

<b>Application Number</b>	17/1282/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	21st July 2017	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	15th September 2017		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	339 Milton Road Cambridge CB4 1XL		
<b>Proposal</b>	Conversion and extension to create four new flats and one studio apartment		
<b>Applicant</b>	Mr A Arzulu 339, Milton Road Cambridge CB4 1XL		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed design is considered acceptable.</li> <li>- The proposal would not have any significant adverse impact on the amenity of surrounding occupiers.</li> <li>- The proposal would provide an adequate standard of living accommodation for future occupiers.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site lies on the north eastern side of Milton Road near the junction with Green End Road and Kings Hedges Road. The site consists of a semi-detached residential dwelling. The site is finished in a mixture of render to the ground floor and red tiles to the first floor. There is a single storey extension to the side of the property.
- 1.2 This part of Milton Road is predominantly in residential use. The northern side of this part of the street is characterised by semi-detached dwellings. The southern side has a more mixed character. The site does not lie within the conservation area or

the controlled parking zone. Whilst the area is predominantly in residential use, the site is in close proximity to the Kings Hedges Road Local Centre.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks full planning permission for the erection of a two storey side and rear extension and a roof extension incorporating rear dormer. The proposal also seeks the conversion of the single residential unit into 5 flats (4 x 1 bedroom flats and 1 studio flat)
- 2.2 The extension would protrude 2.5m past the side wall at a height which would be subservient to the main ridge. The extension to the side would also protrude past the rear wall by 3.6m. A hip to gable roof extension is proposed with a box dormer on the rear roof slope of the existing property. The rear extension is set 2.5m off the boundary with the attached neighbour at number 337.
- 2.3 The application has been amended as there were concerns regarding overlooking from the balconies to the rear. The balconies now are proposed to have 1.7m obscure glazed screens which angle views down the garden. The fenestration to the first floor has also been amended as there were concerns that one of the windows would result in a significant increase to overlooking of the garden of number 341 Milton Road.
- 2.4 A previous application for a similar proposal was withdrawn as there were serious concerns that the proposal would harm the character of the area and amenity of number 341 Milton Road. This application seeks to overcome the previous objections.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
17/0219/FUL	Conversion and extension to create five new flats	Withdrawn
06/0985/FUL	Single storey side and rear extension.	Permitted
06/0569/FUL	Erection of a single storey rear and two storey side 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	3/1 3/4 3/7 3/11 3/14 4/13 5/1 5/2 8/2 8/6 8/10 10/1

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) 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) Roof Extensions Design Guide (2003)
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#### 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: The low level of off-street car parking provision may increase the demand for on-street parking on the surrounding streets. This is unlikely to impact on highway safety but may impact on residential amenity. A number of conditions are requested.

### **Environmental Health**

- 6.2 No objection: Conditions are requested in relation to construction hours and collections during construction to protect the amenity of surrounding occupiers. Conditions are requested in relation to noise insulation glazing and the ventilation scheme for the flats to protect the amenity of future occupiers.

## **Refuse and Recycling**

6.3 No comments received.

## **Head of Streets and Open Spaces (Tree Team)**

6.4 No comments received.

## **Head of Streets and Open Spaces (Sustainable Drainage Officer)**

6.5 No comments received.

6.6 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:

- 309 Milton Road
- 313 Milton Road
- 341 Milton Road x 2

7.2 The representations can be summarised as follows:

- Extension would result in a loss of light to side and rear of house (no.341)
- Will increase overlooking (no.341)
- Revised scheme is an improvement but would still impact on light
- There would still be overlooking from the living room of flat 4
- Loss of a family home
- Living next door to 5 flats is going to be detrimental to adjoining occupiers
- Would be an eyesore and out of keeping with the character of the existing house
- Small poor quality flats
- Parking is already a problem and this will exacerbate
- Can drains cope with additional flats on site
- Is side passage wide enough to push bike to bike shed

- Removal of trees/bushes to front of house would be unacceptable

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. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 The site is currently in residential use and is located within a predominantly residential area. As a result the proposal is considered compliant with policy 5/1.

8.3 The proposal involves the conversion of a property into flats and as a result policy 5/2 is relevant. The extended building has a floorspace significantly over 110sqm. As noted above, the surrounding use is considered compatible with residential development. I will assess the proposal against criteria b), c), and d) under the relevant headings below.

8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 5/1 and criteria a) and e) of policy 5/2.

### **Context of site, design and external spaces**

8.5 The application is a resubmission. The previously withdrawn scheme was considered to be unacceptable in terms of design and impact on the character of the area. A two storey side extension was also previously refused on site. The previous

applications were full width and full height extensions to the side and rear which did not appear subservient.

- 8.6 The revised side extension is set back from the principal elevation and set down from the ridge. It clearly reads as a subservient later addition to the property. There were concerns that the previously refused scheme would destroy the characteristic open space between the buildings. I am satisfied that the revised application, although it would infill some of the space between the buildings; due to its subservient nature, it would not appear dominant nor would it harm the character of the area. A matching materials condition is recommended to ensure the extension would be in keeping with the host dwelling.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/14.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.8 The neighbour at number 341 has extended at ground floor to the side and rear. This has moved the outlook from the rear near the boundary with 339 further into the garden. The proposed two storey side extension would extend past the extension to no. 341 but given that the extension would be set off the boundary and subservient in height to the ridge, I am satisfied that it would not result in any significant enclosure to the neighbouring garden.
- 8.9 Number 341 is located to the north of the application site and as a result the extension is likely to result in some overshadowing of this property. The primary area affected would be to the side of the property where the side extension is being constructed. There are no habitable room windows in this elevation which would be impacted by the proposal. The extension would result in some further overshadowing of the garden however, given the set off the boundary and subservient height of the extension; this would not be significantly harmful to warrant a refusal of permission.
- 8.10 The ground floor element of the extension would run hard against the boundary with number 337. This would have a flat

roof with a height of 3m and depth of 3.7m. Although it would be flush on the boundary, this element has a depth which is typically acceptable for a flat roofed single storey extension. It would result in some enclosure to the immediate garden area but this would not be significantly harmful to warrant a refusal of permission. Due to the low height of this element and the orientation of the plots, with number 337 located to the south of the site, it would not result in any significant loss of light.

- 8.11 The first floor element would be set off the boundary with number 337 by 2.5m. It would have a height subservient to the ridge. Given the set away and the low height I am satisfied that this element would not result in any significant enclosure or loss of light to number 337. The 1.7m balcony screen for Flat 3 would be located close to the boundary but this would be obscure glass which would allow some light through and would not be as oppressive as a full height brick wall.
- 8.12 There were concerns that the balconies would result in an unacceptable level of overlooking to neighbouring gardens. Both balconies have been amended to include 1.7m high obscure glazed screens around the sides and part of the front of the terraces. This prevents views into the immediate garden area of the adjoining plots and angles views down the garden of the host property. This is considered to be an acceptable solution. I have recommended a condition to require the provision and retention of these screens.
- 8.13 There were concerns that the first floor window near the boundary with 341 which serves a living room for flat 4 would result in an unacceptable level of overlooking of the adjacent garden. The fenestration to the rear has been amended and the revised window location is considered to address the concern.
- 8.14 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 5/2.

#### Amenity for future occupiers of the site

- 8.15 The proposed flats are all considered to be of an adequate size. The studio unit is considered small at 27.3sqm but this has a roof terrace which provides additional private outdoor space



and this is considered to overcome the size constraints as it will provide an area for sitting out/drying clothes/etc. Flats 1-4 are dual aspect. Flat 4 is the only flat which is not provided with its own private outdoor amenity space and is the smallest of the flats at 31.6sqm. However occupants of this unit would have access to the communal rear garden.

8.16 All of the units access the building from the Milton Road frontage. Access to the communal gardens for the upper floor flats is not ideal as occupant would need to come down stairs, out the front door and around the side of the house. However given that the units are all 1 bedrooms and only 1 unit relies on the communal garden as their only outdoor living space, I am satisfied that this arrangement would be acceptable. The Environmental Health Officer has recommended conditions regarding noise glazing and a ventilation scheme for where windows would be non-open-able due to traffic noise.

8.17 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/14 and 5/2.

### **Refuse Arrangements**

8.18 Bin storage is to be provided in the rear garden. No details of the bin store are provided and these are requested via condition. There would be a drag distance of over 30m to the highway. As a result a managing agent may be required to move the bins to the highway on collection days.

8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/12 and 5/2.

### **Highway Safety**

8.20 The highway authority does not consider the proposal would have any significant adverse impact on highway safety. I share this view.

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

## **Car and Cycle Parking**

- 8.22 Three off street car parking spaces are to be provided to the 5 flats. Given the sustainable location of the site, this level of provision is considered to be acceptable.
- 8.23 A cycle store is proposed in the rear garden. The plans state this would accommodate 6 cycle parking spaces. Details of the store are requested via condition. The amount of spaces would exceed minimum standards and is considered acceptable. Two visitor cycle parking spaces are to be provided adjacent to the footpath on Milton Road. The passage along the side of the house is narrow at 1m in width but is considered adequate.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 5/2, 8/6 and 8/10.

## **Drainage**

- 8.25 One of the representations has raised concerns regarding drainage. I have consulted the Sustainable Drainage Engineers to check whether they consider a surface water drainage condition to be necessary. I will report their comments on the amendment sheet.

## **Third Party Representations**

- 8.26 I have addressed some of the third part representations within the body of my report. I will address any outstanding matters in the below table:

<b>Representation</b>	<b>Response</b>
Extension would result in a loss of light to side and rear of house (341)	See paragraph 8.9
Will increase overlooking (341)	See paragraphs 8.12 and 8.13
Revised scheme is an improvement but would still impact on light (341)	See paragraph 8.9

There would still be overlooking from the living room of flat 4	The revised fenestration has moved the window to Flat 4 away from the boundary and this is considered to satisfactorily address the previous overlooking issue.
Loss of a family home	There is no policy to resist the loss of family homes. The proposal would provide 4 additional residential units
Living next door to 5 flats is going to be detrimental to adjoining occupiers	I am satisfied that the proposal would not harm the amenity of adjoining occupiers; see paragraphs 8.8 – 8.14
Would be an eyesore	I am satisfied that the design is acceptable and in keeping with the area; see paragraph 8.6
Small poor quality flats	See paragraphs 8.15 and 8.16
Parking is already a problem and this will exacerbate	See paragraph 8.22
Can drains cope with additional flats on site	See paragraph 8.25
Is side passage wide enough to push bike to bike shed	See paragraph 8.23
Removal of trees/bushes to front of house would be unacceptable	There are no trees to be removed and the frontage is currently predominantly paved. Some planting is proposed around the front windows and a boundary treatment condition is recommended.

### **Planning Obligations (s106 Agreement)**

8.27 National Planning Practice Guidance Paragraph 031 ID: 23b-031 20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written

Ministerial Statement of 28 November 2014 and should be taken into account.

- 8.28 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

- 9.1 The proposed extension would read as subservient to the main house and is considered acceptable in terms of design. The revised proposal, with balcony screens, has overcome the issue regarding overlooking of the neighbouring gardens. The proposed flats would provide an appropriate standard of residential amenity for future occupiers.

## **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. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, and 3/14)

4. 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)

5. There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 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)

6. Prior to the commencement of development, a noise insulation scheme detailing the acoustic / noise insulation performance specification of the glazing within the Milton Road façade ground floor and first floor accommodation units shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall have regard to the internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The scheme as approved shall be fully implemented in accordance with the approved details before the use hereby permitted is commenced and shall be retained thereafter.

Reason: To protect the amenity of future occupiers (Cambridge Local Plan 2006 policies 3/4 and 3/7)

7. Prior to the commencement of development/construction, details of an alternate ventilation scheme to open windows for the habitable rooms within the Milton Road façade ground floor and first floor accommodation units shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall source air from the rear of the development away from Milton Road. The ventilation scheme shall achieve at least 2 air changes per hour. The scheme shall be installed in accordance with the approved details before the use hereby permitted is commenced and shall be thereafter maintained.

Reason: To protect the amenity of future occupiers (Cambridge Local Plan 2006 policies 3/4 and 3/7)

8. The balcony screens, as shown on drawing number 1823/02 Rev C, shall be installed and obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation of the flats. The screens shall be retained as such thereafter.

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

9. The windows identified as having obscured glass on drawing number 1823/02 Rev C shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use of the extension/new flats and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

10. No development shall take place until full details of the bin stores, including elevations and details of materials, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policy 3/4)

11. No development shall take place until full details of secure cycle storage, including elevations and materials, for the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policy 3/4)

12. The curtilage (garden) for the proposed flats as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the flats or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed properties.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land, which is currently part of the host property (Cambridge Local Plan 2006 policies, 3/4, 3/7 and 5/2)

13. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety (Cambridge Local Plan 2006 policy 8/2)

14. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved vehicular access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2)

15. The manoeuvring area shall be provided as shown on the drawings and retained free of obstruction.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2)

16. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)