

Application Number	16/1054/FUL	Agenda Item	
Date Received	21st June 2016	Officer	Michael Hammond
Target Date	16th August 2016		
Ward	Arbury		
Site	63 Darwin Drive Cambridge CB4 3HQ		
Proposal	Change of use from dwelling to 6 bed HMO with up to 8 persons (Sui Generis). Retrospective single storey rear and side extension, first floor rear extension and ancillary garden room in rear garden.		
Applicant	Mrs S Khanam 63, Darwin Drive CAMBRIDGE CB4 3HQ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The retrospective extensions and garden room do not harmfully overshadow, overlook or visually dominate neighbouring properties. - The principle of the change of use of the site to an 8 person house in multiple occupation is considered acceptable. - The proposal would provide a high quality living environment for future occupants.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site, no.63 Darwin Drive, is comprised of a mid-terrace property situated on the north side of Darwin Drive. There is a small paved area at the front of the site which provides two off-street car parking spaces. There is a side passage tunnel running beneath the first-floor of the building

which leads to the rear garden. There is a garden room occupying the latter part of the garden. The surrounding area is residential in character and is formed of similar sized terraced and semi-detached properties.

1.2 There are no site constraints.

2.0 THE PROPOSAL

2.1 The proposal seeks planning permission or the change of use from a dwellinghouse to a 6 bedroom HMO with up to 8 persons (Sui Generis). The application also seeks retrospective permission for a first-floor rear extension, single-storey side and rear extension and a garden room.

2.2 The first-floor extension extends 1.6m to the rear at part-width. The eaves line is level with the eaves of the existing roof and the ridge line is set well below the existing ridge of the property.

2.3 The single-storey rear and side extension occupies a slightly larger footprint than that approved under planning reference 05/0697/FUL. It projects 6.1m to the rear at near full-width and is designed with a hipped roof measuring 2.6m to the eaves and 3.6m to the ridge.

2.4 The garden room occupies the entire width of the end of the garden and is designed with a flat roof measuring 2.6m to the ridge and designed in timber cladding with a canopy overhang.

3.0 SITE HISTORY

Reference	Description	Outcome
05/0697/FUL	Erection of single storey rear extension.	Permitted.

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 3/14 4/13 5/1 5/7 8/2 8/4 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 No additional off-street car parking provision is made for the proposal which has potential to increase car parking demand for the site.
- 6.2 The development may therefore 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 objection subject to construction hours condition and HMO and Licensing informatives.

Drainage Officer

- 6.4 No objection.

6.5 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 owner/occupier of the following address has made a representation:

- 65 Darwin Drive

7.2 The representations can be summarised as follows:

- Loss of light/ overshadowing
- Loss of privacy/ overlooking
- New door in close proximity causing access issues to rear garden of no.65.
- Rear garden annex built without permission
- Increase in noise disturbance from comings and goings.
- Limited parking availability.
- Structural damage to walls of no.65 has occurred.
- No documentation or verbal consultation was provided by the developer prior to building of extensions/ renovations.

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

Principle of Development

- 8.2 Cambridge Local Plan (2006) policy 5/7 states that the development of properties for multiple occupation will be permitted subject to:
- A) The potential impact on the residential amenity of the local area;
 - B) The suitability of the building or site; and
 - C) The proximity of bus stops and pedestrian and cycle routes, shops and other local services.
- 8.3 The application has been assessed against each of these criteria within the 'Residential Amenity' section of this report.

Context of site, design and external spaces

- 8.4 The retrospective works that have been undertaken are not visible from any public viewpoints by virtue of the position of these works at the rear of the terrace.
- 8.5 The first-floor extension is part-width and designed with a hipped roof which marries up with the eaves line of the existing roof and that of the neighbouring property at no.61 Darwin Drive. The ground-floor extension is wide but does allow for a gap between the shared boundary fence with no.65. The use of the hipped roof correlates successfully with the first-floor element and does not appear unbalanced or overly dominant on the rear elevation. The garden room at the rear of the garden is of a relatively simple design, clad in timber boarding with a felt roof and overhanging canopy. The general fenestration of windows and doors, combined with the use of matching materials is deemed to be appropriate and not out of keeping with the surrounding area. Overall the works are considered to be in keeping with the character and appearance of the area and acceptable from a design perspective.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 The main consideration is the impact of the retrospective works and the proposed change of use on the adjoining occupiers of no.61 and 65 Darwin Drive.

Impact on no.61 Darwin Drive

- 8.8 No.61 Darwin Drive is a two-storey terraced property which adjoins onto the application site from the west.
- 8.9 The works are not considered to visually dominate this neighbour. The ground-floor extension projects approximately 1.35m further than that of the scheme previously approved under planning reference 05/0697/FUL. In my opinion the additional mass of the retrospective scheme is relatively minimal and would not result in an overbearing relationship with this neighbour's nearest ground-floor window or the garden. The garden room is positioned at the rear of the application site garden and has a relatively shallow ridge height of 2.6m. As a result, I do not deem this structure to visually enclose this neighbour's garden. The first-floor extension is within close proximity of the neighbour's first-floor rear window which appears to serve a bedroom. However, the depth of this extension at 1.6m would not break the 45° line taken from this neighbouring window and I am therefore of the view that this relationship is acceptable.
- 8.10 Similar to the preceding paragraph, the works are not considered to adversely overshadow this neighbour. There is inevitably a slight increase in overshadowing from the additional mass of the retrospective extensions. However, any overshadowing would be limited to a small portion of the early morning hours and the works are judged to be of a mass that would not lead to a drastic loss of light at this neighbouring property. Again, the garden room is of a modest scale and would not harmfully overshadow this neighbour.
- 8.11 The views from the rear first-floor window are similar to views that were available prior to the works being completed. There would be views across this neighbour's garden but there is a mutual sense of overlooking across the rear gardens of neighbours in this area.

Impact on no.65 Darwin Drive

- 8.12 No.65 Darwin Drive is a two-storey terraced property situated to the east of the application site. This neighbour has raised concerns regarding overlooking, loss of light and visual enclosure of the physical extensions. The concerns regarding the proposed use of the site will be addressed in the next section of this report.
- 8.13 A concern has been raised relating to a side (east) window to serve bedroom no.2 of the proposed HMO and the loss of privacy that would be experienced as a result of this. There is a kitchen door and side kitchen window of no.65 which is directly opposite the window of bedroom no.2. However, the kitchen is also served by a large glazed patio style door which serves as the main outlook for this room. As a result, I am of the view that the side kitchen door and small window are secondary outlooks and that the views into this room would be limited as a result. There is a glazed French door on the rear elevation of no.65 at ground-floor level serving a dining room and a bedroom window at first-floor level. Whilst the outlook from bedroom no.2 could technically allow for views towards the two aforementioned windows of no.65 I am not of the opinion that the position of this window would compromise the privacy of these rooms. The view from the side window towards the two windows of no.65 would be oblique and partially obscured by the existing fence running between the two properties.
- 8.14 This neighbour has also raised an objection on the grounds that light has been lost to their kitchen, living room and bedroom windows. In my opinion, the levels of light reaching the kitchen and the eastern-most first-floor bedroom have not been significantly affected by the development. The main windows to each of these windows are set a reasonable separation distance to the east of the retrospective works and this is considered to be far enough to ensure that levels of light reaching this neighbour are not significantly impacted. The side door and small kitchen window do provide a degree of direct light in the afternoon to the kitchen but the scale and mass of the works is not deemed to block significant levels of light to this window and door. The western-most first-floor bedroom window of no.65 is close to the first-floor extension undertaken. However, the depth of this extension, coupled with the subservient scale and use of a hipped roof is sufficient in my

opinion to ensure that levels of light reaching this room are acceptable. There is a degree of additional overshadowing cast over the rear living room French doors by the first-floor extension. Notwithstanding this, I am of the opinion that the additional mass of the first-floor extension does not limit light reaching this room to such an extent as to warrant refusal of the application. Again, the roof form and scale is subservient and any overshadowing is likely limited to the late afternoon hours. The ground-floor extension is considered to be of a relatively modest scale and mass and not large enough to have a detrimental impact on this neighbour. The eaves and ridge of the roof is considered to be low and the extension is set off the boundary which helps to alleviate any overshadowing. In my view, the levels of light reaching this neighbour have not been impacted to such a degree as to adversely impact on this neighbour.

- 8.15 The works are not considered to visually dominate this neighbour's outlooks. The two-storey rear wing of no.65 projects relatively deep into the garden and is set a comfortable distance away from the boundary of the application site. Therefore, the main kitchen and eastern-most bedroom window is not deemed to be visually enclosed by the works. The first-floor extension is visible from the western-most first-floor bedroom window of no.65. However, the first-floor extension is only 1.6m in depth and set well away from this window and so this relationship is acceptable in my opinion. The main impact of the works from a visual dominance perspective is on the rear ground-floor French doors serving the living room of no.65. Having visited this neighbour and assessed the view out from this window, I do not consider the works visually enclose this key outlook. The first-floor extension is set well away from this neighbouring outlook and is also of a limited depth with a subservient roof form and is not oppressive in my view. The ground-floor element would be close to this neighbouring outlook but is not hard up against the boundary. At approximately 2.6m to the eaves with the pitch of the roof then sloping away from this outlook, I consider the ground-floor extension to be acceptable and not visually oppressive to such a degree as to block out this neighbouring outlook. The garden room is located at the rear end of the garden and is only 2.6m in height and so the garden of this neighbour is not enclosed by this structure.

Impact of HMO Use

- 8.16 A concern has been raised from no.65 regarding the noise disturbance that the proposed use of the site as a house in multiple occupation would cause. In my opinion, I do not consider the noise disturbance from the occupation of the site as an eight person HMO would adversely impact on the amenity of neighbouring properties to such an extent as to warrant refusal. It is noted that planning permission is not required for the use of the premises as a six person HMO and so the proposed intensification of the site by an additional two persons would be relatively limited when compared to this fallback position. As there is an internal route from the front door through to the rear garden, I do not anticipate the levels of coming and goings along this side passage would be frequent enough to disturb this neighbour adversely. The side passage would inevitably be used for the movements of bins to and from the street for weekly collections, as well as for access to the cycle parking spaces. In my opinion, the use of the shared passage by future occupants would not give rise to levels of comings and goings that would detrimentally impact on the amenity of this neighbour. The use of the garden by future occupants of the HMO would be similar to that of present and I do not envisage the noise associated would be significantly worse than the levels of noise associated with the use of this garden as a dwellinghouse. A condition has been recommended to restrict the number of occupants to eight persons in order to protect the amenity of neighbouring properties. A condition has also been recommended to prevent the outbuilding being used independently or as sleeping accommodation as these uses could impact on residential amenity of future occupiers and neighbouring properties.
- 8.17 It is also acknowledged that no.65 considers the proposed level of parking to be insufficient for the proposed use of the site. The application proposed two off-street car parking for future occupants which is the same as the existing use of the site. This level of parking accords with the maximum parking standards of the Cambridge Local Plan (2006). The applicant has proposed eight cycle parking spaces for future occupants. The site is within walking distance of both the Akeman Street and Histon Road Local Centre's and is well served by frequent bus routes along Histon Road to the west of the site. In my opinion, I do not consider there would be a dependency on

private car as the only means of access to and from the site and consider the site to be positioned in a sustainable location. Therefore, the level of parking proposed for the development is deemed to be appropriate and the change of use would not result in a significant increase in on-street parking.

- 8.18 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 5/7.

Amenity for future occupiers of the site

- 8.19 The application proposed six bedrooms and the use of the site as an eight person HMO. All of the habitable rooms would have acceptable outlooks. It is appreciated that the window of bedroom no.2 faces out onto the side passage and there would inevitably be some movements by other occupants going past this window. However, for the reasons stated in paragraph 8.16 of this report, the levels of movement are not considered to be frequent enough to create a poor quality of living environment for the future occupants of this bedroom. The application proposes to fix eight cycle spaces to the garden room at the end of the garden which is deemed to be acceptable. Bin storage is also proposed externally in the rear garden adjacent to the boundary of no.65. However, it was discussed on-site with the applicant that the bins would be more likely to be relocated against the boundary of no.61. Therefore a condition has been recommended for the waste storage details to be submitted to the Local Planning Authority prior to the occupation of the site. As discussed in paragraph 8.17, the site is considered to be well served by local services and is within close proximity to bus stops and routes into the city centre. Overall I consider the proposal would provide a high
- 8.20 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

- 8.21 The principle of storing bins in the rear garden is acceptable in principle but a waste condition has been recommended to confirm the precise location of these bins.
- 8.22 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.23 The parking arrangements would not be changed as a result of the proposed change of use and the Highway Authority has raised no objection to the proposal.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.25 Two car parking spaces are proposed and this accords with the maximum standards of the Cambridge Local Plan (2006).
- 8.26 Eight cycle parking spaces are provided in the form of hoops attached to the rear garden room. This level and type of cycle parking provision is deemed acceptable.
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.28 The third party representation raised has been addressed in the table below.

<u>Comment</u>	<u>Response</u>
Loss of light/ overshadowing	See paragraph 8.14
Loss of privacy/ overlooking	See paragraph 8.13
New door in close proximity to rear garden gate of no.65 causing access issues to rear garden of no.65.	This is a civil/ legal matter and not a planning consideration
Rear garden annex built without	This application seeks to

permission	regularise this unlawful structure.
Increase in noise disturbance from comings and goings.	See paragraph 8.16
Limited parking availability.	See paragraph 8.17
Structural damage to walls of no.65 has occurred.	This is a civil/ legal matter and not a planning consideration.
No documentation or verbal consultation was provided by the developer prior to building of extensions/ renovations.	This is a civil/ legal matter and not a planning consideration.

9.0 CONCLUSION

9.1 The retrospective extensions and garden room are considered to be in keeping with the character of the area and would not harm the amenity of neighbouring properties. The proposed use of the site as an 8 person HMO is compliant with relevant policy and would not give rise to any adverse impacts on neighbours in terms of noise disturbance or on-street parking. Approval is recommended subject to conditions.

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. Prior to the occupation of the site, the arrangements for the disposal of waste shall be submitted to and approved by the local planning authority in writing. . The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. Cambridge Local Plan 2006 policies 3/12 and 4/13

5. The house shall be occupied by no more than eight people at any one time.

Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2006 policies 3/7 and 5/7)

6. 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).

INFORMATIVE: Management Regulations apply to all HMOs (whether or not they are licensable) and impose certain duties on managers and occupiers of such buildings. Persons in control of or managing an HMO must be aware of and comply with the Management of Houses in Multiple Occupation (England) Regulations 2006. These regulations stipulate the roles and responsibilities of the manager and also the occupiers of HMOs. Further information may be found here: <https://www.cambridge.gov.uk/houses-in-multiple-occupation>.

INFORMATIVE: Should 5 or more people permanently occupy this 3 storey dwelling then it will need to be licensed by Cambridge City Council. Further details regarding the above requirements can be found via the following web link: <https://www.cambridge.gov.uk/private-rented-accommodation>.