

Application Number	15/1686/FUL	Agenda Item	
Date Received	23rd September 2015	Officer	Mr Sav Patel
Target Date	18th November 2015		
Ward	Queen Ediths		
Site	106 Wulfstan Way Cambridge CB1 8QJ		
Proposal	Erection of 1x 3 bed dwelling house and single storey front extension to existing dwelling house		
Applicant	Mr Ke Xie 106 Wulfstan Way Cambridge CB1 8QJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> -The proposed replacement dwelling would integrate into the street scene without appearing out of character. -The design, scale and layout of the proposed dwelling would not have an adverse impact on the residential amenity of the adjoining neighbours. -The proposed dwelling has also been revised to mitigate the impact on the adjoining occupier. The depth of the two storey rear projecting element has been reduced and there are no habitable room windows that would cause overlooking.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site consists of a two storey semi-detached dwelling, which is set back from the road. To the rear (west) of the site is Hulatt Road. The area is characterised by two storey semi-detached dwellings, which are set back from the road.

1.2 No.106 is set back from no.104a by 1.8 metres. No.104 has also been extended to the side to create a new dwelling.

1.3 The site is not located within any designated area of development constraint such as a Conservation Area.

2.0 THE PROPOSAL

2.1 The proposal is for a 3 bed dwelling to the side of no.106. The proposed dwelling would be formed by two storey side extension with lean-to extension across the frontage of the extension and part of the original dwelling. The proposal would include the subdivision of the rear garden to serve the proposed dwelling. Two car parking spaces would be provided at the front of the proposed dwelling and at the front of the host dwelling.

2.2 The proposal has been revised following concerns with the depth of the two storey extension. The depth has now been reduced so that the extension does not project beyond the 45 degree line from the ground floor window.

3.0 SITE HISTORY

Reference	Description	Outcome
C/01/1094	Erection of a bungalow with access from Hulatt Road	REFUSED
11/1086/FUL	Conversion of garage for temporary accommodation – retrospective	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 Local Plan 2006	3/4 3/7 3/10 3/11 3/12, 3/14 5/1 8/2 8/6

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 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
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 consideration	<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.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 The proposal should no significant adverse impact on the public highway subject to the following conditions/informatives:

- No unbound material;
- No gates;
- Access constructed first;
- Access free from obstruction;
- Offence to carry out works to highway without consent;
- No overhanging of the highway;
- Public utility

Environmental Health

6.2 The proposed development is acceptable subject to the following conditions/informative:

- Construction hours;
- Piling;
- Contaminated land.

Drainage

6.3 The proposed development is acceptable subject to a surface water drainage condition.

6.4 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:

- 58 Wulfstan Way
- 104 Wulfstan Way (Support)
- 106 Wulfstan Way
- 5 Gunhild Way
- 81 Gunhild Way

7.2 The representations can be summarised as follows:

Objections:

- Profit making;
- The host dwelling is rented and there is a lot of mess outside;
- The proposed dwelling is far too big for the site
- The existing house appears to be used as a HMO;
- Suitable bin and cycle storage needs to be provided;
- Storage at the front would create an eye-sore

Support:

- Support the application;
- The dwelling and front garden has always been kept clean and tidy;

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)

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's 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 1 1/2 storey properties that are predominantly sited in close proximity to the road frontage.
- 8.7 The proposed dwelling would appear as a two storey side extension to the host property with the two storey rear element set below the ridge line. The front lean-to would bring the proposed dwelling and part of host dwelling in line with no.104a but set back from no.104 and set forward of no.108. The proposals would not appear out of character or have a detrimental impact on the site context given that similar proposal has been built and recently approved. I am therefore satisfied that in this context, the proposal is acceptable.
- 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 The original proposal projected 5.6 metres past the rear elevation of no.104a at two storey and within 1 metre of the side boundary. The scheme was revised following concerns with the potential impact on the occupiers of no.104a. The two storey element has been reduced in depth and no longer cuts across the 45 degree line from the ground floor patio doors of no.104a. The revised depth is considered to be acceptable in terms of its relationship with the neighbouring property. I do not consider the proposed two storey extension would appear unduly overbearing such that it would create an adverse sense of enclosure.
- 8.10 The proposed development would be located south of no.104a. Therefore, the proposal is likely to cause a degree of overshadowing. The main two storey bulk would face the gable of no.104a. Therefore, as the proposal is also set off the boundary and been reduced in depth, I do not consider the degree of overshadowing would be significant enough to warrant refusal.
- 8.11 The residential amenity of the host occupier would not be significantly impacted as the proposed extension would be located to the north and therefore would not cause any overshadowing and due to the reduction in the depth would not appear overbearing in my view.
- 8.12 There are no habitable rooms that would cause direct overlooking of neighbours gardens. All habitable room windows face the rear garden. There is a small window at first in the northern elevation which would serve a bathroom. I have recommended this window to be obscure glazed with restricted opening.
- 8.13 The single storey lean-to front extension would not have any adverse impact on the occupier of no.104a as it would be in line with its front elevation. It would also not adversely impact the occupier of no.108 as it would be located 4.4 metres from the side boundary.

- 8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.15 The proposed dwelling would provide future occupiers with a high quality level of living accommodation and generous rear garden. I have recommended a condition to ensure the curtilage for the new dwelling is provided prior to occupation.
- 8.16 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, 3/10 criterion (a) and 3/12.

Refuse Arrangements

- 8.17 The proposal refuse arrangement is for the host dwelling and proposed dwelling to have bin stores at the front of the properties. The bin store for the host dwelling would be located on the side of the front extension, as they would not have access to the rear from the side. The bin store for the proposed dwelling would be located between the front elevation and car parking space. No details of the type or size of the bin store have been provided. I have therefore recommended a waste storage condition to ensure details of the precise location and type of enclosure are provided for consideration.
- 8.18 In my opinion the proposal, subject to condition, is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.19 The proposal would not have any adverse impact on the public highway and would provide the proposed and host dwelling with two off street car parking spaces per dwelling. As such, the development would not result in the loss of parking provision for the existing dwelling and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car parking

8.20 Adequate car parking provision is shown for the proposed for the proposed dwelling and host dwelling.

Cycle parking

8.21 No details for cycle parking have been provided. However, the proposed layout plan does show each dwelling would be provided with a shed and access to the Hulatt Road. It would appear the cycle parking would be located within the shed. Regardless, each plot would contain enough space accommodate cycle parking.

8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.23 I set out below my response to the third party representations.

Representation	Response
Profit making;	Not a material planning issue.
The host dwelling is rented and there is a lot of mess outside;	Not a material planning issue.
The proposed dwelling is far too big for the site	The proposed dwelling which has been reduced in depth is considered to be of an appropriate size for this plot and would not appear as a cramped form of development.
The house appears to be used as a HMO;	The existing dwelling can be used as HMO for up to 6 residents without planning permission. Above this and planning permission would be required.
Suitable bin and cycle storage needs to be provided;	I have recommended a bin storage condition to ensure suitable provision is made which is appropriate for the site and does not have a negative impact on the area. There appears to be

	enough space within each plot to accommodate cycle parking in a safe and secure area.
Storage at the front would create an eye-sore	Subject to suitable storage provision, I do not consider any storage at the front would have an adverse impact on the area.

9.0 CONCLUSION

- 9.1 The proposed replacement dwelling would integrate into the street scene and area without appearing out of character. The design, scale and layout of the proposed dwelling is considered to be in keeping with the character of the area and would not have an adverse impact on the residential amenity of the adjoining neighbours.
- 9.2 The proposed dwelling has also been revised from its original inception to mitigate the impact on the residential amenity of the adjoining occupier. The depth of the two storey rear projecting element has been reduced from the original scheme and there are no habitable room windows that would cause overlooking.

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. 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. Prior to the commencement of development a scheme for surface water drainage works shall be submitted to and approved in writing by the local planning authority. The details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall include the following:

1) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

2) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

Reason: To ensure appropriate surface water drainage. (Cambridge Local Plan 2006 policy 4/16)

7. 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)

8. The driveway hereby approved shall be constructed using a bound material for the first 6m from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: In the interests of highway safety in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

9. Notwithstanding the provisions of Schedule 2, Part 2, Class A 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 fences, gates, walls or other means of enclosure forward of the principal elevation shall be erected within the curtilage of the dwellinghouse(s) without the granting of specific planning permission.

Reason: To protect the visual amenity of the neighbourhood and in the interests of highway safety (Cambridge Local Plan 2006 policies 3/4 and 8/2).

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

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

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

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

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

Reason: In the interests of highway safety.

13. The curtilage (garden) of the proposed property as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land, which is currently part of the host property (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10)

14. The window on the north 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 occupation of use and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

15. No additional windows or openings shall be inserted into the first floor of the northern elevation.

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

INFORMATIVE: This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

INFORMATIVE: No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

INFORMATIVE: Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

INFORMATIVE: If during the works contamination is encountered, the LPA should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. The applicant/agent to need to satisfy themselves as to the condition of the land / area and its proposed use, to ensure a premises prejudicial to health situation does not arise in the future