

Application Number	15/2249/FUL	Agenda Item	
Date Received	4th December 2015	Officer	Mairead O'Sullivan
Target Date	29th January 2016		
Ward	Coleridge		
Site	41 Birdwood Road Cambridge Cambridgeshire CB1 3ST		
Proposal	Part two storey part single storey rear and side extension and roof extension incorporating rear dormer		
Applicant	Mr Max Bautin 133 warren close Cambridge cambridgeshire cb2 1le United Kingdom		

Update Report: 41 Birdwood Road, 15/2249/FUL

- 0.1 This application was brought before Planning Committee on 2nd March 2016 with an officer recommendation of approval. Members will recall that the neighbour at 43 Birdwood Road made oral representations to the Committee concerning the impact of the scheme on her residential amenity. Despite the objection, Members voted to accept the officer recommendation and to approve the scheme. However, following the March Planning Committee, it has come to my attention that a side kitchen window in the side elevation of No.43 Birdwood Road was not expressly considered in my assessment of the proposal. As such, I have determined that the most appropriate course of action is to provide an update report specifically considering the impact on this window prior to a decision being issued. I apologise for this earlier oversight but consider it necessary and reasonable to undertake this course of action. Both the applicants and the objectors have been informed of my intention to bring the application back to Planning Committee for these reasons.
- 0.2 In reaching my previous recommendation, I confirm that I was aware of the kitchen window on the side elevation from my site visit. The side window is also shown on the submitted floor plans. Based on the plans and from my site visit, it is clear that the kitchen of No. 43 Birdwood Road is served by two windows;

one which faces north east looking down the rear garden and one on the side elevation which faces west.

- 0.3 I have addressed the impacts of the scheme on the rear facing kitchen window facing the garden in paragraph 8.8 of my original report.
- 0.4 The kitchen window on the side elevation faces towards a side passageway. The proposal would result in the proposed side elevation of No.41 moving closer to the boundary with No.43 and loss of late afternoon angled sunlight from the northwest through this particular window. However, the proposed side extension is subservient to the main ridge and will not, when considering the layout of the kitchen, the separate and unaffected dining room adjacent and the alternative kitchen window looking down the garden, cause any significant harm.
- 0.5 The proposed extension would be visible from the side kitchen window and a degree of enclosure could be expected on the outlook from here. However, I do not consider that this would be so harmful as to warrant a refusal of permission, as the window in question has a relatively poor outlook onto the side passage and the proposed window in the rear elevation of the kitchen affords an arguably greater sense of amenity for the occupants, as it reveals views down the substantial garden, which will remain unaffected.
- 0.6 In specifically considering this impact, my recommendation to Planning Committee remains unchanged and is to approve the scheme as set out at paragraph 10 of the officer report.

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal will not be harmful to the character of the area</p> <p>The proposal will not significantly impact on the amenity of the surrounding occupiers.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a two storey part brick part render semi-detached property on the north western end of Birdwood Road.
- 1.2 Birdwood Road is a predominantly residential area characterised by semi-detached family homes.
- 1.3 There are no site constraints

2.0 THE PROPOSAL

- 2.1 The proposal is for a part two storey, part single storey rear and side extension and a roof extension incorporating rear dormer.
- 2.2 The rear extension has been amended since the original submission to reduce the length of the first floor element.
- 2.3 The ground floor element of the rear extension extends 6m from the rear wall. It is set away from the common boundary with No. 39 Birdwood Road by 0.4m. It has an eaves height of 2.45m with a roof which slopes away from the boundary. The highest point of the ground floor extension is 3.2m.
- 2.4 The first floor element of the proposal extends 4m from the rear wall of the property. It is 6.9m at its highest point with a pitched roof which drops to 5m at the eaves. The first floor extension

extends to the side for a length of 2.7m and then drops down to ground floor level where the proposal continues to the front wall.

2.5 A roof extension which involves a change from hip to gable with a rear dormer window is also proposed.

2.6 The application has been called in to Planning Committee by Councillor Owers on the grounds that it is contrary to policy 3/14.

3.0 SITE HISTORY

Reference	Description	Outcome
15/0340/CL2PD	Application for a Certificate of Lawfulness under Section 192 for external wall insulation finished with red brick slips.	Certificate granted

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
		4/16
		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)
Material Considerations	<u>City Wide Guidance</u> Roof Extensions Design Guide (2003)

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 No comments

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.2 The Development is acceptable subject to the inclusion of a condition relating to flood resilient construction (Condition 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:

- ☐ 21 Fox Rd Balsham (on behalf of 39 Birdwood Rd) x3
- ☐ 43 Birdwood Rd x2

- 7.2 The representations can be summarised as follows:

Representation	
Residential amenity	
1	The first floor element will dominate and overshadow No.39.
2	A smaller extension at No.45 was refused on amenity grounds. Other developments pre-date the Local Plan
3	The extension will move the property closer to No.43. The new aspect will be a featureless brick wall which will dominate the view from the kitchen and result in a loss of light.
4	The proposal will overlook the garden of No. 43 resulting in a loss of light and a loss of privacy
Drawings	
5	There are no elevation drawings provided for the westerly elevation, which may better show the view from the rear of No.39 (adjoining) property perspective.
6	There is no inclusion on any of the drawings of the conservatory at the rear of No. 39
7	The boundary wall is marked incorrectly/there is ambiguity in relation to the location of the boundary
Design	
8	The scale of the proposal is out of character
Civil matters	

9	The drawings do not leave space for the guttering. This cannot overhang.
Construction Hours	
10	Time scales and work schedules would need to be discussed to minimise disturbance of the adjoining occupants.
11	Construction will cause noise and disruption from dust. These properties have single skinned solid walls on the party wall. Could there be a provision for sound proofing these walls of the existing properties?

Revised Drawings

Representation	
Residential amenity	
1	The effects of the proposal would be overpowering and would cause overshadowing
2	The proposal will result in a loss of light to the conservatory at No.39.
3	A smaller extension at No. 45 was refused on amenity grounds
4	The proposal is contrary to policy 3/14
5	Concerned it will set a precedent which will impact on the landscape and privacy of the neighbourhood
Design	
6	Only minor amendments have been made which do not address the fundamental issues
7	The proposal is excessive and increases the ground floor footprint by 100%
8	It is out of character
9	The footprint remains unchanged from the previous drawings
10	The proposal should be limited to 3.1m to the rear and single storey only.
Construction	
11	Concerned about dust and noise disruption from construction

- 7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Context of site, design and external spaces (and impact on heritage assets)
2. Residential amenity
3. Highway safety
4. Third party representations

Context of site, design and external spaces

8.2 The proposed roof extension and side extension would be visible from the street scene. It is not uncommon for semi-detached properties to be extended in this fashion. The first floor extension is subordinate in scale. The ridge height is not increased and the extensions would be finished to match the existing house in matching bricks and tiles. A number of other properties in the area have visible side and roof extensions. As a result, I do not consider that the proposal would negatively impact on the character of the area. It is acceptable in terms of design.

8.3 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

No.39 Birdwood Road

8.4 The ground floor element of the rear extension is marginally set away from the common boundary with No.39 and has a low eaves height of 2.45m which slopes away at a shallow pitch from the boundary. This element is 6m in depth and encroaches into the 45 degree line taken from No.39's rear dining room window. As a result, it may lead to some loss of light and outlook. However, I do not consider that it would significantly overshadow or unduly dominate the neighbour at No.39 given its dimensions and that any loss of light would be for a limited time in the mornings.

- 8.5 The first floor element of the rear extension is set away from the neighbour's boundary at No.39 by 2.7m. This element has been amended and the length has been reduced from 6m to 4m which is typically an acceptable depth of extension for a semi-detached property of this period. I consider the reduction in length to be acceptable as it will result in the proposal appearing less dominant when viewed from both neighbouring properties.
- 8.6 The proposed first floor element would not obstruct the 45 degree angle from the first floor bedroom window at No.39. The pitch of the 2 storey element would be subservient in height to the main ridge and set away from the common boundary with No.39. No 39 is located to the north west of the proposal site and the proposed extension may result in some loss of light in the mornings but this would be for a limited time and I do not consider this to be significant enough to warrant a refusal.

No.43 Birdwood Road

- 8.7 The proposal extends past the side elevation by 1.2m which will bring the property line closer to that of the neighbour at No.43. A set back of approximately 1m remains between the proposal and the common boundary, with a further 1.8m between the building line of No.43 and the common boundary. The application originally proposed a first floor element projecting to a depth of 6m from the rear elevation. This has since been reduced to a depth of 4m, which allows for an unobstructed line of sight from the upper floor bedroom and ground floor kitchen of No.43. I therefore consider the 2m reduction in length of the upper floor element to be acceptable and consider that it will not appear unduly dominant when viewed from No. 43
- 8.8 The ground floor element of the proposal remains unchanged. This element will be set away from the common boundary by 1m with a low eaves height. The proposal does not break the 45 degree rule and will allow for an unobstructed line of view from the kitchen window at No.43. As a result of the set away and the low pitched roof I consider that this element will not overshadow or visually enclose the neighbour at No.43 to an unacceptable degree.

- 8.9 There are a number of rooflights proposed for the side elevations. Condition 4 will be imposed to control the height of these windows to prevent any possible issues relating to overlooking. This ensures that they will not be set any lower than 1.7m from the finished floor level.
- 8.10 The proposed roof extension rear dormer does not break the ridge line. It is similar in size to that which could be developed under the remit of permitted development. As a result I consider that this element would be difficult to resist and is acceptable.
- 8.11 In my opinion the proposal, as amended, 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 3/14.

Highway Safety

- 8.12 The Highway Officer does not consider there to be any issues in relation to highway safety. I share this view.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

Original drawings

Representation		Response
Residential amenity		
1	The first floor element will dominate and overshadow No.39.	The length of the first floor element has been reduced. I consider this to be acceptable. See paragraph 8.5
2	A smaller extension at No.45 was refused on amenity grounds. Other developments pre-date the Local Plan	Every application is assessed on its own merits. The application at No.45 was flat roofed and ran hard against the boundary with the attached neighbour.
3	The extension will move the property closer to No.43. The	I have addressed this in paragraph 8.6

	new aspect will be a featureless brick wall which will dominate the view from the kitchen and result in a loss of light.	
4	The proposal will overlook the garden of No. 43 resulting in a loss of light and a loss of privacy	There are existing upper floor windows facing the rear garden from the rear elevation. I therefore do not consider that the proposal will result in any significant further overlooking. I have addressed loss of light in paragraphs 8.7 and 8.8.
Errors/ambiguity in drawings		
5	There are no elevation drawings provided for the westerly elevation, which may better show the view from the rear of No.39 (adjoining) property perspective.	An elevation was missing from the original plans. The amended plans include all 4 elevations
6	There is no inclusion on any of the drawings of the conservatory at the rear of No.39	The conservatory is not shown in the drawings but I am aware of the location from my site visit
7	The boundary wall is marked incorrectly/there is ambiguity in relation to the location of the boundary	This is a civil matter
Design		
8	The scale of the proposal is out of character	See paragraph 8.2
Civil matters		
9	The drawings do not leave space for the guttering. This cannot overhang.	This is a civil matter
Construction		
10	Time scales and work schedules would need to be discussed to minimise	A construction hours condition (Condition 6) will be added to the

	disturbance of the adjoining occupants.	decision notice.
11	Construction will cause noise and disruption from dust. These properties have single skinned solid walls on the party wall. Could there be a provision for sound proofing these walls of the existing properties?	Sound proofing would be a civil matter

Revised Drawings

Representation		Response
Residential amenity		
1	The effects of the proposal would be overpowering and would cause overshadowing	See paragraphs 8.4-8.11
2	The proposal will result in a loss of light to the conservatory at No.39.	See paragraph 8.4
3	A smaller extension at No. 45 was refused on amenity grounds	Every application is assessed on its own merits. I have assessed this in the previous table as a response to point No.2.
4	The proposal is contrary to policy 3/14	I have assessed the application in terms of design and impact on amenity in paragraphs 8.1-8.11 and consider that the application is compliant with policy 3/14
5	Concerned it will set a precedent which will impact on the landscape and privacy of the neighbourhood	Each application is assessed on its own merits.
Design		
6	Only minor amendments have been made which do not address the fundamental issues	The amendments made reduce the depth of the first floor element. I consider that

		this addresses the dominant appearance of the original proposal.
7	The proposal is excessive and increases the ground floor footprint by 100%	The proposal has a large footprint however it is located on a large plot. I have assessed design and amenity issues and consider it to be acceptable.
8	It is out of character	See paragraph 8.2
9	The footprint remains unchanged from the previous drawings	The footprint remains unchanged but much of the bulk from the upper floors has been removed which I consider to be acceptable.
10	The proposal should be limited to 3.1m to the rear and single storey only.	I can only assess the application as proposed
Construction		
11	Concerned about dust and noise disruption from construction	A construction hours condition will be added

9.0 CONCLUSION

- 9.1 The proposal will not have a harmful impact on the character of the area. I do not consider that the proposal will have any significant impact on the amenity of the adjoining properties at No.39 and 43 Birdwood Road. I acknowledge that the revisions to the proposal have not fully overcome the objections that have been made and that there would be some impact in terms of both enclosure and light, but I do not consider that it would be significantly harmful as to justify a refusal of planning permission. As a result I consider that the proposal will be acceptable.

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. The rooflights hereby approved shall be 1.7m above the finished floor level.

Reason: To protect the amenity of the surrounding occupiers in accordance with Cambridge Local Plan 2006 policy 3/4 and 3/14

5. Prior to commencement of development details of flood resilient construction employed should be submitted to and approved in writing by the local planning authority.

Reason: In accordance with policy 4/16 of the Cambridge Local Plan 2006

6. 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)