

Application Number	17/0753/FUL	Agenda Item	
Date Received	4th May 2017	Officer	Sav Patel
Target Date	29th June 2017		
Ward	Queen Ediths		
Site	8A Babraham Road Cambridge Cambridgeshire CB2 0RA		
Proposal	Part two-storey with part single-storey rear extension and single-storey side extension		
Applicant	Mr Rajan 8A Babraham Road Cambridge CB2 0RA		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development is of a contemporary design and of a scale that respects the existing dwelling. - The proposed development would not harm the character or appearance of the area. - The proposal would not unacceptably harm the amenities of occupiers of neighbouring properties.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site, no 8A Babraham Road is a two-storey semi-detached residential property situated on the south-western side of Babraham Road. The property has a large driveway at the front providing off-road parking, a large garden to the rear and a single storey pitched roof rear extension. The surrounding area is residential in character and is formed primarily of similar sized semi-detached properties and larger detached properties on either side of Babraham Road.

- 1.2 The application site is not within a conservation area nor is it a listed building (or building of local interest). There are two trees (Acers) adjacent to the rear boundary of the site. These are protected by tree preservation orders.

2.0 THE PROPOSAL

- 2.1 The proposal seeks full planning permission for a two storey and part single storey rear and side extension along with an additional single storey side extension. This application is a resubmission of a similar proposal that was approved (16/1695/FUL) at January (2017) Planning Committee. However, the applicant is unable to implement the approved development due to an injunction against the removal of the existing boundary vegetation by the neighbours at no.8 Babraham Road. The side boundary is defined by a combination of fence and hedge which is maintained at 2 metres in height. In order to overcome this, the proposal has been amended by revising the single storey extension. The proposal is now set off from the side boundary by 1.5 metres.
- 2.2 The proposal now consists of two single storey elements which project off a two storey pitched roof extension. The two storey element has not been amended from the approved design. The single storey element which projects off the side of the two storey element and adjacent to the side boundary, would extend off the rear elevation of the property by 4.8 metres at 3 metres in height with a flat roof. This element would be set off the side boundary by 1.5 metres. The other single storey element would project off the rear elevation of the proposed two storey element by 2 metres at 3 metres in height with a flat roof. The flat roofs of both single storey elements would consist of sedum/wild flower roof.
- 2.3 The two storey element would project 4.5 metres off the rear elevation of the property with a pitched standing seam zinc roof. This element would be located 3.2 metres from the side boundary. This element has not been altered from the approved scheme.

3.0 SITE HISTORY

Reference	Description	Outcome
16/1695/FUL	The proposal is for a two storey and part single storey rear and side extension along with an additional single storey side extension.	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 3/14

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)

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 The Highway Authority does not consider that this application has any implications that merit comment by the Highway Authority.

Urban Design Team – First comments:

- 6.2 It would appear that the architect has followed the correct method and process for the BRE tests of Vertical Sky Component (VSC), Daylight Distribution, and Sunlight to Windows (Annual Probable Sunlight Hours/ APSH) as set out in the BRE guidance 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'.
- 6.3 The results of the study suggest that all windows pass the above tests. Our review of the numerical tables indicate that this is not the case and there will be a minor additional impact upon window 1 in terms of daylight distribution and APSH, and for window 2 a marginal loss in VSC. A more thorough conclusion would have identified this impact. It would be beneficial if the consultants could better explain why this loss is acceptable.

6.4 **Second comment** – following update study and additional daylight/sunlight study and explanation statement:

6.5 We previously noted a minor impact on window 1 and 2 as a result of the proposal and queried why this was considered acceptable. However, this has now been clarified within the additional information provided. The ground floor layout plan for 8 Babraham Road has provided us with a better understanding of the internal layout of the Living Room and Kitchen/Dining Area, demonstrating the size and number of additional windows that serve these rooms. We agree with the conclusion of the additional information that the proposed development will have a low impact on the light receivable by the neighbouring property.

Street and Open Space (Tree Officer)

6.6 There are no arboricultural objections.

6.7 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 proposal has been called in for determination at Planning Committee by Councillor Page-Croft on the grounds that the proposed extension would cut across the 45 degree line from the neighbour's window leading to loss of light into habitable rooms.

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

- 8 Babraham Road

7.3 The representation can be summarised as follows:

- The site lies to the south and the extension would unacceptably overshadow habitable rooms and the outdoor amenity space;

- The proposed extension would cut across the 45 degree line from the living room window and would result in a significant loss of light;
- The submitted daylight/sunlight study shows window 2 which serves a living/dining room would result in significant loss of light;
- The proposal would unacceptably overshadow the main outdoor area;
- The proposed development would fail to meet the BRE guide and contrary to adopted local plan policies which seek to protect residential amenity.
- Concerned about the impartiality of the decision making process as the previous case officer has given pre-application support to the proposed scheme;
- Concerned with the inaccuracies in the applicant's design and access statement particularly in connection with the scale of the proposed extension and comparison with the two storey extension at no.8;
- No explanation on why the 'Before' figure in the daylight distribution for the previous study (98%) is different to the same 'Before' figure in the current study (91%);
- Concerned with the lack of raw data in the daylight/sunlight study and previous study;
- Officers cannot properly assess the impact of the proposed scheme based upon the current study;

7.4 The objectors also submitted a document prepared by Portland Planning critiquing the proposal and daylight study. This document was consulted on and the applicant submitted a rebuttal prepared by Beacon Planning. Both documents are available to view on public access. The applicant also submitted an updated daylight/sunlight study, which took into consideration the internal layout of no.8 Babraham Road. The previous study did not factor in the French doors that also serve the living room. The updated study was consulted on. I set out below a summary of the comments from the occupiers of no.8 Babraham Road:

- Concerns with how the inclusion of French doors causes a 7% increase in light negate a 25% loss in light initially reported;
- Full explanation of how the 98% daylight distribution figure for window 1 was arrived;

- Concerned with the methodology used in the study for the current proposal which does not show any difference to the previous scheme which did not cut across the 45 degree line;
- Without clear explanation and in the absence of raw data we cannot have confidence in the conclusions.

Officer comments:

- 7.5 In order to try and address these concerns, a meeting was arranged for Tuesday 5th September at the Council Offices. The meeting was attended by myself, the residents of no.8, the architect and the right to light surveyor. Agreement was not reached between the applicants and the objectors. However, following this meeting, I considered that I had enough information to be able to progress the application based upon the information submitted and as revised.
- 7.6 The above representation is 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 representation received and from my inspection of the site and the surroundings, I consider the main issues to be:
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 dwelling is set well back from Babraham Road. The proposal involves additions to rear of the dwelling and a small side porch. As such the proposal will not be readily visible within the public domain and will not in my opinion result in any adverse visual impact on the street scene.
- 8.3 As the main alterations relate to the single storey rear elements, I do not consider it necessary to reassess the two storey rear extension or single storey side porch as these elements have not changed from the approved scheme (16/1695/FUL).

- 8.4 In the approved scheme, the single storey element was designed with a chamfered edge so that it did not conflict with the horizontal 45 degree line from the living room window. The chamfered edge design has been removed and replaced with conventional style extensions. The proposed single storey element has been pulled off the boundary so as to retain the existing boundary hedge. However, the corners of both single storey elements now conflict with the horizontal 45 degree line from the living room window (window 1). The two storey element does not conflict with the 45 degree line.
- 8.5 The single storey rear extensions would be 3 metres in height with a flat roof and use dark zinc coping to frame and contrast with the light render of the elevations. The scale of these elements would appear as subservient additions to the dwelling and would not encroach unduly into the garden area.
- 8.6 I do not consider the proposed materials palette to be detrimental to the character of the area. The utilisation of zinc coping/seam for the roof, the open cedar cladding and white render for the walls adds to the contemporary design for the proposed rear extensions. Also, as stated above, given that this extension is to the rear of the property and only fractional amounts would be visible from the public domain, I do not consider the proposed use of materials or design to have a significant impact on the character and visual quality of the area. Furthermore, the properties in this part of Babraham Road do not fall within a conservation area, and there is no particular uniform character in terms of styles, building forms, appearance, colour or materials. Properties along this section of Babraham Road have a variety of roof types (pitched and flat), roof dormers, brick walls and rendered walls. Therefore the proposed extension is acceptable in terms of design and scale.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14.

Residential Amenity

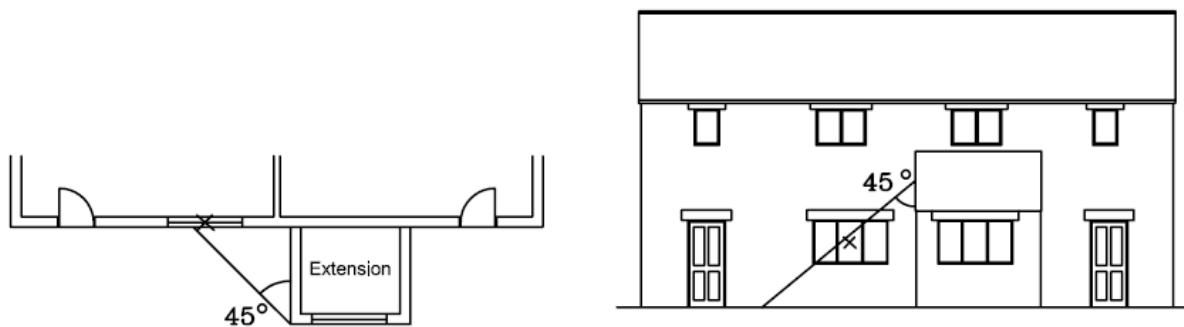
Impact on amenity of neighbouring occupiers

- 8.8 The main consideration is the impact on the amenity of the occupiers of the two adjacent dwellings, Nos. 8 and 10 Babraham Road.

Overshadowing/loss of light

- 8.9 A key concern raised by the neighbours at No. 8 Babraham Road is that there will be a significant loss of light/overshadowing resulting from the proposed extension. Of particular concern is the impact on a west facing ground floor window serving a living room (window 1) and a south facing ground floor window serving a sunroom/dayroom (window 2). Concern is also expressed regarding the loss of light to the rear garden.
- 8.10 The neighbours state that the sunroom/dayroom is served by additional west facing windows but they note the shading effect of large mature protected trees within the garden which necessitate regular maintenance to ensure that the sunroom/dayroom is not unduly overshadowed. They feel the south facing window (window 2) to be more significant in relation to light gain into this room.
- 8.11 It is also important to note that the applicant has an extant permission in place for an extension that extends along the side boundary adjacent to window 2. Therefore, the principle of development along the boundary has been assessed and established. The proposed extension has now been pulled off the boundary and it is only the corners of the single storey elements that conflict the horizontal plane of the 45 degree line.
- 8.12 As with the previously approved scheme, the applicant has submitted a daylight and sunlight study (by Right to Light Consulting) to understand the potential impact of the revised proposed development on the occupiers of no.8. It is important to note here that the study, which is based upon BRE standards, is intended to be used as guidance only and the figures used flexibly. Nevertheless, a number of recognised tests, in accordance with the Building Research Establishment assessment criteria, were applied; Vertical Sky Component; Daylight Distribution; Sunlight to Windows; and Overshadowing to Gardens and Open Space. The study looked at the impact of the proposal on rooms served by 12 windows in the rear and side of No. 8 and on its garden area.
- 8.13 It should also be noted here that whilst the proposed development cuts across the 45 degree line in a horizontal

plane (plan), it does not in a vertical plane (elevation) – see figure 1 below. The vertical/elevation form is measured from halfway down the slope of the roof of the extension. The 45 degree line from the vertical plane does not cut across more than half the area of the windows in rear elevation of no.8 Babraham Road. The BRE guide states that if both forms (horizontal and vertical) are conflicted by the 45 degree rule then a more detailed BRE tests are required. Otherwise daylight and sunlight levels are unlikely to be adversely affected. Nevertheless, the applicant has again commissioned a new daylight and sunlight study.



Detailed daylight and sunlight study required

(Figure 1: Example of 45 degree rule tests – source: *Site Layout Planning for Daylight and Sunlight: A guide to good practice 2nd Edition* by BRE Trust)

- 8.14 The horizontal 45 degree line view was taken from what is referred to in the study as window 1, which serves the living room of no.8. This room is also served by a set of internal glazed French doors, which lead into a sunroom/dayroom. The sunroom/dayroom is a large open plan space which includes the kitchen and dining area. This open plan space consists of three large opening in the west elevation facing the garden. The sunroom/dayroom form part of an extension to no.8 (planning permission ref: 12/0104/FUL). The permission was for a 2 ½ storey rear extension, which has been built and is currently set 2.7 metres off the side boundary with no.8a. Window 2 is located in the side (south) elevation at ground floor and window 1 is perpendicular to this in the rear elevation of the property. I have attached a copy of the ground floor plan of no.8 for consideration (drawing no.146/SD04) in appendix 2. Whilst window 2 is south facing, it is not the main window/opening that serves the sunroom/dayroom in my view.

- 8.15 One of the key concerns from the occupiers of no.8 is that they dispute the figures in the test result and requested to see the methodology used to calculate this and the raw data. At the meeting (arranged on 5th Sept) the daylight consultant advised that they use a software programme in which data is entered into (such as location of the proposed extension existing windows etc...) and this produces a 3D model from which the numerical figures are taken. I did not consider it necessary to see the data being inputted into the software. This level of detail is not necessary for my consideration. The integrity of the study, unless there is an obvious error, is taken on face value as it has been carried out by an accredited (RICS) consultant. It is also important to understand that failure of one of the tests does not constitute failure of meeting BRE standards overall.
- 8.16 Therefore, having reviewed the study and additional information submitted in consultation with the Urban Design team, we accept the test results in the study and agree that, whilst there will be a low impact on the adjoining neighbours, the proposed development is still compliant with BRE guidance. I am therefore satisfied that the level of harm from the proposed development would not be significant such that it would result in adverse loss of daylight and sunlight to the neighbouring property or cause any significant levels of overshadowing to the garden area.
- 8.17 It is also important to note that the applicant has an extant permission in place for an extension that extends along the side boundary which is within 2 metres of window 2. Therefore the principle of development along the boundary has been established and the impact on window 2 was considered acceptable. The proposed extension has now been pulled off the boundary and it is only the corners of the single storey elements that impact the horizontal plane of the 45 degree line.
- 8.18 The proposed development would have a low impact on light received by the neighbouring property. This low level of impact would not warrant refusal of this application in my view.
- 8.19 In terms of no.10, the site is located to the north of it and so would not cause any adverse loss of daylight or sunlight or cause overshadowing. The proposal therefore would not have

any adverse impact on the residential amenity of the occupiers of no.10 in this regard.

Overlooking/loss of privacy

- 8.20 There are no windows in any part of the proposed extensions that would cause direct overlooking or loss of privacy to the neighbouring residents. The side elevation of the two storey element is blank and so is the single storey element nearest to the side boundary.
- 8.21 The first floor of the two storey element will have a new composite window which serves a bedroom. This element of the extension is set back approximately 3.2m from the shared side boundary. Therefore, as it is not against the boundary, I do not consider there to be any immediate direct overlooking.
- 8.22 In my opinion, I do not consider the proposed extension to cause any detrimental impact in terms of overlooking/loss of privacy on either No. 8 Babraham Road or No. 10 Babraham Road.

Enclosure/loss of outlook

- 8.23 The proposed extension would be set off the side boundary with no.8 by 1.5 metres and the main two storey element would be set 3.2 metres away from the boundary. The proposed two storey was not considered to be overbearing in the previous approved scheme. I also do not consider the revised single storey elements have any adverse overbearing impact or cause an enclosure issue on the adjacent neighbours due to their scale separation from the boundary, height of the intervening boundary. The proposal is therefore acceptable in this regard.
- 8.24 The proposed two storey element has been assessed in the previous approved application and was not considered to have any adverse impact on occupiers of no.10 in terms of enclosure or loss of outlook.
- 8.25 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 3/14.

Third Party Representations

- 8.26 Third party representations have been addressed in the table below. Where matters have already been addressed in the main body of the report I reference the relevant paragraphs.

Representations	Response
The site lies to the south and the extension would unacceptably overshadow habitable rooms and the outdoor amenity space;	The daylight and sunlight study demonstrates that the proposed extension would have a low impact on the neighbouring property and as such would not warrant refusal of this application.
The proposed extension would cut across the 45 degree line from the living room window and would result in a significant loss of light;	See para 8.13-8.14
The submitted daylight/sunlight study shows window 2 which serves a living/dining room would result in significant loss of light;	The daylight distribution test in the updated study demonstrates that window 2 would not result in a significant loss of light.
The proposal would unacceptably overshadow the main outdoor area;	See para 8.16
The proposed development would fail to meet BRE guide and contrary to adopted local plan policies which seek to protect residential amenity.	The proposal development is compliant with the BRE guide and the proposal would not have an adverse impact on the residential amenity such that it would be contrary to adopted local plan policies.
Concerned about the impartiality of the decision making process as the previous case officer has given pre-application support to the proposed scheme;	The previous case officer gave informal officer comments on a pre-application proposal. This is standard practice. The advice given is without prejudice and does not bind the authority to any particular decision on any planning application that may subsequently be submitted

	which will be the subject of publicity and consultation.
Concerned with the inaccuracies in the applicant's design and access statement particularly in connection with the scale of the proposed extension and comparison with the two storey extension at no.8;	This is not material to my consideration of the proposed development.
No explanation on why the 'Before' figure in the daylight distribution for the previous study (98%) is different to the same 'Before' figure in the current study (91%);	This is because the original study did not factor in the glazed French doors that serve the living room. The updated study did hence why the figures have changed.
Concerned with the lack of raw data in the daylight/sunlight study and previous study;	The study contains enough data for officers to make a judgement on the impact of the proposed development on the neighbouring property.
Officers cannot properly assess the impact of the proposed scheme based upon the current study;	See para 8.15
Representations to updated study and additional information	Response
Concerns with how the inclusion of French doors causes a 7% increase in light negate a 25% loss in light initially reported;	See para 8.15
Full explanation of how the 98% daylight distribution figure for window 1 was arrived;	See para 8.15
Concerned with the methodology used in the study for the current proposal which does not show any difference to the previous scheme which did not cut across the 45 degree line;	See para 8.13-8.15

Without clear explanation and in the absence of raw data we cannot have confidence in the conclusions.	See para 8.15
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9.0 CONCLUSION

9.1 I consider this proposal to be of an appropriate design and scale. It is set well back from the street and will not be readily visible within the street scene. I consider the impact on the residential amenity of occupiers of both adjacent properties to be acceptable. As such I consider the proposal complies with Cambridge Local Plan 2006 policies 3/1, 3/4, 3/7, 3/11 and 3/14.

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)

