

|                           |   |                    |              |
|---------------------------|---|--------------------|--------------|
| <b>Application Number</b> | 16/1037/FUL   | <b>Agenda Item</b> |              |
| <b>Date Received</b>      | 16th June 2016  | <b>Officer</b>     | Rob Brereton |
| <b>Target Date</b>        | 11th August 2016  |                    |              |
| <b>Ward</b>               | Arbury  |                    |              |
| <b>Site</b>               | 5 Harding Way Cambridge Cambridgeshire CB4 3RN  |                    |              |
| <b>Proposal</b>           | Erection of two bedroom bungalow to rear of 5 Harding Way, with access off Gunning Way. |                    |              |
| <b>Applicant</b>          | Mr And Mrs Mutlu<br>5 Harding Way Cambridge Cambridgeshire CB4 3RN                      |                    |              |

|                |  |
|----------------|--|
| SUMMARY        | <p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The development would have an acceptable impact on the character of the area</li> <li><input type="checkbox"/> The development would not have a significant adverse impact on residential amenity.</li> <li><input type="checkbox"/> The development would not have a significant adverse impact on highway and pedestrian safety</li> </ul> |
| RECOMMENDATION | APPROVAL   |

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The subject site is the eastern half of the rear garden of No. 5 Harding Way. No. 5 is a two storey detached brick dwellinghouse located on the corner of Harding Way and Gunning Way. No. 5 is accessed off Harding Way and the site is located off Gunning Way. Between No. 5 and the carriageway of Gunning Way there is a grass verge containing a mature tree.

1.2 The site is not within a Conservation Area and falls outside the Controlled Parking Zone.

## 2.0 THE PROPOSAL

2.1 Planning permission is sought for the erection of a two bedroom bungalow to the rear of No. 5 Harding Way, with access off Gunning Way.

2.2 The bungalow would be 4.5m high and have a pyramid roof form. Access and one parking space would be provided on the west side of the plot.

## 3.0 SITE HISTORY

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<br>Plan 2006 | Local | 3/1 3/4 3/7 3/10 3/12<br>4/13<br>5/1<br>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<br><br>National Planning Policy Framework – Planning Practice Guidance March 2014<br><br>Circular 11/95  |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007)<br><br>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 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. The proposal should have no significant impact on the public highway, should it gain the benefit of planning permission. Conditions are recommended.

## **Environmental Health**

- 6.2 No objection. Standard piling and construction hours conditions recommended.

## **Landscape Design**

- 6.3 More information is required on the proposed landscape and boundary treatments and how the proposed development will fit within the context of the wider area.

## **Sustainable Drainage Engineer**

- 6.4 No objection, subject to a condition requiring details of foul and surface water drainage.
- 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 owners/occupiers of the following address have made representations:

- 19 Gunning Way
- 26 Gunning Way

- 7.2 The representations can be summarised as follows:

- The proposed bungalow would harm the privacy of No. 26 as it would back onto their living room and bedroom.
- The access would make existing parking problems and obstruction of driveways in the area worse.
- The driveway will run directly next to No. 26's sitting room causing noise impacts.
- Elderly residents in the area would suffer from the increase in noise and impact upon availability of on-street parking for their carers.
- Gunning way is used to reach two nearby schools.
- Construction work will cause noise nuisance to residents.

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 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and it is therefore my view that the proposal complies with policy 5/1 of the Local Plan.

8.3 Policy 3/10 of the Cambridge Local Plan (2006) states residential development will not be permitted if it [the relevant extracts are listed below]:

- Has a significant impact on the amenities of neighbouring properties;
- Provides an inadequate amount of amenity space/vehicular access for the proposed and existing properties;
- Or detracts from the character of the area.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1. The relevant criteria of policy 3/10 are considered in further detail below.

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

## Response to context

- 8.5 No. 5 Harding Way and nearby properties in Gunning Way are two storey brick houses. The proposed bungalow is subservient in scale at 4.5 metres to the ridge and 2.4 metres to the eaves and a small footprint of 87.3 square metres. It is also traditional in design with a brick finish and hipped tiled roof. It is therefore considered to fit in with the surrounding building stock and its subservient building form ensures it has the scale and appearance of an outbuilding and would not be prominent in the streetscene.
- 8.6 Given the small scale of the proposed dwelling, I consider it would not have a significant adverse impact upon the character of the area.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

#### 8.8 Overlooking

As the proposed property is single-storey with no rooms in the roof there would be no overlooking impacts to neighbouring properties.

#### 8.9 Overshadowing / Enclosure

The neighbour closest to the proposal is No. 26 Gunning Way located to the east. The proposed bungalow would be 4.5 metres to the ridge and 2.4 metres to the eaves. It is therefore assessed there will be little overshadowing impact to the window on the first floor side elevation of No. 26 Gunning Way facing the site. The footprint of the proposal will not extend past the rear facade of No. 26 but will extend forward of the front facade. It is considered the low height and hipped roof form of the dwelling coupled with the 2.5 metre distance between the proposal and No. 26 would ensure there would not be any significantly harmful overshadowing and enclosure impacts to No.26's front ground floor and first floor rooms (sitting room and bedroom) and to the front garden.

All other neighbouring properties are considered a sufficient distance away to dispel any potential detrimental overshadowing and enclosure impacts.

#### 8.10 Noise

I do not consider that the proposed dwelling will have a detrimental impact on the neighbours using their amenity space given that this land is already used as a garden. The proposed driveway adjoins the rear boundary fence of No. 5 Harding Way, rather than being sited adjacent to the neighbour at No.26 Gunning Way. It is not considered the movements of one vehicle will detrimentally impact the amenity space of the adjacent properties. With regard to potential noise disturbance during construction, I have recommended a condition as suggested by the Environmental Health Officer.

- 8.11 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 3/10.

#### Amenity for future occupiers of the site

- 8.12 The rear garden of the host dwelling No. 5 would still be 8.1 metres deep by 15 metres wide which is considered to maintain a more than adequate amount of amenity space for the occupiers of this house. Similarly the rear garden of the proposed bungalow would have a sufficient rear outdoor amenity space of 5 metres deep by 11.5 metres wide, with a very small area taken up by a bicycle store. In order to retain sufficient amenity space for future residents (as well as to preserve the character of the area), I have recommended a condition removing permitted development rights for future extensions to the property, including to its roof, and for the erection of outbuildings.
- 8.13 All rooms in the proposed dwelling have a good outlook onto private amenity space. The indoor amenity spaces of the lounge and the kitchen are of an appropriate size for a two bedroom dwelling and both are naturally well lit.

8.14 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 3/12.

### **Refuse Arrangements**

8.15 No bin store is indicated on the plans. It is considered there is space to locate an appropriate level of refuse storage for a two bed dwelling. Therefore a condition will be added to clarify their location.

8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

8.17 County Highways has no objection to the location of the proposed access and to the highway safety implications of the development. With regard to the safety of pedestrians using the footpath, there is an open grass verge between the site and footpath and cars exiting the site would therefore have adequate visibility of pedestrians. I have only recommended a condition requiring the provision of the access prior to occupation of the dwelling as I do not consider the other conditions recommended by Highways are necessary to make the development acceptable.

8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

8.19 The one vehicle parking space and bike store to the rear are considered sufficient for the needs of future occupiers. Whilst I accept that the driveway will remove the ability for people to park on-street in this location, and may cause some inconvenience for local residents, this would not give rise to an adverse highway safety issue, nor would it have a significant adverse impact upon the amenities of nearby residents.

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

## 8.21 Third Party Representations

| <b>Concern</b>                  | <b>Response</b>   |
|---------------------------------|---|
| Overlooking/privacy             | See paragraph 8.8   |
| Loss of on-street parking space | See paragraph 8.19 (please note parking in front of someone's driveway is a civil matter and not a planning consideration). |
| Vehicle movements               | See paragraph 8.10  |
| Impact on elderly drivers       | See paragraph 8.18  |
| Pedestrian safety               | See paragraph 8.17  |
| Construction noise              | See paragraph 8.10  |

## 9.0 CONCLUSION

In conclusion this is a traditionally designed bungalow of subservient scale which has an acceptable impact on adjoining neighbours and the streetscene. It is also considered the subdivision of the plot would leave an acceptable level of amenity space for both the occupiers of the proposal and No. 5 Harding Way. The development would also not result in harmful highway or pedestrian safety impacts.

## 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 development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments on the southern boundary are to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

4. 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)

5. 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)

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and 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 enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwelling and to protect the character of the area (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

7. Before occupation of the dwelling, the access shall be provided in accordance with the approved drawings and shall be retained in accordance with these details and free of obstruction thereafter.

Reason: In the interests of highway safety (Cambridge Local Plan policy 8/2)

8. Prior to the occupation of the dwelling, 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

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

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)

10. Prior to commencement of development a scheme for the disposal of surface water and foul water shall be submitted to and agreed in writing with the local planning authority and the scheme implemented in accordance with the approved details.

Reason: To ensure appropriate surface water drainage.  
(National Planning Policy Framework 2012)