

Application Number	17/2250/FUL	Agenda Item	
Date Received	11th January 2018	Officer	Rob Brereton
Target Date	8th March 2018		
Ward	Queen Ediths		
Site	20 Kinnaird Way Cambridge CB1 8SN		
Proposal	Demolition of an existing garage and erection of a single new dwelling (and associated development).		
Applicant	Mr Dan Goldstein c/o Cheffins Planning and Development		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">• The development would have an acceptable impact on the character of the area.• The development would not have a significant adverse impact on residential amenity.• The development would not have a significant adverse impact on highway and pedestrian safety.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No. 20 is a two storey detached house on the junction of Kinnaird Way and Maners Way. The subject site is within the rear garden of the main dwellinghouse and accessed off Maners Way. Currently within the subject site is a single storey garage which has a dropped kerb access. The area is predominantly residential and characterised by mainly detached two storey dwellings.
- 1.2 The site is not within a Conservation Area and falls outside the Controlled Parking Zone.

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/12 4/13 5/1 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</p> <p>Technical housing standards – nationally described space standard by the Department for Communities and Local Government (2015)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 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 Management)

- 6.1 No objection on highway safety grounds but the Highway Authority notes that parking for the existing property will be displaced onto the street as part of this proposal.

Environmental Health

- 6.2 Object to the proposed log burner and the location of its flue. If the log burner is removed a condition is recommended to limit construction hours.

Landscape Design

- 6.3 No objection. A condition is recommended to ensure the driveway materials are permeable.
- 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 address have made representations:
- No. 1 Maners Way
 - No. 3 Maners Way

7.2 The representations can be summarised as follows:

- The proposed design will cause a significant loss of evening light to the rear garden of No. 1 Maners Way. This will cause considerable overshadowing impacting amenity of the occupiers of this property.
- The height of the elevation is 50cm above the roofline of No. 1 Maners Way.
- The proposal will block all light to the window of the main family bathroom of No. 1 Maners Way.
- The addition of this dwelling will create an overbearing sense of enclosure on No. 1 Maners Way as the site is extremely squashed and the building will be very close to their property. The visualisations provided are completely unrealistic and suggest that there are plenty of green fields around it. There are many houses already present.
- The proposals say that they will be using brickwork render and timber cladding. However, the plans show the use of angled zinc cladding. This zinc cladding is very dark and entirely out of character to the area.
- There is concern the proposal may creep beyond what is set out in the plans.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and it is therefore my view that the proposal complies with policy 5/1 of the Local Plan.
- 8.3 Policy 3/10 of the Cambridge Local Plan (2006) states residential development will not be permitted if it [the relevant extracts are listed below]:
- Has a significant impact on the amenities of neighbouring properties;
 - Provides an inadequate amount of amenity space/vehicular access for the proposed and existing properties;
 - Or detracts from the character of the area.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1. The relevant criteria of policy 3/10 are considered in further detail below.

Context of site, design and external spaces

Response to context

- 8.5 Architecture on both Kinnaird Way and Maners Way is quite varied and no definitive style is prominent. However, this proposed dwelling would contrast as it is much more contemporary than the surrounding dwellings with features such as a saw-tooth roof and the use of zinc cladding. I note that the roof design contains the first floor and has a low eaves height which gives the property a more subservient form. The ridge height would be 0.5 metres taller than No. 1 Maners Way and the front façade of the proposal is 1 metre further forward than the building line of No. 1 Maners Way. I consider this acceptable as these dimensions do not exceed the building form and height of No. 20 Kinnaird Way and the building line of properties are not uniform on Maners Way. I also note existing trees fronting onto Maners Way will be retained as part of this application. These in my opinion soften this dwellings appearance. I am therefore of the opinion this proposal provides an effective contrasting design which is not overly prominent

and therefore a successful addition to the streetscene. To ensure this is a high quality scheme material samples will be sought by condition.

- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

Overlooking

- 8.7 The proposal has been amended to obscurely glaze and add timber louvers to the first floor rear elevation of the double height stairwell glazing. This has in my opinion removed any potential for overlooking the rear garden of No. 22 Kinnaird Way. The other proposed first floor windows either face the streetscene in Maners Way or are rooflights which are 1.7 metres above finished floor height. I therefore consider this proposal will not create any detrimental overlooking impacts.

Overshadowing / Enclosure

- 8.8 The neighbour closest to the proposal is located 1.9 metres to the south to the side elevation of No. 1 Maners Way. The proposed dwelling would be 7 metres to the ridge and 5.2 metres to the eaves closest to the boundary with this property. The proposed dwelling does not extend further than the rear elevation of this neighbouring property but does extend 1 metre beyond the front façade. No. 1 Maners Way has no windows to habitable rooms in its side elevation facing the proposal. Whilst I acknowledge there is a bathroom window in this elevation, which also provides light to the hallway area, loss of light to non-habitable rooms such as bathrooms and landings are not considered a detrimental impact under BRE guidance.
- 8.9 Further information in the shape of a shadow study was provided to help assess overshadowing and enclosure impacts to the rear amenity spaces of neighbouring properties. This shadow study entitled *Project 17-498 Sun Study: Residential Dwelling, Kinnaird Way, Cambridge* by Gary Johns Architects illustrates the existing situation versus the proposed at hourly

intervals on the 21st March (vernal equinox). This approach accords with BRE guidance.

- 8.10 This study indicates that the rear garden of No. 22 Kinnaird Way to the east would lose some daylight in the middle of their rear garden from 3pm to 5pm. However, I consider this level of overshadowing is not significant enough to warrant refusing this application and I note the main one and a half storey bulk is 3.25 metres away from the boundary with this property.
- 8.11 No. 1 Maners Way is located to the south and the shadow study provided indicates that this neighbour's rear garden will not be detrimentally overshadowed by the proposal. I also note the main two storey bulk of the dwelling is located 4.2 metres in front of the rear two storey elevation of No. 1 Maners Way, therefore the side elevation of this property will shield the majority of overshadowing impacts to this neighbour's rear garden.
- 8.12 The rear garden of No. 20 Kinnaird Way would lose some southern light when compared to the existing situation. This impact would be to the very end of this neighbour's garden, which in my opinion is not their primary amenity space. I consider because of the combination of the short period of time this impact would occur and the location of the impact at the very end of the garden this overshadowing impact is not significant enough to warrant refusing this application.
- 8.13 All other neighbouring properties are considered a sufficient distance away to dispel any potential detrimental overshadowing and enclosure impacts.

Amenity space for No. 20 Kinnaird Way

- 8.14 The proposed subdivision still leaves No. 20 Kinnaird Way with a substantial rear garden. This amenity space is considered sufficient in size for the occupiers of this detached dwelling at 12 metres deep and 15 metre wide.

Noise

- 8.15 I do not consider that the proposed dwelling will have a detrimental impact on the neighbour's using their amenity spaces given that this land is currently used for parking vehicles

and as garden space. The proposal will retain the same access adjoining the side boundary fence of No. 1 Maners Way. I therefore consider vehicle movements into the proposed single car parking space would not create anymore disturbance than the existing situation. With regard to potential noise disturbance during construction, I have recommended a condition as suggested by the Environmental Health Officer.

- 8.16 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 3/10.

Amenity for future occupiers of the site

- 8.17 Future occupiers of this 2 bedroom property would have the benefit of two primary amenity spaces. One is a courtyard to the rear and the other a lawned area to the front. I consider the combination of the two give this proposal an adequate amount of amenity space for a two bedroom property. It is important the amenity space to the front is enclosed by hedging from the streetscene from Maners Way, to ensure it is private and a high quality space. I therefore recommend a condition regarding boundary treatment. I also recommend Permitted Development rights are removed to ensure these amenity spaces are not further encroached upon in the future without first being considered by a planning application. The first floor windows of No. 20 Kinnaid Way are 20 metres away from the side boundary fence of the proposal. I consider this a sufficient distance to dispel any potential overlooking impacts of this proposed property's amenity spaces.
- 8.18 All rooms in the proposed dwelling have a good outlook and the indoor amenity spaces of the lounge and the kitchen are of an appropriate size for a two bedroom dwelling and both are naturally well lit.
- 8.19 I consider the interior of the dwelling at a floor area of approximately 94 sq. m should provide a sufficient high quality of living space. The floor area of this proposal well exceeds that recommended by the *technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015* for a two-storey two bedroom dwelling.

- 8.20 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, 3/10 and 3/12.

Refuse Arrangements

- 8.21 The bin store indicated on the plans is located in an acceptable position and complies with the RECAP Waste Management Design Guide
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.23 The Highway Authority has no objection to this application in terms of highway safety but notes existing off street parking will be lost as part of this scheme. Whilst I accept that the demolition of the existing garage will remove the ability for No. 20 Kinnauld Way to park off the street to the rear I noted that this property does have an off street parking space to the front. I consider this an acceptable arrangement for a property in this location. While this development may lead to greater car parking pressure on surrounding streets I do not consider the impact would be great enough to adversely impact on the amenity of neighbouring properties to such an extent as to warrant refusal. The proposed dwelling also has one parking space which is considered acceptable for a two bedroom house in this location.
- 8.24 Two cycle parking spaces are indicated to be provided for this property. While I note this amount of parking accords with the minimum standards of the Local Plan (2006), I do not consider that the quality of the store is sufficient to comply with this policy. I therefore recommend a condition requiring further details of cycle storage as there is plenty of room on the site for a more useable store.
- 8.25 The Landscape Officer has recommended that a condition be added requiring the driveway to be constructed from a permeable surface. Given that the application proposes to use the existing driveway, rather than to construct as new one, I do

not consider it would be reasonable to impose such a restriction.

8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2, 8/6 and 8/10.

8.27 Third Party Representations

Concern	Response
Overshadowing/enclosure of No. 1 Maners Way	See paragraph 8.8 – 8.13
Height is out of keeping	See paragraph 8.5
Visualisations give inaccurate depiction of surrounding properties	These are just for illustrative purposes and would not be signed off as part of consent. I have been to site and I am aware of the application sites surroundings.
Cladding is out of character	See paragraph 8.5
Building may not be built to plans	Recommended condition 2 would ensure if this application is approved and not built to plans enforcement proceedings may follow.

9.0 CONCLUSION

9.1 In conclusion this contemporary two storey dwelling will enhance the streetscene and have an acceptable impact on adjoining neighbours. It is also considered the sub-division of the plot would leave an acceptable level of amenity space for both the occupiers of the proposal and No. 20 Kinnaird Way. The development would also not result in harmful highway or pedestrian safety impacts.

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments on the northern and western boundaries that are to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

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. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

7. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the dwellinghouse; the construction of dormer windows/roof extensions and first floor windows in the rear and side elevations; and the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwelling and to protect the character of the area. (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12)

8. The curtilage (garden) of the proposed property as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land, which is currently part of the host property. (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10)

9. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

10. Before first occupation of the dwelling, hereby permitted, the first floor rear elevation windows to the stairwell shall either be fitted with obscured glass and external timber louvers as shown within drawing number G010 Rev C, or shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The treatment to this window shall be maintained in accordance with these details thereafter.

Reason: In the interests of residential amenity. (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12)