

Application Number	18/0086/FUL	Agenda Item	
Date Received	16th January 2018	Officer	Eloise Limmer
Target Date	13th March 2018		
Ward	Arbury		
Site	25 Hale Street Cambridge CB4 3BZ		
Proposal	Construction of new single storey garden room ancillary to the main dwelling and replacement boundary wall following demolition of existing garden shed and timber fencing.		
Applicant	Mr & Mrs Hess & Mullen 25 Hale Street Cambridge CB4 3BZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">• The proposed garden room would be subservient to the host dwelling and is acceptable in terms of design• The proposed garden room would preserve the character of the conservation area• The proposed garden room would not have a significant adverse impact on the amenity of neighbouring occupiers
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a two storey end of terrace dwelling house situated on the eastern side of Hale Street. The garden runs along the northern side of Clare Street. It falls within the Castle and Victoria Road Conservation Area. The surrounding area is predominantly residential mainly made up of Victorian terraced properties with back gardens and associated sheds and outbuildings. It also falls within Controlled Parking Zone C; a car parking space is currently accommodated within the

garden and there is a dropped kerb allowing access from Clare Street. There are no other relevant site constraints.

2.0 THE PROPOSAL

- 2.1 The application seeks full planning permission for the construction of a new single storey garden room ancillary to the main dwelling and replacement boundary wall following the demolition of the existing garden shed and timber fencing.
- 2.2 The application was amended to address the Case Officer's concerns regarding the impact on 23 Hale Street in terms of overshadowing and overbearing. The flat 'green' roof section has been extended along the boundary; this means that the gable end of the pitched roof has been set back from this boundary between 1.9m and 2.4m.
- 2.3 The application is accompanied by the following supporting information:

1. Design Statement
2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
17/0686/FUL	Construction of two bedroom dwelling, consisting of two floors above ground and one floor below ground including creation of courtyard garden, to the rear of 25 Hale Street	Withdrawn

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
		4/11
		8/2 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 (Annex A)</p> <p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<p><u>Area Guidelines</u></p> <p>Castle and Victoria Road Conservation Area Appraisal (2012)</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 that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 6.1 No pedestrian visibility splay is provided, and vehicles would exit the parking space with inadequate visibility of passers-by, however, given the existing fence height I am unable to object to the proposal on these grounds as no net detriment would accrue from this detail.

Urban Design and Conservation team

- 6.2 It is considered that there are no material Conservation issues with this proposal.
- 6.3 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 County Councillor Scutt and Councillor Shiel object to the application and request that the application is called into Committee for the following reasons:
- Density – the addition of this ‘garden room’ will add to the density of this area by, in effect, creating another dwelling on the street. This creates overcrowding and adds inappropriately to the density of an already dense residential area.
 - Parking – this application must be considered as providing potential for more cars coming into an already over parked area. That the area is residents’ only at set times does not

eliminate the issue of parking from consideration. This should be considered as an issue in and of itself.

- Height – the dimension are not ‘one storey’, the height indicates that there can be a ground floor and mezzanine floor. The application is misleading in this regard. The height creates overshadowing and overbearing impacts on neighbouring properties. The amendments do not mitigate this impact and do not address the objections raised by residents.
- ‘Garden Room’ – this is not an orthodox garden room due to the inclusion of a shower and lavatory plus entrance from the street. Adding a condition regarding ancillary use provides little or no confidence. If this building were genuinely ancillary to the main building then its entrance would be from that main building and not from the street. This suggests that the garden room is going to be used as a separate dwelling.
- Enforcement - The notion that a breach of this condition could be responded to by ‘enforcement action’ is unlikely, enforcement officers have work on their hands which means they are not always able to undertake enforcement on occasions where the need is indicated. Surely it is preferable to ensure that any application is clearly an application for the stated purpose rather than allowing the application to go ahead and then to place upon residents the duty to notify the Council of suspected breach, and Council officer having to pursue such notifications then to undertake enforcement action where breach is indicated.
- Environment – the extensive report from the Conservation Team in regard to the original application (17/0686/FUL) and its ‘one liner’ now give rise to a) a concern consistent with the original report that this application is contrary to environmental requirements for this densely built up area and b) a concern in regard to the ‘one liner’ as to how this application can now be seen as consistent with these requirements. The concerns raised in the original Conservation Team report have not been eliminated.

7.2 The owners/occupiers of the following addresses have made representations:

5 Clare Street
7 Clare Street
9 Clare Street
10 Clare Street

15 Clare Street
21 Hale Street
23 Hale Street
10 St Luke's Street
12 St Luke's Street
13a St Luke's Street

7.3 The representations relating to the original application can be summarised as follows:

7.4 *Design:*

- The roof should be flat rather than pitched. The building should be described as one and a half storeys, particularly in regard to its visual impact. The proposed building comprises over-development; the 'intimate courtyard' is extremely small and thus a poor substitute for the open garden space which is a central feature of the conservation area.
- The application seems less rigorous in attention to detail and accuracy than the last one, which was rejected. Why else do the conservation concerns previously expressed by the officer seem to have been dismissed or disappeared?
- A full size bathroom should not be necessary for a 'garden room' a WC would be adequate this close to the main house. As it also has its own entrance from the street via the vehicle access it could potentially be occupied in the future as a small self contained unit with its own parking.

7.5 *Streetscape / Garden development:*

- The argument that the garden is under used is not a sound reason to build on ground which has always been a garden. The siting and scale of the new building will reduce the green space and compromise the balanced proportions of Clare Street. It represents an expansion of the built environment at the expense of the natural and thus intrinsically and inevitably changes the visual character of this section of the street.
- The replacement of the timber fence with a nearly 2m high brick wall would not give a sense of continuity along the street frontage. The style of housing on Clare Street is set back from the street so this will not be in keeping.

- The proposed development would negatively affect views through the conservation area to the spire of St Luke's Church. St Luke's Church has been visible from Clare Street since the church was built in 1885.
- 30-31 Clare Street should not be used as precedent as they are not comparable; they were constructed on a brownfield site and are set back from the street.

7.6 *Neighbour impact:*

- The site lies to the south-west of its immediate neighbour and would block sunlight from the garden in the afternoon, particularly during winter months. The visual impact and some loss of light would to a lesser extent be noticeable in gardens further down Hale Street.
- Clare Street is one of the narrowest streets in the area, only 80% of the width of either Hertford Street or Hale Street, so anything built opposite terraced houses at 1-10 Clare Street is correspondingly closer to these properties and dominates the outlook more completely. The building would be too dominant, making the street feel darker and more claustrophobic.
- The window facing Clare Street will directly overlook the front rooms of the opposite properties. It should be relocated to overlook their own courtyard 'garden'. People in the Clare Street properties will be able to look directly through this window so the inhabitants won't have privacy.

7.7 *Security:*

- There are concerns about how security would be maintained around the gated passageway to the rear gardens of neighbouring properties (17, 19, 21, 23 Hale Street and 10-13 St Lukes Street) during construction works. Residents should retain access during and after construction works as it is in constant use.
- If the new building will be let out as AirBnB the ambience of the neighbourhood will be detrimentally affected by a variety of short term renters coming in and out of the building.

7.8 *Trees:*

- Tree identified as T1 has a stem diameter of over 140mm at 1.3m above ground level and therefore is well beyond the size criteria to be considered a tree. I have no issue with the entitlement of the owners of No.25 to cut back to the boundary any overhanging trees or shrubs subject only to the requirement to give notice to the Council of any intended work on trees as we are within the conservation area.

7.9 The representations relating to the amended application can be summarised as follows:

- The latest amendments to the roof height along the boundary with 23 Hale Street to mitigate the overshadowing and overbearing impact on the neighbour make no material difference to the substantial concerns previously raised. Many residents responded that their original objections still stand in their entirety.

7.10 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)

8.2 The proposed garden room and new boundary wall would be visible from Clare Street. A new 1.8m high brick boundary wall would replace the existing timber fencing. The garden room would span the full width of the garden (7.3m) for 3.4m. There

would be an additional section housing a bathroom that would project a further 2.6m across a width of 2.4m narrowing to 1.7m. This L-shape leaves room for an off-street car parking space on the site.

- 8.3 The main section of the garden room would have a pitched roof measuring 2.45m at the eaves and 4.0m at the ridge. This section would be 5.4m in length and 3.4m in width. There were several comments suggesting that the description of the building would be more accurate if the building were described as one and a half storeys. However, the eaves and ridge height of the pitched roof would not leave enough head room for any kind of mezzanine level therefore it is considered that the description of the proposal as single storey is accurate. The section that runs along the boundary with 23 Hale Street and additional bathroom section would have a flat 'green' roof that would be 2.6m in height. This section would be between 2.4m and 1.75m in length and 6m in width.
- 8.4 The garden room would be constructed from brick with a slate roof; these materials would match the existing dwelling. The scale of the garden room means that it would clearly read as an outbuilding subservient to the host dwelling. The scale and design of the proposed outbuilding are therefore considered to be acceptable.
- 8.5 The remaining garden space were this building to be constructed would be 45m² which is considered to be acceptable for this size of dwelling in this urban context. Despite several objectors suggesting that open garden space is a central feature of the conservation area, the appraisal highlights this area as 'intensely urban' and 'heavily built up with houses and offices'. It is considered that a single storey garden room in this location would not be damaging to the character of the conservation area.
- 8.6 The proposed brick garden wall would be 1.8m tall which is the same height as the existing wooden fence. It is not considered that changing the material from timber to brick would have a significant impact on the continuity of the street frontage. The boundary wall of 13A St Luke's Street is also constructed from brick (although it is recognised that this is a shorter wall) as is that of 20 Hale Street. Therefore it is considered that a brick

wall is possibly more in keeping with the character of the surrounding area than the existing timber fence.

- 8.7 It is recognised that the properties on Clare Street are set back from the street, however the proposed building is not designed to be read as a dwellinghouse but as a subservient outbuilding. Therefore having the side elevation right on the boundary with the street is considered to be acceptable. Some views of St Luke's Church will be lost as the result of this development however it will still be visible from most of this section of Clare Street. There are several large trees in the rear gardens of the properties on Hale Street and St Luke's Street that currently block the view of the church from some angles.
- 8.8 The Conservation Officer considers that there are no material conservation issues with this proposal. I concur; it has the character of an outbuilding using materials, brick and slate, that are prevalent in the conservation area, and is subservient to the main dwelling. This application has been approached by the Council in the same way as the previous application. This is a materially different proposal on a much smaller scale than the previous application. The Conservation Officer has been formally consulted and their comments reflect their view that there are no conservation issues with the new application.
- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

Residential Amenity

23 Hale Street

- 8.10 The application site is situated to the south of this neighbour. The outbuilding would project 6.0m along the boundary with 23 Hale Street. No.23 has a two storey extension on the other boundary that projects along approximately half of their garden. The application was amended to address the Case Officer's concerns regarding the impact on 23 Hale Street in terms of overshadowing and overbearing. The flat 'green' roof section (2.6m in height) has been extended along the boundary; this means that the gable end of the pitched roof has been set back from this boundary between 1.9m and 2.4m. This is considered to significantly reduce the overbearing impact on this neighbour by moving the 4.0m high gable end away from the boundary.

This is also considered to mitigate the overshadowing impact as most of the shadow cast by the taller section will fall within the site, onto the flat roof. There will be no windows facing this neighbour therefore it is considered that there will be no overlooking issues. Therefore it is considered that the amended scheme has addressed concerns relating to overshadowing and overbearing and is therefore acceptable in terms of impact on this neighbour.

11/13/13A St Luke's Street

- 8.11 The application site is situated to the west of these neighbours. The garden room would be separated from the rear gardens of these properties by the car parking space incorporated within the application site, the shared access to the rear gardens of the properties on St Luke's Street and Hale Street, and the bin storage area for these properties. Given this distance and the proposed scale of the garden room it is not considered that there will be any significant impact on these neighbours in terms of overshadowing or overbearing. There will be no windows in the elevation facing these properties therefore it is considered that there will be no overlooking impact.

7 and 8 Clare Street

- 8.12 The application site is situated to the north of these neighbours. The proposed garden room is separated from these neighbours by the width of Hale Street. Although one of the objections to this application points out that Hale Street is quite a narrow street it is not significantly narrower than other similar streets in the surrounding area (two cars width and pedestrian footpaths). Due to its location to the north of these properties and its single storey height it is not considered that this proposal would have any overshadowing impact on these neighbours. While it is recognised that the outlook from these properties will change, the distance between the neighbours and the proposed garden room means it is not considered that the proposal would result in an unacceptable overbearing impact. There is a high level window in the proposed garden room facing onto Clare Street; the base of this window is 2.45m above street level so there would not be any overlooking from within the property. To protect the amenity of the occupiers of 25 Hale Street when using this garden room a condition will be applied to any permission requiring this window to be obscure glazed.

General

- 8.13 Many objectors are concerned that the garden room is intended for use as an independent dwelling. The applicant proposes to use this room as office space and for extra accommodation when family come to stay. The addition of a bathroom to such a space is not uncommon. Concerns were raised over the inclusion of a door which provides independent access to the garden room from the car parking space. However I consider that the main access to this building would be through the bi-fold doors from the garden; these take up most of the elevation facing the main house. This is a significant amount of glazing that would have serious privacy consequences if this building was proposed to be separately let. Due to the proximity between the building and house, the proposal is only acceptable if occupied for ancillary purposes and I have recommended a condition to this effect to be added to any consent. There was concern about access to the shared gated passageway to the rear gardens of neighbouring properties. A condition is recommended requesting details of contractor operations before development commences. This will enable the Local Planning Authority to ensure that construction does not give rise to adverse residential amenity issues.
- 8.14 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 and 3/14.

Highway Safety

- 8.15 The Highways Officer states that vehicles would exit the parking space with inadequate visibility of passers-by. However, they point out that this is no different from the existing situation due to the existing fence height so there would be no net detriment from this proposal.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.17 The existing off street car parking space will be retained alongside the current informal cycle parking provision. There is therefore no change to the existing situation.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.19 *Trees* - None of the trees mentioned in the objections are subject to Tree Preservation Orders. Trees in conservation areas are protected by the provisions but I do not consider the trees on the site to be of sufficient quality to specifically require their retention. A new tree is proposed to be planted on the boundary with Hale Street as part of this scheme; it is considered that this will enhance this section of the street scene although is not necessary to make the development acceptable.

9.0 CONCLUSION

- 9.1 The revised proposed garden room would not have a significant adverse impact on the amenity of the neighbouring occupiers. It is of an appropriate scale and design and would read as subservient to the host dwelling and would preserve the character of the conservation area. It would provide extra living space for the occupiers of 25 Hale Street while maintaining a satisfactory amount of outdoor amenity space.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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.

3. The window on the south-west elevation facing onto Clare Street 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 3/12).

4. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
 - i) contractors access arrangements for vehicles, plant and personnel,
 - ii) contractors site storage area/compound,
 - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
 - iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

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

5. 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).

6. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse and it shall at no time be independently occupied or let, used to accommodate bed-and-breakfast guests or other short-term visitors paying rent or fees.

Reason: To avoid harm to the character of the area, to protect the amenity of neighbouring occupiers and to avoid the creation of a separate planning unit (Cambridge Local Plan 2006, policies 3/4, 3/10, 3/12 and 4/13).