

Application Number	17/1276/S73	Agenda Item	
Date Received	25th July 2017	Officer	John Shuttlewood
Target Date	19th September 2017		
Ward	Queen Ediths		
Site	3 Fendon Close Cambridge CB1 7RU		
Proposal	Section 73 application to vary condition 1 of planning permission 15/0924/FUL (Part two storey part single storey rear and side extensions, incorporating rear balcony, following demolition of existing garage and part demolition of existing house. Roof extension incorporating rear dormers and balcony and raising ridge height) to allow amendments to external appearance including privacy screens to external balconies, ballustrades, solar panel, alterations to approved window sizes, new velux windows and new door to utility room.		
Applicant	Mr And Mrs Xiaohai And Haiqun Liu 3 Fendon Close Cambridge CB1 7RU		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">– The proposed alterations and extensions, as amended, would not detract from the character of the area.– The proposed alterations and extensions, as amended, would not significantly harm the amenity of neighbouring properties.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, no.3 Fendon Close, is a two-storey detached property situated on the west side of Fendon Close, originally designed in traditional red brick and brown tile which is

still in place on the front flank wall. There is a long drive and parking at the front of the site and a garden to the rear.

- 1.2 The surrounding area is residential in character and is formed primarily of similar sized detached properties set back and facing towards the road. Properties around Fendon Close are built predominantly in brick and with tiled roofs but there is no uniformity in terms of style and appearance.
- 1.3 There are no site constraints.

2.0 THE PROPOSAL

- 2.1 The proposal seeks to vary condition 1 of planning permission 15/0924/FUL (Part two storey part single storey rear and side extensions, incorporating rear balcony, following demolition of existing garage and part demolition of existing house. Roof extension incorporating rear dormers and balcony and raising ridge height) to allow for amended plans to be passed showing amendments to external appearance including privacy screens to external balconies, balustrades to the rear balcony, solar panel on roof, alterations to approved window sizes, new velux windows and new internal door to utility room.
- 2.2 The development as now proposed is nearing completion on site.
- 2.3 As well as the addition of highlighted display of measurements on plans submitted as part of planning permission 15/0924/FUL, a number of additions have also been made as shown on the plans. These are privacy screens to external balcony at the rear, balustrades on said balcony, solar panel, alterations to approved window sizes, additional new Velux windows and new door to utility room.
- 2.4 A revised set of plans were submitted in September 2017 to reflect what has been built on site. As a result neighbours have been re-consulted with regard to the additional plans submitted.
- 2.5 The application has been referred for determination at planning committee in light of the previous Local Government Ombudsman (LGO) investigation.

- 2.6 The extant consent that was granted under planning ref 15/0924/FUL is a very significant material consideration in this case. The Committee should concentrate on the differences between the approved plans and those now submitted. As an aid to understanding the differences between the two sets of plans the architect has labelled the plans in yellow. I am confident that these annotations are correct.

3.0 SITE HISTORY

Reference	Description	Outcome
13/1239/FUL	Two storey side extension and part two storey part single storey rear extension (following demolition of garage)	Withdrawn.
15/0924/FUL	Part two storey part single storey rear and side extensions, incorporating rear balcony, following demolition of existing garage and part demolition of existing house. Roof extension incorporating rear dormers and balcony and raising ridge height.	Application Permitted

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	3/4 3/7 3/11 3/14

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 (Appendix 1)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

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 of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection.

Environmental Health

6.2 No objection.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations in objection to the proposals:

- 2 Fendon Close
- 4 Fendon Close

7.2 The representations can be summarised as follows:

- Detrimental impact on character of the area
- Overlooking/ loss of privacy
- Overshadowing/ loss of outlook
- There are inaccuracies in the drawings.

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. I have included a summary of the objections and my response to them at Appendix 1.

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. Context of the site, design and external spaces
2. Residential amenity
3. Third party representations

Context of the site, design and external spaces

- 8.2 The surrounding properties are varied and there is not one form or style of residential property that forms a uniform character of the surrounding area. The resulting mass and choice of materials used on the extension to no. 3, particularly at roof level are individual and noticeable from the street scene, but I do not consider this to cause harm. There is a mixture of building lines as properties are not set out in identical positions on their respective plots, and this property has kept its position by maintaining its original front line.
- 8.3 At roof level, there is an additional Velux window inserted and the replacement of a long strip window with two Velux windows serving a first floor bathroom. In addition there have been minor alterations to the size and positions of three other Velux windows. A solar panel has also been introduced. I do not regard these changes as harmful to the character of the area.
- 8.4 Furthermore, changes have been made to the elevations in the form of a dark single ply membrane to cover the flat roof part of the rear extension running alongside no.4. At the rear also, new brown roof tiles have been introduced to match the existing tiles at the front of the property. The dimensions of windows and doors have also been changed. I also do not regard these as detrimental to the appearance of the house or the site context.

The most significant change in the appearance of the extensions is the introduction of matt white privacy screens to balconies at the rear. These will not be visible from the public domain and are acceptable in terms of their appearance.

- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/14.

Residential amenity

- 8.6 The main consideration is the impact on the occupiers of adjacent properties at nos. 2 and 4 Fendon Close. I have visited no.4 Fendon Close and spoken with the occupier of that house. A number of comments have been raised and where applicable, issues have been addressed as part of the material

assessment of the variations submitted within this application or answered within the third party representations section.

- 8.7 The occupiers at no.4 raised concerns regarding overlooking into their garden from the rear balcony at first floor level when the original application was considered. As part of the LGO investigation an additional screen was negotiated and this has been included on the amended plans. This is in addition to a louvre panel which was secured as part of the original application. I am confident that the combination of these screens will ensure that there will be no direct overlooking of this neighbour's garden and I have recommended a condition to control this.
- 8.8 The occupier of no.4 previously requested that the large Velux window on the roof slope facing their property be obscure glazed so as to prevent overlooking into the first-floor front bedroom window of no.4. The occupier of no.2 has expressed similar wishes as well as requesting a fixed frame with regard to the previously approved Velux windows facing their property. This was not secured as part of the original planning permission because the degree of overlooking was not considered to be harmful. In this amended scheme the large Velux window facing no.4 has been reduced in size, the Velux windows facing no.2 have been amended slightly and I do not consider that obscured glazing to these windows is required or that it could reasonably be secured by condition.
- 8.9 The extension to no. 3 has the potential to enclose and result in loss of outlook from two windows in the side elevation of no.4. This was acknowledged as part of the consideration of the original application. It was noted in the officer's report that the proposed 3.8m high wall of the rear extension set back from the boundary would visually enclose the outlook from this window. However, the living room that the window serves has a further outlook on this elevation and beyond internal dividing doors, further outlooks to other aspects from the glazed windows in the rear extension. Whilst the development has resulted in visual enclosure, this is no greater than that already considered to be acceptable as part of the consideration of the original application.
- 8.10 The original application referred to maximum dimensions for the brick extension to the rear running along the side boundary with

no.4. Measurements have been taken on site of the built structure and confirmed that the height is no higher than 3.8m.

- 8.11 In addition, plan ref:SK-023/R3 accompanying the original application detailed the positioning of the rear extension running along the side boundary with neighbouring no.4 Fendon Close. A comparative survey of the positioning of the exterior of the rear extension wall in relation to the boundary fence and no.4 Fendon Close has been undertaken and the results are highlighted in yellow on accompanying plans SK-034/R5 and SK-035/R4. The surveyed distances are no less than any of those previously passed on the original application. Therefore I am of the opinion that the development of the rear extension has been built within previously passed parameters and this application does not introduce any additional mass to the rear not already granted permission. This also leads me to conclude that there will not be any additional overshadowing to the garden/house at no. 4 over and above that which was assessed and found to be acceptable in relation to the original application.
- 8.12 In my opinion the proposal does not give rise to additional harm to residential amenity which was not previously identified in the original application I consider that the application is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

Third Party Representations

- 8.13 I have addressed the issues of impact on the character of the area and on residential amenity in my assessment. I have addressed all other issues in the table that is attached at Appendix 1.

9.0 CONCLUSION

- 9.1 The proposed changes and additional development at the premises in relation to this application would not harm the character of the area, or adversely impact on the amenity of occupiers of neighbouring residential properties through loss of privacy, light or through any overbearing impact. Therefore approval is recommended.

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 extensions, hereby permitted, privacy screens shall be erected to the rear balcony in accordance with approved plans ref.SK/206-R2 and shall thereafter be retained.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

3. The window identified on the west elevation serving the bathroom at first floor level 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) 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)

4. Prior to the occupation of the extensions, hereby permitted, all boundary treatments shall be completed in accordance with approved plan ref. 401/RO (submitted to discharge Condition No. 6 of planning permission ref. 15/0924/FUL). The boundary treatments shall thereafter be retained unless any variation is agreed in writing by the local planning authority.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/14)