

Application Number	16/1633/FUL	Agenda Item	
Date Received	8th September 2016	Officer	Lorraine Casey
Target Date	3rd November 2016		
Ward	Arbury		
Site	39 Durnford Way Cambridge Cambridgeshire CB4 2DP		
Proposal	Retrospective single storey garage extension to the rear. Single storey extension to the side (east) including front bay. Conversion of the attic with dormer window to the front and rear and sunken balcony to the side (east)		
Applicant	Mr And Mrs D Baker 39 Durnford Way Cambridge Cambridgeshire CB4 2DP		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The development has an acceptable impact on the character of the area - The development does not have a significant adverse impact upon the amenities of adjoining residents
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site comprises a 1^{1/2} storey dwelling located on the corner of Durnford Way to the west and Wynborne Close to the north. The property faces northwards whilst vehicular access to a garage on the south side of the property is obtained via Durnford Way. Wynborne Close consists of a small cul-de-sac of six bungalows located to the east/north-east of the site. To the south is a two-storey dwelling (No.37 Durnford Way).

1.2 The site does not lie within a Conservation Area. It also falls outside any Controlled Parking Zone.

2.0 THE PROPOSAL

2.1 The proposal seeks retrospective planning permission for the erection of a single storey garage extension to the rear (south), a single storey extension to the east side including front bay, attic conversion incorporating dormer windows to the front (north) and rear (south), and a sunken balcony to the east side.

2.2 In late 2015, planning permission was granted under application reference 15/2170/FUL for single storey extensions, two dormer windows and a sunken balcony. The size of the single-storey extension on the east side of the building was subsequently enlarged by virtue of planning permission reference 16/0116/FUL.

2.3 The development has since been completed but is not in accordance with the approved plans. The scheme, as built, and that it is now proposed to regularise through this retrospective application encompasses the following changes when compared to the approved plans:

- The balcony has been fitted with a 1.1m high glass balustrade which, since completion, has had obscured film added to the glass. In comparison, the approved plans denoted a 1.5m high obscure glazed balustrade.
- The 'sunken balcony' area is shallower than originally proposed (1.35m as opposed to 3m deep).
- The balcony is 3m wide. This is a 0.4m increase in the width of the balcony shown on the approved east elevation drawing.
- The previously approved rooflight in the south elevation of the master bedroom has been omitted.
- The first floor glazing in the east elevation serving the master bedroom differs in its shape and detailing from the approved plans. The panels either side of the door have also been fitted with obscure film.

2.4 The current application initially only included the revision to the design of the balcony balustrade but, following an Officer site visit, has since been amended to include the other revisions referred to above.

2.5 The application has been called in to committee by Councillor Todd-Jones.

3.0 SITE HISTORY

Reference	Description	Outcome
15/2170/FUL	Single storey extension to garage, single storey extension and roof extension incorporating 2 dormer windows and a sunken balcony	Approved
16/0116/FUL	Single storey front extension	Approved

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 3/14 4/13 8/2

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central	National Planning Policy Framework March
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Government Guidance	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> Roof Extensions Design Guide (2003)

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 objections.

6.2 The above response is 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 Councillor Todd-Jones has requested that the application be referred to Committee if Officers are minded to support the proposal. He states that the original planning application (reference 15/2170/FUL) specified a 1.5 metre high obscure glazed balustrade to the sunken balcony, with the accompanying Design and Access Statement explaining that there would be no overlooking of adjoining properties. This retrospective application now indicates a balustrade at a height of 1.1 metres and constitutes a significant change. Notwithstanding the obscured film that has been added to the balustrade, its low height results in direct overlooking of the west elevation and front garden of No.6 Wynborne Close, and also allows clear views to the front garden and ground floor rooms of 2 & 3 Wynborne Close. The development as constructed therefore compromises the privacies of adjoining residents, contrary to Policy 3/14(b) of the 2006 Local Plan which states that extensions to buildings will be permitted providing they do not unreasonably overlook, overshadow or visually dominate neighbouring properties.

7.2 The owners/occupiers of the following addresses have made representations:

- 2 Wynborne Close
- 3 Wynborne Close

7.3 The representations can be summarised as follows:

- The reduced balcony balustrade height results in overlooking of the living room window in the front elevation of No.2 and kitchen window in the front elevation of No.3 Wynborne Close. This has forced the occupiers to keep curtains/blinds closed at all times to safeguard their privacy.
- The balcony does not respect the character of the site and surrounding area. It is disproportionate in size to the main building and dominates the whole of Wynborne Close.
- The balcony is unnecessary as it does not provide an attractive outlook for the occupiers of the dwelling.
- These issues could be overcome by bricking up the end elevation of the hidden balcony area.

- By requesting revised drawings, it appears that the Council is leaning towards accepting the sunken balcony rather than trying to negotiate a revised design.
- An article in the Cambridge Evening News suggests that balconies are unacceptable and that side windows must be obscure glazed.

7.4 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
2. Residential amenity
3. Third party representations

Context of site, design and external spaces

8.2 The works that have been completed on site are an amalgamation of two planning consents approved in late 2015 and early 2016. As stated previously, the development has not been completed in accordance with the approved plans and, in paragraph 2.3 of this report, I have set out in detail the differences between the consented schemes and the development as built. The majority of these changes are very minor in nature and the key area of contention relates to the hidden/sunken balcony area.

8.3 The 2015 planning permission included a number of extensions which, although involving a conversion of the roof space of the original dwelling, did not increase the height of the property and were considered in the assessment of that scheme to be in keeping with the character of the property and surrounding area. The approved scheme included a first floor hidden balcony on the east side of the property. This consisted of an area leading from the master bedroom enclosed by the roof space but open to the east side elevation. The principle of the hidden balcony and the creation of a large first floor opening in

the east side elevation has therefore been established through the existing planning permission.

- 8.4 The revisions have increased the width of the opening by 0.4 metres, reduced the height of the balustrade by 0.4 metres and altered the design and shape of the glazing leading from the master bedroom onto the balcony area. In my opinion, these changes do not materially alter the design of the dwelling or previously approved scheme and do not have a significant adverse impact upon the character of the property or surrounding area.
- 8.5 In my opinion, the development is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The impact of the extensions upon adjoining residents was considered as part of the previous application and deemed acceptable. No.39 is located approximately 5.5 metres from the boundary with No.6 Wynborne Close to the east. This neighbouring property is set back significantly from the road and this means that the balcony area overlooks its front garden and driveway, and obliquely towards windows in the front elevation, rather than overlooking the private rear garden. On this basis, the previous scheme was not considered to cause significant overlooking of No.6 Wynborne Close. In my opinion, the change to the extent of glazing and reduction in the height of the balustrade would not materially harm the amenities of occupiers of this adjacent dwelling.
- 8.7 Objections to the revisions have been received from the occupiers of Nos. 2 & 3 Wynborne Close which are located at the end of the cul-de-sac to the north-east of the site. The front elevations of these bungalows are approximately 40m and 35m respectively from the hidden balcony area. Whilst I appreciate that the first-floor glazing and balcony introduces an element of overlooking that didn't exist prior to the conversion of No.39's roofspace, the distance between opposing habitable room windows is well in excess of the approximately 20 metre separation that is generally deemed acceptable between opposing windows overlooking a private rear garden area.

Given the significant separation between the site and Nos. 2 & 3, as well as the fact that the balcony overlooks their front rather than private rear gardens, my opinion is that the reduced balustrade height and changes to the glazing do not result in a significant loss of privacy to the occupiers of these nearby bungalows.

8.8 Although the approved plans showed that the balcony would be fitted with an obscure glazed 1.5m high balustrade, the provision and retention of this obscure screen was not required by a condition of the original planning permission because the impact upon neighbouring properties was deemed acceptable in any case. Obscure film has been fitted to the 1.1m high balustrade and this does help to reduce overlooking of neighbouring properties when sitting on the balcony. Given that this film assists in mitigating the extent of overlooking, I have recommended a condition requiring it to be retained, and the applicant has agreed to any permission being conditional upon this requirement.

8.9 In my opinion the development 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 3/14

Third party representations

8.10 The key concerns raised by local residents have been assessed in the preceding sections of this report. The neighbours have suggested an alternative design, namely enclosing the end of the balcony area, that would help to mitigate their concerns. Whilst I have asked the applicant's agent to consider amending the scheme accordingly, the application has to be assessed as submitted and an application cannot be refused on the basis that an alternative may be deemed more desirable.

8.11 The Cambridge Evening News article attached to a representation received from No.3 Wynborne Close contains guidance on the relevant criteria in assessing whether works constitute permitted development. It is therefore not relevant in this instance given that the development being considered within this application requires planning permission.

9.0 CONCLUSION

- 9.1 In conclusion, I consider the works that have been carried out are acceptable and do not have a harmful impact on the character of the area or upon the amenities of neighbouring residents.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.

2. The 1.1 metre high balustrade hereby permitted shall be maintained with obscure glazing, as denoted within drawing number 15/1435:002D.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/14).