

<b>Application Number</b>	17/1886/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	2nd November 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	28th December 2017		
<b>Ward</b>	Trumpington		
<b>Site</b>	13 Brookside Cambridge		
<b>Proposal</b>	Alterations and extensions including the addition of 2no. dormers to the front elevation; 1no. dormer to the rear elevation; an upwards extension to the rear closet wing; a new access from the ground floor level to the rear garden via an external staircase; a double height rear infill extension including lowering of the basement floor; internal alterations to the building layout; and the demolition and erection of a new garage.		
<b>Applicant</b>	Mr & Mrs Wortley c/o Agent		

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 proposed access and external staircase would not compromise the privacy, harmfully overshadow or visually enclose the neighbour at no.14 Brookside.</li> <li><input type="checkbox"/> The proposed ground-floor element of the extension would not allow for harmful views across to neighbouring properties.</li> <li><input type="checkbox"/> The proposed works would preserve the character and appearance of the conservation area and Buildings of Local Interest.</li> </ul>
RECOMMENDATION	APPROVAL

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

- 1.1 The application site, no.13 Brookside, comprises a four-and-a-half storey terraced townhouse situated on the east side of Brookside, designed in gault brick with a slate pitched roof. Nos.13 and 14 Brookside were built as a pair and have lower ridge heights than the adjacent properties on either side. The property has a long narrow rear garden and a single-storey outbuilding which fronts onto Brookside Lane to the east of the site. The surrounding area is predominantly residential in character and is formed of similar sized terraced townhouses.
- 1.2 The site falls within the Central Conservation Area.  
The building is a Building of Local Interest.  
The site falls within the Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 Planning permission is sought for the following works:
- Addition of two dormers to the front elevation;
  - Addition of one dormer to the rear elevation;
  - Upwards extension to the rear closet wing;
  - New access from the ground-floor to the rear garden via an external staircase with 1.8m high privacy screen;
  - Double height rear infill extension including lowering of the basement floor;
  - Internal alterations to the building layout; and
  - Demolition of existing garage and erection of replacement garage.
- 2.2 Planning permission (15/1806/FUL) was granted under delegated powers on 4 December 2015 for works of a similar nature to that proposed under this current application (17/1886/FUL). The development then commenced and a S73 application (17/0007/S73) was submitted retrospectively to include a ground-floor balcony/ external staircase abutting the boundary of no.14 Brookside, as well as internal alterations for the ground-floor of the double height rear infill extension to be extended over the void internally. Following third party representations and the officer site visit it was ascertained that the works commencing on-site were not entirely in accordance with the approved plans. This included the heights and positions of certain elements which are understood to have occurred due

to inaccurate surveying of the building under the originally approved plans.

- 2.3 This S73 application (17/0007/S73) was later withdrawn as some of the amendments to the approved scheme were not considered to be minor in nature by officers.
- 2.4 Applications were then individually submitted, against officer advice, to distinguish the main elements that were considered to be material and those that were accepted to be non-material in nature. It was explained by officers that this method of submitting multiple applications is not feasible in terms of building out any development that may be approved as each element of the scheme is dependent on the other to be built in accordance with the approved plans.
- 2.5 These applications (17/0937/FUL, 17/0938/FUL and 15/1806/NMA1) have been effectively held in abeyance until the latest application (17/1886/FUL) has been determined. It is understood that if the current application (17/1886/FUL) is granted planning permission then these other applications will be withdrawn.
- 2.6 The main differences between that of the approved development (15/1806/FUL) and the proposed development (17/1886/FUL) are summarised in the table below:

<b><u>Element</u></b>	<b><u>Approved Development (17/0937/FUL)</u></b>	<b><u>Proposed Development (17/1886/FUL)</u></b>
Two front dormers	Two curve roofed dormers set in from the eaves, ridge and sides of the front roof plane. Sash window design. Condition 6 controlled the details of this and was agreed on 29/11/2016 (drawing number 116.510).	The proposed drawings are identical to that of the approved drawings in this respect. However the dormers, as built on-site, do not appear to reflect that of the approved drawing agreed through condition 6 of the original permission.
Rear Dormer	One rectangular barrel dormer with a series of three timber	The roof of the dormer is now flat rather than having a slight curve. There appears to be

	sash windows with intermediate timber framing posts and lead clad roof and side cheeks.	more spacing beneath the bottom of the dormer frame and the bottom of the sash windows which gives it more of a horizontal, as opposed to the original vertical, emphasis aesthetically.
Upwards extension to the rear closet wing	A closet wing extension rising up an extra storey in height. This measured up to 11.2m in height.	The height of the closet wing had been increased by approximately 0.1m to meet the eaves of the main roof. The fenestration has been altered with narrower windows and slight re-positioning of windows.
New access from the ground-floor to the rear garden via an external staircase with 1.8m high privacy screen	This was not part of the originally approved development.	A door has been inserted on the rear elevation of the closet wing at the ground-floor level which is situated approximately 2.75m above the ground-level of the garden. A platform approximately 1.4m in depth extends from this door and then a further staircase of approximately 2m in depth leads out onto the rear garden. A 1.8m high privacy screen is proposed to run along the platform and staircase.
Double height rear infill extension including lowering of the basement floor	A two-storey infill extension with a large double-height glazed screen with a grid pattern design and glazed roof lantern above. The extension measured approximately 6.1m to the ridge of the flat roof and around 3.85m wide.	The footprint of the basement level of the extension has been increased by approximately 2.8m <sup>2</sup> by way of extending underneath the platform/ access to the rear garden adjacent. The basement floor level has been lowered. Consequently when measured from the basement level the proposed development appears approximately 6.9m in height, an increase of around 0.8m compared to the approved plans. The height to the parapet

		<p>of the extension is approximately 0.4m greater than that which was approved. The depth of the proposed extension is just under 0.2m deeper than that of the approved plans. The fenestration of the ground-floor element of the proposed extension has been modified to increase the level of brickwork and introduce a timber sash style set of windows, positioned centrally in the extension.</p>
<p>Internal alterations to the building layout</p>	<p>The basement level of the double-height rear extension would be used as a living space with an internal staircase leading up to the ground-floor of the original house. The ground-floor of the extension would serve as a void to the basement below. Removal of original staircase down to the basement. Other minor internal alterations to all floors.</p>	<p>The internal staircase within the proposed double-height extension would be removed and a staircase in a similar location to that of the original building would be installed instead. The ground-floor of the double-height extension would extend approximately 1.2m further out over the adjacent void over the basement compared to the approved drawings. Other minor internal alterations that are not in accordance with approved plans.</p>
<p>Demolition of existing garage and erection of replacement garage.</p>	<p>A pitched roof garage occupying the near full-width of the garden.</p>	<p>The garage wall adjacent to no.12 Brookside has been set in by approximately 0.1m.</p>

2.7 The application has been called in for determination at Planning Committee by Councillor Robertson on the grounds that the proposed development, compared to that of the approved development, detrimentally affects the neighbours' amenity (overlooking/ visual enclosure/ loss of light) and the appearance of the building. The privacy screen will not prevent overlooking and will take light from the semi-basement of no.14. The application is contrary to Local Plan (2006) policies 3/14 and 4/11.

2.8 For clarity, this report references certain aspects of development as 'proposed', in that they form part of the overall proposal for consideration, although it is acknowledged that the majority of the works are either fully or partially retrospective.

2.9 The application is accompanied by the following information:

1. Drawings
2. Originally approved drawings
3. Planning statement
4. Overlooking analysis

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
17/0937/FUL	Replacement of ground floor rear window with a door and installation of new wrought iron staircase providing access between the garden level and the internal ground floor.	Pending consideration.
17/0938/FUL	Replacement of a glazed screen with a Timber Sash Window at Ground floor level to the rear extension, works include raising of the parapet.	Pending consideration.
15/1806/NMA1	Non-material amendment application on 15/1806/FUL for changes to window location in rear elevation, lowering of basement level, re-alignment of division between upper and lower	Pending consideration.

17/0007/S73	sections of rear glazed screen of extension and enlargement of rear extension to full width Section 73 application to vary condition 2 of planning permission 15/1806/FUL to show proposed ground floor balcony, external staircase and internal alterations to layout.	Withdrawn.
15/1806/FUL	Demolition and erection of new garage. Two new dormers to front elevation, single dormer to rear, extension upwards of closet wing and infill extension from basement to first floor plate.	Permitted.

#### 4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

#### 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 3/11 3/12 3/14 4/4 4/11 4/12

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

Central Government	National Planning Policy Framework March 2012
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Guidance	National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u>  Roof Extensions Design Guide (2003)  Buildings of Local Interest (2005)
	<u>Area Guidelines</u>  New Town and Glisson Road Conservation Area Appraisal (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 For practical use we recommend a minimum internal size of a double garage should be 6m deep x 5.5m wide.

### **Environmental Health**

- 6.2 No objection subject to construction hours condition and dust informative.

### **Urban Design and Conservation Team**

- 6.3 No objection subject to the same compliance conditions included as per the original approval (15/1806/FUL).
- 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 in objection to the application:

- 12 Brookside
- 14 Brookside
- 22 Brookside
- 4 Pemberton Terrace

- 7.2 The representations in objection can be summarised as follows:

#### Impact on heritage assets/ design

- The design, size and appearance of the development is not in keeping with the surrounding area.
- The development has destroyed the character and appearance of the building of local interest.
- The development fails to preserve or enhance the character or appearance of the conservation area.
- The rear extension has been built five brick courses higher than the original approved plans and dominated greater than 50% of the original character of the rear of the property.
- The change from a glazed screen to a sash window on the rear elevation would be ugly and obtrusive.

#### Impact on residential amenity

- Overshadowing/ Loss of light

- Overlooking/ Loss of privacy
- Visual enclosure/ Overbearing impact
- There are differences between the rear stairs of nos.10 and 11 and that proposed under this application. The stairs of no.11 are a gross intrusion of no.12's privacy and this previous mistake should not set a precedent for the proposed stairs.
- The reduction in the ground-floor depth above the void is welcomed but a condition should be imposed to prevent this being filled in as this could harmfully overlook neighbours.
- Concerned that the flat roof of the rear extension may be used as a balcony and this space should be conditioned to not be used as such.

### Other

- The notified neighbour list should include other properties in the wider area.
- The application should be treated as retrospective as everything has been built with the exception of the rear window/ glazed screen and a rear door.
- The Conservation Officer should visit neighbouring properties and the site.
- All previous neighbour objections to applications 17/0937/FUL, 17/0938/FUL and 15/1806/NMA1 should be read and considered within this application.
- Had the approved planning application been carried out correctly then none of the distress that has been caused would have occurred.
- The applicants are lawyers and should know better than to not build in accordance with the approved plans.
- Had the works in the current application been included in the original permission (15/1806/FUL) then objections would have been raised.
- No details of the rear dormer have been agreed under conditions 5 and 6 of permission 15/1806/FUL.
- The front dormers have not been built in accordance with the details approved under the discharge of condition 6 of permission 15/1806/FUL.
- The granting of these retrospective works would set a precedent for future developers to build not in accordance with the plans and seek permission afterwards.
- Damage caused by unauthorised excavation of the basement.
- Unauthorised removal of chimney.
- There is an error in the address referred to in paragraph 2.06 of the Design and Access Statement.

- There has been damage to trees.
- Breaches of party wall.
- The relocation of the waste pipe from the external wall to be accommodated internally within the basement is welcomed and should be conditioned.
- The work should be undertaken by a builder recognised by the Considerate Constructors Scheme. The builder to date has been expelled from the scheme due to neighbour complaints.

7.3 The owner/ occupier of the following address have made a representation in support of the application:

- 2 Bateman Mews (applicant)

7.4 The representation can be summarised as follows:

- There is already inter-overlooking across properties in this location.
- There are other external staircases at nos.10 and 11 Brookside.
- No.12 has permission for two external balconies which will allow for overlooking when constructed.
- No.14 has external steps at the rear which overlook the garden of no.13.
- Disagree that the proposed privacy screen would be overbearing.
- There would be no harmful overshadowing caused.
- In terms of the dormer windows, it is self-evident that works on site have not yet been completed.
- No objection to a condition which prevents the flat roof of the rear extension being used as a balcony.
- There is a party wall surveyor dealing with any damages that may have occurred in terms of excavation.
- The tree officer concluded that it was unlikely that any tree roots had been affected and that we could rebuild the wall.
- The party wall matters are irrelevant to the application.
- We have no objection to a soil pipe related condition.
- The contractor plans to re-join the considerate contractor scheme once this project has been completed.

7.5 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. Context of site, design and external spaces (and impact on heritage assets)
2. Residential amenity
3. Highway safety
4. Car and cycle parking
5. Third party representations

### **Context of site, design and external spaces (and impact on heritage assets)**

8.1 The proposed works would be visible from the street scene of Brookside, as well as Brookside Lane to the east of the site. There are a variety of other extensions visible along this row of terraced townhouses. The view of the front of the site from Trumpington Road is identified in the New Town and Glisson Road Conservation Area (2012) appraisal as an “Important Positive View”.

8.2 The Building of Local Interest (BLI) and the immediate neighbouring BLIs are characterised in the New Town and Glisson Road Conservation Area (2012, 59) appraisal as follows:

*“8 to 12 consecutive:*

*A row of villas, 3 storeys with basements and attics of gault brick in Flemish bond and limestone dressings. Wrought iron railings with finials to front and following steps to pavement. Each villa has door to left and bay windows to right. Bays run from basement to 1st floor, canted with limestone around windows of 1/1 timber sashes (2/2 to basements). Doors have doorcases of limestone with acanthus leaf consoles supporting small flat canopies, 4 panelled doors with semi-circular fanlights. Above are 1/1 sashes. Slate roof above projecting cornice, rows of stacks between villas and dormers.*

13 & 14

*As above but slightly lower in height and bay windows running from basement to ground floor only. Windows 2/2 no dormers and doors with upper panels glazed and rectangular fanlights.”*

- 8.3 I will assess the impact of each aspect of the proposed works on the character and appearance of the conservation area and special interest of both the BLI itself and the adjacent BLIs. I will then summarise with what I consider to be the cumulative impact of these works on the heritage assets.

#### Front dormers

- 8.4 The principle of two in-set dormers within the front roof plane has been established under the previous permission and there are other examples of dormers along the front roof plane of Brookside. The dormers are identical to what was approved under the original drawings and so technically I do not consider these dormers materially harm the character or appearance of any of the heritage assets.
- 8.5 However, it is acknowledged from visiting the site and the neighbour representations that the dormers have not been constructed in accordance with the more specific details agreed under the discharge of condition 6 of permission 15/1806/FUL. The dormers, as built, have a fake barrel vaulted façade, masking the flat roof of the dormer behind. The finish and design of this is poor and contrary to what was agreed under the condition and in my opinion, as they stand, they harm the appearance of the BLI and the conservation area due to the poor quality materials and alien treatment of these dormers.
- 8.6 Notwithstanding the above, this application is technically separate from that of the previous permission and the remedying of this poor design could be agreed through condition. I have therefore suggested a condition that within three months of any permission granted, the fake façade of the front dormers are removed and that either details of the finish of the dormers are submitted to and agreed in writing by the local planning authority, or, are built in accordance with the details as approved under the original discharge of condition (drawing number 116.510).

### Rear dormer

- 8.7 The rear dormer, as built, is largely in accordance with what was originally approved. The fenestration and spacing has been altered marginally but this is not considered to have an adverse impact on the character and appearance of the relevant heritage assets. It remains legible, in my view, as a subservient addition to the original roof and the changes, compared to what was approved, retain this general subservient appearance and respect the character of the original BLI and that of adjacent BLIs in my opinion. The Urban Design and Conservation Team have raised no objection to the dormer and I am of the opinion that it preserves the character and appearance of the conservation area.
- 8.8 It is acknowledged that third parties have identified that no details of the rear dormer have been submitted under conditions 5 or 6 of the original permission (15/1806/FUL) and that this aspect has therefore been built without permission. However, it needs to be made clear that both conditions 5 and 6 of the original permission have both been fully discharged and that consequently there is no requirement for the applicant to submit further information on the rear dormer. Nevertheless, I have shown the drawings and photographs of the rear dormer to the Urban Design and Conservation Team who are satisfied with the rear dormer, as built. In light of the retrospective nature of this element, I do not consider it necessary or reasonable for a condition regarding the rear dormer to be included should permission be granted.

### Upwards extension to the closet wing

- 8.9 The closet wing extension, as built, is broadly similar to that which was originally granted planning permission. The material differences between the approved development and what has been built relates to the window proportions, positions and the lack of a brick course arch work above the second-floor window of this wing. In my opinion, this element of the works preserves the character and appearance of the conservation area and does not detract from the special interest of the BLI or adjacent BLIs.

New access from the ground-floor to the rear garden via an external staircase with 1.8m high privacy screen

- 8.10 In my opinion, the access and external staircase leading out to the garden would not detract from the special interest of the BLI and would preserve the character and appearance of the conservation area. The proposed rear door aligns with the windows above and the platform and staircase read as subservient additions to the original building and do not detract from the appearance of the rear elevation in my view. The additional mass of this part of the works, once completed, is largely obscured from public views along Brookside Lane to the east by the series of outbuildings adjacent to this lane. There are other examples of external staircases along the rear of Brookside, such as nos.10 and 11, and I do not consider the proposed works would appear alien from public viewpoints within the conservation area.

Double height rear infill extension including lowering of the basement floor

- 8.11 This element of the proposed works would be the most visually significant alteration compared to what was previously approved. The original permission was for a double-height extension that had a near-fully glazed rear elevation, separated by a narrow dividing frame in-between the basement and ground-floor levels. The proposal seeks to keep a large glazed elevation at basement level but to introduce a timber sash window at ground-floor level. The footprint of the basement has also been increased to expand out underneath the proposed ground-to-garden access and has also been increased in height by way of lowering the basement level and raising the height of the parapet of the roof.
- 8.12 The additional height and increase in mass would inevitably increase the visual bulk of the development in comparison to what was originally approved. The removal of the large glazed façade and replacement with a smaller timber sash window would, to an extent, give the development a heavier appearance due to the exposure of greater expanses of brickwork.
- 8.13 In my opinion, the proposed double height rear infill extension would not have a harmful impact on any heritage assets. Whilst

the proposed development is slightly larger in mass than what was approved, I do not consider this additional mass has gone above and beyond the threshold for what is deemed as being visually dominant or out of character with the terrace of Brookside. The proposed extension would clearly read as a later addition to the historic terrace and the finish of the sash window at ground-floor level would relate to the presence of other sash windows along this elevation. There would be an ornamental hierarchy of windows established whereby the ground-floor sash window would be narrower than the wide glazed basement windows below, as well as positioned centrally beneath the first-floor and second-floor windows. There would still be a large proportion of the original rear elevation and more traditional closet wing extension visible from public viewpoints and I do not consider the massing appears disproportionately awkward on the rear elevation. The Urban Design and Conservation Team have raised no objection to the works.

#### Internal works and replacement garage

- 8.14 The replacement garage is near-identical to what was originally permitted and its design with a simple pitched roof would be in keeping with the character of the conservation area.
- 8.15 The internal works would not have any material impact on the external fabric of the building and I am confident that the character and appearance of the conservation area, as well as the special interest of the BLI, would be retained.

#### Summary

- 8.16 Overall, I consider that the proposed works would preserve the character and appearance of the conservation area. The proposed development would inevitably increase the massing and size of the extensions when compared to what was approved. However, I do not consider that this increase would be so great as to result in the appearance and character of the BLI being destroyed or harmfully affected. This is because the extensions would still be read, in my view, as later and subservient additions to the original property. The remaining works, including the external staircase, would respect the architectural features of highest importance to the BLI's status



and preserve the character and appearance of the adjacent BLIs and conservation area.

- 8.17 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 3/14, 4/11 and 4/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.18 The main considerations are the impact of the proposed works on the neighbouring properties at nos.12 and 14 Brookside. These neighbours have raised several concerns which mainly relate to the double-height extension, rear access and staircase and internal alterations to the void area. I have visited both of these neighbouring properties.
- 8.19 The upwards closet wing extension, front and rear dormers, and, replacement garage are similar to what was originally approved. In my opinion the amendments to these aspects would not have any significant bearing on residential amenity compared to that of the assessment under permission 17/1937/FUL to warrant a different conclusion being reached.

#### Impact on no.12 Brookside

- 8.20 Although the fenestration of the double-height extension has not been completed, the main shell of the extension and brickwork is in place and it is possible to see what the impact of the physical works on no.12 is. In terms of loss of light, the extension projects out to the same depth as the closet wing of no.12 and is situated to the north of this neighbour. In my opinion, the double-height extension does not harmfully overshadow or restrict daylight reaching this neighbour's garden and adjacent ground-floor window.
- 8.21 Whilst the large extension is clearly visible from this neighbour's garden when looking back towards the application site, I do not consider it can be deemed to be visually overbearing on this neighbour's amenity space. There are still relatively open vistas out to the north-east, east and south that the development does not interrupt. This neighbour does have a ground-floor window in close proximity but this serves a bathroom and consequently

I do not consider the main habitable outlooks of this neighbour would be harmfully affected.

8.22 The main consideration is what impact the proposed ground-floor sash window and the rear access and staircase would have on the privacy of this neighbour.

8.23 The original permission had a large ground-floor void area in the double-height extension which would have only allowed limited views of the latter end of this neighbour's garden. During the construction of this extension, it was established that there were plans to fully utilise this space and have a floor that allowed for occupants to stand immediately adjacent to the large area of glazing. Officers were of the opinion that this would have introduced harmful overlooking opportunities of no.12's private garden amenity area to the detriment of their amenity. In response to these concerns, the void has been partially reinstated and set approximately 2.5m back from the edge of the ground-floor window. Furthermore, the full-width glazed ground-floor has been removed and would be replaced with a narrower sash window. The combination of the reinstatement of a void and narrowing of the window would only allow for views out to the latter part of this neighbour's garden. In my opinion, the double-height extension would retain sufficient privacy for this neighbour's garden. I have recommended a condition for the void above the basement level to be retained in perpetuity as I am concerned that the infilling of this space at a later date may allow users to harmfully overlook no.12's garden. I have also recommended a condition to prevent the flat roof of the double-height extension from being used as a roof terrace.

8.24 This neighbour has also raised concerns regarding potential overlooking from the platform of the rear access on the other end of the rear elevation. However, at 2.25m in size with a privacy screen limiting where people can stand, I do not consider that this element of the proposed works would compromise the privacy of this neighbour. The limited size of this space severely restricts the ability of this platform to be used as a terrace and I am of the opinion that it would be more likely to be practically used as a means of access to the garden rather than as a terrace or other means of external amenity space. In addition, the ground-floor of the extension acts as a screen to prevent direct views back towards this neighbour and

any views from people standing on this space would be at an oblique angle. In my opinion, given the position of the access on the opposite side of the terrace and its limited size, I consider the privacy of this neighbour would not be harmfully impacted by the works.

#### Impact on no.14 Brookside

- 8.25 The double-height extension has not had a harmful impact on the amenity of this neighbouring property in my opinion. The degree of impact caused by the additional mass by way of the raised parapet, increase in footprint at basement level and additional approximately 0.2m depth, compared to what was approved, has preserved the amenity of this neighbouring property. The main two-storey mass of the proposed extension continues to be set approximately 2.2m away from this neighbour's boundary and, for the most part, out of sight of their habitable rear windows. The proposed increase in footprint has introduced a wall approximately 0.4m higher than the adjacent party wall of this neighbouring property. However given that this is set in off the party wall and only in the region of 0.4m higher than this, I do not consider this has a visually overbearing impact. The views out from the rear ground-floor sash windows would only offer limited views of the end of this neighbour's garden.
- 8.26 Overall, having visited this neighbouring property, I consider the impact of the double-height extension, as built, has not had a harmful impact on this neighbour's amenity in terms of loss of light or visual enclosure.
- 8.27 In my opinion, the most sensitive matter of this assessment is the impact of the proposed access and privacy screen on this neighbouring property. When the platform and staircase was applied for without a screen or means of protecting privacy officers had concerns with the overlooking and loss of privacy that would be experienced in the adjacent garden of no.14. The current application includes a private screen measuring 1.8m high from the platform and each step down to the garden. This screen would be set in from the boundary of no.14 by approximately 0.6m.
- 8.28 In terms of overlooking, I consider that the proposal would not compromise the privacy of this neighbour. The provision of a

1.8m high screen running along the platform and staircase would prevent any harmful views back over this neighbouring property in my opinion. This is however subject to the screen being of a robust material that successfully obscures views in this direction and I have recommended a condition for the details of this to be agreed prior to use of this staircase and platform.

8.29 Whilst the provision of a privacy screen mitigates any potential overlooking, careful consideration of the impact of this screen physically on the windows and garden of this neighbour needs to be borne into consideration. The total height of the screen when measured from the neighbouring garden would be approximately 3.5m high and subsequently the impact of this mass from a visual enclosure and loss of light perspective needs to be assessed.

8.30 In terms of loss of light, I am of the opinion that the impact on this neighbour would not be so significant as to harmfully overshadow this neighbour. It is appreciated that there is a basement kitchen window and half-glazed door in close proximity, as well as a ground-floor family room window that may be affected by the proposed development. I do not consider the additional height of the proposed balcony screen, particularly when it is set in 0.6m from the boundary of no.14, would block significant levels of light reaching the nearest habitable rooms of this neighbour. There may be some overshadowing experienced in specific periods of the morning hours but given that the screen will step down with the staircase as it projects deeper into the garden, this level of light loss would be acceptable in my view. The screen would largely be concealed behind the two-storey mass of the double-height extension and subsequently I do not consider the garden of this neighbour would be harmfully overshadowed either.

8.31 At approximately 3.5m in height from this neighbour's ground level, the proposed screen would inevitably introduce a degree of visual massing that would be perceived from the garden and nearest habitable windows of this neighbour. Whilst I accept that the screen would be visible from the garden and windows of this neighbour, I am of the opinion that its physical presence would not be visually oppressive. The proposed screen would be set in from the boundary of no.14 and step down in height dramatically as it projects deeper into the garden. In addition, it

would likely be constructed in an alternative material to the brick walls below and adjacent which would, in my view, help break up the massing and be less prominent than a 3.5m high orthodox brick wall. The drawings also indicate that a planted boarder along the terrace could also be introduced to soften the view of the physical screen and I have recommended a condition for details of this to be agreed prior to first use of the rear access. The garden of no.14 would still have relatively open outlooks to the south-east, east and north that would not be interrupted by the proposed development. Although I acknowledge the screen would be in close proximity to this neighbour's main patio area, I consider the overall openness and quality of this adjacent amenity space would be sufficiently retained.

- 8.32 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 3/14.

### **Highway Safety**

- 8.33 It is noted that the Highway Authority has requested internal dimensions of the proposed replacement garage. However, as the layout is identical to what was originally approved, I do not consider it reasonable to request this and am of the opinion that the proposal does not pose a threat to the highway safety of Brookside Lane.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Third Party Representations**

- 8.35 Some of the third party representations have been addressed in the main body of this report. Those representations that are outstanding have been addressed in the table below:

<b><u>Comment</u></b>	<b><u>Response</u></b>
There are differences between the rear stairs of nos.10 and 11 and that proposed under this application. The stairs of no.11	This application has been assessed on its own merits and the privacy of both immediate neighbours

<p>are a gross intrusion of no.12's privacy and this previous mistake should not set a precedent for the proposed stairs.</p>	<p>considered.</p>
<p>The notified neighbour list should include other properties in the wider area.</p>	<p>All direct neighbours were notified of the application in accordance with consultation requirements. Site and press notices were also published for wider consultation.</p>
<p>The application should be treated as retrospective as everything has been built with the exception of the rear window/ glazed screen and a rear door.</p>	<p>It is acknowledged that the majority of works are retrospective. The works have been assessed in the same manner as a proposed application.</p>
<p>The Conservation Officer should visit neighbouring properties and the site.</p>	<p>The Conservation Officer is not required to do this. I have shown the Conservation Officer photographs of the site and surroundings for reference.</p>
<p>All previous neighbour objections to applications 17/0937/FUL, 17/0938/FUL and 15/1806/NMA1 should be read and considered within this application.</p>	<p>The previous neighbour objections to the earlier applications are considered to be covered in the summary of the third party representations. These objections have been addressed either in this table or in the main body of this report.</p>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Had the approved planning application been carried out correctly then none of the distress that has been caused would have occurred.</li> <li><input type="checkbox"/> The applicants are lawyers and should know better than to not build in accordance with the approved plans.</li> <li><input type="checkbox"/> Had the works in the</li> </ul>	<p>The applicant has committed no offence in undertaking works and applying to regularise works retrospectively. The applicant has been made aware of the risk that this may incur if the development is not lawfully regularised. The objections of neighbours and material differences between what was previously approved and what</p>

<p>current application been included in the original permission (15/1806/FUL) then objections would have been raised.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The granting of these retrospective works would set a precedent for future developers to build not in accordance with the plans and seek permission afterwards.</li> </ul>	<p>is sought permission under this application have been assessed and taken into consideration. I do not consider the granting of the retrospective works would set a precedent as the application has been assessed in the same way as a proposed application.</p>
<p>Unauthorised removal of chimney.</p>	<p>The removal of a chimney does not require planning permission as it is not development.</p>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Damage caused by unauthorised excavation of the basement.</li> <li><input type="checkbox"/> Breaches of party wall.</li> </ul>	<p>These are building regulation/civil/ legal matters and not planning considerations.</p>
<p>There is an error in the address referred to in paragraph 2.06 of the Design and Access Statement.</p>	<p>This is acknowledged.</p>
<p>There has been damage to trees.</p>	<p>This alleged damage has already taken place and I do not consider that the planning process is able to rectify this. I have recommended an informative to make the applicant aware that any future works to trees may require separate tree works consent.</p>
<p>The relocation of the waste pipe from the external wall to be accommodated internally within the basement is welcomed and should be conditioned.</p>	<p>Waste pipes and plumbing are covered by building regulations and I do not consider it reasonable to impose a specific condition to control this. In any case, no physical waste pipes are shown externally on the plans and in my opinion the approved drawings condition</p>

	would control this. If any external pipes were installed at a later date then these may require planning permission if they were deemed to materially affect the external appearance of the building.
The work should be undertaken by a builder recognised by the Considerate Contractors Scheme. The builder to date has been expelled from the scheme due to neighbour complaints.	There is no planning requirement for works to be undertaken by a recognised builder of the Consideration Contractors Scheme. I have recommended a considerate contractors informative.

## 9.0 CONCLUSION

- 9.1 The works that have been undertaken and those proposed, under this application do not, and would not, in my opinion harm the amenities of neighbouring properties. The works, both proposed and retrospective, would respect the setting and special interest of the BLIs and preserve the character and appearance of the conservation area.

## 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. 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)

3. All new brickwork shall match exactly the historic work nearby in terms of bond, mortar mix design, joint thickness, pointing technique, brick dimension, colour and texture, etc.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

4. The roofing details of the development hereby permitted shall be carried out in accordance with the details agreed under the discharge of condition 5 of the previous permission (15/1806/COND5).

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

5. Within 3 months of this permission being granted the front dormers of the development hereby permitted shall be either; constructed in accordance with the details approved under 15/1806/COND6, as per drawing no.116.510, or, full details, at a scale of 1:10, showing the construction, materials, rainwater disposal and joinery of the dormers, including their cheeks, gables, glazing bars and mouldings, shall be submitted to and approved in writing by the local planning authority. Within 3 months of the written approval, by the local planning authority of the details, the dormer windows shall be constructed in accordance with the approved details unless any other variation to this timetable is agreed in writing by the local planning authority.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

6. The void area above the proposed basement layout, as labelled 'void' on drawing no.13B.CA.P2, shall be retained as a void area only and shall at no time be developed or used as additional floorspace for the ground-floor of the development hereby permitted.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/14).

7. The flat roof of the double-height extension of the development hereby permitted shall not be used as an external terrace and shall only be accessed for maintenance purposes only.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/14)

8. Prior to first use of the rear ground-floor access and external staircase of the development hereby permitted, details of the type of privacy screen of the rear ground-floor to garden access and staircase shall be submitted to and approved in writing by the local planning authority. The screen shall be implemented prior to the first use of the rear ground-floor access in accordance with the approved details and thereafter retained.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/14).

9. Prior to first use of the rear ground-floor access and external staircase of the development hereby permitted, details of the type of soft landscaping or planting, and its maintenance, adjacent to the rear ground-floor to garden access and staircase shall be submitted to and approved in writing by the local planning authority. The soft landscaping or planting shall be implemented in accordance with the approved details and thereafter retained and maintained in accordance with the approved details.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/14).

**INFORMATIVE:** No consent is granted or implied for any works to trees, for which a separate tree works application may be necessary.

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers-by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor Project Officer in the Planning Department (Tel: 01223 457121).

**INFORMATIVE:** Dust condition informative

To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

-Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":

<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

-Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

[http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring\\_construction\\_sites\\_2012.pdf](http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf)

-Control of dust and emissions during construction and demolition - supplementary planning guidance

[https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014\\_0.pdf](https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf)