

<b>Application Number</b>	16/0010/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	5th January 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	1st March 2016		
<b>Ward</b>	Trumpington		
<b>Site</b>	122 Foster Road Cambridge Cambridgeshire CB2 9JP		
<b>Proposal</b>	Conversion of dwellinghouse to two flats; single storey rear and side extensions; roof extension; rear dormer Juliet Balcony and demolition of existing outbuilding.		
<b>Applicant</b>	Mr A McIlmoyle 122 Foster Road Cambridge Cambridgeshire CB2 9JP		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal would not adversely impact on the amenity of neighbouring properties.</li> <li>- The proposal would provide a high quality living environment for future occupiers.</li> <li>- The proposal would not harm the character of the area.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site, no.122 Foster Road, is comprised of a two-storey terraced property situated on the east side of Foster Road. The site has two on-site parking spaces at the front of the site and there is a covered side passage which leads out onto a long rear garden. The surrounding area is residential in character and is formed predominantly of two-storey semi-

detached and terraced properties set linear to the pattern of the road.

1.2 There are no site constraints.

## 2.0 THE PROPOSAL

2.1 The proposal seeks planning permission for the sub-division of the existing dwelling house into two flats. The proposal also seeks planning permission for the following works:

- Single storey rear extension, projecting 7.5m out to the rear with a pitched roof measuring 2.5 to the eaves and 3.75m to the ridge. There would also be a small open courtyard area adjacent to the original house.
- Roof extension incorporating a dual pitched type dormer including a juliet balcony.
- Demolition of the existing outbuilding.

2.2 Each proposed flat would have its own entrance, with flat no.1 being accessed along the side passage and flat no.2 accessed from the front door. Cycle and bin storage would be provided externally down the side passage for flat no.1, whilst flat no.2 would have internal cycle storage, with bins kept outside the front of the property. Flat no.1 would occupy the vast majority of the ground-floor and would have two bedrooms. Flat no.2 would be situated on the first and second floors with two bedrooms. The garden would be sub-divided so that each dwelling has their own private outdoor amenity area.

## 3.0 SITE HISTORY

Reference	Description	Outcome
15/1048/FUL	Conversion of dwelling house to 2 flats; single storey rear and side extension; roof extension; rear dormer; juliet balcony and demolition of existing out building.	Withdrawn.

## 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 3/11 3/14 4/13 5/1 5/2 8/2 8/6 8/10

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) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<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.

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 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**

- 6.2 No objection subject to condition.
- 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:

- 120 Foster Road
- 124 Foster Road

7.2 The representations can be summarised as follows:

- Concerned that the dormer roof may not be sound proof or watertight.
- Concerned about the outbuilding being altered and making good of this.
- The house is better suited for a young family and not residential flats.
- The approval of this would set a precedent for other similar developments along Foster Road.
- Insufficient parking for future occupiers
- Loss of light
- Noise and disturbance
- Construction noise and disturbance.

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 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses.

8.3 Policy 5/2 of the Local Plan (2006) states that the conversion of single residential properties and the conversion of non-residential buildings into self-contained dwellings will be permitted except where:

- a) The residential property has a floorspace of less than 110 square metres;
- b) The likely impact upon on-street parking would be unacceptable;
- c) The living accommodation provided would be unsatisfactory;
- d) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
- e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

8.4 Each of the criteria of this policy has been addressed in turn below:

a) The residential property has a floorspace of less than 110 square metres

8.5 The combined floor area of the application site is well above 110m<sup>2</sup>.

b) The likely impact upon on-street parking would be unacceptable

8.6 It is acknowledged that a concern has been raised regarding the lack of car parking available to future occupiers. The existing parking arrangements would not be altered as a result of the proposed works. Each dwelling would have one car parking space available on-site. This is in accordance with the maximum of parking standards of the Local Plan. I do not consider that the proposed change of use would drastically increase levels of on-street car parking to such a degree as to harm residential amenity in the wider area. There is a bus stop less than 50m to the north of the site and the Trumpington guided busway stop is less than 250m to the east. Each dwelling would have sufficient cycle storage and so given the sustainable transport credentials of the site in relation to public transport and cycle routes, I consider the dependency on car parking will be reduced. Overall I do not consider the impact upon on-street parking would be unacceptable.

c) The living accommodation provided would be unsatisfactory

- 8.7 All habitable rooms of each proposed dwelling would have acceptable outlooks and each dwelling would be afforded approximately 100m<sup>2</sup> of private outdoor amenity space. The Trumpington Local Centre would be within 600m to the west of the site and there would be excellent public transport and cycle routes into the city centre. Each dwelling would have access to sufficient car parking and cycle storage. To summarise, I consider the living accommodation for future occupiers would be satisfactory.

d) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking

- 8.8 Flat no.1 would have two cycle spaces outside the side entrance but these spaces would be hidden from public viewpoint. Flat no.2 would have three cycle spaces internally which is supported. These levels meet the minimum standards of the Local Plan. However, no details as to the type of storage to be used have been provided. Therefore a condition has been recommended to ensure that these cycle spaces are secure and lockable.

- 8.9 Bin storage for flat no.1 would be provided outside the side entrance with a clear and legible route out to the front of the property for collection days. Bin storage for flat no.2 would be positioned outside the front of the building. There are other properties along this street with refuse storage visible from the street scene and so I do not consider this arrangement will appear out of character with the area.

e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

- 8.10 The site is situated in a residential area and so I do not consider the nearby land uses or site itself would result in an unsatisfactory level of residential amenity for future occupiers of the proposed dwelling.
- 8.11 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 5/2 of the Local Plan (2006).

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

- 8.12 The proposed physical works for the extensions and alterations would all take place on the rear and side elevations and so would not be visible from Foster Road. The proposed works would be visible from long views along the footpath which runs to the rear of the site.
- 8.13 The proposed single-storey rear extension, by virtue of its modest scale and design, is not considered to be out of character with the surrounding area. There are several other examples of single-storey rear and side extensions along Foster Road and I do not consider this will appear visually prominent or out of keeping with the wider area.
- 8.14 The proposed roof extension and dormer would be designed with a dual pitched roof appearance which would help break up its visual massing. There is also a full width box-type dormer at no.120 Foster Road immediately to the south of the site. As the site is not within the Conservation Area, a full width box type dormer in this location would not normally require planning permission and the proposed design is only marginally outside these limits. Therefore, I do not consider the proposed roof extension and dormer would harmfully detract from the character of the area and is acceptable.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/14.

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.16 The main consideration from a residential amenity perspective is the impact on the two adjacent properties at nos.120 and 124 Foster Road.

### Impact on No.120 Foster Road

- 8.17 No.120 Foster Road is comprised of a two-storey terraced property situated immediately to the south of the site. This neighbour currently shares an outbuilding with the application site and half of this outbuilding would be demolished as a result of the proposed works.

8.18 The existing outbuilding to the rear of no.120 effectively blocks any outlook from rear ground-floor windows out towards the application site, due to its mass and positioning, and so I do not consider the proposed works would visually enclose this neighbour. The position of this neighbour directly to the south of the site also prevents any harmful loss of light. The views across the garden of no.120 from the rear dormer windows of the proposal would be relatively similar to that of the existing first-floor rear windows. As a result, I do not consider the privacy of this neighbour would be compromised by the proposed development.

8.19 In terms of noise and disturbance, I do not consider the movement of people along the side passage would be so frequent as to cause a significant noise disturbance to this neighbour. There are no habitable windows facing directly onto the side passage from no.120. The movement of people going out into the gardens would be predominantly blocked by the single-storey outbuilding of no.120.

#### Impact on no.124 Foster Road

8.20 No.124 Foster Road is comprised of a semi-detached property which is situated immediately to the north of the site.

8.21 Firstly, in terms of overlooking, I do not consider the proposal would compromise the privacy of this neighbour. The views from the dormer across the garden would be relatively similar to that of the existing rear first-floor windows and so I consider this to be acceptable.

8.22 Secondly, in respect of visual enclosure, while I appreciate that the proposal will be visible from the garden and adjacent rear ground-floor window of no.124, I do not consider its visual appearance would be so great as to be overbearing. The proposed extension has been carefully designed so that the first 2.4m of the extension is set away from the boundary to create an internal courtyard area. I consider that this would give the perception of a degree of space between the proposed extension and the adjacent ground-floor window, sufficient enough to prevent this outlook from being hemmed in. The applicant has also provided a drawing to show the comparison between an extension which could be undertaken under the

applicants permitted development rights and that of the proposed scheme. This demonstrates that a sizeable extension immediately adjacent to this neighbour's window could take place which would arguably be more oppressive than that of the proposed scheme. In my opinion, I believe the use of the internal courtyard successfully avoids the scheme harmfully enclosing this outlook. The latter part of the extension would be visible from the garden, but, as this garden has an open outlook out to the east and north which would be uninterrupted, I do not consider the remainder of the extension would dominate the garden outlook. Furthermore, the eaves of the extension would be 2.5m high which is not considered to be a significantly high eaves level for an extension. In addition, the roof would be pitched to create a gable end which would have a ridge height of 3.75m which would then slope down on each side to 2.5m. This would help break up the massing when viewed from the garden and rear window.

- 8.23 Thirdly, concerns have been raised from this neighbour regarding the potential loss of light that the proposal would cause. The proposed extension is situated immediately to the south of this neighbour and so the impact of overshadowing needs to be assessed. The proposed extension will inevitably lead to a degree of overshadowing in the late morning hours over the garden. However, the levels of light reaching the neighbouring living window will, in my opinion, not be significantly affected by the proposed extension. The internal courtyard will still allow a reasonable amount of the existing light that this neighbour received to filter through to this window, and given the modest eaves height and use of pitched roof, I consider that the impact will not be so harmful as to warrant refusal of the application.
- 8.24 Finally I do not consider the proposal would lead to a significant increase in noise and disturbance to this neighbouring property over and above the existing residential occupation. The gardens would remain in use in a residential capacity and there would be no frequent movement along the boundary of this neighbour.
- 8.25 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

- 8.26 All habitable rooms of each proposed dwelling would have acceptable outlooks and each dwelling would be afforded approximately 100m<sup>2</sup> of private outdoor amenity space. The Trumpington Local Centre would be within 600m to the west of the site and there would be excellent public transport and cycle routes into the city centre. Each dwelling would have access to sufficient car parking and cycle storage. A condition has been attached to ensure that the parking space outside the front of bedroom no.1 of flat no.1 on the ground-floor is only used by this property. This would prevent the occupier of this bedroom being disturbed by car lights entering and exiting this car parking space as it would only be used by the same occupier. To summarise, I consider the proposal would provide a high quality living environment for future occupiers.
- 8.27 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 3/14.

## **Refuse Arrangements**

- 8.28 The proposed refuse arrangements are considered acceptable for the reasons set out in paragraph 8.9 of this report.
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.30 The Highway Authority has raised no objection to the proposal on the grounds of highway safety and I agree with this advice.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.32 For the reasons set out in paragraph 8.6 of this report, the approach to car parking is considered acceptable.

8.33 For the reasons set out in paragraph 8.8 of this report, the approach to cycle parking is considered acceptable, subject to condition.

8.34 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

8.35 The majority of the concerns have been addressed in the main body of this report.

8.36 In response to the concern regarding construction noise, a construction hours condition has been recommended to control the hours of construction.

8.37 The concerns regarding the sound and water proofing of the dormer is a building control matter and not a planning consideration.

8.38 The concern regarding the making good of the outbuilding wall following demolition is a building control/ civil matter and not a planning consideration.

8.39 There is no policy to control the end user of the house and there is no requirement for this house to be solely available for a young family.

8.40 The approval of this permission would not set a precedent and any future application for a similar type of project would be assessed on its own merits.

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

8.41 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.

- 8.42 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.

- 8.43 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 In conclusion I believe the proposed sub-division of the existing property would provide a high quality living environment for future occupants and would not significantly harm the amenity of neighbouring properties. Approval is recommended.

## **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. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

5. The car parking space labelled '2' on drawing no.3318/05A, shall be used solely by the future occupants of the ground floor flat (flat no.1) hereby approved by this permission. The car parking space shall be retained for use by the future occupants of this new dwelling unless otherwise agreed in writing by the local planning authority.

Reason: To provide a high quality living environment for future occupiers (Cambridge Local Plan policies 3/4 and 3/14).