

<b>Application Number</b>	17/1740/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	20th October 2017	<b>Officer</b>	Rob Brereton
<b>Target Date</b>	15th December 2017		
<b>Ward</b>	Abbey		
<b>Site</b>	31 Peverel Road Cambridge CB5 8RN		
<b>Proposal</b>	Erection of one 3 bedroomed detached dwelling.		
<b>Applicant</b>	Mr & Mrs T SUSTINS 31 Peverel Road Cambridge CB5 8RN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> The development would have an acceptable impact on the character of the area</li><li><input type="checkbox"/> The development would not have a significant adverse impact on residential amenity.</li><li><input type="checkbox"/> The development would not have a significant adverse impact on highway and pedestrian safety.</li></ul>
RECOMMENDATION	APPROVAL

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

- 1.1 No. 31 Peverel Road is a two storey end of terrace property finished in render. While Peverel Road skirts around the front and side of the site, there is a grass verge in between the site and the highway. The surrounding area is residential in character and formed primarily of terraced properties.
- 1.2 The site is not within a Conservation Area and falls outside the Controlled Parking Zone.

## 2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the erection of one 3 bedroomed detached dwelling.
- 2.2 This proposed dwellinghouse would be located in the rear garden of No. 31 Peverel Road, splitting the planning unit in two. The proposal would replace an existing single storey garage and workshop using its access over a grass verge onto Peverel Road. It would be two storeys high with a dual pitched roof sloping to the front and rear elevations and gable ends on both side elevations. The first floor of the proposal is mainly within the roofspace and incorporates two pitched roofed front facing dormers. Associated hard and soft landscaping is also proposed.

## 3.0 SITE HISTORY

Reference	Description	Outcome
17/0740/FUL	Erection of one 3 bedroomed detached dwelling	Refused

- 3.1 This scheme differs from the above as the refused scheme involved a dwellinghouse with attached garage which had a larger footprint than the proposal. The refused proposal constituted an overdevelopment of the site which led to the creation of an unacceptable split of amenity space for the future occupants of the proposed dwelling and the occupants of No. 31 Peverel Road. The reason for refusal was as follows:

*‘The combined effect of the location of [the] boundary and the overdevelopment of the site result in a proposal that would fail to provide a satisfactory level of amenity space and consequent high quality living environment for the future residents of the proposed 3 bedroom unit. It would also diminish the size and quality of the rear garden of No. 31 Peverel Road to an unacceptable level, significantly impacting the amenities of the occupiers. As such, the proposal is contrary to Cambridge Local Plan 2006 policies, 3/4, 3/7 and 3/10.’*

## 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 3/12 4/13 5/1 8/4 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

## 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 to the principle of the development. The existing fence and gates appear to enclose an area of public highway, which would require their removal or the stopping up of the land. It cannot be assumed that parking on the highway can be secured. If off street parking is required and it could not be conditioned for the existing arrangement to be stopped-up, a refusal is recommended in the alternative.

### **Environmental Health**

- 6.2 No objection. Standard piling and construction hours conditions recommended.

### **Cambridge City Airport**

- 6.3 No objection to this proposal.
- 6.4 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:

- ☐ No. 33 Peverel Road Cambridge

7.2 The representation can be summarised as follows:

- ☐ Object to proposed fence on highway land and incorrect red edge boundary.
- ☐ Inadequate sized parking space within the site.
- ☐ Already congested street parking will be impacted.
- ☐ The positioning of new house would have a detrimental impact to No. 33's rear garden, patio and conservatory due to overshadowing.
- ☐ These living spaces will be dominated and overshadowed by a gable ended development 8257mm wide x 7490mm high to ridge.
- ☐ The proposed gable wall 7490 high will produce a shadow cast of 12.5m across No. 33's garden at 12 noon. (Their garden is 9.3m wide). There will be a greater shadow earlier in the day as back/rear of my house faces west.

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. 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

## **Principle of Development**

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and it is therefore my view that the proposal complies with policy 5/1 of the Local Plan.
- 8.3 Policy 3/10 of the Cambridge Local Plan (2006) states residential development will not be permitted if it [the relevant extracts are listed below]:
- ☐ Has a significant impact on the amenities of neighbouring properties;
  - ☐ Provides an inadequate amount of amenity space/vehicular access for the proposed and existing properties;
  - ☐ Or detracts from the character of the area.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1. The relevant criteria of policy 3/10 are considered in further detail below.

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

### Response to context

- 8.5 Effort has been made to decrease the bulk of the proposal when compared with the refused scheme of planning reference 17/0740/FUL. The height of ridge height of this proposal is 0.25 metres lower and its eaves facing the highway are 0.7 metres lower. It is a metre less in depth. The width of this proposal compared to the refused scheme has been substantially reduced as the single storey attached garage element has been removed. It is now 6.6 metres wide, a 4.4 metre decrease at ground floor.
- 8.6 The proposal will face onto Peverel Road. When viewed from the streetscene it would be seen within the context of the side elevation of No. 31 and front elevation of No. 33. No. 31 has been extended both to the side and rear at single storey however the main gable ended two storey bulk of the dwelling is well indented from the highway. No. 33 is a two storey, semi-detached, hipped roof property. Its front elevation is closer to

the highway than the side elevation of No. 31. The proposed dwelling would sit in between these creating a staggered building line which is considered acceptable. The height and scale of the proposal are very similar to the surrounding dwellings and therefore considered in keeping with the streetscene.

- 8.7 Peverel Road has a mixture of properties with hipped roofs and properties with dual pitched roofs with gable ended side elevations. I therefore consider the proposed roof design is in keeping. The two proposed dormers would give this dwellinghouse some visual interest demarcating it as an infill dwelling while complementing the surrounding residential architecture.
- 8.8 The proposed materials including buff brick and dark red roof tile are also in character with the building stock of the locality. A condition (no. 13) is recommended for details of the materials to be assessed and signed off as acceptable prior to commencement.
- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.10 This assessment will only focus on the two immediately adjoining neighbours as all other neighbouring properties are adjudged to be located a sufficient distance away to dispel any potentially detrimental impacts.

### Overlooking

- 8.11 No first floor windows are proposed on the side and rear elevations apart from two rooflights within the rear. I have conditioned these to be set 1.7m above the finished internal floor level. Subject to this condition (see no. 14), no detrimental overlooking impacts are envisaged.

## Overshadowing / Enclosure

### *No. 31 Peverel Road*

- 8.12 The proposed dwelling is to the north of no. 31. The side elevation of the proposed dwellinghouse is 4.4 metres away from the proposed rear boundary with No. 31 Peverel Road. The distance from ground floor to ground floor would be 12.2 metres and from first floor to first floor would be 15.1 metres. It is considered these distances coupled with the large apple tree to the rear of No. 31 Peverel Road will dispel any potentially detrimental overshadowing or enclosure impacts.

### *No. 33 Peverel Road*

- 8.13 The proposed dwelling is to the south of no. 33 and therefore has the potential to cause overshadowing to it, an issue the occupant of no.33 has raised with reference to their rear conservatory and adjoining patio. I have therefore visited this property to understand the nature of the objection in relation to its layout.
- 8.14 The two storey side gable of the proposal would be located 1 metre away from the boundary with this property. There would be an approximate gap of 4.4 metres between the main sides of the existing and proposed properties, between which sits an attached garage belonging to no. 33.
- 8.15 No. 33 has two windows in its side elevation facing the proposal, but both are to non-habitable rooms/spaces. Therefore the impact on light and enclosure to these windows is acceptable.
- 8.16 The proposal extends 4.4 metres past the rear elevation of No. 33. As per BRE guidance a 45 degree horizontal angled plane was taken from the midpoint of each window into a habitable room in the rear elevation of No. 33. None of these planes are cut by the proposal, which indicates that the impact on daylight entering these rooms will be acceptable.
- 8.17 No. 33 also has a conservatory which faces south and west into its garden and which is located some 6.9m to the north of the proposed side wall of the proposed house. As the conservatory is dual aspect, daylight reaching the conservatory space would



not be unduly impacted upon. I am not concerned that views from the conservatory would be unduly enclosed.

- 8.18 No. 33 also has a patio which wraps around the southern and western sides of the conservatory. It is already partially overshadowed by the attached garage and a pergola which covers part of it. The applicants have produced a shadow study to show how any additional overshadowing would impact on this space and the nearby conservatory.
- 8.19 The shadow study assesses impacts at hourly intervals on the 21<sup>st</sup> March (vernal equinox) and this is considered an acceptable approach. It uses the current OS map as its base map.
- 8.20 The shadow study shows that there will be some additional loss of light to part of no.33's patio, mainly in the area between the side elevation of the dual aspect conservatory and the rear elevation of the house between the hours of 10am and 12pm. My view is that the extent of additional overshadowing caused would be minimal compared to the substantial long garden that no. 33 already has and that the nature of the impact is such that it would only be felt within a discrete part of the day (late morning). As such, I do not consider a refusal of planning permission could be substantiated on the grounds of loss of light. Given the distances and positioning of the existing and proposed properties (effectively creating a square shaped footprint stagger), my view is that the impact in terms of enclosure on no. 33 would also not be significantly harmful.
- 8.21 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 3/10.

#### Amenity for future occupiers of the site

##### Amenity space

- 8.22 The reduction of the footprint, the removal of the attached garage and the re-location of the proposed boundary between the new dwellinghouse and No. 31 Peverel Road have led to an acceptable and high quality amenity space for future occupiers. The amenity space would be 44 sqm. approx. Increasing the

distance between the boundary of amenity space of the proposed dwelling and the rear elevation of No. 31 Peverel Road allows for the amenity space to have an increased feeling of spaciousness. It is recommended permitted development rights are removed to ensure this amenity space is not diminished in size.

## Outlook

- 8.23 All rooms in the proposed dwelling have a good outlook onto private amenity space. The indoor amenity spaces of the lounge and the kitchen are of an appropriate size for a three bedroom dwelling and both would be naturally well lit.

## Amenity space for existing occupants of no. 31

- 8.24 The proposed split of rear garden with this revised proposal increases the amount of garden space left for no. 31. It would leave No. 31 with a modest 'L' shaped rear garden. The size and quality of this private amenity space would be acceptable for this end-of-terrace property. It is noted the area being lost currently mainly contains outbuildings and parking.
- 8.25 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future and existing occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Refuse Arrangements**

- 8.26 The bin store is indicated on the plans and complies with Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) and is therefore considered acceptable.
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Car and Cycle Parking**

- 8.28 The Highway Authority and neighbours have concerns the proposal would be built on highway land and does not have

adequate parking. I note that the proposal will not change the existing way No. 31's garage is used for vehicle parking. The gate and driveway will remain in the same location. Therefore in my opinion there will be no additional risk to highway safety. The amount of off-street parking proposed is less than the maximum parking standards outlined in Appendix C of the Cambridge Local Plan (2006). Also it is noted No. 31's off-street parking would be lost. The City Council promotes lower levels of private car parking particularly where good transport accessibility exists. There are bus stops on Barnwell Road and the site is within walking distance or cycling distance of shops along Newmarket Road and the City Centre. It is noted this is not an area of parking control and on-street parking is available in this area. It is, therefore, my view that it would be unreasonable to refuse the application for this reason.

- 8.29 A cycle store has been provided and it would appear large enough to cater for the storage of at least 2 cycle parking spaces. The proposal is therefore in accordance 8/6.

### 8.30 Third Party Representations

Concern	Response
Plans incorrect	For the purposes of examining this application I am satisfied the plans are correct to the adequate standard.
Parking	See paragraphs 8.28 – 8.29
Enclosure and overshadowing of No. 33	See paragraphs 8.13 - 8.21

## 9.0 CONCLUSION

- 9.1 This proposed dwellinghouse would be an acceptable addition to the streetscene and not have a detrimental impact on the amenity of neighbours. It is also considered the sub-division of the plot would leave an acceptable level of amenity space for both the occupiers of the proposal and no. 31 Peverel Road. The development would also not result in harmful impact to the highway and on-street parking when accessed against the current situation.

## 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 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)

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. 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)

6. Notwithstanding the provisions of Schedule 2, Part 1, Class A 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(s) shall not be allowed without the granting of specific planning permission.

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

7. Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

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

8. Notwithstanding the provisions of Schedule 2, Part 1, Class D 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 erection or construction of a porch outside the external door of the dwellinghouse(s) shall not be allowed without the granting of specific planning permission.

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

9. Notwithstanding the provisions of Schedule 2, Part 1, Class 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 provision within the curtilage of the dwellinghouse(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

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

10. Notwithstanding the provisions of Schedule 2, Part 2, Class A 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(s) shall not be allowed without the granting of specific planning permission.

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

11. The curtilage (garden) of the proposed property as approved and No. 31 Peverel Road shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling 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 property.

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, 3/10)

12. Prior to commencement of development a scheme for the disposal of surface water and foul water shall be submitted to and agreed in writing with the local planning authority and the scheme implemented in accordance with the approved details.

Reason: To ensure appropriate surface water drainage. (National Planning Policy Framework 2012)

13. 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, 3/12 and 3/14)

14. The rear facing first floor rooflights shall be set no lower than 1.7m from the internal finished floor level.

Reason: In order to safeguard residential amenity (Cambridge Local Plan policy 3/10)