

<b>Application Number</b>	18/0597/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th April 2018	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	11th June 2018		
<b>Ward</b>	Romsey		
<b>Site</b>	107 Argyle Street Cambridge CB1 3LS		
<b>Proposal</b>	Retrospective planning permission for raised ground levels in rear garden and rear boundary fence in excess of permitted development parameters.		
<b>Applicant</b>	Mr Stephen Turvill 107 Argyle Street Cambridge CB1 3LS		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li>• The proposal would not have a significant adverse impact upon the character of the area.</li><li>• The proposal would not have a significant adverse impact on the amenity of neighbouring occupiers</li></ul>
RECOMMENDATION	APPROVAL

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

- 1.1 The application site is a semi-detached single storey property on the eastern part of Argyle Street. Romsey Terrace is situated directly to the east (rear) of the property and Romsey Mews is situated directly to the south of the property. This is a predominantly residential area characterised by properties of different scale, size and design. There are no site constraints.

## **2.0 THE PROPOSAL**

- 2.1 This application seeks retrospective full planning permission for the increase in ground levels of between 300 and 343mm within the rear garden of the property and the installation of a timber slated fence of variable height above an existing brick wall on

the south and east sides of the garden. The fence has been installed to its maximum height and is mainly complete apart from some minor finishing work. The application has been submitted following a site visit by the Enforcement Team.

2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Plans

### **3.0 SITE HISTORY**

3.1 None relevant

### **4.0 PUBLICITY**

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

### **5.0 POLICY**

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/14

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

### 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 The Highway Authority has no comment to make upon this application.

## **7.0 REPRESENTATIONS**

7.1 Councillor Anna Smith has commented on this application and called it in to be considered by Planning Committee for the following reasons:

1. The rise in the ground level
2. Increase in the height of the fence resulting in overshadowing
3. Damage to the boundary wall, shrubs and trees
4. The rendering has resulted in an echo causing a rise in noise levels.

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

- 3 Romsey Mews
- 30 Romsey Terrace
- 32 Romsey Terrace x2

7.3 A petition was submitted by 5 Romsey Mews on behalf of local residents.

7.4 The representations can be summarised as follows:

- Incorrect information on the application form
- Canopy discharging water onto the path at Romsey Mews also overhanging the boundary
- Incorrect height stated
- Elevated noise level
- Loss of light to Romsey Mews cul-de-sac path and loss of light to ground floor windows at Romsey Mews.
- No.32 Romsey Mews can see into the rear garden and extension of 107 Argyle Street from their first floor bedroom window.
- Damage to the wall

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
2. Residential amenity
3. Third party representations

### **Context of site, design and external spaces**

8.2 The ground levels in the rear garden have been raised and a slated timber fence has been installed which rises above the top of the existing brick wall. The slated fence is visible from surrounding properties.

8.3 There are limited views of the fence from the wider public realm. Views from Romsey Terrace are largely obscured by No.30 Romsey Terrace, though it is visible from no.32. There are views from Romsey Mews and from a path which leads to them which is mainly used those occupiers. There are partial views of the front elevation of the property from Argyle Street.

8.4 I acknowledge the appearance of the fence is of a different material in comparison to the existing brick wall, however, I do not consider its appearance to be unduly harmful. It is contemporary in appearance and whilst of a contrasting colour, wider public views of the fence are limited. No significant harm arises.

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

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

8.6 Neighbours have raised concerns that the fence overshadows the private path leading to Romsey Mews and this is resulting in the path and brick wall being damp. The length of fence facing Romsey Mews is on its northern side. The path is partially landscaped and an attractive feature of the entrance to the Mews. However, being on the northern side of the path, any

overshadowing caused by its presence is likely to be limited. I do not agree with the third party representations that the presence of the fence causes harmful overshadowing to this external area. Any damage caused as a result of increased damp, either by the fence or in combination with the raised garden level, is a civil matter.

- 8.7 There are ground floor and first floor windows of properties in Romsey Mews facing the fence. The fence is located a minimum of 5m away on the northern side and is of variable height with the plans showing an increase of 596mm above the brick wall in the south western corner of the host property's garden.
- 8.8 From my inspection of the site and from viewing the fence from Romsey Mews, I am of the view that any loss of light or increased enclosure as a result of its installation to these properties is likely to be minimal and certainly not of a degree to merit a refusal of planning permission.
- 8.9 No.32 Romsey Terrace is located approximately 12m from the rear boundary of No.107 Argyle Street. The occupants of No.32 Romsey Mews have commented that they can now see into the rear garden and bi-fold glass doors of 107 Argyle Street from their first floor bedroom window and that the raising of the ground level has exacerbated the impact. The bi-fold glass doors are not part of the application. Overlooking is commonplace within a high density area such as this and whilst the objection is noted, my view is that the relationship and issue of privacy is not a harmful one within the existing context.
- 8.10 Neighbours have commented that that raising of the ground level and the installation of the bi-fold glass doors has created conditions resulting in an elevated noise level from the property and that the timber slating does little to alleviate this. Bi-fold doors typically allow for internal spaces to properties to be opened up more fully to their gardens and this may have created a greater degree of noise emanating from inside the property than before. However, the bi-fold doors are not part of the application and the property is being used for residential purposes. If noise continues to be an issue, this may be a matter for Environmental Health to consider in terms of noise nuisance rather than for planning.

- 8.11 The rear garden of No.30 Romsey Terrace runs along the rear wall of 107 Argyle Street. At the time of my site visit, there was a substantial hedge/bush that ran along this boundary. I am of the opinion that the proposal does not result in a significant impact upon No.30 Romsey Terrace.
- 8.12 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, 3/14 and 4/13 in terms of residential amenity impact.

### **Third Party Representations**

- 8.13 I have dealt with the substantive third party representations in the preceding paragraphs. Those remaining issues are dealt with in the table below.

<b>Concern</b>	<b>Response</b>
Incorrect information on the application form	Noted. I have taken the comments into account, but from my observations and from the plans submitted, this does not alter my recommendation. It does not invalidate the application.
Canopy discharging water onto the path at Romsey Mews also overhanging the boundary	The canopy is not included as part of this application. A further application has been requested to be submitted for the canopy and this will have to be considered separately.
Incorrect and misleading height stated within application.	I have assessed the fence from inside the property and from the outside. The height does fluctuate because of changing ground levels but my view is that its presence is acceptable.
Damage to the boundary wall.	This is a civil matter.

Removal of trees/hedges and incorrect ticking of box in application form	Noted. This does not significantly alter my recommendation. The removal of the hedges is a civil matter.
Identity of installer	Not material.
Trespassing and damage to third party property	Not material (civil matter).
Poor workmanship	Noted but this is not a matter that can be controlled through planning.
Damp proofing & shingle	Noted. These are not significant planning matters and partially civil matters between property owners.
Quality of application	Noted. I have visited the site and viewed it from Romsey Mews and various neighbouring properties. I have formed my own opinion on its acceptability.
Height over Permitted Development	Noted.
Character of applicant and lack of consultation	Not material.

## 9.0 CONCLUSION

- 9.1 Views from the street scene and wider area of the proposed fence are limited. Whilst the fence is of a different material, brighter and a newer finish in comparison to the existing brick wall, I have concluded that the actual harm arising from its presence is very limited and not significant enough to warrant a refusal of planning permission. If members were concerned with its visual presence, it would not be unreasonable to require it to be painted/stained black on its outward face, but my view is that this is not necessary. Due to the scale and positioning of the fence, it is considered that it does not have an adverse impact upon the residential amenity of the neighbouring properties.



## **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.