

<b>Application Number</b>	17/0478/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	24th March 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	19th May 2017		
<b>Ward</b>	Romsey		
<b>Site</b>	1 Vinery Way Cambridge, CB1 3DR		
<b>Proposal</b>	Amendments to planning approval 16/0670/FUL granted 07/09/2016 to raise roof ridge approximately 150mm.		
<b>Applicant</b>	Mr Fabre Lamb 1 Vinery Way Cambridge CB1 3DR		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li>- The proposed increase in roof ridge by 150mm would not adversely impact on neighbour amenity.</li><li>- The proposed works would be in keeping with the character and appearance of the area.</li></ul>
RECOMMENDATION	APPROVAL

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site, no.1 Vinery Way, is comprised of a two-storey semi-detached property situated on the west side of Vinery Way. The property is constructed in a combination of render and brick with a tiled pitched roof. There is a small garden at the front of the site and a small garden to the side. The surrounding area is residential in character and is formed primarily of two-storey semi-detached and terraced properties.

1.2 The site falls outside the Central Conservation Area.

## **2.0 THE PROPOSAL**

2.1 The proposal is near-identical to that which was approved under planning reference 16/0670/FUL. This sought permission for a

single-storey extension and first floor extensions and the replacement of the existing conservatory and sheds with a workshop and store.

- 2.2 The difference between the previously approved scheme and that which is now proposed is that the roof ridge of the first-floor extension would be raised by 150mm from approximately 6.85m to 7m in height.
- 2.3 The application has been called in for determination at Planning Committee by Councillor Baigent due to concerns regarding the additional height imposing on the neighbouring property at No. 174 Vinery Road.
- 2.4 The application is accompanied by the following supporting information:

#### 1. Drawings

### 3.0 SITE HISTORY

Reference	Description	Outcome
16/0670/NMA1	Non-material amendment on application 16/0670/FUL for roof ridge to be raised approximately 150mm to permit insulation and ventilation gap	Withdrawn.
16/0670/FUL	Extension to ground floor, first floor extension, replacement of existing conservatory and sheds with workshop and store. Relocation of off-street car hardstanding. Removal of bins and cycles to off-street edge.	Permitted.
05/0630/FUL C/99/0551	Erection of a conservatory. Single storey side extension to existing dwellinghouse.	Permitted. Permitted.
C/96/0219	Change of use and alterations to a mixed retail/residential property to form 2 self contained residential units (C3).	Permitted.
C/89/1164	Extension to shop (single storey front shop extension).	Refused.

#### 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	3/4 3/7 3/11 3/14
		4/11
		8/2

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 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>Area Guidelines</u>  Mill Road Area Conservation Area Appraisal (2011)

#### 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 No objection.

##### **Environmental Health Team**

6.2 No objection subject to construction hours and piling conditions.

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 owner/occupier of the following address has made a representation:

- 174 Vinery Road

7.2 The representation can be summarised as follows:

- The extension as a whole should not be approved as the plot is already overdeveloped.
- Strongly objection to any further changes to this building.

7.3 The above representation is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representation 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 Conservation Area
2. Residential amenity
3. Highway safety
4. Third party representations

### **Context of site, design and external spaces and impact on Conservation Area**

8.2 The proposed side extensions would be visible from the street scene of Vinery Way. The proposed first-floor rear extension would not be visible from any public viewpoints.

8.3 The proposed first-floor rear extension is a relatively modest addition to the original dwellinghouse and would not have any significant impact on the character and appearance of the area.

8.4 The proposed first-floor side extension has been designed with a hipped roof which enables it to be read as a subservient addition to the existing property. The additional depth at first-floor level would result in the front elevation appearing more prominent and elongated in the street scene. However, the use of projecting bay windows at ground floor and first-floor level at the end of the extension does give the building a contemporary and interesting feel when viewed from Vinery Way, and also helps to break up the massing. The proposed first-floor extension is set back from the road and does not, in my view, appear overly prominent or alien in the context of the area. The

proposed single-storey side extension would project an additional 6.6m beyond the first-floor element and replace the existing conservatory. I consider this element of the proposed works to be minor and would not detract from the character and appearance of the area.

- 8.5 The proposed works would not appear prominent from the end of the Conservation Area which is situated to the south-west of the application site. I do not consider the proposal would have a detrimental impact on the character and appearance of the Conservation Area.
- 8.6 In my opinion, the additional 150mm increase in roof height would not result in the proposed extension appearing out of character with the area. The proposed extension would remain below the highest point of the original roof plane of the building and would remain legible as a later addition to the original property and subservient in scale.
- 8.7 It is acknowledged that the neighbour at no.174 Vinery Road has raised concerns regarding the overdevelopment of the plot the proposed works would represent. Whilst I appreciate that a large proportion of the plot would be occupied by later additions to the original dwellinghouse as a result of the proposed extensions, I do not consider the extensions would result in the application site appearing overdeveloped. There is still a comfortable separation distance from the public highway and there appears to be sufficient garden space retained for the occupants of the dwelling. It is noted from the third party representation that a previous application (11/0960/FUL) had to be amended due to officer concern regarding overdevelopment of the site at 174 Vinery Road and impact on 176 Vinery Road. The previously approved application at 1 Vinery Way was amended to overcome officer concern regarding the extent of the first-floor side extension and the harm this would have caused on the street scene of Vinery Way. Although I accept that the level of development proposed is akin to that originally proposed under planning reference 11/0960/FUL, I do not consider this prejudices the level of development proposed. Each application has been assessed on its own merits and I am of the opinion that the proposal is acceptable in this instance.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 4/11.

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.9 The main consideration is the impact of the proposed works on no.3 Vinery Way and no.174 Vinery Road.

### No.3 Vinery Way

- 8.10 No.3 Vinery Way is comprised of a semi-detached property situated to the north-east of the application site.

- 8.11 With respect to overlooking, I am of the view that the proposed works would not compromise the privacy of this neighbour. New windows would be implemented on the north (side) elevation where there are currently no windows. However, the views from these windows would be limited to the side elevation of this neighbouring property where there are no primary habitable outlooks. There is a small secondary side window at ground-floor level on this neighbouring elevation but the main window for this room is on the rear (west) elevation. Therefore, I do not consider the introduction of first-floor windows on the north elevation would harmfully overlook this neighbour. The views from the ground-floor windows would be similar to that of the existing conservatory windows.

- 8.12 The proposed first-floor side extension would be over 12.5m from the side wall of this neighbour. The proposed ground-floor extension would be approximately 5m away from this neighbouring side wall. As there are no primary outlooks on the side elevation, I do not consider the proposed works would appear visually oppressive from this neighbouring property.

- 8.13 In terms of overshadowing, I am of the opinion that the proposal would not lead to a significant loss of light at this neighbouring property. The proposed ground-floor extension is deemed to be of a modest scale and mass and would not result in any significant overshadowing. The proposed first-floor extension would be set over 12m away from this neighbouring property and would be designed with level eaves and ridge heights and a hipped roof. In my opinion, the design of the extension would ensure that the levels of overshadowing would be similar to that of present and would not harm this neighbour's amenity.

### Impact on no.174 Vinery Road

- 8.14 No.174 Vinery Road is comprised of a semi-detached property situated to the west of the application site. The orientation of the site in relation to this neighbour is such that the shared boundary tangents at a slight angle gradually away from this neighbour's building. This neighbour has previously raised concerns regarding overshadowing and visual enclosure that the proposed development would cause.
- 8.15 The proposal would not result in a harmful loss of privacy at this neighbouring property. Additional rooflights are proposed along the west (rear) elevation facing towards this neighbouring property. However, these would serve for natural lighting purposes as opposed to key outlooks for the rooms that they serve. The rooflights would be high on the roof plane and would only provide limited outlooks towards this neighbour. I have recommended a condition which restricts the insertion of any new rooflights 1.7m above finished floor level to protect this neighbour's amenity. I have also recommended a condition to prevent the flat roof adjacent to the first-floor master bedroom from being used as an external terrace.
- 8.16 The proposed extensions would be situated to the east of this neighbour and so there would inevitably be a degree of overshadowing cast in the morning hours. A shadow study has been prepared showing the impact of the proposed works at 9AM and 10AM during April and September respectively. This demonstrates that there would be an increase in overshadowing over part of the garden as a result of the proposed extension. It has also been demonstrated that the first-floor extension would not break the 45° line of this neighbour's ground-floor kitchen window in elevational view but would narrowly break the 45° line in plan form. The proposed ground-floor extension is of a low eaves and ridge height and would not adversely overshadow this neighbour. I will assess the impact of the proposed first-floor side extension on each of the nearest rear facing windows of this neighbour.
- 8.17 Firstly, no.174 has a ground-floor kitchen/ dining room window in close proximity to the proposed first-floor extension. As described in paragraph 8.16, the proposal would break the 45° line taken from the centre of this neighbour's window in plan form but would respect the 45° line in elevation form. The



proposed extension would likely have an overshadowing impact on this neighbour in the morning hours due to its length and close proximity to this window. However, the room that this window serves also has a larger glazed patio door further to the west which would help to ensure that the levels of sunlight and daylight reaching this room remain acceptable. The development complies with the BRE guidance which states that additional daylight and sunlight assessments are not necessary in this scenario. Consequently, on balance, whilst the proposal would likely lead to a loss of light in the morning hours at the nearest affected ground-floor window, I am of the opinion that the levels of overshadowing would not be significant enough as to warrant refusal.

- 8.18 Secondly, there is a first-floor rear bedroom window in close proximity to the proposed first-floor extensions. The proposed first-floor extension has been designed with a hipped roof that is no higher than the existing roof form. Whilst I accept that the levels of light reaching this neighbouring window would likely be reduced by the proposed works, I consider this impact would not be significant enough as to warrant refusal.
- 8.19 Finally, at second-floor level, there is a rear facing bedroom window. This window is situated higher than the proposed first-floor extension and I am therefore comfortable that the levels of light reaching this room would not be significantly affected.
- 8.20 The BRE Site Layout Planning for Daylight and Sunlight (2011) guidance document states that it is recommended that at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. The shadow study demonstrates that the levels of light reaching the garden would be reduced and indicates that the southern half of the garden would likely be overshadowed by the proposed extension. The latter half of this neighbour's garden would receive similar levels of sunlight to that of present. The levels of light reaching the whole of the garden in the afternoon hours would not be affected by this development. In my opinion, I consider that half of the garden would still receive sunlight for more than 2 hours and that the impact on the garden is acceptable.
- 8.21 The proposed works would not in my opinion visually dominate this neighbour's outlooks. The proposed single-storey extension is deemed to be relatively modest in terms of scale and

massing and this would not harmfully visually enclose neighbouring windows or the rear garden.

- 8.22 The proposed first-floor extension, at 4.7m in depth, would be noticeable from the garden and rear facing ground-floor and first-floor windows of this neighbour. However, I do not consider this relationship would be visually oppressive. The proposed first-floor extension has been set 2.5m away from this neighbour's side boundary and would be designed with a hipped roof to reduce the bulk of the extension. The proposed extension would likely be visible from this neighbour's first-floor rear bedroom window. Nevertheless, the slight tangent in terms of the site orientation means that this extension would appear in more of a peripheral view rather than being directly in front of this neighbouring window. The separation distance between this window and the proposed extension is considered to be sufficient to ensure that it would not be visually enclosed.
- 8.23 As previously discussed, the 45° line from the nearest ground-floor window would be narrowly clipped by the proposed extension in plan form. However, this room is served by another outlook which would not be significantly affected by the proposed development. Furthermore, the separation distance between the first-floor element and this window is considered to be reasonable and the proposal only marginally protrudes into this neighbour's 45° line. In my opinion, the proposed extension would not visually enclose the ground-floor outlooks of this neighbouring property.
- 8.24 When standing in the garden of No.174, the proposed first-floor extension would be visible when looking out to the east. On the other hand, the views out to the north-east, north, north-west and west would be similar to the existing situation. In addition to this, the setting of the first-floor element away from the site boundary would help to alleviate the visual presence of the works. Overall, although the proposed extensions would be visible from this neighbour's rear outlooks and garden, I do not consider these works would harmfully enclose any of these key outlooks.
- 8.25 In considering the additional 150mm in height of the proposed first-floor extension, I am of the view that this would not result in the amenity of No.174 being adversely impacted in terms of overshadowing, loss of light or visual enclosure. The additional

mass proposed is not considered to be of such a scale as to harmfully impact on this neighbours amenity.

- 8.26 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 and 3/14.

### **Highway Safety**

- 8.27 The Highway Authority has raised no objection to the proposed works.
- 8.28 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Third Party Representation**

- 8.29 The third party representation has been addressed in the main body of this report.

## **9.0 CONCLUSION**

- 9.1 The proposed increase in the ridge height of the proposed first-floor extension would not, in my opinion, introduce any harmful impact to the neighbour at No.174 Vinery Way in terms of overshadowing, loss of light or visual dominance. The proposed extension would remain in keeping with the street scene and would not adversely affect the character or appearance of the area. Approval is recommended subject to conditions.

## **10.0 RECOMMENDATION**

**APPROVE**, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No 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. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

5. Any rooflights inserted into the roof of the first-floor of the development hereby permitted shall be installed no lower than 1.7m above the finished floor level of the first-floor unless otherwise agreed in writing by the local planning authority.

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

6. The flat roof adjacent to the first-floor room labelled 'Master Bedroom' on drawing no. 15.170.01 - 403 E of the development hereby permitted shall not be used as an external terrace and shall only be accessed for maintenance purposes only.

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

**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

**INFORMATIVE:** Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.