

<b>Application Number</b>	17/1861/S73	<b>Agenda Item</b>	
<b>Date Received</b>	27th October 2017	<b>Officer</b>	Rob Brereton
<b>Target Date</b>	22nd December 2017		
<b>Ward</b>	East Chesterton		
<b>Site</b>	8 Cheney Way Cambridge CB4 1UD		
<b>Proposal</b>	Retrospective section 73 Application to vary Condition 2 (Approved Drawings) of planning permission 14/0888/FUL (Proposed two storey house to rear of 8 Cheney Way (with access from Long Reach Road), following demolition of the existing garage) to allow an increase in height of the dwelling.		
<b>Applicant</b>	Mr & Mrs Harrison		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"><li>1. While the dwelling is taller, I still consider it is a positive addition to the streetscene;</li><li>2. The additional height would not have a significant detrimental impact on neighbouring dwellings.</li></ol>
RECOMMENDATION	APPROVAL

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

- 1.1 The application site fronts onto Long Reach Road and currently forms part of the rear garden of 8 Cheney Way. The surrounding area is predominantly residential, consisting almost exclusively of semi-detached houses with the occasional detached house. The site is not within a Conservation Area.

## **2.0 THE PROPOSAL**

- 2.1 A retrospective section 73 application is sought to vary Condition 2 (Approved Drawings) of planning permission 14/0888/FUL (Proposed two storey house to rear of 8 Cheney

Way (with access from Long Reach Road), following demolition of the existing garage) to allow an increase in height of the dwelling.

- 2.2 The dwelling, as approved under planning permission ref. 14/0888/FUL, was to have an eaves height of 4.2m and a ridge height of 5m. However, the dwelling has been erected with an eaves height of 5.2m and a ridge height of 5.9m. This application seeks approval for the increase in height and to regularise the unauthorised development.

### 3.0 SITE HISTORY

Reference	Description	Outcome
14/0888/FUL	Proposed two storey house to rear of 8 Cheney Way (with access from Long Reach Road), following demolition of the existing garage	Approved

### 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
		5/1
		8/6 8/10

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

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95 (Appendix A)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p>
	<p><u>City Wide Guidance</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

### 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 are of relevance.

## **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.

### **Environmental Quality and Growth**

- 6.2 No objection, it is recommended that development is in accordance with the specified Environmental Health conditions of application 14/0888/FUL.

### **Landscaping**

- 6.3 It is considered that there are no material Landscape issues with 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 owners/occupiers of the following addresses have made representations:

- 1 Long Reach Road
- 6 Cheney Way

- 7.2 The representations can be summarised as follows:

- The building is too high and doesn't match surrounding houses.
- The windows are twice the size of every house in the street and overlook the garden of No. 1 Long Reach Road.
- The roof does not match all the other houses in the area.

- Eaves are not 4.9 metres tall but around 6 metres.
- Residents were not notified of amendment which is bad practice.
- Plans are of poor quality.
- The notified neighbours list does not include the occupiers of 2, 4 and 8 Cheney Way and at the new height, the building will now be clearly visible from these homes, probably shadowing and devaluing them with respect to the loss of amenity.
- Building is an eyesore.
- More first floor windows could be added.
- At new height building will further overlook neighbours.
- The building is overbearing on neighbouring properties.

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. Third party representations

### **Principle of Development**

8.2 The principle of this building was approved in this location by planning committee under planning reference 14/0888/FUL. Therefore this application will only assess whether the additional height of the proposal would have any additional impact to the character of the area or on the amenity of adjoining residents.

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

8.3 The two storey house as built has a shallow pitched roof and while its eaves line is slightly higher than surrounding properties its ridge height is noticeably lower. It is my opinion this

additional height does not make the property unduly prominent in this area and is still of similar scale to its neighbours. It was stated in the officer report of the approved application:

*The houses on this estate are uniform in design. The proposed house would not conform to the standard design. However, I do not consider that this difference would have a significant harmful impact on the appearance of the area. Due to the curve of the road, the proposed house would be prominent but it is my view that it would be a positive addition to the streetscene.*

Even with this increase in height I still consider this property as built to be a positive addition to the streetscene.

- 8.4 In my opinion the retrospective amendments to this approved scheme are compliant with Cambridge Local Plan (2006) policies 3/4 and 3/12.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

##### *Dominance, enclosure and overshadowing*

- 8.5 The property of additional height than that approved would stand to the southwest of 2 Long Reach Road, 0.9m from the common boundary at its closest point. 2 Long Reach Road stands 4m from the common boundary at its closest point. The proposed dwelling would cast shadow over this neighbour in the afternoon. The proposed house would stand to the west of the garden of 6 Cheney Way, 3.4m from the common boundary with this neighbouring house, and would cast shadow over this neighbouring garden in the late afternoon. The proposed house would stand at an angle to No. 2 and would replace an existing garage. Due to the still lower than average height of this two storey property, it is my opinion that the impact of it would not be significantly greater than that caused by that of the approved scheme or the existing garage and that it would not be so great as to warrant refusal of the application.
- 8.6 The proposed house would stand to the northeast of 8 Cheney Way, and would abut the common boundary with this neighbour. The proposed house would stand 9m from No. 8

and due to the orientation of the buildings and the separation distance between the houses it is my view that it would not have a significant detrimental impact on this neighbouring house in terms of dominance, enclosure or overshadowing.

### *Overlooking*

- 8.7 The approved scheme only allowed for two first floor windows which faced the street. These windows were 1.5 metres in height. These windows as built are 2.1 metres in height but maintain the approved width. Since these windows face the streetscene and the majority of the window area enlarged is 1.7 above finished floor area I am of the opinion there would not be any additional detrimental overlooking impacts to properties across the street. No additional windows have been added retrospectively.
- 8.8 In my opinion the amendments 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 and 3/7.

### 8.9 Third Party Representations

<b>Concern</b>	<b>Response</b>
Roof is out of character	See paragraphs 8.3 and 8.4
Window size	See paragraph 8.7
Height of eaves is out of character	See paragraph 8.3
Overlooking	See paragraph 8.7
Enclosure	See paragraph 8.5 and 8.6
First floor windows could be added	Further planning permission would be required to add any more windows at first floor.
Overbearing	See paragraph 8.5 and 8.6
Neighbour notification	No. 8 Cheney Way was notified along with other immediately adjacent neighbours in accordance with statutory requirements. In addition, a number of other properties, identified as being potentially affected received

	notifications. This did not include nos. 2 and 4 Cheney Way. It is not a requirement to notify all residents within a locality and on this occasion nos. 2 and 4 were not considered to be directly affected by the proposal.
Loss of property values	This is not a planning consideration.
Neighbours not notified of amendments prior to building out the scheme	Whilst this is clearly not best practice, the description of the application does identify that this is a retrospective application and the applicants were clear about this in their application.

## 9.0 CONCLUSION

- 9.1 In my opinion this dwelling although taller than previously permitted would remain a positive addition to the streetscene and its height is still subservient to the surrounding dwellings. It is my view that the amendments would not have a significant detrimental impact on neighbouring occupiers and I therefore recommend that the application is approved, subject to conditions.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

1. 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.



2. Prior to the occupation of the amended dwellinghouse, hereby permitted, the cycle parking and refuse storage details contained within drawing number 16/1376/005, attached to planning permission reference 14/0888/FUL, shall be fully completed and thereafter maintained in accordance with said drawing.

Reason: To ensure appropriate provision for the secure storage of bicycles, to protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/4, 4/13 and 8/6)