

Application Number	15/2221/FUL	Agenda Item	
Date Received	30th November 2015	Officer	Mr Sav Patel
Target Date	25th January 2016		
Ward	Queen Ediths		
Site	104 Wulfstan Way Cambridge Cambridgeshire CB1 8QJ		
Proposal	1 No two bedroom dwelling to rear to 104 Wulfstan Way		
Applicant	Mr P Geoghan 104 Wulfstan Way Cambridge Cambridgeshire CB1 8QJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">- The proposed subdivision of curtilage to create a separate residential unit would be in keeping with the character and context of this area.- The design and scale of the proposed dwelling is acceptable and relates sympathetically with the existing built form;- The proposed dwelling would not have a significant adverse impact on the residential amenity of existing or future occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a brick and tile two-storey dwelling situated on the west side of Wulfstan Way. The gardens back onto Hulatt Road to the west from which vehicular access is obtained.

- 1.2 The surrounding area is residential in character and formed primarily of two-storey semi-detached properties.
- 1.3 There are no site constraints and the site falls outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The proposals seek full planning permission for the erection of 1 No two bedroom dwelling to rear to 104 Wulfstan Way.
- 2.2 The proposed dwelling would be accessed from Hulatt Road and one parking space and a garage is provided within the site.
- 2.3 The dwelling would be two storey in height with a pitched roof with gable end detailing. The property would be 'L' shaped and all windows giving outlook would be sited on the south and west elevations (front and side). The rear elevation to the north and the side elevation to the east would not contain any windows giving outlook.
- 2.4 An amenity area is proposed to the rear of the property (east) and there is also bike and bin storage proposed in the rear garden. The proposal also includes a covered pergola to provide a private space for future occupiers.
- 2.5 This application is a resubmission of an earlier application (15/1163/FUL) which was refused by Planning Committee in November 2015. The application was refused on residential amenity grounds. I set out below the refusal for reason:
 - 1. *Future occupiers of the proposed dwelling would not enjoy a satisfactory level of privacy, as the ground floor kitchen/diner and living room windows in the rear elevation and private rear garden would be overlooked, at a distance of just 14m, by first floor windows in the rear elevations of Nos. 104 and 104a Wulfstan Way. As a consequence, the development is not compliant with Cambridge Local Plan (2006): Policies 3/4, 3/7 and 3/12, which require buildings to respond well to their context and to provide high quality living environments and interrelations between buildings; and 3/10 which states that residential development within the curtilage of existing properties will not be permitted if it would have a significant*

adverse impact on residential amenity through loss of privacy.

- 2.6 The applicant in this resubmission has sought to address the concerns in refusal reason by revising the rear elevation, introduction of a private pergola and providing some screening along boundary with the neighbouring properties.

3.0 SITE HISTORY

Reference	Description	Outcome
13/1053/FUL	Single storey front extension and new dwellinghouse,	REFU dated 11.09.2013
13/1372/FUL	Single storey front extension and new dwellinghouse,	PERM dated 16.01.2014
15/1163/FUL	1no two bedroom dwelling,	REFU dated 06.11.2015

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 3/10 3/11 3/12
		4/13 4/15
		5/1 /510

	8/1 8/2 8 8/6 8/10
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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>
Material Considerations	<p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</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 (Highways Development Management)

- 6.1 The application provides no information regarding the how the parking needs of the existing dwelling will be addressed.
- 6.2 The development may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

Environmental Health

- 6.3 No objections to the proposals subject to conditions relating to piling and construction hours and an informative relating to contaminated land.

Head of Streets and Open Spaces (Landscape Team)

- 6.4 No response received.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.5 The proposal is in an area of surface water flood risk with an average depth of water for the proposal of up to 300mm. The proposals are acceptable subject to a condition ensuring that the finished floor levels are at least 300mm above the existing ground level.
- 6.6 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:

- 15 Hulatt Road
- 100 Wulfstan Way

7.2 The representations can be summarised as follows:

Previous refusal at the site

- ☐ We do object with the planned construction of a dwelling house in the back yard of 104 Wulfstan Way. This new planning does not introduce any improvement with regard to the side of the house that faces our property, compared to the previous one (15/1163/FUL) that was recently rejected.
- ☐ My objections are identical to those made for the previous application (15/1163/FUL).

Scale/Design/Density

- ☐ Building a third property on the land/garden associated with what was a single family home is increasing the density of building beyond that intended by the original planners on acquisition of the land from St Thomas's Hospital in the 1940's.
- ☐ The proposal does not respect the local street pattern or the scale and proportions of the surrounding buildings.

Residential amenity

- ☐ We will be directly damaged by this construction because our privacy will be reduced by the new building, especially by the windows facing our home.
- ☐ The building of a new property in such a close distance to the east side of our home will reduce illumination of our west facing windows, which will be particularly appreciable in winter when the sun is low in the sky. This will result in an overall

reduction in light inside our home.

- ☐ The proposed plans include windows that will overlook my garden resulting in loss of privacy and so limiting my enjoyment of my own property.
- ☐ The original plans were rejected by the planning committee as in their opinion future occupiers of the proposed dwelling would not enjoy a satisfactory level of privacy as the windows and rear garden would be overlooked at a distance of 14m. The revised plans removed the rear windows from the proposed dwelling but the garden remains overlooked.

Vehicle movements/Parking

- ☐ Parking and safety issues in the road.

Other

- ☐ The owners of 104 Wulfstan Way have already recently built a dwelling house. We believe that the building of a third house in the same plot of land will contribute to crowd the neighbourhood which will lose its identity of green suburbs.
- ☐ Given the increasing values of homes in the area, we are afraid that other houses having a back gardens facing Hulatt Road will decide to build a dwelling house as well (with entrances in this road). If this planning is agreed, it would make it difficult to disagree to future planning of the same kind.

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
9. Conclusion

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.
- 8.3 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where:
- a) there is 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) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties;
 - c) where they detract from the prevailing character and appearance of the area;
 - d) where they adversely affect the setting of Listed Buildings;
 - e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site;
 - f) where development prejudices the comprehensive development of the wider area, of which the site forms part.
- 8.4 The scheme represents a 'windfall' development and could not form part of a wider development in accordance with 3/10 (f), nor are there any listed buildings in close proximity to the site in accordance with 3/10 (d) or (e). The character and amenity sections of policy 3/10 are considered in the relevant subsections below.

- 8.5 In my opinion, the principle of the development is 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

- 8.6 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 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 ½ storey properties that are predominantly sited in close proximity to the road frontage.
- 8.7 The proposed dwelling would be located in the middle of six presently undeveloped rear gardens. However, given the character of the east side of Hulatt Road immediately to the north and south of these gardens, including the recent consent granted at 90/92 Wulfstan Way, my opinion is that the scale, design and siting of the dwelling would not have a significant adverse impact upon the character and appearance of the area.
- 8.8 The proposed dwelling is similar to the previous refused scheme. The main change is to the rear elevation which has been altered to try and overcome the residential amenity concerns. The rear elevation includes a single storey flat roof element which extends along the north boundary by 2.9 metres

and has windows in the side (south) elevation. No windows are proposed in the rear (east) elevation of flat roof element. The adjacent to the new rear element would be a private, covered seating area similar to a pergola. There were no concerns with regards to the design and scale of the previous scheme relating to character of the area.

- 8.9 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

- 8.10 The previous scheme was considered to be acceptable in terms of the impact on the amenity of neighbouring occupiers. The proposed dwelling would be located slightly closer to no.104 (11.2 metres previous scheme 14 metres) due to the single storey element but maintain a distance of 14m from the rear elevation of No 104a Wulfstan Way. Given this separation and the relatively low height of the revised building, I do not consider the development would result in an unacceptable loss of light or outlook to the adjacent properties.
- 8.11 The only first-floor windows in the east/rear and north side elevations of the proposed dwelling are high level rooflights. The development would not therefore give rise to any overlooking of Nos. 104 and 104a or other adjacent properties in Wulfstan Way.
- 8.12 With regards to the impact of the development upon properties on the opposite side of Hulatt Road, the proposed dwelling includes a first-floor bedroom window in the west-facing gable end elevation. The distance between this window and the dwellings opposite, is approximately 17m. As these neighbouring windows face the road and pavement to the front, rather than being to private rear gardens, they enjoy limited privacy at present. I therefore consider the proposal would not give rise to an unacceptable level of overlooking of these neighbouring properties.
- 8.13 In my opinion the proposal adequately respects the residential amenity of its neighbours and would secure an appropriate level

of amenity for future residents, and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Amenity for future occupiers of the site

- 8.14 The previous proposal was refused on the basis that future occupiers of the proposed dwelling would suffer an unacceptable level of privacy in the rear garden by reason of overlooking from the first-floor windows in the rear elevation of the frontage dwellings (Nos. 104 and 104a).
- 8.15 The applicant has made some adjustments to the previous scheme in order to overcome the above concerns. The amendments consist of revisions to the fenestration of the rear elevation, introduction of additional boundary treatment along the rear boundary and introduction of a covered pergola.
- 8.16 The amount of windows and openings in the rear elevation has been reduced. The proposed rear elevation contains a recessed back door with frosted glazing and a frosted ground floor w/c.
- 8.17 The boundary treatment on the rear boundary comprises vertical timber slatted panels angled away from the existing dwellings. I have recommended a condition to ensure details for this structure such as materials, fixings and management plan are provided before being implemented.
- 8.18 The proposed introduction of a pergola along the northern boundary would extend up to the rear elevation. The pergola is proposed to be a permanent structure which is open on two sides and covered by a tile roof. The pergola would provide a private space for future occupiers to enjoy.
- 8.19 These amendments would, on balance, in my view, provide any the future occupier with sufficient protection from loss of privacy and overlooking. The proposed scheme has overcome the previous refusal reason and would provide future occupiers with a high quality living environment.
- 8.20 With regards to external space, the rear garden would measure 7m x 9.2m (approximately 64.4 square metres) and includes ample space for the storage of bins and cycles, with pedestrian access achievable to the side of the dwelling. The proposed dwelling would be set back from the highway (Hulatt Road) by

between 5 and 9.2 metres. Adequate parking is also proposed to the front of the property. The site is in a sustainable location, close to services and facilities in the immediate area and within walking distance of nearby bus stops. I am also satisfied that with the introduction of the pergola to provide screening that this offers a suitable level of private/amenity to future occupiers.

- 8.21 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

- 8.22 Adequate bin storage has been shown within the drawings and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.23 The Highways Authority has commented that the application includes no information regarding how the parking needs of the existing dwelling will be addressed. Having researched the history of the site, I have noted that the planning permission for No.104a Wulfstan Way showed the provision of parking spaces for both 104 and 104a to the front, accessed via Wulfstan Way. As such, the development would not result in the loss of parking provision for the existing dwellings and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.24 Adequate car and cycle parking is shown for the proposed dwelling and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.25 I set out below my response to the concerns raised in the third party representations:

Representation	Response
Design and Scale	
Building a third property on the land/garden associated with what was a single family home is increasing the density of building beyond that intended by the original planners on acquisition of the land from St Thomas's Hospital in the 1940's.	The plot is large enough to accommodate subdivisions to provide separate residential units. The proposal makes efficient use of land without compromising on design or impact on residential amenity.
The proposal does not respect the local street pattern or the scale and proportions of the surrounding buildings.	The built form of the area is mixed. The proposed development is respectful of the built pattern of development and of a sympathetic scale.
Residential amenity	
We will be directly damaged by this construction because our privacy will be reduced by the new building, especially by the windows facing our home.	See para 8.12 – I have also recommended a construction hours condition to mitigate the impact during construction.
The building of a new property in such a close distance to the east side of our home will reduce illumination of our west facing windows, which will be particularly appreciable in winter when the sun is low in the sky. This will result in an	See para 8.12

overall reduction in light inside our home.	
The proposed plans include windows that will overlook my garden resulting in loss of privacy and so limiting my enjoyment of my own property.	See paras 8.11 and 8.12
The original plans were rejected by the planning committee as in their opinion future occupiers of the proposed dwelling would not enjoy a satisfactory level of privacy as the windows and rear garden would be overlooked at a distance of 14m. The revised plans removed the rear windows from the proposed dwelling but the garden remains overlooked.	The previous refused proposal has been revised to address the concerns with the impact on the residential amenity of future occupiers. I am now satisfied that the relationship with the proposed and existing dwellings would result in a satisfactory arrangement and would not have a significant adverse impact on residential amenity.
Vehicle movements/Parking	
Parking and safety issues in the road.	No highway safety concerns raised by County Highways. The proposal includes 1 off street car parking.
Other	
The owners of 104 Wulfstan Way have already recently built a dwelling house. We believe that the building of a third house in the same plot of land will contribute to crowd the neighbourhood which will lose its identity of green suburbs.	Disagree – the area contains similar subdivided plots which work harmoniously with the existing built form. I see no reason why the proposed dwelling would not do the same.
Given the increasing values of	Each planning application is

homes in the area, we are afraid that other houses having a back gardens facing Hulatt Road will decide to build a dwelling house as well (with entrances in this road). If this planning is agreed, it would make it difficult to disagree to future planning of the same kind.	considered on its own merits.
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Planning Obligations (s106 Agreement)

8.26 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.

8.27 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.

8.28 I have consulted the service managers who are responsible for the delivery of projects to offset the impact of development and have summarised their consultation responses in the following tables:

9.0 CONCLUSION

- 9.1 The proposed subdivision of the rear garden of no.104 Wulfstan Way to create a separate residential plot consisting of a 1 ½ storey dwelling is considered to be acceptable. The design and scale of the proposed dwelling would integrate into the site without appearing as an alien form in this location.
- 9.2 The proposed dwelling would not have a detrimental impact on the residential amenity of the neighbouring occupiers due to the lower height of the dwelling and carefully positioned windows.
- 9.3 The concerns with the amenity of future occupiers from overlooking from the existing dwellings at no.104 and 104a raised in the previous scheme have been sufficiently overcome by revisions to the fenestration of the rear elevation and introduction of a private pergola in the rear garden and additional boundary treatment along the rear boundary to mitigate views into the garden.

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 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)

4. 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)

5. 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)

6. 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)

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. Notwithstanding the provisions of Schedule 2, Part 1, 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), the enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed 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. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse(s) of any building or enclosure, swimming or other pool shall not be allowed 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).

10. 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).

11. 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.