

Application Number	16/1036/FUL	Agenda Item	
Date Received	3rd June 2016	Officer	Michael Hammond
Target Date	29th July 2016		
Ward	Abbey		
Site	44 Dudley Road Cambridge CB5 8PJ		
Proposal	Construction of a two storey building containing four studio apartments.		
Applicant	Mr Dave Utter 44 Dudley Road CAMBRIDGE CB5 8PJ		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development would visually dominate the neighbouring garden of no.42 Dudley Road. - The proposed works would visually enclose the host garden of no.44 Dudley Road
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site, no.44 Dudley Road, is comprised of a two-storey semi-detached property situated on the east side of Dudley Road. There is a cul-de-sac to the north of the property which runs from east to west and this enables the property to be read as a corner plot. There is a small strip of garden which wraps around the west and north side of the site and a larger patio area to the east. On-site parking is provided at the far end of the rear (east) of the site. The property is constructed in brick with a pitched tiled roof. The surrounding area is residential in character and is formed predominantly of two-storey semi-detached properties.

1.2 There are no site constraints.

2.0 THE PROPOSAL

2.1 The proposal seeks planning permission for the construction of a two-storey building on land to the rear of no.44 Dudley Road to accommodate four studio apartments.

2.2 The proposed development would occupy a footprint of approximately 63m². It would be designed in a contemporary manner with the ground-floor constructed in brick and the upper-floor designed with a curved seam metal roof measuring approximately 5.3m to the ridge. The building would provide two flats at ground-floor level and two flats at first-floor level, all with their own private amenity spaces. Bin and cycle storage would be situated at the front of the site in small enclosures situated behind extensive soft landscaping.

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 Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 4/4 4/13 5/1

	8/2 8/4 8/6 8/10
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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) Planning Obligation Strategy (March 2010)
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 It is considered likely that the development will 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. Condition and informatives recommended in the event of approval.

Environmental Health

- 6.2 No objection subject to construction hours and piling conditions.

Refuse and Recycling

- 6.3 No comment received.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.4 No objection subject to drainage condition.
- 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 addresses have made representations in objection to the application:

- 43 Dudley Road
- 46 Dudley Road
- 47 Dudley Road

7.2 The representations can be summarised as follows:

- The proposed development is not in keeping with the surrounding area.
- Overlooking from balcony.
- Increased parking pressure on surrounding streets.
- A two-bedroom or bungalow property would be more appropriate.
- Studio flats are not in keeping with traditional houses.

7.3 The owner/occupier of the following address has made a representation in support of the application:

- 23 Howard Close

7.4 The representation can be summarised as follows:

- The proposal would provide housing for young professionals.
- The proposed development reduces the chance that areas such as Stourbridge Common and Ditton Meadows may be built on at a later date.

7.5 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 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.
- 8.4 As the proposal is for the subdivision of an existing residential plot, Local Plan policy 3/10 is relevant in assessing the acceptability of the proposal. Policy 3/10 allows for the subdivision of existing plots, subject to compliance with specified criteria. However, in this instance, Sections d and f of the policy are not relevant as the proposal would not adversely affect the setting of a listed building (d) and would not prejudice the comprehensive development of the wider area (f).
- 8.5 Residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a) have a significantly adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and generation of unreasonable levels of traffic or noise nuisance;
 - b) provide inadequate amenity space, or access arrangements and parking spaces for the proposed and existing properties;
 - c) detract from the prevailing character and appearance of the area.
 - e) adversely affect trees, wildlife features or architectural features of local importance located within or close to the site.
- 8.6 The proposal is not considered to comply with criterion A of this policy and the reasoning for this is explained in the 'Residential

Amenity' section of this report. The proposal is considered to comply with criteria B, C and E of this policy and the justification for this is explained in the subsequent sections of this report.

Context of site, design and external spaces

- 8.7 The proposed development would be highly visible in the street scene of Dudley Road. The building has been purposefully designed with the most active frontage on the north elevation and uses the cul-de-sac as its principal elevation. This makes logical sense given that this street runs parallel to the site and would provide a strong degree of active frontage.
- 8.8 In respect of scale and massing, the ridge of the proposed building would be level with that of the eaves line of no.44 Dudley Road which is the obvious architectural form that the proposal would be compared against given its close proximity. This subservient scale when compared to no.44, in my opinion, ensures that the proposal does not compete with the uniform pattern of development in the surrounding area and reinforces its recognition that it is a later sub-division of an existing plot, as opposed to simply mimicking that of the host dwelling.
- 8.9 The proposed development has been designed with a level building line to that of no.44 and does not project proud of this front (north) building line. There would be a comfortable separation distance from the street and this, combined with its subservient height, would enable it to be read comfortably in the context of the street scene. The proposed bin and cycle storage would be integrated at the front of the site behind small enclosures which would also be shielded by way of extensive hedge planting and soft landscaping. In the event of approval, landscaping conditions would be recommended to ensure that this planting is of sufficient quality and would be maintained post-development. The row of low trees and hedging along the southern boundary of the site would have to be removed as a result of the proposed works. However, these are not considered to be of great importance in terms of their contribution to the character and appearance of the area as they are not highly visible in the street scene. These trees are not protected and the removal is deemed acceptable.
- 8.10 The proposed metal curved roof and large glazed windows would clearly distinguish the proposed development from the

more traditional post-war style housing in the wider area. In my opinion, whilst there is a consistent form and pattern of development in the surrounding area, I do not consider that the existing housing typology is of any significant architectural merit. The explanatory text of policy 3/4 of the Cambridge Local Plan (2006) states that a development which responds positively to its context is one which will either enhance areas of existing high quality, or will seek to introduce a new and distinctive character to areas of weaker character. I am of the view that the area is of a weaker character and that the proposed development would introduce a new and distinctive character that successfully contrasts.

8.11 It is acknowledged that concerns have been raised regarding the proposed studio flats and how these would be out of keeping with the existing character of family houses in the area. Whilst I acknowledge that the vast majority of properties in this area are setup as traditional family houses, I do not consider that the proposed studios would materially harm the character of the area. The proposed provision of additional smaller units would accord with paragraph 50 of the National Planning Policy Framework (NPPF) (2012) which encourages the delivery of a wide choice of types of available accommodation. Furthermore, the use of the building would still be residential in of itself, in continuity with the surrounding area.

8.12 Overall, I consider the proposed development would successfully contrast with the context of the area and would not harm the character of the area. The proposal would be distinctive in terms of its material palette and form but yet would not compete with the prevalent housing typology of two-storey pitched and hipped roofs, which underpin the character of the area from an architectural standpoint, by way of being of a subservient scale and mass.

8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11, 3/12 and 4/4.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.14 The main considerations are the impacts of the proposed works on nos.42, 44 and 46 Dudley Road.

Impact on no.42 Dudley Road

- 8.15 No.42 Dudley Road is a two-storey terraced property situated to the south-east of the proposed development.
- 8.16 In terms of overlooking, I do not consider the proposed development would harmfully overlook this neighbour. There are no windows proposed on the south or west elevations, and the view out to the west from the first-floor balcony would be blocked by a privacy screen.
- 8.17 The proposal would not adversely overshadow this neighbour. The proposed works are situated to the north of this neighbour's garden and the levels of light reaching this neighbour would not be significantly impacted.
- 8.18 I am of the opinion that the proposed works would visually enclose the garden of this neighbouring property to the detriment of their amenity. At the time of my site visit, the boundary between the application site and this neighbour was covered with low level trees and hedging. The proposed development would be situated hard-up against the northern boundary of this neighbour's garden for a depth of 11.3m, which accounts for over 63% of the length of this boundary. There would be a 2.5m high brick wall and then the first-floor aspect would be set 0.85m off the boundary at a height of 5.2m and curve away from this boundary as it rises up. I am concerned that an 11.3m depth at this marginally staggered height would be visually prominent from this neighbour's garden. Although designed in an alternative material to try and break up the massing, the upper level of the building would result in this neighbour feeling hemmed in by the proposed works. A 5.2m high structure occupying such a large footprint and offering no meaningful separation from this boundary would appear visually oppressive and harm this neighbour's amenity.

Impact on no.44 Dudley Road (host dwelling)

- 8.19 No.44 Dudley Road is the host dwelling of the application site. This dwelling has been extended by way of a small conservatory extension although it is understood that this would be removed in the event that permission is granted for this

application, most likely to increase the amount of amenity space for this existing dwelling.

- 8.20 I do not consider the host dwelling would experience a harmful loss of privacy. There are no windows proposed on the western elevation and the balcony would be screened to prevent direct views towards the patio and rear windows of the host dwelling.
- 8.21 There would inevitably be some loss of light experienced over the patio area of the host dwelling due to the position of the two-storey building to the east. However, the applicant has produced a shadow study at the vernal (March) equinox which demonstrates that at least 80% of the host garden would receive sunlight at some point throughout the day at this time of year. In respect of this shadow study, I am of the view that the level of overshadowing would not be significant enough to demonstrate an adverse impact on the amenity of this host dwelling.
- 8.22 Although I am comfortable with the levels of light reaching the host dwelling, I am not content with the visual enclosure that the proposed development would cause and consider this harmful to the amenity of the host dwelling. The proposed two-storey mass of the west elevation would be situated hard-up against the boundary of the host dwelling's garden which would be reduced in size as a result of the proposed works. It is presumed that following the removal of the conservatory there would inevitably be a ground-floor window on the side of no.44 which would serve a habitable room. This aforementioned window would be approximately 6.5m away from the proposed two-storey mass and I consider this would visually enclose this east facing outlook. The proposed development would span 5.6m along the revised garden boundary of the host dwelling which represents a percentage of 48% of this boundary length. It is noted on the proposed site plan that the space around the west and north side has been identified as amenity space for the host dwelling. However, having visited the site, I do not consider this space would likely be used as the main private amenity space due to the exposure of this space to public views from Dudley Road and it is more likely that eastern proportion of the garden would remain as the dependent private space. I consider the presence of the proposed two-storey building this close to the garden and rear ground-floor window would result in these outlooks being hemmed in.

Impact on no.46 Dudley Road

- 8.23 No.46 Dudley Road is a two-storey semi-detached property situated to the east of the application site.
- 8.24 It is acknowledged that this neighbour has raised a concern regarding the proposed balcony nearest to no.46. However, I do not consider this would compromise the privacy of this neighbour as there would be a screen on the eastern side of the balcony to prevent direct views. In the event of approval, a condition could be recommended to ensure that this screen is installed and retained thereafter to protect the amenity of this neighbour.
- 8.25 I do not consider this neighbour would be harmfully overshadowed by the proposed works. There would be a separation distance of over 17.5m between the west facing windows of this neighbour and the proposed development. There may be some overshadowing in the late afternoon, by virtue of the position of the building to the west, but this would be limited to the latter half of this neighbour's garden and not significant enough to harm this neighbour's amenity.
- 8.26 The proposed development would not, in my view, visually dominate this neighbouring property. There is a comfortable separation distance between the building and the nearest windows of this neighbour. The main usable outdoor amenity space of this neighbour is also situated off the boundary of the application site as the car parking space of no.46 is situated hard-up against the boundary of the site. This neighbour's garden would remain relatively spacious and would retain outlooks in most directions.

Impact on car parking

- 8.27 It is acknowledged that the vast majority of concerns are related to the increased pressure the proposed studio flats would put on parking in the surrounding streets. The proposed development is a car free development which accords with the maximum car parking standards of the Local Plan (2006). The proposal would also inevitably displace the existing car parking on-site which appears to have room for two cars. At the time of my site visit, I did not consider the on-street parking along the

cul-de-sac of Dudley Road was near critical levels in terms of parking availability. Nos. 45, 46 and 47 all had their own on-site car parking spaces and are therefore not considered reliant on the street as their main means of car parking. In addition to this, adequate cycle parking would be provided and the site would be within walking distance of the Ditton Lane and Barnwell Road Local Centres. There would be bus stops within walking distance along Dudley Road to the east and Newmarket Road further to the south. In my opinion, whilst the intensification of development on the site, coupled with the displacement of existing on-site parking, would inevitably increase the car parking pressure on the surrounding streets, I do not consider the impact would be great enough to adversely impact on the amenity of neighbouring properties to such an extent as to warrant refusal.

- 8.28 In my opinion the proposal fails to respect the residential amenity of its neighbours at nos. 42 and 44 Dudley Road and I consider that it is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Amenity for future occupiers of the site

- 8.29 The proposal would provide four studio flats in a suburban location with approximately 20m² of internal floorspace. All of the proposed flats would have access to their own private outdoor amenity spaces which would be acceptable given the number of bedrooms proposed. The first-floor balconies would be roughly 8m² and the ground-floor gardens would be 18m² in area. The site would be well served by local shops and facilities and there would be public transport and cycle links into the City Centre. Bin storage and cycle parking would be integrated successfully into the scheme for the benefit of future occupants.
- 8.30 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, 3/10 and 3/12.

Refuse Arrangements

- 8.31 The applicant has explained that bin provision has been proposed on the basis that 4 persons would be occupying the

site (1 per each unit) in the form of three large communal bins. The bins would have a surplus of capacity for this level of development. There would be scope to increase the size of the bin store at the front of the site by reducing the garden size of one of the ground-floor flats. In the event of approval, a condition could be recommended for further details to be provided to ensure that the waste storage facilities are acceptable.

8.32 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

8.33 The Highway Authority has raised no objection to the application on the ground of highway safety.

8.34 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

8.35 Car parking has been discussed in paragraph 8.27 of this report. A car club informative would be recommended in the event of approval.

8.36 One cycle parking space would be provided for each studio unit in a secure covered location. This accords with the minimum standards of the Local Plan (2006).

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

Third Party Representations

8.38 The third party representations have been addressed in the table below:

<u>Comment</u>	<u>Response</u>
The proposed development is not in keeping with the surrounding area.	See paragraphs 8.8 – 8.13.
Overlooking from balcony.	See paragraph 8.25

Increased parking pressure on surrounding streets.	See paragraph 8.28
A two-bedroom or bungalow property would be more appropriate. Studio flats are not in keeping with traditional houses.	See paragraph 8.12

Planning Obligations (s106 Agreement)

8.39 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.

8.40 In line with the CIL Regulations, councils can pool no more than five S106 contributions towards the same project. The new 'pooling' restrictions were introduced from 6 April 2015 and relate to new S106 agreements. This means that all contributions now agreed by the city council must be for specific projects at particular locations, as opposed to generic infrastructure types within the city of Cambridge.

8.41 I have consulted the service managers who are responsible for the delivery of projects to offset the impact of development. The service managers have not identified any relevant projects to demonstrate compliance with the CIL Regulations tests in relation to informal open space/play space/indoor sports facilities/outdoor sports facilities and community facilities.

Planning Obligations Conclusion

8.42 It is my view that planning obligations are not required in this case as there is no evidence to demonstrate where planning obligations will contribute towards and so the pooling of contributions would not pass the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

9.1 In conclusion, the proposed two-storey mass of the building would visually dominate the outlooks of no.42 Dudley Road and no.44 Dudley Road, the host dwelling, to the detriment of the residential amenity of these adjoining occupiers. Refusal is recommended.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed length and position of the two-storey building immediately adjacent to the northern boundary of no.42 Dudley Road would unacceptably visually enclose this neighbour's garden. The existing low level soft planting would be replaced by a large mass of built form that would drastically alter this neighbour's existing outlook. The proposal fails to respect the amenity of this neighbour and is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10, as well as paragraph 17 of the NPPF (2012).
2. The position of the proposed two-storey building 6.5m away from the ground-floor rear outlook of the host dwelling at no.44 Dudley Road would create a poor visual outlook for this adjoining occupier of this habitable room. The proposed development would introduce a significant level of scale and massing hard-up against the reconsolidated garden boundary of the host dwelling and would appear visually overbearing from the main private outdoor amenity space of this dwelling. The proposal fails to respect the amenity of the host dwelling and is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10, as well as paragraph 17 of the NPPF (2012).