

Application Number	16/0193/FUL	Agenda Item	
Date Received	3rd February 2016	Officer	Michael Hammond
Target Date	30th March 2016		
Ward	Petersfield		
Site	34 Lyndewode Road Cambridge Cambridgeshire CB1 2HN		
Proposal	Outbuilding/Garden store		
Applicant	Mr A Robinson 34 Lyndewode Road Cambridge Cambridgeshire CB1 2HN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">– The proposed development would not harmfully impact on the protected tree.– The proposal is not harmful to the character or appearance of the Conservation Area– The proposed outbuilding would not detrimentally impact on neighbour amenity.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, no.34 Lyndewode Road, is comprised of a two-storey semi-detached dwelling situated on the south side of the street. The site has a rear garden with a large protected walnut tree. The dwelling is designed in brick with a hipped tiled roof. There is a contemporary style outbuilding at no.36 Lyndewode Road immediately to the east of the application site. The surrounding area is predominantly residential in character and is formed of two-storey residential properties.

- 1.2 The site falls within the Central Conservation Area.
The walnut tree in the rear garden is protected by a tree preservation order (TPO).

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the erection of an outbuilding in the rear garden. The proposed outbuilding would occupy an L-shaped footprint in the south-west corner of the garden. The outbuilding would be designed in cedar cladding with a slate pitched roof, measuring 2.5m to the eaves and 3.5m to the ridge. It would extend along the boundary with no.32 Lyndewode Road by 5m and extend close to the boundary with nos. 8 and 10 Tenison Avenue by 5.7m.
- 2.2 The application has been called in by Councillor Robertson following concerns regarding potential impact on neighbour amenity, as well as potential harm to the protected tree and the Conservation Area.

3.0 SITE HISTORY

- 3.1 There is no planning history.

4.0 PUBLICITY

- | | |
|------------------------|-----|
| 4.1 Advertisement: | No |
| Adjoining Owners: | Yes |
| Site Notice Displayed: | No |

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.
- 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12
		4/4 4/11 4/13

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>
	<u>Area Guidelines</u> New Town and Glisson Road Conservation Area Appraisal (2012)

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.

Urban Design and Conservation Team

6.2 There are no material Conservation issues with this proposal.

Head of Streets and Open Spaces (Tree Team)

Comments on original proposal (29/02/2016)

6.3 Further information is required regarding the constraints the tree poses to the proposal, both below ground and in terms of any crown pruning required to allow construction, and what measures will be taken to ensure the tree is not damaged during construction and that the relationship between the tree and the proposed building is sustainable. To this end consultation with an arboriculturist is recommended in accordance with BS 5837:2012.

Comments on additional information (22/04/2016)

6.4 I confirm that the principle of the outbuilding and its location is acceptable but that full details of the foundations will need to be approved prior to construction. To this end please include the appropriate condition.

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:

- 6 Tenison Avenue
- 8 Tenison Avenue
- 10 Tenison Avenue
- 32 Lyndewode Road

7.2 The representations can be summarised as follows:

- The proposal would harm/ is not in keeping with the character or appearance of the Conservation Area.
- Disturbance to wildlife
- Noise disturbance from use as a gym/ office/ studio
- Loss of privacy
- Visual enclosure/ dominance
- The proposal is contrary to policies 3/10, 4/4 and 4/11 of the Local Plan.
- The proposal could harm the roots of the protected tree.
- The proposal would be contrary to Protocol 1, Article 1 of the UK Human Rights Act 1998.
- The additional tree information is inadequate.
- The raft floor style foundation will likely increase the height of the building.

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. Impact on trees
3. Residential amenity
4. Third party representations

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

8.2 The proposed outbuilding would not be visible from any public viewpoints. There are other outbuildings in the rear gardens of properties along Tenison Avenue and Lyndewode Road in the wider area.

8.3 It is acknowledged that concerns have been raised regarding the excessive footprint and scale of the proposed outbuilding.

However, I do not believe the proposed outbuilding would harm the character or appearance of the Conservation Area for the reasons set out below.

- 8.4 The proposed outbuilding would not be highly visible from any public viewpoints due to its position in the rear garden of the site. As a result, the impact on the character and appearance of the Conservation Area from public views would be negligible.
- 8.5 In addition to this, I do not consider the scale of the outbuilding would appear out of context with the area. The proposed outbuilding would only measure approximately 2.5m to the eaves and then the low pitch of the roof would be sloping away from neighbouring boundaries. The use of cedar cladding would provide a visual break when viewed in the context of the brick walls of neighbouring boundaries and the use of slate is reflective of the majority of roofs in this area. A condition has been proposed to control these materials. Given the limited scale of the building within the rear garden environment I do not consider that its presence would be untypical of what one might expect of an ancillary outbuilding. The Conservation Team has raised no objection to the proposed development and I agree with this advice.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

Impact on Trees

- 8.7 As previously stated, there is a large walnut tree in the rear garden of no.34 which is protected by a TPO. The Tree Officer had originally requested additional information in respect of the foundations as this could potentially impact on the roots of the tree. The applicant has since submitted an arboricultural impact assessment and tree protection plan which states that foundations will be either pile and/or beam and ground protection will be carried out in accordance with the relevant British standard document. The Tree Officer is satisfied with the additional information but has requested that a condition be applied to require the applicant to provide the specific foundation design and other protection measures prior to commencement of development. I agree with the advice of the Tree Officer and consider the proposal will not have a harmful impact on trees, subject to condition.

- 8.8 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 The main consideration is the impact on nos. 32 and 36 Lyndewode Road and nos. 10 and 8 Tenison Avenue. I have assessed the main issues relating to residential amenity in turn below.

Overshadowing/ Loss of Light

- 8.10 The properties along Tenison Avenue to the south of the site would not be adversely overshadowed due to the position of the outbuilding to the north of these dwellings.
- 8.11 Given the position of the outbuilding in the south-west corner of the garden and the presence of the large tree, I am of the view that the proposal would not harmfully overshadow no.36 Lyndewode Road or its garden, which I accept is limited in size, to the east of the site. The proposed dwelling at 3.5m high with a pitched roof is not considered to be of a great enough scale to cause any significant loss of light to this neighbour.
- 8.12 The proposed outbuilding would be located in close proximity to the garden of no.32 to the west of the site. However, given the low pitch of the roof and the relatively low eaves height of 2.5m, I do not consider the levels of overshadowing cast would be so significant as to warrant refusal. Any impact arising in terms of overshadowing would be limited to a very short period of the day in the morning hours and the amount of light reaching this neighbouring property and its garden for the remainder of the day, would be unaffected.

Loss of privacy/ overlooking

- 8.13 The properties along Tension Avenue would not lose any privacy due to the fact that there are no windows in the outbuilding facing towards these properties. The proposed windows would be sited facing north and east and would generally have limited views of the neighbouring properties at

nos. 32 and 36 Lyndewode Road. I do not consider the views out towards these neighbour's gardens would be harmful particularly because they are from ground floor level. I note that there are existing views between neighbour's gardens from first-floor rear windows and whilst I acknowledge the outbuilding might introduce a more active use of the rear garden area I do not consider, as it would be in connection with the host dwelling, that it would amount to a significant loss of privacy.

Visual enclosure/ dominance

- 8.14 Concerns have been raised from neighbouring properties regarding the visual presence of the proposed building and how this would appear overbearing and visually dominant from gardens.
- 8.15 From my site visit I do not consider the proposal would be visually overbearing from any of these outdoor amenity spaces.
- 8.16 The view from the garden of no.36 Lyndewode Road would be relatively limited due to the existing mass of this neighbour's outbuilding and the separation distance between the proposed outbuilding and this neighbour's boundary. Furthermore, the walnut tree will provide a degree of soft boundary to break up the physical mass.
- 8.17 The proposed outbuilding would be situated hard up against the boundary of no.32. Nevertheless, at 2.5m to the eaves with the pitch of the roof then sloping away from this boundary to a height of 3.5m, I am not convinced that this massing would visually enclose this neighbour's garden or rear ground floor windows.
- 8.18 The proposal would be close to the boundary of properties along Tenison Avenue but the overall scale and mass, which is only 1m higher than that which could be built without planning permission, is not considered to be so great as to visually enclose these neighbour's outlooks to the north. I also note it crosses the boundary between nos.8 and 10.

Noise and disturbance

- 8.19 The Design and Access statement provided by the applicant states that the outbuilding may be used as a home gym or

home office/ study. It is appreciated that concerns have been raised from neighbouring properties regarding the noise and disturbance that either of these uses would cause. Nonetheless, the uses described by the applicant are both defined as being incidental to the main dwelling, which, provided the height of the outbuilding was 2.5m or less, would not require planning permission. In my opinion, in respect of the residential use of the site, I do not consider it likely that comings and goings to and from the outbuilding, or noise from the use of the outbuilding itself, would harmfully impact on the amenity of neighbouring properties. Notwithstanding this, a condition has been recommended to ensure that the outbuilding is only used incidentally and not for sleeping purposes as this could potentially impact on neighbour amenity due to the proximity of gardens in this area.

- 8.20 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Third Party Representations

- 8.21 The third party representations have been addressed below:

<u>Comment</u>	<u>Response</u>
The proposal would harm/ is not in keeping with the character or appearance of the Conservation Area.	See paragraphs 8.1 – 8.5.
Disturbance to wildlife	The site is not protected by any specific nature conservation or wildlife related policies.
Noise disturbance from use as a gym/ office/ studio Loss of privacy Visual enclosure/ dominance	See paragraphs 8.8 – 8.19.
The proposal is contrary to policies 3/10, 4/4 and 4/11 of the Local Plan.	The proposal is considered to be compliant with policies 4/4 and 4/11 for the reasons set out in this report. Policy 3/10 is not applicable to this application as this policy applies to the

	residential sub-division of sites and not domestic outbuildings.
The proposal could harm the roots of the protected tree.	See paragraphs 8.6 – 8.7.
The proposal would be contrary to Protocol 1, Article 1 of the UK Human Rights Act 1998.	The part of the Act relates to an individual's right to peaceful enjoyment of their property. I have considered the potential amenity impact through the use of the outbuilding and consider that provided it remains as incidental to the occupation of the host property no significant harm would arise.
Inadequate tree information	The additional information related to the potential impact on the tree has been deemed acceptable by the Tree Officer. An appropriately worded condition has been recommended to ensure there would be no detrimental impact to the protected tree.
The raft floor could increase the height of the building	The outbuilding must be built in accordance with the approved plans, which would be for a 3.5m high outbuilding. Any increase in height would require a separate application to be submitted to the Local Planning Authority.

9.0 CONCLUSION

- 9.1 The proposed development would preserve the character or appearance of the Conservation Area. The proposal would not detrimentally impact on the protected tree, subject to condition. The proposal is not deemed to cause any significant harm to 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. The development hereby permitted shall not be constructed other than in the following materials:

Marlet/ Eternit Cedral Cladding (Dark Brown)
Slate Roof

Reason: To ensure that the external appearance of the development is in keeping with the existing character of the area. (Cambridge Local Plan 2006 policies 3/4 and 3/12)

5. The outbuilding hereby approved shall only be used for purposes incidental to the occupation of the main dwellinghouse and shall at no time shall it be used for sleeping purposes or be independently occupied.

Reason: If the outbuilding were to be slept in or used as separate unit of accommodation it could give rise to harm to adjoining residential amenity and provide a poor level of amenity for its intended occupiers (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

6. Prior to the commencement of development and with reference to BS 5837 2012, full details of the foundation design and all other protection measures and techniques to be adopted for the protection of the adjacent Walnut shall be submitted to the local planning authority for its written approval. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policy 4/4).