

<b>Application Number</b>	17/1447/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th August 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	11th October 2017		
<b>Ward</b>	Arbury		
<b>Site</b>	58 Harvey Goodwin Avenue Cambridge CB4 3EU		
<b>Proposal</b>	Single storey dwelling		
<b>Applicant</b>	Mr & Mrs Colclough 58, Harvey Goodwin Avenue Cambridge CB4 3EU		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed dwelling would be in keeping with the character and appearance of the area.</li> <li>- The proposal would provide an acceptable living environment for future occupiers.</li> <li>- The proposed works would not harm the amenity of neighbouring occupiers.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site is situated to the rear of no.58 Harvey Goodwin Avenue, which is a semi-detached property on the corner of Harvey Goodwin Avenue and Hale Avenue. The area is characterised by dwellings that are mixed in form and style. The site is currently the rear garden area belonging to no.58. Beyond the rear boundary of the site, is a single storey dwelling which faces onto Hale Avenue. The site, subject of this application, is a small narrow area and is bounded by a timber fence.

1.2 There are no planning constraints.

## 2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the erection of a single-storey dwelling on land to the rear of no.58 Harvey Goodwin Avenue.
- 2.2 The proposed building would be constructed in brick with a slate tiled pitched roof measuring approximately 2.7m to the eaves and 4.35m to the ridge. The building would occupy a floor area of roughly 40m<sup>2</sup>. There would be a small patio area to the east of the building which would also include space for the storage of cycles. Bin storage would be to the front of the site behind a low timber fence.
- 2.3 The proposal is very similar to the previously approved dwelling that was granted planning permission by Planning Committee on 30<sup>th</sup> November 2016. The eaves line has been increased by 0.2m from the approved 2.5m to the proposed 2.7m. The fenestration of the building has been amended to remove the pitched gable features and replace these with a set of narrow windows and alternative front door design. It was also discovered from clearing the site that when measured in-situ rather than on the OS plan, the physical width of the site was actually wider than anticipated. The dimensions of the footprint have been increased to reflect this but the general positioning of the building in the plot remains the same as previously approved, whereby it is hard-up against the boundary of the host dwelling and no.56 Harvey Goodwin Avenue.

## 3.0 SITE HISTORY

Reference	Description	Outcome
16/1587/FUL	Erection of bed-sit/studio to the rear of 58 Harvey Goodwin Avenue, with access from Hale Avenue.	Permitted.
15/2242/FUL	Erection of dwelling at rear of 58 Harvey Goodwin Avenue	Refused – Appeal dismissed.
15/1063/FUL	Erection of dwelling	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 3/10 3/11 3/12 4/13 5/1 8/2 8/4 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)

	Planning Obligation Strategy (March 2010)
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 Management)**

- 6.1 No objection subject to traffic management plan condition and informatives.

### **Environmental Health**

- 6.2 No objection subject to construction hours and piling conditions.

### **Refuse and Recycling**

- 6.3 No comment received.

## **Landscape Team**

- 6.4 The site is very compact and fails to provide the full site requirements of a dwelling including space for three wheelie bins and secure parking for a cycle. A review of the external spaces and possibly the building could provide these necessities. The size of the private amenity space is acceptable however, if changes are made to size or shape of the amenity space this assessment needs to be reviewed.

## **Streets and Open Spaces (Trees)**

- 6.5 No objection.
- 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 owner/occupier of the following address has made a representation objecting to the application:

- 6 Hale Avenue

- 7.2 The representation can be summarised as follows:

- Noise and disturbance due to proximity of garden and bike storage area to No.6 Hale Avenue.
- The wall along the eastern boundary of the site is the property of no.6 Hale Avenue and should be retained.
- Overlooking from proposed loft window and this should be obscure glazed.
- Any disruption due to the water drainage/ sewer of no.6 Hale Avenue should be avoided.

- 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. Preliminary
2. Context of site, design and external spaces
3. Residential amenity
4. Third party representations
5. Planning Obligations (s106 Agreement)

### **Preliminary**

8.2 The matters of the principle of development, highway safety, cycle parking, car parking, refuse arrangements, drainage and planning obligations were assessed as part of the previous application. I do not consider the proposed material alterations to the scheme, compared to the previous application (16/1587/FUL), to have any significant bearing on these specific aspects or their merits to warrant a different conclusion being reached. I therefore am of the view that the assessment of the previous application is pertinent to this current application on these points.

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

8.3 The proposed development would be of an identical overall height (4.35m) to that of the previously approved scheme and the additional 0.2m in eaves height proposed would not have any significant impact on the overall scale and massing of the proposal in my view. The building line remains set back from the road and the proposed dwelling would continue to appear comfortable within the site and not represent an overdevelopment of the plot.

8.4 The proposed alterations to the fenestration of the building would amount to an improvement to the appearance of the proposed dwelling in my opinion. The previous fenestration, although acceptable, was relatively orthodox from an ornamental perspective. In contrast, I consider the proposed fenestration with its emphasis on vertical window and door details appears more interesting in the context of the site and would be in keeping with the character of the area.

- 8.5 It is acknowledged that the Landscape Team has questioned the quantity of the external spaces around the building and whether these are able to accommodate the functional requirements (bin and cycle storage) of the proposed development.
- 8.6 The previously approved scheme had a rear patio area of approximately 18m<sup>2</sup>. In relation to bin storage it was explained in the officer assessment of the previous proposal that, given the lack of any green garden space and the one-bedroom size of the dwelling, a full-sized green bin would not be needed and that future occupants could make provision for a small green bin to be stored internally if needed.
- 8.7 The proposed development would have a rear patio area of approximately 17m<sup>2</sup> which is only marginally smaller than that of the approved development. In addition, the proposed bin storage arrangements are identical to that of the previously approved scheme. In my opinion, the reduction in external space of 1m<sup>2</sup> would not impinge upon the functionality of the site and that the proposed development is acceptable in this respect. It is also relevant to note that the Landscape Team raised no objection to the approved development and I do not think it would be reasonable to impose a re-design of the external arrangements in terms of the lack of consistency in decision making this would represent.
- 8.8 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.9 I am of the opinion that the proposed increase in eaves height up to 2.7m would not have a harmful impact upon the amenities of any neighbouring properties and that the height of the wall would not harmfully dominate or overshadow any of the immediate neighbouring properties, including the host dwelling.
- 8.10 The depth of the proposed dwelling would be increased by approximately 0.45m compared to the approved development

and this additional mass would be situated adjacent to the end of the garden of no.56 Harvey Goodwin Avenue to the south. However, given the position of this additional mass at the far end of this neighbour's garden and away from the main private amenity space and windows of this neighbour, I am comfortable that this would not introduce any harmful amenity impacts to this neighbour. The 12.5m separation distance from the nearest windows of this neighbour would remain as per the originally approved proposal.

8.11 The proposed development would be situated approximately 0.45m closer to no.6 Hale Avenue but there would still be a separation distance of just over 3.5m from the building line of this neighbour. The 2m high wall close to the nearest front window of no.6 Hale Avenue would not in my opinion visually enclose this neighbour. The proposed building is also set off to the north-west of this neighbour and at single-storey in scale would not harmfully overshadow or visually dominate views from this neighbour. The proposed side facing patio door would only have limited views across the front of this neighbour and would not have any direct or harmful views of this neighbour's windows. It is acknowledged that this neighbour has raised a concern regarding potential overlooking from a high level window. However, this would serve for natural lighting purposes and there are no plans for a loft or mezzanine level in the roof space of the proposed dwelling. Nevertheless, for the avoidance of doubt I have recommended a condition to ensure that in the event a mezzanine level is added at a later date, the high level window shall be obscure glazed and have a fixed opening.

8.12 Concerns have also been raised from no.6 Hale Avenue regarding the noise and disturbance from the future occupants using the patio area. I do not consider the proposal would give rise to unacceptable levels of noise and disturbance. The patio area is situated to the front of this neighbour and away from the main private amenity space to this neighbour which is to the rear. The proposal would be a one-bedroom dwelling and the intensity of use and comings and goings would be relatively low. The site is situated in a residential context and I do not consider the use would be out of keeping with the area. The main entrance would be from the street and the patio would only be accessed for the enjoyment of the future occupiers or for storing



bicycles. I do not consider the noise associated with this would adversely impact on the neighbouring windows.

- 8.13 In my opinion, subject to conditions, 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 3/10.

Amenity for future occupiers of the site

- 8.14 The proposal would provide windows to all of the habitable rooms for the one-bedroom dwelling. There would be a reasonable sized patio area to the side of the dwelling and space for the storage of bins and cycles. The site is situated in a sustainable location, close to Local Centres, and well served by public transport and cycle links into the City Centre. A condition restricting the permitted development rights for the site has been recommended to ensure that there would be sufficient outdoor space for future occupants.

- 8.15 In my opinion, subject to condition, the proposal provides an acceptable 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, 3/10 and 3/12.

### **Third Party Representations**

- 8.16 The concerns regarding noise and overlooking have been addressed in the main body of this report.
- 8.17 The concern regarding the retention and ownership of the existing wall is a party wall matter and is not a planning consideration.
- 8.18 A concern has been raised regarding how the proposal would affect the existing drainage/ sewer system. A drainage condition has been recommended to ensure that surface water is appropriately managed.

## **9.0 CONCLUSION**

- 9.1 I consider the proposed development would not harm the character and appearance of the area. The proposal would

provide an acceptable living environment for future occupants and would not harm the amenity of neighbouring properties.

## **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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development 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 policies 3/4, 3/10 and 3/12)

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the dwellinghouse; and the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwelling and to protect the character of the area (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12)

7. Prior to commencement of development a scheme for the disposals of surface water and foul water shall be provided to and agreed in writing with the local planning authority. All external areas should utilise permeable surfaces. The development shall be carried out in accordance with the approved scheme.

Reason: To minimise flood risk (Paragraph 103 of the National Planning Policy Framework (2012)).

8. Prior to occupation of development, details of facilities for the secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before the development is occupied.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

9. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

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

10. In the event that a mezzanine level is installed in the development hereby permitted, prior to first use of the mezzanine level the high level circular windows on the south-east and north-west elevations, and rooflight on the south-west elevation, as shown on drawing no. 01 Revision H, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: To protect the amenity of neighbouring properties (Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/12).

**INFORMATIVE:** The applicant is encouraged to ensure all future tenants/occupiers are aware of the existing local car club service and location of the nearest space.

**INFORMATIVE for condition 9:** The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).

- iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

**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.

**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.