

Application Number	17/1453/FUL	Agenda Item	
Date Received	29th August 2017	Officer	Charlotte Burton
Target Date	24th October 2017		
Ward	Cherry Hinton		
Site	29 Fernlea Close Cambridge CB1 9LW		
Proposal	Retrospective single storey front extension, part single storey, part two storey rear extension, first floor side extension and change of use to 8-person HMO (House in Multiple Occupation).		
Applicant	Mr A Mashuk		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The extensions and use as a large HMO would not harm the surrounding area or neighbouring properties compared to previous consents or permitted development.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No. 29 is a two storey semi-detached dwelling on the south-western side of Fernlea Close. The property has a large rear garden and was originally built with an outbuilding to the side which is attached to a similar structure belonging to the neighbouring property.

- 1.2 The property sits within a cul-de-sac of similar semi-detached properties. The surrounding area is residential in character. The site is not within a conservation area. There are no protected trees on the application site. The site falls outside the controlled parking zone. There are no other relevant site constraints.

2.0 THE PROPOSAL

- 2.1 The proposal is for retrospective consent for a single storey front extension, part single storey / part two storey rear extension, first floor side extension and change of use to 8-person HMO (House in Multiple Occupation).
- 2.2 The property has consent for extensions that were approved in 2011, 2013 and 2014. The current application seeks to regularize extensions that have been undertaken not in accordance with the previous consents. However, the previous consents are material considerations that must be given appropriate weight. The main differences between the current application and previous consents are:
- Two storey rear extension projecting approximately 4.8m compared to 4m as approved in 2013.
 - First floor side extension along length of the elevation removing the step-back approved in 2013 extension.
 - Amended front roof slope.
 - Combining the front extension from the 2013 consent which extends across the width of the frontage with the 2014 consent which projects to the side, and amending the roof from hipped to monopitched.
 - Amending the single storey side extension from flat roof (2013 consent) to monopitched.
 - Incorporating the rear roof extension from the 2014 consent.
 - Change in roof profile of the single storey rear extension and amendments to fenestration on the rear elevation.
 - Insertion of first floor windows on the side elevation of the side extension.
 - Internal rearrangements.
- 2.3 During the course of the application, the description of development was amended from specifying 6-beds to 8-persons. This is standard practise to control the number of occupants, rather than the number of bedrooms. Third parties were not consulted on this change as there was no change to the number of bedrooms or the arrangement of rooms. During the site visit, it was observed that the attic bedroom had been divided into two rooms, rather than one as shown on the proposed plans. The control over the number of occupants would not be affected by this.

2.4 The site visit also revealed an outbuilding in the rear garden and associated landscaping works, including a gate in the rear fence. The outbuilding was fitted with a kitchenette and bathroom, indicating independent occupation. However, the applicant's representatives have confirmed that the outbuilding is currently being used by a member of the same household on a temporary basis. This is being investigated as a separate enforcement matter as to whether the structure and the use requires planning permission. The outbuilding is not shown on the proposed plans and does not form part of the current application.

3.0 SITE HISTORY

Reference	Description	Outcome
11/1018/CLUPD	Side and rear dormer and front velux window	Certificate granted
11/1019/FUL	Part single storey part two storey rear extension.	Approved
13/0027/FUL	Part single storey part two storey rear extension.	Approved
14/0287/FUL	Single storey front extension, part single storey, part two storey rear extension and two storey side extension.	Appeal allowed

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	Local	3/1 3/7 3/11 3/14

Plan 2006	4/13 5/7 8/2 8/6 8/10
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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 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) Roof Extensions Design Guide (2003)

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

6.1 Cambridgeshire County Council (Highways Development Management)

A clear and dimensioned plan is required showing the three front garden parking spaces to demonstrate that these can be provided without vehicles overhanging, and obstructing, the public highway. The proposal seeks to justify a level of off-street car parking provision within the site less than one per sub-unit. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider.

6.2 Environmental Health

I have spoken with an Officer from our Residential Team who has recently inspected the premises against current housing/HMO standards and regulations. I confirm that from an Environmental Health perspective, there are no issues regarding this application.

6.3 Streets and Open Spaces (Trees Team)

No objection.

6.4 Sustainable Drainage Engineer

No comments received.

6.5 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 application has been called in by Councillor Dryden on the grounds that it relates to an enforcement matter, that there are more than 6-beds within the property than shown on the proposed plans, and parking issues.

7.2 The owners/occupiers of the following addresses have made representations objecting to the proposal (unless otherwise stated):

- 12 Fernlea Close
- 18 Fernlea Close
- 21 Fernlea Close
- 23 Fernlea Close
- 25 Fernlea Close
- 27 Fernlea Close
- 28 Fernlea Close
- 30 Fernlea Close
- 32 Fernlea Close (neutral)
- 29 Railway Street

7.3 The representations can be summarised as follows:

- Extensions out of keeping with the street
- Overlooking from windows
- Loss of privacy from window inserted into the shed rear elevation.
- Overshadowing and loss of light to window on side elevation of No. 29
- HMO use would be out of character with demographics of the area
- HMO use would result in high turnover of occupancy
- Increase in noise and disruption from HMO use
- Increased demand for on-street parking
- Resulting access, turning, amenity and highway safety issues
- Gate in rear fence increases traffic along footpath at rear
- New studio at the rear of the property out of keeping with the surrounding area
- Downstairs bathroom at the front of the house overlapping the outbuilding could have been better incorporated.
- Impact of noise and disturbance and access issues during construction.

- Inconsiderate during construction.
- Lack of transparency – property referred to as a dwelling on previous recent appeal
- Inaccuracies on the drawings including gap shown between neighbouring outbuilding and side extension.
- Building inconsistent with previous consents.
- Development should have been stopped if it was proceeding without planning consent
- Building and drains encroaching into neighbouring property
- Trespassing onto neighbouring property during construction

7.4 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. Highway safety
5. Car and cycle parking
6. Refuse arrangements
7. Third party representations

Principle of development

8.2 The proposed used as an 8-person HMO would be as a large HMO (*sui generis* use). It should be noted that the property could be used as a small HMO for up to 6 people without the need for planning permission. Policy 5/7 states that development of large HMOs will be permitted subject to:

- a. the potential impact on the residential amenity of the local area;
- b. the suitability of the building or site; and
- c. the proximity of bus stops and pedestrian and cycle routes, shops and other local services

- 8.3 I have considered criteria a and b in the relevant sections below. The site is in close proximity to Cherry Hinton High Street which provides amenities and local services as well as public transport, pedestrian and cycle links. In my opinion, the principle of development is acceptable in accordance with policy 5/7.

Context of site, design and external spaces

- 8.4 The property forms part of a semi-detached pair, however the previous consents have already established the principle of significant alterations to the property, including front, side and rear extensions. The extensions would be larger than the consented schemes. However, in my opinion, the scale, form, design and materials are appropriate for the property and the surrounding area. I do not consider these to overwhelm the existing property or to be unduly dominant within the street scene. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.5 The main amenity concern is the relationship with the neighbouring property Nos. 25-27, and to a lesser extent the impact on the attached property No. 31. I have also considered the impact on the wider residential area.

□ *Nos. 25-27*

- 8.6 This is a two storey building to the south-east of the application site. The property is split into a ground and first floor flat. It is separated from the application site by a side passageway. There are windows on the ground and first floor side elevation facing towards the proposed extensions. The ground floor flat – No. 27 – has an outbuilding attached to an outbuilding for No. 29 which sits between the properties. The property has a long rear garden.
- 8.7 A part single storey / part two storey side extension has already been permitted. The extension as built would be two storeys along the length of the side extension and would project approximately 0.8m longer at the rear. It has a sloped roof

rather than a pitched roof. The single storey side elevation is approximately 2.6m from the ground level as shown on the proposed plans and would be approximately 0.6m from the boundary. The two storey side elevation is approximately 4.9m high and approximately 1.9m from the boundary.

8.8 I have visited the site and I am comfortable with the relationship. The extensions would enclose the neighbouring property more than the original house and the previous extensions, however in my opinion this would not have an undue overbearing impact. The occupant of No. 27 has raised a concern about loss of privacy from a window inserted in the existing outbuilding which has been incorporated into the living accommodation. This outbuilding sits on the boundary and therefore this window affords direct views into the neighbouring garden. I appreciate the concern of the neighbour. However, this window could be inserted under permitted development. As such, the Council does not have control over this. In my view, this is an unfortunate situation which arises from the particular arrangement of the attached outbuildings and should be resolved in discussions between the neighbours to obscure the window.

8.9 There would be some views from the first floor windows on the side elevation. Two of these windows serve a landing which is not considered to afford significant views. The third window is a small secondary bedroom window. This would not result in a significant loss of privacy in my opinion. There would be some oblique views from the first floor window on the rear elevation of the rear extension towards the neighbouring gardens. However, this would be similar to the approved extensions and would be an acceptable relationship in my opinion.

□ *No. 31*

8.10 The single storey rear extension projects approximately 3m along the boundary with No. 31 and would be approximately 2.6m high to the eaves with a sloped roof. The two storey rear extension is approximately 3m from the boundary and projects approximately 4.8m. The extensions are to the south of the No. 31. I am satisfied that the scale of the extension would not harm the residential amenity of No. 31 in terms of overbearing, overshadowing and loss of light compared to the approved scheme and permitted development rights.

□ *Wider area*

- 8.11 Third parties have raised concerns about the impact of additional demand for on-street car parking impacting on residential amenity. I have assessed the car parking provision against the adopted standards in the section below. In my opinion, the proposed use is not considered to generate significant additional demand for on-street parking compared to a 6-bed HMO. I note the concerns from third parties about the current pressure on on-street parking. In my opinion, the existing competition for on-street parking would serve to discourage the occupants from owning cars. The properties within Fernlea Close have on-plot parking and there is a prevalence of dropped kerbs. Parking which obstructs access to driveways is a highways matter. As such, in my opinion, the proposal is unlikely to generate significant additional demand for on-street parking and, should this arise, it would not significantly adversely impact on the residential amenity of neighbouring properties.
- 8.12 Third parties have also raised concerns about noise and disruption from the proposed HMO use. The impact of 8 occupants compared to 6 occupants under permitted development would not be significant, in my view. I am satisfied that the site is suitable for the number of occupants in terms of its relationship with neighbouring properties. Nonetheless, I have recommended a standard condition for an HMO management plan to be submitted in order to control this impact.
- 8.13 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 5/7.

Amenity for future occupiers of the site

- 8.14 The extended property provides suitable internal accommodation for the 8 no. occupants. The floor plans show 7 no. bedrooms plus a small study, with associated communal kitchen/living space and bathroom facilities. The external amenity space at the rear provides a good level of external amenity space. (The outbuilding at the rear is not considered as part of the amenity provision, as it does not currently benefit

from planning permission). Use of the property as an HMO is also controlled through licensing.

- 8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/14 and 5/7.

Highway Safety

- 8.16 Third parties have raised concerns about the increased demand for on-street parking and comings-and-goings associated with the HMO impacting on highway safety. Concerns have been noted about the impact on access and turning within the cul-de-sac. The Highways Authority has reviewed the application and advised that the parking situation is unlikely to have highway safety implications. I have to accept their advice on this matter. The proposal is unlikely to generate a significant transport impact compared to a 6-person HMO which could operate without the need for planning permission. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car parking

- 8.17 The proposed site plan shows space for parking 3 no. vehicles off-street on the driveway. The Highways Authority has requested a dimensioned plan showing the size of the spaces to ensure there is no overhang. The hard-standing does not form part of this application and therefore there is no planning control over the number of vehicles that park here or whether they overhang the pavement.
- 8.18 In my opinion, the space in front of the building is suitable for parking multiple vehicles. The proposed 3 no. parking spaces would exceed the adopted standards for a single dwelling (the Council has no adopted standards specifically for HMOs). However as this is an existing situation, the car parking provision is acceptable, in my view.

8.19 The premises could be occupied by up to 6 individuals without the need for planning permission. The additional demand for parking resulting from 8 individuals is not considered to be significant. Third parties have raised concerns about inadequate car parking impacting on residential amenity and highway safety, which has been considered above.

□ *Cycle parking*

8.20 The property includes outbuildings which can be used for parking bicycles, which would be accessed via the gate in the rear fence. In my opinion, this is acceptable and no further details of cycle parking are required.

8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Refuse Arrangements

8.22 The site includes a bin storage area at the front of the property. The bins storage capacity is the same as for a single dwelling and thus the existing arrangements are acceptable in this instance. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 in this respect.

Third Party Representations

8.23 I have addressed the third party representations as follows:

Representation	Response
Extensions out of keeping with the street	See assessment above.
Overlooking from windows	See assessment above.
Loss of privacy from window inserted into the shed rear elevation	I have addressed this in my assessment.
Overshadowing and loss of light to window on side elevation of No. 29	See assessment above.
HMO use would be out of character with demographics of the area	As previously stated, the property – and others within the surrounding area - could change from a family dwelling to a 6-person HMO without the

	<p>need for planning permission. An 8-person HMO would not differ significantly from a 6-person HMO in terms of demographics.</p>
<p>HMO use would result in high turnover of occupancy</p>	<p>As above. I have no evidence to suggest there would be a higher turnover of occupants for an HMO use or that this would have a significant impact on residential amenity of neighbouring properties.</p>
<p>Increase in noise and disruption from HMO use.</p>	<p>As above. See assessment.</p>
<p>Increased demand for on-street parking</p>	<p>See assessment.</p>
<p>Resulting access, turning, amenity and highway safety issues</p>	<p>See assessment.</p>
<p>Gate in rear fence increases traffic along footpath at rear</p>	<p>The insertion of a gate in an existing boundary is permitted development and outside the control of this application. The use of the outbuilding at the rear is not included in the current application and is subject to a separate enforcement matter.</p>
<p>New studio at the rear of the property out of keeping with the surrounding area</p>	<p>This is outside the scope of the current application and subject to a separate enforcement investigation.</p>
<p>Downstairs bathroom at the front of the house overlapping the outbuilding could have been better incorporated.</p>	<p>I have to assess the application as submitted and cannot consider alternate arrangements.</p>
<p>Impact of noise and disturbance and access</p>	<p>The construction is largely complete, as witnessed during</p>

issues during construction.	my site visit. I do not consider it necessary to impose construction hours conditions.
Inconsiderate during construction.	The construction is largely complete, as witnessed during my site visit.
Lack of transparency – property referred to as a dwelling on previous recent appeal	This is not relevant to the current application.
Inaccuracies on the drawings including gap shown between neighbouring outbuilding and side extension.	I have followed this up in response to the third party's comments to receive revised plans.
Building inconsistent with previous consents	The current application seeks to regularise inconsistencies between the build and the previous consents.
Development should have been stopped if it was proceeding without planning consent	The works have been investigated by the enforcement team and action taken as appropriate.
Building and drains encroaching into neighbouring property	This is a boundary issue which the neighbour has been advised to seek legal advice on.
Trespassing onto neighbouring property during construction	This is a civil matter and not a planning matter.

9.0 CONCLUSION

- 9.1 It is regrettable that the applicant has undertaken works outside the scope of the previous consents. The Council has taken action to investigate this and the current application seeks to regularise the extensions and the use as a large HMO. I have visited the site with an Enforcement Officer. I have carefully revised the concerns of third parties. I am satisfied that the works do not harm the surrounding area or the amenity of neighbouring properties. For these reasons, in my opinion there would not be reasonable grounds to recommend refusal.

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. The HMO shall be occupied by no more than 8 people at any one time.

Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2006 policies 3/7 and 5/7)

3. Within three months of the date of this consent (or another date to be agreed in writing), a management plan for the use of the property as a large HMO (more than 6 people) shall be submitted to the Local Planning Authority. It shall include details of: who will be managing the property; external display of contact information for on-site management issues and emergencies for members of the public; how issues will be addressed; how external spaces/functional provisions will be managed (lawns, bins, bikes etc.); and what new tenant guidance will be issued re: acceptable standards of behaviour/use of the premises including bin storage etc. The management of the HMO shall be carried out in accordance with the approved details.

Reason: In order to ensure the use of the property does not adversely impact the amenity of adjacent residents (Cambridge Local Plan policy 4/13).

INFORMATIVE: The use of the property as an HMO may require a licence under the Housing Act 2004. You are advised to contact Housing Standards in Environmental Health at Cambridge City Council on 01223 457000 for further advice in this regard.

INFORMATIVE: For the avoidance of doubt, the planning permission hereby granted conveys no permission for the outbuilding within the rear garden that has been recently constructed and witnessed on site visits, either for the structure of the outbuilding or the use for accommodation.