity to boundary that led to the conclusion that the development would be harmful.

8.21 The ridge height of the existing bungalow is 4.9 metres which spans 11.5 metres in a pitched roof form. The bungalow is also set 4.9 metres off the rear boundary of no.73. The proposed dwellings have been designed so that the main ridgeline is 4.2 metres in height (0.7 metres below the existing ridgeline) and span 5.9 metres with a small 0.8 metre projections, which accommodates the stairwell to serve the roof terrace (these elements would be 2.7 metres in length and 3.8 metres wide). Putting this into context, the appealed scheme (14/0129/FUL) the proposed dwelling was 9.6 metres in height to the ridge (5.4 metres to the eaves) and the previous refused scheme (14/1652/FUL) the proposed dwelling was 7.4m in height to the ridge (3.4 metres to the eaves). It is clear from this comparison that whilst the proposed development would be closer to the boundaries of no.71 and no.73, it would also be significantly lower in height than the previous schemes. In my view, therefore, the height and proximity of the proposed development to the boundaries with no.71 and no.73 is not considered to have a significant affect on the outlook or openness of the surrounding space from these properties.

- 8.22 The stairwell elements would project 0.8 metres above the main ridge (4.2 metres) of the proposed dwellings. The stairwell element would therefore be approximately 100mm above the ridge line of the existing bungalow. The proposed dwellings would have two ridge heights; the main roof section would be 4.2 metres in height and a smaller section that is 5 metres in height. The ridge height of the proposed dwellings is therefore comparatively similar to the existing bungalow but significantly lower than the previously refused scheme. The additional 0.1 metres increase in height over the existing bungalow is not considered to be significantly material in terms of making the proposed dwellings appear larger or more dominant in scale from the neighbouring properties, in my view.
- 8.23 The nearest stairwell element would also be located 5.6 metres away from the rear boundary of no.73 compared to the gable end of the existing bungalow which is 4.5 metres away. Therefore, the lower ridge and set back of the stairwell elements would not appear dominant or overbearing from the rear garden over and above the existing situation. The stairwell elements would also not have any adverse impact on the outlook from the rear garden of no.73 due to their relatively modest scale and distance from the boundary. The impact on no.71 would also not be significant in term outlook, as the ridgeline of the bungalow would be replaced by a lower and broken roof form thus reducing the appearance of a continuous roofline and views/outlook through the development. The rear outlook of no.71 is over a deep unobstructed rear garden. The proposal would not affect this. Whilst the angled roof form would be noticeable from the rear garden (when facing at the western boundary) the modest scale and reduced overall height adjacent to the side boundary would not appear significantly intrusive from the rear garden and would not significant affect the outlook that currently exists from no.71.
- 8.24 The roofscapes for each dwelling have also been designed to appear as two detached dwellings to break up the roof form and its combined mass. Roofscapes would also be set in from the south boundary by between 1 metre and 5.2 metres and 1.7 metres from the east boundary. The roofscape would also slope away from the boundaries thus further reducing their dominance and scale. Therefore, I am satisfied that the overall height of the proposed development would not appear materially different in height compared to the existing bungalow. However, the

proposed development would bring the dwellings closer to the rear elevation of no.73. Currently the bungalow is set off the rear boundary of no.73 by 4.4 metres and 12.3 metre from the rear elevation. These distances would be reduced to the depth of the rear garden of no.73 which is approximately 8 metres.

- 8.25 I have also used the BRE 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' 25 degree rule to further assess what impact the proposed development would have on the residential amenity of the occupiers of no.71 and no.73 Glebe Road. Whilst this test is saved for assessing the impact on daylight and sunlight from proposed developments, it is also a useful tool to assess dominance. The proposed development would fall below the 25 degree line from the ground floor window of no.73. No part of the proposal would exceed the 25 degree line from the rear of no.71 or no.73.
- 8.26 On this basis, whilst the proposal would bring development closer to the rear and side boundary of no.71 and no.73 (respectively) than the existing bungalow and previous schemes, the proposed development would, in my view, would appear lower in height as the existing bungalow and so would not appear unduly dominant or overbearing such that it would cause an adverse sense of ensure on the residential amenities of the adjacent occupiers. The design, scale and layout of the proposed development has satisfactorily addressed the previous concerns including those of the Inspector regarding outlook and openness.
- 8.27 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.

#### Overlooking

- 8.28 I have also carefully considered the potential impact of overlooking from the roof terraces over the rear gardens of no.71 and no.73.
- 8.29 The proposed development due to the main accommodation being within the basement and first floor does not have any windows that would face or face over the rear gardens of the neighbouring properties at no.71 and no.73. Concerns have

been raised regarding the potential impact from overlooking from the roof terraces. Both terraces would be enclosed with a 1.7 metre high boundary. The terrace for plot 1 would have a glass screen on the southern elevation to allow views onto Baldock Way. Plot 2 would not have such a screen due to the potential adverse impact this would have on the residential amenity of the occupiers of no.73.

8.30 The roof terraces are set away from the rear boundary of no.73 and side boundary of no.71. The terraces would also be enclosed by a 1.7 metre high walled boundary which would prevent direct downward views from the terrace over the adjacent rear gardens. The roof terraces would provide what is considered to be a secondary outdoor space with the main outdoor area provided by the courtyard. I therefore do not consider the proposal would result in any significantly adverse levels of direct overlooking over the neighbouring properties such that it would result in a significant loss of privacy.

8.31 The enclosed space with a 1.7 metre high surround would restrict views over the gardens of no.71 and 73. The roof terrace of plot 2 would be 10.5 metres from the rear elevation of no.73. This is considered to be an acceptable level of separation. The outlook from the first floor windows of no.73 would be directly towards plot 2 and over the roof terrace. Currently, the occupier of no.73 has a direct view over the main garden area of the existing bungalow. The proposal would therefore improve the privacy arrangement of the future occupier in plot 2 without having a significant adverse impact on the occupier of no.73.

8.32 The basement courtyards would not be affected by overlooking due to their location. Therefore, as the roof terrace is likely to be used as a secondary outdoor space use due to its size and location, I do not consider the proposal would cause any adverse levels of overlooking over and above that which already exists. The proposal is likely to result in an improvement on the residential amenity of future occupiers and provide a high quality living environment.

Amenity for future occupiers of the site

8.33 The Inspector for the first scheme raised concerns with the lack of outdoor space for future occupiers by concluding that the



proposal would have a harmful impact on the living condition of future occupants having regards to the provision of private amenity space.

Lack of garden space:

- 8.34 The previous application (14/1652/FUL) was also refused on the following basis:

*The proposal to provide a large family dwelling and in so doing leaving very little external amenity space is unacceptable, in that the proposal would not provide the attractive, high quality accommodation required by Cambridge Local Plan 2006, policy 3/7. As very little external amenity space is provided, the proposal fails to provide accommodation that offers an adequate level of residential amenity for its future occupants and in doing so has not recognised the constraints of the site or responded to the context of the site and its surroundings. For these reasons the proposal is contrary to policies 3/4, 3/7, 3/11 and 3/12 of the Cambridge Local Plan 2006.*

- 8.35 The existing bungalow has limited usable outdoor amenity space. Overcoming this issue has been a challenge for all the previous schemes due to the constrained size of the plot. However, unlike the previous schemes, the proposed development provides two areas of outdoor amenity space; a basement courtyard area and a small roof terrace. The level of outdoor space is considered to be a creative solution on the restricted plots and significant improvement on the previous proposals in terms of amount and usable space for future occupiers.

- 8.36 Both courtyards would be south facing albeit the courtyard for plot 1 would be affected by the stairwell element on plot 2 in terms of shadowing. The roof terraces would be unaffected in terms of obstructions and would essentially be an enclosed lightwell. The courtyards would provide 21.12 sqm of amenity space for each dwelling. The roof terraces would provide 7.1 sqm of amenity space for each dwelling. In total, each dwelling would benefit from 28.22sqm of amenity space. The existing 2 bed bungalow has a paved and gravel area to the south, which is the main usable outdoor space and measures 52.2 sqm. The City Council does not have any space standards and so each proposal is considered on its own merits in terms of outdoor

space. On this basis, whilst the proposal would provide less amenity space per dwelling than the existing bungalow, the combination of a much improved relationship with the neighbouring properties and amount of usable space proposed is considered to result in a more improved scheme. The proposal outdoor space is considered to provide a sufficient amount of outdoor space to serve the proposed 2bed dwellings.

- 8.37 In terms of daylight and sunlight, the applicant has submitted a Daylight and Sunlight Assessment to demonstrate how much the proposed dwellings would receive. Essentially, the proposal complies with the minimum recommendations of the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. The report recommends that all habitable rooms would exceed the BRE guidance on average daylight and future residents would enjoy a well lit living environment. The report concludes that the proposal can be considered compliant for planning purposes in daylight terms.
- 8.38 In conclusion, the proposed development, which would overall have a lower ridge height than the existing bungalow, is considered to be acceptable in terms of its relationship with the existing dwellings at no.71 and no.73. The proposed development would not appear significantly dominant from the adjacent occupiers and would not create an adverse sense of enclosure. The outlook from no.71 and no.73 would not be dominated by the proposed development due to the single scale and broken up roofscapes, which would set off and slope away from the side and rear boundaries of no.71 and no.73 (respectively). The proposed development would also provide sufficient amenity space for future residents by making creative use of space and provide a high quality living environment. In these terms, therefore, the proposed development has addressed the previous reasons for refusal and will be recommended for approval.
- 8.39 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**

- 8.40 The proposed refuse storage areas for both dwellings would be located in a recessed area at ground floor. There is sufficient provision on site to provide three receptacles per dwellings which is the Council's standard requirement. The storage would be considered to be in a suitable location in terms of proximity to the kerb site and would be secured and screened from view by a door.
- 8.41 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.42 No concerns have been raised by the Local Highway Authority regarding highway safety issues arising from the proposed development.
- 8.43 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

### **Car parking**

- 8.44 The proposed development does not provide any off street car parking spaces. The eastern side of Baldock Way is unrestricted and would allow future occupiers to park car (if they have any) in this location. However, I have assessed the proximity of local shops and services including public transport links from the site and consider the site to be well connected.

Destination	Distance	Travel time by Walking	Travel time by Cycling
Railway Station (nearest Zipcar)	1.4 miles	24 mins	8 minutes
Bus stops – Hill Road	0.3 miles	5 mins	2 minutes
Bus stops – Mowbray Road	0.3 miles	5 mins	2 minutes
Cherry Hinton Local Centre	0.6 miles	11 mins	4 minutes
Clifton Way Leisure Park	0.8 miles	15 mins	4 minutes
Addenbrookes	0.7	14 mins	6 minutes

(Source: Google Maps)

- 8.45 In view of the above, the proposed development is considered to be located within a sustainable location in terms of its proximity to local shops and services. I therefore consider car-free development to be acceptable in this location. I have applied a car club informative to ensure future occupants are aware of the nearest Zipcar location.

#### Cycle parking

- 8.46 The proposal includes suitable provision for the secure storage of two cycles per dwelling.
- 8.47 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.48 I set out below my response to the concerns raised in the third party representation in the below table.

<b>Representation</b>	<b>Response</b>
<u>Design, scale and layout</u>	
The increased height of the buildings and proximity to the boundary of neighbouring properties will exacerbate sense of dominance and enclosure that the existing bungalow already creates;	See para 8.16 to 8.18
Two houses on this small plot would appear very prominent and have an overbearing appearance on the character of the area;	The proposed development would make efficient and effective use of the site and make a positive contribution to the character of the area. The proposal would not appear overbearing as it would be by in larger lower in height than the existing bungalow and the mass would be broke up by the angular roofscape.
The proposed dwellings would provide insufficient external amenity space;	See para 8.33 to 8.37
The proposal would overdevelopment of this plot;	The proposal is not considered to be harmful overdevelopment of the plot. The proposal makes efficient and effective use of previously developed land.
Inappropriate to use examples of other planning permissions which were built on much larger sites.	This application has been considered on its own merits.
<u>Residential amenity:</u>	
The proposal does not protect residential amenity of neighbours;	See para 8.14 to 8.26
The proposal will cause overlooking and impact privacy of the neighbouring properties;	See para 8.27 to 8.31
The proposed roof terrace will look straight into the rooms of the neighbouring properties;	As above

<u>Highway safety</u>	
No car parking is unacceptable for this suburban location;	See para 8.43
The site is not close to shops or services;	See para 8.43
Baldock Way is narrow and gets congested at times with parking associated with Addenbrookes and nearby schools;	The proposed 2 bed dwellings are unlikely materially impact any existing congestion problems. Baldock Way is partly unrestricted and therefore any future occupier would have the ability (if they own a car) to park on the road.
The proposal will have a negative impact on local road network and impact road safety;	See para 8.41
<u>Other issues:</u>	
The proposed development will further compound the flooding/waterlogging of the garden;	The Council's Drainage Officer does not consider the proposal will cause any additional drainage issues over and above that which already exists. The site is also not within a flood zone and therefore any localised flooding/waterlogging issue would appear to be an extant problem that those affected by would need to resolve.
Drainage system does not adequately cope with existing demand and causes overflowing;	As above.
Loss of a type of housing that is in short supply;	See para 8.3
Covenants restricting overlooking	Restrictions in covenants are civil matters that need to be dealt with outside the planning realm. Covenant restrictions are not material planning considerations.

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

### **Planning Obligations**

8.49 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.

8.50 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.

8.51 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.

8.52 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](http://www.cambridge.gov.uk/s106).

## **9.0 CONCLUSION**

- 9.1 The proposed redevelopment of the site to provide two semi-detached dwellings with basement level and roof terrace is considered to be of a high quality design. The proposal would enhance the appearance of the site and street scene due to its contemporary and angular form.
- 9.2 Having carefully assess the relationship with the properties to the south, in light of the previous refusals and appeal decision, I have come to the view that on balance, the proposed development would not, due to its reduced height and scale compared to the previous schemes, have a significantly dominant or overbearing impact on the residential amenity of the occupiers in the properties to the south (no.71 and no.73 Glebe Road).
- 9.3 I also do not consider the proposed development would cause any significantly adverse levels of overlooking, particularly from the roof terrace, as the terrace would be within a 1.7 metre high enclosure (except for plot 2 which would have glass balustrade on the south face which would be angled to restrict views eastwards. The terrace serving plot would be completed enclosed and would restrict views into the garden of no.71 due to the 1.7 metre high enclosure.
- 9.4 The proposed development includes a basement courtyard and roof terrace. This would provide future occupiers with outdoor amenity space in two separate locations. Having carefully assessed the proposal in relation to the previous schemes, I am of the view that as the proposed development has overcome the concerns with the relationship with the neighbour properties, that it would be difficult to refuse the application solely on the basis the proposed level of amenity space. Whilst the proposed level of amenity space would be smaller than that currently



exists, the outdoor provision is considered to be a proportion amount of outdoor space to serve these small 2 bed dwellings.

- 9.5 In view of the above, the previous reasons for refusal and concerns raised by the Inspector have in my view been adequately addressed in the current proposal.

## **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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 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. 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)

6. 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 efficient operation of the public highway

7. There should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 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)

8. 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).

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. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

11. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)