

SOUTH AREA COMMITTEE MEETING – 3rd March 2011

Pre-Committee Amendment Sheet

PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: **10/1278/REM**

Location: **Land Adjacent To The Cottage, Gazeley Road,**

Target Date: **15.02.2011**

To Note:

Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **10/0996/FUL**

Location: **255 Hills Road**

Target Date: **20.12.2010**

To Note:

The neighbour from |253 has written in the following terms:

Dear Mess, Shingler and Whelan

Please find attached my objections to the above application which I understand is to be considered at the South Area Meeting on Thursday 3rd March. These objections have been readied for a while but must now be submitted following the decision to continue under the same application but with the revised drawings. Mr Carter is aware of this and I ask that you accept them to ensure a fair hearing.

I wish to speak at the above meeting and will contact the Committee Manager to arrange this. I have also contacted my councillor Ms Amanda Taylor regarding this matter.

Thank you for your attention:

The attached letter reads:

253 Hills Road
Cambridge CB2 8RP

Mr. Marcus Shingler
Planning and Building Control
Cambridge City Council
PO Box 700
Cambridge CB1 0JH

19th February, 2011

Comments on Application for Single Storey Rear to 255 Hills Road, Cambridge, Cambridgeshire CB2 8RP - Application Number 10/0996/FUL

Dear Sir

I wish to object to the above application and understand it is to be tabled at the South Area Committee Meeting on Thursday 3rd March.

The reasons for my objection, as per the permitted criteria, are set out formally below but they can best be explained as follows:

1. The property at 255 Hills Road is being developed, through a series of planning applications, from a single-family semi-detached house into a three-household letting complex with 9 bedrooms to accommodate 11-15 people. I mention this only to indicate the degree of overbearing and loss of amenity which this is causing to its attached neighbour. The Application seeks to add to this.
2. In particular, the attached neighbour (myself) lies to the north so that these additions have successively taken the light from the rear of our house. The intended further extension will take the last of this. I attach photographs which show a near-to-completion permitted extension, together with the proposed addition which is the subject of the Application.
3. Previous applications to add an extension to the rear of 255 have been turned down at Planning Department, Planning Committee and National Inspector level. These all failed on the location, overbearing nature and loss of light which cannot be remedied as attempted in this case by slight tweaks to the design.

The National Inspector commenting on a similar application (10/0714/FUL) concluded that "the overall arrangement is one which would materially erode the amount of sunlight able to reach the rear part of No 253 and its immediate garden as well as having a significant overshadowing effect upon this part of the property. In addition, I am certain that the proposed extension would be considerably overbearing and create a strong and unpleasant feeling of enclosure which would substantially reduce the outside amenity value of the neighbouring patio. Taken together I am satisfied that all of these effects of the proposal would have a seriously harmful impact upon the living conditions of those at No 253." The current application seeks to achieve a similar extension to the ones previously turned down.

4. As indicated in point 2, the Applicant has in fact been able to build an extension (under construction) due to the new National Permitted Development Criteria of Oct 2008 which take no account of local context. They will therefore already have an extension.

5. *The proposed new extension will protrude a further 2 metres beyond the rear line of the house, a line that has been respected by all other neighbouring houses on that side of Hills' Road. The reason for the extension is to bring more sunlight into the new room, the very thing the will be lost in full by their neighbour. Note that the Applicant's house, unlike its neighbour, already enjoys copious sunlight to the rear, side and front of the house due to its westerly aspect. This is the key question of equity: can an applicant gain even more by taking the last from a neighbour?*

6. *Since the recent extension, allowed on a slightly smaller scale under the Permitted Development, was previously turned down at both local and national level, it seems perverse to then allow a further addition to this to achieve a size that was previously rejected.*

We would have an extension allowed under Permitted Development (but not at local level) added to by a decision at local level (but not allowed under Permitted Development) - i.e. incremental applications achieving what was basically rejected in total. The impact of the application should therefore be considered in combination with the recent extension.

7. *The Applicant argues that the proposed further extension has been set back from the property boundary with its neighbour. This apparent concession is of minor value as it does not overcome the fact that the proposed extension is still of sufficient bulk and location to take the last remaining light and create a feeling of enclosure as foretold by the National Inspector.*

8. *The Planning Department has understandably decided not to take up its delegated powers and instead taken the matter forward to the Committee. This is appreciated since the Department's previous view that the very first application (in 08/1571/FUL) was allowable was turned down by the Committee and a similar application subsequently rejected, as indicated above, by the National Inspector. I welcome their continued neutral stance based on previous experience on this issue.*

9. *In summary, the Applicant has already achieved the aim of building a rear extension as allowed under the unfortunate National Permitted Development Criteria contrary to all other opinion. Why is it felt necessary to add to this despite the acknowledged impact on its neighbours?*

That lists my arguments but to meet the formal requirements, here are the reasons as per the permitted criteria:

3/14 Extending Buildings

b - do not unreasonably overlook, overshadow or visually dominate neighbouring properties

The proposed extension is 2.5 metres in depth, 4.8 metres in width and 3.25 metres in height above the neighbours ground level. This height and bulk together with its positioning in proximity to the neighbours property means that it will cause yet more, loss of direct light to its neighbours. The stream of development work that has so far been approved has progressively lead to what now would amount to complete loss of direct light to the rear of the adjacent house.

This work includes dormer windows to the roof which were not opposed at planning stage but, now they are built, have lead to the unforeseen consequence of loss of sunlight from above the roof line. The permitted extension (under national regulations) to the rear is now also cutting off sunlight from across the rear of the 255. All light has now been taken from the neighbour's (253) dining room area and this new proposal will lead to the same effect on the patio and kitchen which is the remaining living area with a rear aspect.

The highest point (3.25m) of the proposed extension is significantly above the fence line and so will visually impact on its neighbour causing yet more overshadowing and visual domination.

The national inspector in his assessment of the similar previous application (10/0714/FUL) commented that "the overall arrangement is one which would materially erode the amount of sunlight able to reach the rear part of No 253 and its immediate garden as well as having a significant overshadowing effect upon this part of the property. In addition I am certain that the proposed extension would be considerably overbearing and create a strong and unpleasant feeling of enclosure which would substantially reduce the outside amenity value of the neighbouring patio. Taken together I am satisfied that all of these effects of the proposal would have a seriously harmful impact upon the living conditions of those at No 253."

Any addition to the now permitted extension would lead to the impact that the inspectorate sought to prevent.

3/4 Responding to Context

The proposed addition extends a further 2,5 metres back from the rear of the house adding to the 3 metres of the permitted new extension giving a total of 5.5 metres. Besides its combined bulk, this extends the rear line of the property over two metres from the furthest rear wall of the house and so infringes a line that has been respected by all of its neighbours since they were constructed,. This further incursion is therefore out of context with the current house and its neighbours

It should be noted that the national inspector in his assessment of the previous application (10/0714/FUL) commented that "It is a proposal which would have an unreasonable impact upon the quality of the residential environment at No 253 and is therefore contrary to policy 3/14 of the Cambridge Local Plan 2006. It also follows that in this respect it fails to have proper regard to its surroundings at odds with the provisions of policy 3/4 of the local plan"

In summary, I feel that the current extension adequately meets the needs of the occupants of 255 even though causing the negative impacts that successive reviewers have tried to avoid. This additional extension would only add to this injury.

I therefore ask that you reject this further application.

Yours faithfully

The photographs referred to are attached.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **11/0003/FUL**

Location: **1A Orchard Estate**

Target Date: **25.02.2011**

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:
