

Application Number	17/0382/FUL	Agenda Item	
Date Received	2nd March 2017	Officer	Michael Hammond
Target Date	27th April 2017		
Ward	Coleridge		
Site	11 Lichfield Road Cambridge CB1 3SP		
Proposal	Change of use of garden room to additional room as part of approved HMO (8 to 9 rooms).		
Applicant	Croftmead Ltd C/o Agent		

SUMMARY	<p>The development fails to accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">- The proposed additional bedroom in the detached outbuilding would provide a poor quality living environment for the future occupant.- The comings and goings of the occupant of the outbuilding to and from the dining and kitchen facilities in the main house would compromise the privacy of the occupant of the ground-floor bedroom of the main house.- The proposed use of the outbuilding as an additional bedroom would adversely disturb the amenity of existing and neighbouring occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is 11 Lichfield Road. It is a two storey dwelling located on the north side of the road. The area is residential in character. Properties benefit from front and rear gardens but generally the front garden is used for car parking.

- 1.2 The site falls outside a Conservation Area. The building is not listed or a Building of Local Interest. There are no tree preservation orders on the site. The site falls outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the change of use of the property from an eight person HMO to a nine person HMO. This change would be accommodated through the provision of an additional bedroom and en-suite in an outbuilding in the rear garden.
- 2.2 Planning permission (15/1728/FUL) was granted at the Planning Committee meeting of 6th January 2016 for the change of use of the property to an eight person HMO, including rear extensions. The change of use and associated works has been implemented.
- 2.3 An outbuilding was constructed during December 2016 when the property was only occupied by two persons under the applicants permitted development rights. The outbuilding was used as a garden room which is considered to be an incidental use. The outbuilding has a footprint of approximately 15m² and is designed with a flat roof measuring 2.5m to the ridge. The proposal has been amended to show a window on the front (west) elevation to the bedroom.
- 2.4 This application seeks permission to use this garden room as a bedroom with en-suite. The occupant of the proposed bedroom would have access to communal garden areas, bin and bike storage, the laundry outbuilding, and the dining and kitchen facilities of the main building.
- 2.5 The application is accompanied by the following supporting information:
1. Covering letter
 2. Drawings
 3. Photos
- 2.6 Officer's consider that the application should be determined by Planning Committee due to the level of third party interest raised during this and the former application for this site.

3.0 SITE HISTORY

Reference	Description	Outcome
15/1728/FUL	Change of use of three bedroomed semi-detached dwelling to HMO (8 rooms). Part two storey part single storey rear extension (following demolition of garage) and roof extension incorporating rear dormer.	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
		4/13
		5/7
		8/2 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
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	National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
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 Control)

- 6.1 The development may 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 Team

- 6.2 No objection, subject to housing health and safety rating system informative and annex dwellings informative.
- 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:

1 Lichfield Road	5 Lichfield Road
6 Lichfield Road	9 Lichfield Road
10 Lichfield Road	15 Lichfield Road
18 Lichfield Road	24 Lichfield Road
39 Lichfield Road	57 Lichfield Road (Chair of Lichfield Road Residents Association)
65 Lichfield Road	175 Coleridge Road

- 7.2 The representations can be summarised as follows:

- Increase in traffic in the area.
- Impact on parking on surrounding streets
- Amount of on-street parking makes it difficult for buses and emergency vehicles to access road.
- Noise and disturbance
- Loss of privacy
- The destruction of the grass verge is an eyesore
- The garden room was supposed to provide a communal space for occupants to meet socially and this would now be lost.
- There are inaccuracies in the previous officer report assessment (15/1728/FUL).
- The previous permission had a condition which restricted the occupancy to 8 persons and it is presumed that this was because 9 persons would not be acceptable.
- There is no precedent for this level of density/ type of development and the proposal would create this.

- The proposal is contrary to Cambridge Local Plan (2006) policy 5/7.
- Noise and disturbance is already experienced at anti-social hours by residents smoking and talking outside the property.
- Condition 11 (drainage) has not been discharged yet and there is the potential to exacerbate drainage issues.

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. Highway safety
5. Car and cycle parking
6. Third party representations

Principle of Development

8.2 Policy 5/7 (Supported Housing/Housing in Multiple Occupation) of the Cambridge Local Plan (2006) is relevant to test whether the principle of the proposed use is acceptable. Policy 5/7 states that 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 I set out below my assessment of the proposed use in accordance with the above policy criteria:

Impact on residential amenity (use)

- 8.4 In my view, the proposed use of the garden room as an additional bedroom, thus changing the number of occupants from eight to nine persons, would have an unacceptable impact on the amenity of both neighbours and existing occupiers of the house in multiple occupation (HMO).
- 8.5 The occupier of the outbuilding would have to walk past the rear elevation of the main building when accessing the kitchen and dining facilities in the main house. This route would go directly toward and adjacent to the bedroom window of room 3 of the main building. In my opinion, given that this route will be used whenever the occupant leaves/ enters the site, as well as when accessing kitchen and dining facilities, I consider the comings and goings would harmfully deteriorate the privacy of this private bedroom window and cause undue noise and disturbance for this existing occupier. It is appreciated that the rear facing ground-floor windows lead onto the main garden area of the site at present whereby other occupants could congregate outside these windows and cause a degree of noise and overlooking. However, I consider that this relationship is different to that of the proposed sleeping accommodation in the outbuilding. This is because the use of the garden area would naturally be limited to more sociable and predictable times of the day, whereas the movements associated with the occupant of the outbuilding would be more frequent and spontaneous as the occupant may access the kitchen facilities at more sensitive hours for basic amenity reasons. The closing and opening of doors, as well as likely need for external lighting, would consistently disturb the amenity of the occupant of the existing ground-floor bedroom.
- 8.6 The internal communal facilities in the main building are unchanged from that of the previously approved permission (15/1728/FUL). The outbuilding was originally constructed as a garden room/ living area for occupants to use. This garden room/ living space did not constitute part of the approved development (15/1728/FUL) nor was it a requirement that it be available as amenity space in order to provide a satisfactory living environment. I therefore do not consider that it is reasonable to require that it is retained as shared amenity space. However this does not mean that the use of the garden room as an additional HMO room is acceptable.

- 8.7 The fact that there would only be a dining room and kitchen with a combined floor area of approximately 23m² for nine occupants, if the garden room is converted, would be likely to have an impact on the dependency on occupants using their bedrooms when not sleeping. Roughly half of this space would be used for cooking preparation and is likely to be crowded during peak meal times, which leaves only a small dining area as the only communal space for occupants to relax, socialise and eat meals. Whilst the intensive use of bedrooms in the main house would not be problematic in terms of impact on neighbours, I am concerned that the likely level of time spent in the rear outbuilding would have an adverse impact on neighbour amenity. The use of the outbuilding for long periods of the day, and, particularly at night, would have a different character to the layout of residential uses in the surrounding area. There would be the potential to create a greater level of noise and general disturbance than might normally be expected to the rear of the site, including by reason of noise from audio equipment and comings and goings to and from the main building. The rear gardens of Lichfield Road properties are tranquil in nature and in my opinion the introduction of this type of accommodation, and the associated movements related to this, would harm the amenities of Nos.9 and 15 Lichfield Road.
- 8.8 It is acknowledged that concerns have been raised regarding the loss of privacy that the side (south) facing bathroom window of the outbuilding would cause. As this window serves a bathroom and is obscure glazed, I do not consider this would compromise the privacy of this neighbour. A condition could be imposed, in the event of approval, for this to remain obscure glazed and have a fixed opening. Although I have concerns regarding the loss of privacy to the ground-floor windows of the main building from movements up and down of the garden, I do not consider this would adversely overlook the rear windows of the two direct neighbours. There are established boundaries at ground level and the views up to first-floor windows would be oblique and not direct enough in my view to compromise neighbour privacy.

Suitability of the building

- 8.9 As explained in paragraph 8.5 of this report, I do not consider there is an obligation for the outbuilding to remain as a

communal living space in light of the fact that this did not form part of the original application. Nevertheless, the intensification of people living on the site and limited communal living spaces would in my view have a knock-on-effect on the amount of time occupiers spend in their bedrooms. The future occupant of the proposed additional bedroom would have to walk over 20m from the bedroom to access the facilities in the dining/ kitchen room and the majority of this route would be external, uncovered and include walking past the bin store. In my opinion, this represents an unacceptable living environment for the future occupant of this room. The future occupant would have to walk a considerable distance to access basic amenity functions which they would need to do on a regular basis. In addition, the quality of this route would be unsatisfactory as a consistent means of access due to odour from the bin store, the lack of privacy because of the views from rear facing windows of the existing property and the general exposure to the elements of the weather by virtue of its external nature.

Proximity to public transport, shops and services

- 8.10 The location of the site in terms of its suitability for a HMO use was established under the previous permission (15/1728/FUL)
- 8.11 In my opinion the principle of development is unacceptable and fails to comply with Cambridge Local Plan (2006) policy 5/7.

Context of site, design and external spaces

- 8.12 The physical scale, massing and design of the outbuilding structure is relatively modest and does not appear out of character with the area in my opinion.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.14 The impact on neighbours from the proposed use of the outbuilding as a bedroom has been assessed in the 'Principle of Development' section of this report.

- 8.15 The building measures 2.5m high and is already in situ. I therefore have no concern with the impact of the structure on neighbours with respect to loss of light or visual enclosure.
- 8.16 It is acknowledged that the vast majority of concerns raised relate to the issue of car parking and impact that the existing use has and proposed use would have on on-street parking in the surrounding streets. The application form states that one car parking space is provided on-site. I have also received photographs from third parties showing two vehicles parked on the front drive and two vehicles parked immediately outside on the street, with the grass verge being damaged as a result. The damage to the grass verge is a civil matter between the owner of this verge, likely the County Council, and the applicant. I consider that the application should be assessed on the basis that only one car parking space is catered for on-site as this is what the application form states.
- 8.17 The site falls outside the controlled parking zone and the City Council has maximum parking standards for developments. The site is within walking distance of the Cherry Hinton Road West and East Local Centres which provide basic shops and services for occupants of the HMO. The proposal includes a covered cycle store that is capable of facilitating the nine occupants of the HMO and the site is within cycling distance of the City Centre. There are also frequent public transport links along Coleridge Road. In my opinion, the occupation of the site is not dependent on private car as the main means of transport.
- 8.18 There is evidence that the use of the HMO does result in some additional on-street car parking along Lichfield Road. However, this permission only relates to one additional occupier occupying the premises. In my opinion, I do not consider the additional bedroom would increase on-street parking along Lichfield Road to such an extent as to have an adverse impact on neighbour amenity.
- 8.19 In my opinion the proposal fails to respect the residential amenity of its neighbours and the constraints of the site and I consider that it is not compliant with Cambridge Local Plan (2006) policies 3/4, 4/13 and 5/7.

Highway Safety

8.20 The Highway Authority has raised no objection to the proposal on the grounds of highway safety.

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

Car and Cycle Parking

8.22 Car parking has been assessed in paragraphs 8.18 – 8.20 of this report.

8.23 Cycle parking has been assessed in paragraph 8.19 of this report.

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

Third Party Representations

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

<u>Comment</u>	<u>Response</u>
<ul style="list-style-type: none">- Increase in traffic in the area.- Impact on parking on surrounding streets	This has been addressed in paragraphs 8.18 – 8.20 of this report.
Amount of on-street parking makes it difficult for buses and emergency vehicles to access road	The obstruction of the highway is a police matter and I do not consider it would be reasonable to refuse the application on this basis.
<ul style="list-style-type: none">- Loss of privacy- Noise and disturbance- The proposal is contrary to Cambridge Local Plan (2006) policy 5/7.	This has been addressed in paragraphs 8.4 – 8.8 of this report.
The destruction of the grass verge is an eyesore	This has been addressed in paragraph 8.18 of this report.
The garden room was supposed to provide a communal space for	This has been addressed in paragraph 8.6 of this report.

occupants to meet socially and this would now be lost.	
There are inaccuracies in the previous officer report assessment (15/1728/FUL).	This relates to a separate application. I have assessed the current application and compiled a separate report.
The previous permission had a condition which restricted the occupancy to 8 persons and it is presumed that this was because 9 persons would not be acceptable.	This condition was imposed to allow officers to re-examine the impact as part of a new application if additional occupants were proposed to be accommodated on the site. It does not emphatically rule out any possibility of additional occupants being accommodated but requires a new application which officers can then assess. I have assessed the proposal and consider it unacceptable for the reasons stated.
There is no precedent for this level of density/ type of development and the proposal would create this.	Any future applications for sleeping accommodation within rear gardens will be assessed on their own merits.
Noise and disturbance is already experienced at anti-social hours by residents smoking and talking outside the property.	This is a matter for the statutory noise complaints team at the City Council team.
Condition 11 (drainage) has not been discharged yet and there is the potential to exacerbate drainage issues.	This is a condition which relates to the former application.

9.0 CONCLUSION

- 9.1 The proposed use of the outbuilding as a bedroom would fail to provide an acceptable living environment for the future occupant of this room. It would also adversely disturb neighbours and the existing occupier of the nearest ground-floor bedroom of the HMO. The comings and goings to and from the outbuilding would harm the privacy of the existing rear ground-floor bedroom. Refusal is recommended.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The development compromises the privacy of the existing occupier of room 3 of the main building. The route from the proposed bedroom (room 9) to the kitchen/ dining facilities in the main building would be directly outside the rear bedroom window of room 3. The presence of people walking immediately outside this bedroom window and views from this movement, particularly late at night and early in the morning, would compromise the privacy of this bedroom to the detriment of the amenity of this existing occupier. The proposal is therefore contrary to Cambridge Local Plan (2006) policies 3/4 and 5/7.
2. The proposed use of the outbuilding as sleeping accommodation would adversely disturb both other occupiers of the HMO and occupiers of neighbouring houses. There would be limited communal facilities available for the future occupant in the main building and the future occupant would likely spend significant periods of time in the outbuilding. The use of the outbuilding for long periods of the day, and, particularly at night, would introduce a different character to the layout of residential uses in the surrounding area. There would be the potential to create a greater level of noise and general disturbance than might normally be expected within the rear garden environment, including by reason of noise from audio equipment and comings and goings to and from the main building. The rear gardens of Lichfield Road properties are tranquil in nature and the introduction of this type of accommodation, and the associated movements related to this, would harm the amenities of Nos.9 and 15 Lichfield Road, as well as the existing occupiers of the HMO. The proposal is therefore contrary to Cambridge Local Plan (2006) policies 3/4, 4/13 and 5/7.

3. The proposal fails to provide an acceptable living environment for the future occupant of the outbuilding bedroom. The future occupant of the proposed bedroom would have to walk over 20m from the bedroom to access the facilities in the dining/ kitchen room and the majority of this route would be external, uncovered and include walking past the bin store. The quality of this route would be unsatisfactory as a consistent means of access due to odour from the bin store, the lack of privacy because of the views from rear facing windows and the general outdoor exposure that would be experienced. The proposal is therefore contrary to Cambridge Local Plan (2006) policies 3/4, 4/13 and 5/7.