

Application Number	16/1674/S73	Agenda Item	
Date Received	20th September 2016	Officer	Michael Hammond
Target Date	15th November 2016		
Ward	Market		
Site	28 Maids Causeway Cambridge CB5 8DD		
Proposal	Section 73 application to vary condition 1 drawings of 15/1109/FUL to increase the height of the new garage to 2.97m at the front parapet, replace window and door facing 28 Maids Causeway with bi-fold glazed door, with integral single door.		
Applicant	Ms McLennan 28 Maids Causeway Cambridge CB5 8DD		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The increased height of the structure is considered to respect the amenities of neighbours in terms of visual enclosure, overshadowing and overlooking. - The proposal would preserve the character and appearance of the Conservation Area and would not harm the adjacent Buildings of Local Interest and Listed Buildings.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site, no.28 Maids Causeway, is comprised of a two-storey mid-terrace residential property situated on the south side of Maids Causeway. The site has a small garden to the rear and a large garage which leads onto Salmon Lane which runs from west to east adjacent to the rear of the site. The

surrounding area is residential in character and is formed of similar sized terraced and semi-detached properties.

- 1.2 The site falls within the Central Conservation Area and is a Building of Local Interest. To the east, nos.32 – 50 Maids Causeway are Grade II listed Buildings.

2.0 THE PROPOSAL

- 2.1 In 2015, planning permission (15/1109/FUL) was granted for a single-storey double garage. The development has not been carried out in accordance with the approved plans. The proposal seeks to vary condition 1 (drawings) to increase the height of the approved garage to 2.97m at the front parapet and replace the window and door facing 28 Maids Causeway with bi-folding glazed doors.
- 2.2 The single-storey double garage approved under the previous consent measured approximately 2.8m to the ridge of the flat roof. During the construction of the garage concerns were raised by local residents regarding the height of the structure and planning enforcement officers visited the site accordingly. It was discovered that the development was exceeding the 2.8m height and the development was therefore deemed to be in contravention of the approved plans. The applicant has now sought to vary condition 1 (drawings) to seek to regularise this development in planning terms.
- 2.3 The approved drawings of the former planning permission showed the ground level of the site as being level throughout the site, when in fact there is actually a change in the gradient of the site. The consequence of this is that the northern-end of the constructed garage is higher than the southern-end. At the time of my site visit on 16 January 2017, the north-western corner of the building measured approximately 3.24m from ground level and this was found to be the highest point of the structure. This is consistent with the latest measurements supplied by No.26 Maids Causeway.
- 2.4 The approved drawings also showed the garage door as being a vertically planked timber door and instead a horizontally planked metal/ plastic door has been implemented.

- 2.5 The garage is now fully completed and it is understood that, with the exception of internal works, no further construction works are scheduled to take place.
- 2.6 The application has been called in to Planning Committee by Councillor Gillespie on the grounds of loss of light and due to the development being out of keeping with the Conservation Area.

3.0 SITE HISTORY

Reference	Description	Outcome
15/1109/FUL	Demolition of double garage at 1-2 Salmon Lane behind 28 Maids Causeway and replacement with new double garage with garden room.	Permitted.
15/0052/FUL	Demolition of double garage at 1-2 Salmon Lane behind 28 Maids Causeway and replacement with new double garage with garden room and accommodation above	Withdrawn.

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

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
		4/10 4/11 4/12 4/13
		8/2 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 (Appendix A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u>
	<u>Area Guidelines</u> Kite Area Conservation Area Appraisal (1996)

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 No objections to the revision compared to the approved scheme. With regard to the conditions of that consent and the detailing of the building, the existing door appears to be a horizontally planked up-and-over example, possibly in metal or plastic which is nowhere near the vertically planked timber example that it should have been. Looking along this lane, there are many examples of traditional, vertically planked doors and only 2 or 3 horizontally planked ones and the latter stand out as inappropriate for this CA location.
- 6.3 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:

26 Maids Causeway	30 Maids Causeway
32 Maids Causeway	34 Maids Causeway
36 Maids Causeway	13 Fair Street
14 Fair Street	9 Willow Walk
19 Apthorpe Street, Fulbourn	

7.2 The representations can be summarised as follows:

- The building is 0.6m higher than that which was previously permitted.
- Overlooking/ Loss of privacy
- Overbearing/ Visual enclosure
- The building is an obtrusive structure
- The development is detrimental to the Kite Conservation Area.

- The development undermines the character and setting of the area, including the adjacent Buildings of Local Interest and Listed Buildings.
- The letters of support are not from the local vicinity and should be invalid.
- The builders of the garage were instructed not to proceed with works but carried on regardless.
- What will the enforcement action be if the application is refused and any subsequent appeal unsuccessful?
- Conditions 5 -8 of the planning consent have not been discharged.
- The applicant has breached planning laws and regulations.
- The building is not likely to be used in the future as a garage with garden room.
- Overshadowing/ Loss of light

7.3 The owners/occupiers of the following addresses have made representations in support of the application:

32 Chesterfield Road	Sandacres, Great North Road, Bawtry
3 Godesdone Road	13 Davey House, Kinross Road
28A Maids Causeway	231 Coldhams Lane
City House, 126 – 130 Hills Road	32 Beech Drive, St Ives
4 Hemington Close, Over	28 Cambridge Villas, Godmanchester
33 Monmouth Court, Coopers Road, London	48 Selby Road, Holme on Spalding Moor, York
24 Stoke Doyle Road, Oundle	11 Bridge Terrace, London Road, St Ives
10 Arnold Close, St Ives	12 Telegraph Street, Cottenham
2 Racecourse View, Cottenham	12 Thistlemead, Loughton
6 Dart Close, St Ives	7, Sallows, Fenstanton
4 Cunningham Cres, Nambour, Australia	3 Thurlestone Avenue, Morden
36 Cautley Avenue, London	41 Glaisyer Way, Iver Heath
1 Osprey Close, London	Moorhaye, Ashwater, Beaworthy
Flat 16, 1 Houghton Road, St	Flat 10 Bridge House, 6

Ives	Waterworks Yard, Croydon
26 Ouse Walk, Huntingdon	110 Headlands, Fenstanton, St Ives
Chatsworth Avenue, Radcliffe-on-Trent, Nottingham	238 Kingsground, London
12 Oakfield Court, Hull	20 Rookery Close, St Ives
19 Cabbage Moor, Great Shelford	

7.4 The representations can be summarised as follows:

- The garage does not harm neighbour amenity.
- The design is in keeping with its surroundings.
- No loss of light
- The green roof will be environmentally positive
- The new building enhances the local area.
- Additional parking will help alleviate the shortage of resident parking spaces.
- No visual enclosure

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. Context of site, design and external spaces (and impact on heritage assets)
2. Residential amenity
3. Highway safety
4. Third party representations

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

8.2 Planning permission (15/1109/FUL) was granted for a garage on this site. The development was not built in accordance with the approved plans and seeks to regularise the following changes:

- Increase in overall height of the building from 2.8m (as approved) to 3.24m (as built) in the north-west corner and 2.97m at the front parapet where the ground level is lower.
 - Replace the window and door (as approved) facing onto 28 Maids Causeway with bi-folding glazed doors (as built).
 - Replace vertically clad cedar paneled garage door (as approved) with horizontally steel clad garage door (as built).
- 8.3 The garage is visible from oblique views along Fair Street, and highly visible in the street scene of Salmon Lane. There are other single-storey outbuildings in the immediate vicinity of the site and larger annexes and coach houses further to the east along Salmon Lane.
- 8.4 The garage occupies a square footprint of roughly 58m² at the end of the garden which is larger than that of the other single-storey outbuildings in the area. At approximately 3m in height adjacent to Salmon Lane, the outbuilding is also marginally taller than neighbouring outbuildings. Although the overall form and scale of the garage is greater than that of the adjacent outbuildings, I do not consider that it appears out of context with its surroundings. I am of the opinion that the massing, from a design perspective, is respectful of the character and appearance of the Conservation Area. The new garage has replaced a previous garage which occupied a similar position and massing to that approved. I am of the view that it does not impact upon the special interest of nearby Buildings of Local Interest and preserves the setting of the adjacent Listed Buildings. The Urban Design and Conservation Team have raised no objection to the overall design and form of the garage.
- 8.5 The garage is constructed in reclaimed bricks with a stone coping and green sedum roof. These materials are considered to be in keeping with the surrounding context and preserve the character and appearance of the Conservation Area. The Urban Design and Conservation Team have raised no objection to this aspect of the works.
- 8.6 The Urban Design and Conservation Team have objected to the application on the grounds that the horizontally planked metal/plastic doors stand out and are inappropriate in the context of the Conservation Area. I have identified the style of doors at other garages and outbuilding along Salmon Lane below:

<u>Vertically Clad</u>	<u>Horizontally Clad</u>
30 Maids Causeway (plastic/metal)	38 Maids Causeway (plastic/metal)
32 Maids Causeway (timber)	46 Maids Causeway (plastic/metal)
36 Maids Causeway (plastic/metal)	
40 Maids Causeway (timber)	
42 Maids Causeway (timber)	
44 Maids Causeway (timber)	
48 Maids Causeway (plastic/metal)	
50 Maids Causeway (timber)	

- 8.7 It is evident from the table above that the majority of garage doors fronting onto Salmon Lane consist of vertical cladding although there is a mixture of material types. The garage doors of the previously demolished garage were plastic and were not clad in any direction.
- 8.8 I agree with the advice of the Urban Design and Conservation Team and consider that the appearance of the horizontally clad garage doors is contrary to the majority of other garages along Salmon Lane and fails to preserve the character or appearance of the Conservation Area. There are two examples of horizontal style cladding along this street. However one of these examples is for a single-opening and the other example is a considerable distance away further along Salmon Lane. As a result, I am of the view that the fenestration of openings along Salmon Lane is predominantly one of vertically clad doors and that the garage door should conform to this, as per the originally approved drawings. The views of the three-storey terraced Buildings of Local Interest and Listed Buildings, when viewed from Salmon Lane, are not significantly affected by the use of horizontal cladding and this fenestration detailing is read as a minor detail when viewed in the context of these buildings. Nevertheless, I am of the opinion that the garage door as built does harm the Conservation Area. I have therefore suggested a condition for the garage door to be removed and replaced with a vertically clad door within 3 months of permission being granted.
- 8.9 Overall I am of the view that the garage preserves the character and appearance of the Conservation Area and is respectful to

the settings and special interests of the adjacent Buildings of Local Interest and Listed Buildings.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The main consideration is the impact of the garage on the adjoining occupiers.

Impact on nos.13 – 14 Fair Street

- 8.12 Nos. 13 – 14 Fair Street is comprised of ground-floor commercial uses and first-floor flats. The ground-floor commercial uses are a beauty therapy shop, with a treatment room, and a picture frame shop. There is a rear patio area to the rear of these premises which abuts the application site from the west. Concerns have been raised from this neighbouring property regarding loss of light and loss of privacy. I have visited this neighbouring property.
- 8.13 I am of the view that the development does not compromise the privacy of this neighbour. The side facing windows serve a car parking area and toilet. These windows face out onto the high boundary wall and the nature of use of the rooms would not result in any harmful overlooking towards these adjacent occupiers.
- 8.14 The garage is approximately 0.45m higher than that which was originally permitted. The garage is situated roughly 1m directly to the east of this neighbour's rear patio wall and it is likely that some overshadowing will occur in the early morning hours during the winter months when the sun is at its lowest point. The levels of overshadowing during the autumnal, vernal and summer times of the year are not likely in my opinion significant during the early morning hours. By late morning the levels of light reaching this outdoor space would be similar to that of present. The top of the wall of the garage is visible from the rear ground-floor windows of this neighbour. However the separation distance of just over 6m between the garage and this neighbour's rear ground-floor windows, coupled with the single-

storey height of 3.24m, is sufficient, in my view, to ensure that there would be no significantly harmful loss of light or enclosure experienced. The garage does not break the 25° line taken from the centre point of this window. It is also pertinent to point out that the patio space and rear windows serve the ground-floor shops and are not used in a residential capacity.

Impact on no.26 Maids Causeway

- 8.15 No.26 Maids Causeway adjoins the main property of the application site and has a small rear south-facing garden. This neighbour has raised concerns regarding visual enclosure and overshadowing. I have visited this neighbouring property.
- 8.16 The garden room window would look back onto the rear of the host dwelling and the views from this would not compromise the privacy of this neighbour due to the existing mutual sense of overlooking between these terraced properties.
- 8.17 In terms of overshadowing, I am of the opinion that the garage does not harmfully impact on the amenity of this neighbour. There is likely some overshadowing during the mid-morning hours, particularly during the winter months when the sun is at its lowest point. However, at 3.24m in height, I do not anticipate that this structure causes any significant overshadowing during the vernal, autumnal and summer equinoxes and that adequate light reaches this neighbour's garden. In addition, there would still likely be light reaching this neighbour's garden in the midday and early afternoon.
- 8.18 The slope of the land means that the garage is at its highest point closest to this neighbour's rear garden boundary. It also appears from my site visit that the garden land of no.26 is lower than that of the ground-level adjacent to the north-west corner of the garage which does exacerbate the perceived height of the structure when viewed from this neighbour. The garage is set over 1m away from this neighbour's rear boundary. Although I acknowledge from viewing the southerly outlook from this neighbour's garden that the upper portion of the garage is clearly visible, I am not convinced that the visual presence is such that it adversely overbears this outdoor amenity space. The structure is not in my opinion large enough to harmfully enclose this space and, on balance, I am of the opinion that the

impact is not significant enough to warrant refusal of the application.

Impact on no.30 Maids Causeway

- 8.19 No.30 adjoins the existing property to the east of the application site and has a small south-facing garden.
- 8.20 The proposed development would not visually enclose or overshadow this neighbouring property in respect of its single-storey scale and form. This neighbour would have an unaffected east and south outlook which would ensure adequate levels of light reach the garden and it would not be visually enclosed. There would be no loss of privacy experienced at this neighbouring property as the windows of the proposal would have similar views to the existing rear elevation windows of the main property.
- 8.21 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.

Highway Safety

- 8.22 The Highway Authority has raised no objection to the proposal and I agree with this advice.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

- 8.24 The third party representations have been addressed in turn below:

The building is 0.6m higher than that which was previously permitted.	Planning permission was granted for a 2.8m high building. The building, as constructed, measures approximately 3.24m high from ground level taken directly next to the building.
Overlooking/ Loss of privacy	This has been addressed in the

<p>Overbearing/ Visual enclosure Overshadowing/ Loss of light</p>	<p>residential amenity section of this report.</p>
<p>The building is an obtrusive structure The development is detrimental to the Kite Conservation Area. The development undermines the character and setting of the area, including the adjacent Buildings of Local Interest and Listed Buildings.</p>	<p>This has been addressed in the context of site, design and external spaces (and impact on heritage assets) section of this report.</p>
<p>The letters of support are not from the local vicinity and should be invalid.</p>	<p>The address of third party representations in relation to the location of the application site does not invalidate the representations received.</p>
<p>The builders of the garage were instructed not to proceed with works but carried on regardless. What will the enforcement action be if the application refused and any subsequent appeal unsuccessful? Conditions 5 -8 of the planning consent have not been discharged. The applicant has breached planning laws and regulations.</p>	<p>The contractor and applicant were advised on-site on multiple occasions that they were developing at their own risk. The Local Planning Authority cannot prevent the contractor and applicant from proceeding with works if they wish to do so. If planning permission is refused by the Planning Committee then enforcement action will be undertaken in accordance with planning enforcement protocol. In the event of refusal, it is anticipated that the applicant will likely appeal the decision and any enforcement will be postponed pending the outcome of the appeal decision.</p>
<p>The building is not likely to be used in the future as a garage with garden room.</p>	<p>Condition 4 of planning permission reference 15/1109/FUL prevents the outbuilding from being separately used, occupied or let and this will apply to this S73 application if approved. If the applicant seeks to separately use, occupy or let the building then planning</p>

	permission for this will be required.
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9.0 CONCLUSION

- 9.1 The garage does not harmfully overshadow, overlook or visually dominate neighbouring properties. The garage is considered to preserve the character and appearance of the Conservation Area and does not adversely impact upon the settings and special interests of the nearby Buildings of Local Interest and Listed Buildings.

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. Conditions 3 - 8 of planning permission 15/1109/FUL shall continue to apply to this permission. Where such conditions pertaining to 15/1109/FUL have been discharged, the development of 16/1674/S73 shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also.

Reason: To define the terms of the application.

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 be used solely in conjunction with and ancillary to 28 Maids Causeway and shall not be separately used, occupied or let.

Reason: To protect the amenity of the adjoining residential properties and to avoid the creation of a separate planning unit. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

5. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/12 and 4/11)

6. Full details of all wall copings, including type, design [cross-sectional drawings may be appropriate], fixings and materials, to be submitted to and approved in writing by the LPA. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

7. No external joinery shall be installed until drawings at a scale of 1:20 of all such joinery (doors and surrounds, windows and frames etc.) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

8. Prior to any painting/varnishing/staining or other external treatment to new or retained joinery, the colour of the external treatment to new or retained joinery shall be submitted to and approved in writing by the local planning authority by means of the British Standard Number [obtainable from B S Framework for Colour Co-ordination for building purposes, BS 5252: 1976]. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

9. Notwithstanding the approved drawings, within 3 months of this permission being granted the horizontally clad garage door shall be removed and replaced with a vertically clad garage door, the details of which shall be submitted to and agreed in writing by the local planning authority.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

INFORMATIVE: Any alterations to the outbuilding once constructed will require planning permission.

INFORMATIVE: The use of the roof of the outbuilding as an external amenity space will require planning permission.