

<b>Application Number</b>	15/2276/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	21st December 2015	<b>Officer</b>	Mr Toby Williams
<b>Target Date</b>	15th February 2016		
<b>Ward</b>	Coleridge		
<b>Site</b>	338 Cherry Hinton Road Cambridge CB1 8AZ		
<b>Proposal</b>	Construction of two one bed houses (following demolition of existing annexe and garages)		
<b>Applicant</b>	Mr And Mrs Caruso 338 Cherry Hinton Road Cambridge CB1 8AZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>-The development would help meet housing need.</li> <li>-The scheme is acceptable in terms of its impact on the character and appearance of the area.</li> <li>-The residential amenity of adjacent occupiers would be adequately protected.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site is the rear garden of 338 Cherry Hinton Road. The garden is long and is occupied in its rear portion by two single storey structures, one of which is a garage and the other a residential annex. The garden backs onto a rear track which connects westwards to Mowbray Road via a well-used parking area for the dental practice located on the corner of Cherry Hinton Road and Mowbray Road. To the east and to the west of the site are full width single storey garages/outbuildings associated with the residential properties either side. To the immediate south is the garden associated with the Acacia Bed & Breakfast guesthouse at 157 Mowbray Road which is relatively open.

1.2 The site does not fall within an area of land use constraint which affects the proposal. It is outside of the controlled parking zone. It is within a couple of minutes' walk to the local centre at Perne Road/Cherry Hinton Road roundabout.

## 2.0 THE PROPOSAL

2.1 The proposal is for a pair of semi-detached one bedroom chalet style dwellings. Access would be from a shared private drive of approximately 30m length via Mowbray Road. Each would have a rear garden of 4-5m depth x 4m width and one car parking space to the front. On the ground floor, an open plan kitchen would connect to a lounge which would lead onto each garden space. On the first floor, each unit would have a south facing bedroom window set within a dormer and a north facing ensuite window facing up the garden towards the host dwelling.

2.2 The buildings would measure 6.1m to the ridge, 2.5m to the eaves and be 8m deep. The building-to-building distance to the rear of no.338 as extended would be 19m. Bikes and bins would be located within the rear gardens and accessed via a side passageway of 1m width.

2.3 The application is accompanied by a Design and Access Statement.

## 3.0 SITE HISTORY

Reference	Description	Outcome
06/1396/FUL	Erection of single storey rear extension to house.	A/C
05/0162/FUL	Erection of side roof extension with dormer window and rear dormer window.	A/C
C/01/0924	Erection of a single storey side extension to existing dwellinghouse.	A/C
C/01/1342	Installation of dropped kerb.	A/C
C/03/0441	Erection of a flat-roofed, single storey structure and the extension of another within the rear garden, and change of use from single dwelling house to a mixed use private dwelling	REF

C/03/1385	(class C3) Change of use of annexe to provide ancillary bed and breakfast accommodation and extension to building.	REF
C/66/0383	Erection of double garage	A/C

#### 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	3/4 3/7 3/10 3/12 5/1 8/2 8/4 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
Material	<u>City Wide Guidance</u>

Considerations	Cycle Parking Guide for New Residential Developments (2010)
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#### 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 objection: The Highway Authority does not consider that this application has any implications that merit comment by the Highway Authority.

### **Environmental Health**

- 6.2 No objection: Subject to conditions relating to demolition and construction hours; demolition and construction collections/deliveries; and piling (see recommended conditions 10, 11 and 12).
- 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:

- 340 Cherry Hinton Road
- 336 Cherry Hinton Road

7.2 The representations can be summarised as follows:

### *Residential Impact*

- Noise and disturbance to no. 336
- Overlooking/privacy to nos. 336 and 340
- Loss of enjoyment to garden of no. 336
- Overshadowing of solar panels to roof of adjacent garage of no. 336

### *Character and Appearance*

- Gross over-development
- Existing house already substantially extended

### *Other*

- The houses are early 1920's and not 1950's
- There are three bedrooms in the existing garden building
- The car parking would encroach upon the 20ft driveway right of way
- Similar to previous refused applications 03/0441/FP and 03/1385/FP
- Potential to house up to 8 people, plus six in the main house.
- Units could be converted to provide two double bedrooms in the future, in which case it would cause further congestion in the shared driveway, noise and disturbance and refuse issues.
- Unclear where measurements are taken from
- 340 has a large garage and clear access must be maintained as stipulated in the deeds.
- In the event of approval, the north facing dormers should remain the same size and be frosted, that facing bricks be used and the maximum height should not exceed 6.1m.

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. Highway safety
5. Car and cycle parking
6. Third party representations
7. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 The development of the plot for residential purposes is acceptable in principle and could be considered as windfall development under policy 5/1 of the Cambridge Local Plan (2006). Policy 3/10 deals directly with the subdivision of existing plots subject to a number of criteria which are discussed further below.

8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 as it would contribute towards meeting housing need.

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

#### Response to context

8.4 The site is the rear garden of the host dwelling no. 338. The proposal would introduce a residential form of development that would be higher than the adjacent two outbuildings of each neighbour. However, the neighbouring outbuildings are not insubstantial, being full width structures and deep in footprint and the proposal, whilst two storey, is low to the eaves (2.5) and accommodates bedrooms within the roof space to a low ridge (6.1m). My view is that the site can readily accommodate the proposed scale of build, particularly when considering the

relatively long garden depths of Cherry Hinton Road properties, without any particular harm to the character of the area.

- 8.5 The dwellings would be constructed from brick and tile. I have recommended condition 8 to ensure the materials are appropriate.

### Movement and Access

- 8.6 I appreciate that by introducing a more noticeable and independent residential use on this site is not entirely in keeping with the prevailing residential character, but the more recent development of an additional dentistry outbuilding in this rear area has introduced a greater level of activity which has opened up the possibility that the rear access road can accommodate more active forms of use without any substantial harm arising. On this basis, I am relatively comfortable that this can include a mix of different uses, including new and modest residential uses. In recommending approval, I am conscious that it might lead to further subdivision proposals of the long gardens of Cherry Hinton Road properties served by this rear access at some point in the future, but this need not necessarily be an issue and any such application(s) would have to be treated on their own merits. My view is that the interrelations between buildings, routes and spaces is satisfactory. Whilst access would be via a private shared track, it is sufficiently open and sufficiently well used to make it functional and safe.
- 8.7 In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10(c) and 3/12.

### **Residential Amenity**

#### *Impact on amenity of neighbouring occupiers*

- 8.8 Both neighbours at 336 Cherry Hinton Road (to the west of the site) and 340 Cherry Hinton Road (to the east of the site) have raised objections. I deal with the issues of residential amenity impact below.
- 8.9 Both no.336 and no.340 have relatively long gardens and the proposal would sit at the southerly end of the outlook from the gardens, adjacent and partly staggered in front of the respective

outbuildings, at approximately 20m+ from the rear of the properties.

- 8.10 Given the modest height of the proposal (6.1m) and at these distances, I do not consider there to be any issue of loss of light or overshadowing of any significance to adjacent residential buildings or gardens to merit concern. For similar reasons, neither do I consider that any harmful enclosure or dominance of built form arises.
- 8.11 The proposed dwellings have been designed so that the only first floor north facing windows looking towards the host dwelling's gardens and more obliquely to either neighbour would be from en-suites. I propose condition 9 to ensure these windows are obscure glazed and have restricted openings. On this basis, my view is that the privacy of the neighbouring occupiers and the host dwelling would be protected.
- 8.12 The proposed dwellings would both be one bedroom units of modest proportions with parking located on the south side of the units away from nos. 336 and 340. I do not consider the day-to-day comings and goings from the dwellings, the use of the gardens or the parking spaces would generate any significant noise or disturbance that would unduly impact on residential amenity. I propose conditions 3, 4 and 5 to remove permitted development rights for extensions, new windows and outbuildings to ensure the scale of build remains small and in keeping with the size of the plots and to protect privacy.
- 8.13 Immediately to the south of the site is the rear garden of the Acacia B&B Guesthouse on Mowbray Road. Given the orientation and the fact that the footprint of the dwellings would be separated by the access and the parking spaces at 11m to the garden boundary, I have no overshadowing or enclosure concerns. The first floor bedroom windows would look south over the garden of the B&B but this is already relatively open and I do not afford as much weight to the privacy of this garden as I might a single dwelling.
- 8.14 As is standard with applications of this nature, I have recommended conditions 10, 11 and 12 to control hours of working, delivery and piling to mitigate impacts arising from the construction process.

- 8.15 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, 3/10 and 3/12.

#### Amenity for future occupiers of the site

- 8.16 Both units are 1-bedroom properties with 1 car parking space each, an open plan lounge/kitchen and first floor bedroom. The garden of the westernmost plot would be 5m long x 5 wide. The garden of the easternmost plot would be 4m long x 4m wide. The garden spaces would adjoin the rear garden space of no.338 which would still be approximately 14m in depth. My view is that future occupiers would be provided with small but adequate provision of amenity space that would be sufficiently private. The side passageway of 1m width would allow bins and bikes to be stored to the rear. I propose condition 6 to ensure the gardens are delivered and retained for the occupants of the new houses.
- 8.17 The proposal is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12

#### **Highway Safety**

- 8.18 No objection is raised by the Highway Authority. The access point is well used, particularly in relation to the dental practice use nearby and in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

#### **Car and Cycle Parking**

- 8.19 One space per unit is provided at dimensions of 4.8m x 2.5m. The level of provision accords with the Council's maximum parking standard of 1 space per one or two bedroom unit in this location outside the CPZ. The dimensions of the spaces are satisfactory for a car to park. The plans show a distance of approximately 5.5m - 6m for parked cars to reverse and turn out into. My view is that the arrangement, whilst tight perhaps for a larger car, would function satisfactorily.
- 8.20 Space for two bike stores in the rear gardens is shown on the plans and I have proposed condition 7 to ensure these are provided.

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

### Third Party Representations

8.22 I have dealt with the impacts of residential amenity in the preceding sections of this report. That leaves a number of outstanding third party issues which I deal with in the table below:

<b>Issue</b>	<b>Response</b>
Overshadowing of solar panels to roof of garage of no. 336	There may be some morning overshadowing but the garage of no. 336 is south facing and the Council does not have any policy which specifically protects solar pv panels from overshadowing, which in these circumstances, is typically installed under permitted development rights.
Gross over-development	I disagree, the units are relatively small and have been afforded sufficient garden and parking space.
Existing house already substantially extended	No. 338 has been substantially extended but there is still sufficient room for the proposed dwelling with a remaining 14m length of garden for no. 338.
The houses are early 1920's and not 1950's	This is noted but not significant in terms of my consideration of the scheme.
There are three bedrooms in the existing garden building	This is noted but not significant in terms of my consideration of the scheme.
The car parking would encroach upon the 20ft driveway	This is a civil matter for adjoining land owners.
Similar to previous refused applications 03/0441/FP and 03/1385/FP	03/1385 was for an annex for B&B accommodation and in my view, given its nature and

	timing, i.e. before the 2006 LP, I do not consider the refusal of this permission to be relevant. For similar reasons, particularly concerns regarding the B&B use, I do not consider 03/0441 to be relevant
Potential to house up to 8 people, plus six in the main house.	These are not substantial units and are likely to attract individuals or couples. I have recommended the removal of pd rights for extensions given the modest size of the rear gardens
Units could be converted to provide two double bedrooms in the future, in which case it would cause further congestion in the shared driveway, noise and disturbance and refuse issues.	I do not share this concern and have recommended the removal of pd rights.
Unclear where measurements are taken from	The plans of the site have been properly scaled and from my site visit I did not note any discrepancy.
No. 340 has a large garage and clear access must be maintained as stipulated in the deeds.	Provisions within deeds are not material planning considerations
In the event of approval, the north facing dormers should be remain the same size and be frosted, that facing bricks be used and the maximum height should not exceed 6.1m.	I agree. See conditions 2 and 9.

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

8.23 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.

8.24 The size of the development and its location within and close to wards where open space provision is relatively generous leads me to conclude that no obligations would be required towards any of the open space categories. In any event, for this scale of build, I am unaware of any specific project/s that the scheme could meaningfully contribute towards whilst meeting the CIL regulations.

## **9.0 CONCLUSION**

9.1 The scheme is acceptable in terms of its impact on the character and appearance of the surrounding area and it would not result in any significant harm to residential amenity. It would help to meet housing need and 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. 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 ensure an adequate amount of garden space is retained for future occupiers (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

4. Notwithstanding the provisions of Schedule 2, Part 1, Class 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).

5. 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 and to ensure an adequate amount of space is retained for future occupiers (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

6. The curtilage (garden) of the proposed properties as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwellings 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 properties.

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)

7. Cycle sheds, in the locations shown on the approved plans, shall be provided within the rear garden of each property prior to the occupation of each property.

Reason: In order to ensure secure cycle provision is provided (Cambridge Local Plan 2006 policy 8/6)

8. 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)

9. The first floor rear (north) facing en-suite windows shall be fitted with obscured glass on drawing number (SF15 047.1.) to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to the occupation of the units and shall have restrictors to ensure that the windows 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).

10. 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)

11. There should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 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)

12. 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)