

<b>Application Number</b>	15/2087/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th November 2015	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	4th January 2016		
<b>Ward</b>	Coleridge		
<b>Site</b>	3 St Margarets Square Cambridge CB1 8AP		
<b>Proposal</b>	New outbuilding to provide ancillary accommodation to 3 St Margarets Square		
<b>Applicant</b>	Mr Menon 3 St Margarets Square Cambridge CB1 8AP		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal does not significantly harm the amenity of the surrounding occupiers</p> <p>The proposal does not negatively impact on the character of the area</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The site is the rear garden of 3 St Margaret’s Square. The main dwelling is a two storey semi-detached house. St Margaret’s Square is a residential cul-de-sac to the south of Cherry Hinton Road.
- 1.2 The site does not fall within a conservation area or controlled parking area

**2.0 THE PROPOSAL**

- 2.1 The proposal is for a new outbuilding to provide ancillary accommodation to 3 St Margaret’s Square. The outbuilding is 14.8m long x 3m wide. It measures 2.6m to the eaves and 3.5m to the ridge. It incorporates two doors and a number of south facing windows into the garden of the host property. Internally the plan shows two toilets with showers and a sink. There is a

dividing wall which splits the building into two sections, the most easterly of which is stepped off the boundary by 445mm.

2.2 This is a retrospective application in as much of the structure is in place.

2.3 This application has been called in to planning committee by Councillor Owers on the grounds that it is contrary to policy 3/14 of the Cambridge Local Plan 2006.

### **3.0 SITE HISTORY**

3.1 No site history

### **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, 3/14 8/2

### 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)

### 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 Highway officer stated that no additional off-street car parking provision is made for the additional residential

accommodation, the layout of which would allow it to be occupied as households independent of the main dwelling.

## **Environmental Health**

- 6.2 The Environmental Health Officer considers the proposal to be acceptable subject to the imposition of a number of condition and informatives. (conditions 4 & 5)
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations:
- 2 St Margaret's Square
  - 4 St Margaret's Square
- 7.2 The representations can be summarised as follows:
- Will overshadow a large area of the garden of No.2
  - A further residential unit is inappropriate for the character of the area.
  - Does not respect the context of the site and surrounding area.
  - Concerned about loss of privacy
- 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 (and impact on heritage assets)
  3. Residential amenity
  4. Highway safety
  5. Car and cycle parking

## 6. Third party representations

### **Principle of Development**

- 8.2 The principle of the proposed development is acceptable. The applicant has provided a statement of use. This states that the outbuilding is for recreational purposes and will be used as an exercise/workout/gym and games/music room for the family. I consider this to be acceptable and given the narrowness of the building and its orientation into the garden, I consider it unlikely that it will be used as separate living accommodation. Notwithstanding that the Council must determine the application on the basis of the intended use, I recommend condition 2 be appended to any permission to prevent the outbuilding having a separate residential use.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policies 3/4, 3/7 and 3/14

### **Context of site, design and external spaces (and impact on heritage assets)**

- 8.4 At the time the site visit was conducted the outbuilding was in place making this a retrospective application.
- 8.5 The proposal is to the side of the host dwelling and will therefore be visible from the street scene. However, the outbuilding is set-back significantly from the public footpath by a distance of 24m. As a result it is not highly visible.
- 8.6 A number of other properties on St Margaret's Square have rear outbuildings which are visible from the public realm. While the proposal is of a larger depth than most of the other outbuildings in the area, I consider it to be acceptable as it is not highly visible, does not negatively impact on the character of the area and is relatively low in height
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.8 The outbuilding is set back significantly from the neighbour at 4 St Margaret's Square. As a result I do not consider that the outbuilding impacts on the amenity of the occupiers of No 4 through visual dominance or sense of enclosure.
- 8.9 The outbuilding runs very close to the common boundary with no. 2 St Margaret's Square, its latter section being stepped off the boundary by 445mm. The neighbour at no. 2 also has an outbuilding against the common boundary but it is of a smaller scale being lower in height and shorter in length than the proposed outbuilding in question. While the proposal is of larger scale, I do not consider that it has any significantly harmful impact on the neighbouring property at no.2. The eaves height is relatively low at 2.6m and the pitch to the roof shallow. Under the permitted development regulations, the applicants could in fact erect a building in this proximity up to a height of 2.5m without planning permission. As such, it is mainly the roof section that requires permission for the scheme to be sought and as this is of itself shallow and relatively low, I do not think the Council could substantiate a refusal of planning permission, even given the length of the building and its orientation to the south of no.2. I do not consider there would be any harmful enclosure or harmful overshadowing to the adjacent garden space, particularly as this is a single storey structure.
- 8.10 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, 3/7 and 3/14.

## **Highway Safety**

- 8.11 The Highway Officer notes that no additional parking is provided. As the applicant has stated that the outbuilding is to be used as an ancillary space to the host dwelling I do not consider that any further parking is required.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Third Party Representations**

- 8.13 The applicants have stated that the building is to be used by members of the family as an exercise/workout/gym and games/music room. I have no cause to doubt this and consider the proposed ancillary use to be acceptable.
- 8.14 There are a number of outbuildings which are visible from the streetscene on St Margaret's Square. As a result I do not consider the outbuilding to be out of character.
- 8.15 Whilst there are windows to the side of the outbuilding I do not consider that these will impact on the privacy of the adjoining occupiers as the outbuilding is single storey and the windows are shielded from both neighbouring properties by a fence.

## **9.0 CONCLUSION**

- 9.1 The outbuilding does not impact on the character of the area. The outbuilding does not have any significant impacts on the amenity of the adjoining occupiers. As a result, I consider it to be acceptable subject to condition.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. 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.

2. The development hereby permitted shall be used solely in conjunction with and ancillary to and shall not be separately used, occupied or let.

Reason: To protect the amenity of the adjoining residential properties and to avoid the creation of a separate planning unit. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

3. 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)

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)