

<b>Application Number</b>	18/0543/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	25th April 2018	<b>Officer</b>	Lorraine Casey
<b>Target Date</b>	20th June 2018		
<b>Ward</b>	Arbury		
<b>Site</b>	95 Alex Wood Road		
<b>Proposal</b>	Erection of a detached 1.5 storey two bedroom dwellinghouse on the land to the rear of 95 Alex Wood Road accessed from Montgomery Road (following demolition of existing garage).		
<b>Applicant</b>	Mr N Cainzos-Sola		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The design and scale of the development would respond sympathetically to the character of the area.</li> <li>- The proposal would not harm the residential amenity of neighbouring occupiers.</li> <li>- The development is unlikely to have a significant adverse impact upon on-street parking on surrounding streets and highway safety</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site comprises the southern part of the rear garden of No.95 Alex Wood Road. No.95 is a two-storey end-terrace dwelling with a large rear garden that contains several trees and a garage that is accessed from Montgomery Road. The side boundary of the garden is defined by a 1.8 metre high

fence. The rear garden abuts the side boundary of No.24 Montgomery Road which is a two storey semi-detached house.

- 1.2 There are no relevant site constraints. None of the trees within the rear garden or within the grass verge on Montgomery Road are protected by Tree Preservation Orders.

## **2.0 THE PROPOSAL**

2.1 The application proposes the erection of a detached 2-bedroom 1½ storey (6.4 metre high) dwelling within the southern part of the rear garden, following the demolition of the existing garage. The dwelling would be accessed from Montgomery Road and set back approximately in line with the front elevation of No.24 Montgomery Road. A single parking space and bin/bike store would be provided to the front of the property, with the principal garden area sited on the north side of the dwelling.

2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Arboricultural Impact Assessment
3. Flood Risk Assessment
4. Plans

## **3.0 SITE HISTORY**

3.1 No relevant planning history.

## **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 2018 policies, Supplementary Planning Documents and Material Considerations.

## 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Plan 2018	Local 1 3 31 32 35 50 51 52 55 56 57 59 71 81 82

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

Central Government Guidance	National Planning Policy Framework February 2019 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A) Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)
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)

## **6.0 CONSULTATIONS**

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

6.1 The application removes the existing garage and parking serving the existing dwelling. The development may therefore impose additional parking demands upon the on-street parking on surrounding streets, albeit this is not considered to have an adverse impact on highway safety. If minded to approve, the following conditions are recommended:

- No unbound material;
- Remove permitted development rights for gates;
- Access constructed in accordance with County Highway specification;
- Access with adequate drainage measures;
- 2m x 2m visibility splays;
- Redundant crossover returned to footway and kerb.

### **Environmental Health**

6.2 The proposed development is acceptable subject to the following conditions:

- Construction hours
- Piling

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

6.3 No material urban design issues.

### **Tree Officer**

#### 1<sup>st</sup> comments

6.4 In order to fully assess the impact of the proposal on trees in the property's rear garden the applicant is required to provide an arboricultural impact assessment in accordance with BS5837 2012.

## 2<sup>nd</sup> comments in response to arboricultural impact assessment

6.5 No objection to the tree removals proposed and retained trees can be protected adequately through construction subject to tree protection methodology. The following conditions are recommended:

- Arboricultural Method Statement and Tree Protection Plan;
- Implementation of the AMS and TPP

### **Drainage**

#### 1<sup>st</sup> comments

6.6 The proposed dwelling lies in an area identified as having a high risk of surface water flooding. An assessment of the impact of surface water flooding on the proposed dwelling and of the off-site flood risk implications of the development needs to be undertaken prior to determination of the application.

#### 2<sup>nd</sup> and 3<sup>rd</sup> comments in response to first Flood Risk Assessment (FRA) and subsequent update

6.7 The submitted Flood Risk Assessment shows finished floor levels 300mm above surrounding ground levels. However, the FFL should be 300mm above expected flood levels for the 1 in 100 year plus an allowance for a climate change event. If lower than this, flood resistance and resilience measures would be required. The FRA also needs to consider the implications of reducing the available storage of surface water flooding.

#### 3<sup>rd</sup> comments following submission of updated FRA

6.8 No objections subject to the following conditions:

Detailed surface water drainage scheme based upon the principles within the FRA dated 3/12/18

Maintenance details

Minimum finished floor levels of 12.87m AOD

Flood resilient construction details

6.9 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:

- 93 Alex Wood Road;
- 24 Montgomery Road;
- 11 Redfern Close;

7.2 The representations can be summarised as follows:

- The dwelling would result in a loss of light to No 93 Alex Wood Road's garden. This would compound the situation already caused by tall trees that overhang the boundary;
- Loss of existing off-street car parking for the host dwelling will result in them parking on street. The new dwelling would therefore exacerbate existing on-street parking issues;
- The proposed car parking space would not be big enough to accommodate a larger car which would then overhang the highway;
- The development may result in damage to No.24's boundary wall;
- The dwelling overhangs No.24's boundary;
- Any loss of trees and damage to the grass verge would detract from the character of the area
- The proposed development would set a precedent for similar development in the locality.

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 the main issues are:

- Principle of Development
- Context of site, design and external spaces
- Residential Amenity
- Refuse Arrangements

- Highway safety
- Car and cycle parking
- Flood Risk
- Third Party Representations

### **Principle of Development**

- 8.2 Policy 3 of the Cambridge Local Plan (2018) generally supports the provision of new housing within the city.
- 8.3 Policy 52 of the 2018 Local Plan relates to development on garden land and the subdivision of plots. This states that such proposals will only be permitted where a) the form/height/layout respects the surrounding character, b) there is sufficient space retained for the existing dwelling and any worthy trees are retained, c) adequate amenity and privacy to neighbours is protected, d) adequate amenity space, vehicular access and car parking for proposed and existing properties is provided and, e) the proposal does not compromise development of the wider area. Criterion e) is not relevant. The remaining criteria are assessed below in the body of the report.

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

- 8.4 The site forms the rear part of the residential curtilage of 95 Alex Wood Road and contains a single-storey flat roof garage which is accessed via Montgomery Road. There are several mature trees in the rear garden which are visible within the public realm.
- 8.5 The proposed dwelling faces onto Montgomery Road and has been laid out so that it is in line with the front of the front elevation of the existing dwellings to the south. In common with the houses to the south, the proposed dwelling would be designed with its ridge running parallel to the road, although at 6.4m high, would be lower than surrounding properties and appear as a modest chalet style addition to the established two-storey housing. In this location, I am satisfied that the design and scale of the proposed dwelling would sympathetically integrate into the site and surrounding context without appearing out of character.

- 8.6 A tree survey has been carried out following concerns raised by the Tree Officer. The survey concludes that 12 individual trees and 1 group of trees were recorded. Five of the trees were assessed as being either Category A (two) or B (three). The rest of the trees and group of trees were assessed as either Category C (four and one group) and Category U (three) and will be removed from the site. None of the Category A or B trees are proposed to be removed. However, the survey acknowledges that one Category B tree (T2) which is located along the front boundary of the site may be susceptible to stem and root compaction during construction. The loss of T2 could be mitigated through the installation of temporary tree protective fencing and ground protection boards.
- 8.7 The tree officer is satisfied with the tree survey information subject to conditions regarding tree protection and arboricultural impact assessment. I have recommended both conditions.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52, 56, 57, 59 and 71.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.9 The proposed dwelling would be sited 21 metres away from the rear elevation of the host property (No.95 Alex Wood Road). Due to this separation, together with the modest height and proportions of the dwelling, I consider that it would not appear unduly overbearing or dominant from the rear elevation of No.95. The proposed dwelling, in view of these dimensions, would also not cause any adverse significant overshadowing of the rear garden of the host property. There are no windows in the side elevation (north) at first floor level that would give rise to overlooking of the rear garden of No.95. The proposal would also retain an approximately 16 metre deep garden for the existing property. I am therefore satisfied that the proposed dwelling would not have any adverse impact on the host property.
- 8.10 Concerns have been raised by the owners of No.93 Alex Wood Road to the east of the site on the grounds that the dwelling would result in a loss of light to their garden and compound issues caused by existing trees. I concur that the proposed

dwelling, which would be sited in close proximity to the eastern boundary of the site, would result in some light loss to No.93's garden. However, this impact would be confined to the end/southern part of their garden in the late afternoon/early evening. It would not have an adverse impact upon light reaching windows in the house or upon the main sitting-out area, and the amount of light reaching the garden would comply with BRE guidelines. I therefore consider the development would not have an unacceptable enclosing or overshadowing impact to this property. There are no first floor windows (other than high level rooflights) in the rear/east elevation of the proposed dwelling. Given that first floor rear windows could normally be added without planning permission, I have recommended a condition removing permitted development rights for the insertion of first floor and roof windows in this elevation.

- 8.11 The proposed dwelling would be sited in line with the gable end of No.24 Montgomery Road. No.24 does not contain any main habitable room windows in the side (north) elevation and there are no first floor windows in the side or rear elevation of the proposed dwelling. Therefore, the proposed dwelling would not appear overbearing or cause any overlooking issues. The proposed dwelling would also be located north of No.24 so would not cause any overshadowing issues.
- 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 (2018) policies 52, 55, 56 and 57.

Amenity for future occupiers of the site

- 8.13 The proposed development would provide a modest two-bed dwelling house with off street car parking, bin and cycle storage and outdoor amenity. The private garden to the side of the dwelling would be approximately 5 metres wide and 15 metres in depth. The garden would be set behind a 1.8 metre high boundary fence which would mitigate views from Montgomery Road and from the first floor windows in the host dwelling. I am satisfied that the occupiers of the proposed dwelling would benefit from a good quality living environment and an acceptable degree of privacy.

8.14 The gross internal floor space measurements for the unit in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	2	4	2	79	84	+5

8.15 The size of the dwelling complies with the requirements of Policy 50. The scheme would also provide level access and off-street car parking in close proximity to the entrance to the house. The agent has made a minor internal modification to the drawings to ensure compliance with part M4(2) of the Building Regulations and the requirements of Policy 51. I have recommended a condition to secure this.

8.16 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 (2018) policies 50, 51 and 52.

### **Refuse Arrangements**

8.17 The proposal includes a bin storage area, for three bins, in the front garden. I have recommended a condition requiring this to be provided prior to occupation of the dwelling.

8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 52.

### **Highway Safety**

8.19 The site has an existing dropped kerb which provides access to the garage. This is proposed to be used and widened to access and provide off street parking for the proposed dwelling. This would remove the off street car parking provision for the host dwelling which would consequently be displaced onto surrounding streets. Montgomery Road is unrestricted and so there is provision for on street parking. The Highways Authority has raised no highway safety objections to the proposal. As this is an existing access and parking area, I do not consider it necessary to apply all the conditions recommended by the Highways Authority, although I have recommended that the

2m x 2m visibility splays denoted within the drawings be provided and thereafter retained.

- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

### **Car and Cycle Parking**

#### Car parking

- 8.21 The proposed development would provide one car parking space for the future occupants of the dwelling. The existing 2 no. car parking spaces serving No.95 Alex Wood Road would be lost. However, I do not consider the loss of off street parking provision for the host dwelling would have a significant material impact upon on street car parking. The site is outside the controlled parking zone and the area is not identified as suffering from on-street overnight parking stress and the loss of parking for the existing property would not therefore result in demonstrable harm to highway safety. Notwithstanding this, there is space at the front of the host dwelling to accommodate an off-street car parking space should the occupier wish to provide this in the future..

#### Cycle parking

- 8.22 The proposal includes a cycle store for two cycles which would be located at the front of the site and accessed via a gated access. This complies with the policy requirements and I have recommended a condition requiring the storage to be provided prior to occupation of the dwelling.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52 and 82.

### **Flood Risk**

- 8.24 The site lies in an area identified as having a high risk of surface water flooding. In response to concerns raised by the Drainage Officer, an FRA has been submitted and subsequently amended. The design of the dwelling has been revised to raise the floor levels by 300mm and to allow surface water to enter and leave the void below the block and beam flooring.

8.25 The Drainage Engineer has advised that this overcomes initial concerns about the proposal and that subject to agreement of further details that can now be secured by condition, the development is acceptable.

### Third Party Representations

8.26 I set out below my response to the third party representations received in the below table:

<b>Representations</b>	<b>Response</b>
Concerns with the potential damage to the trees and boundary fence;	The applicant has submitted a tree survey which has been assessed by the City Council's Tree Officer. The Officer is satisfied with the survey subject to conditions which I have recommended to mitigate the impact on the retained trees during construction.
Concerns with the potential loss of daylight in the garden;	The dwelling would not cause any significant loss of daylight or sunlight to the rear garden of the adjacent gardens. The host dwelling would be more than 20 metres away and the garden area is covered with trees. No.24 Montgomery Road is located south of the application site and so the rear garden would not be impacted.
Concerns with loss of off street car parking for the host dwelling and the potential impact this would have upon on street parking;	See paragraphs 8.19 and 8.21
Concerns the proposed car parking space would not be big enough to accommodate a larger car which would then overhang the highway;	The car parking space would comply with County Highway standards of 5 metres by 2.5 metres.

Damage caused by cars parking on the grass verge would detract from the character of the area	This is not a material planning consideration.
Damage to adjacent property	Damage to the neighbour's fence/property is a civil matter and not an issue that can be considered as part of the planning application
The proposed development would set a precedent	Each planning application is considered on its own merits.

## 9.0 CONCLUSION

- 9.1 The proposal is for the demolition of the existing single-storey flat roof garage in the rear garden of No.95 Alex Wood Road, and the erection of a 1<sup>1</sup>/<sub>2</sub> storey pitched roof detached dwellinghouse with off street car parking, bin and cycle storage and outdoor private amenity space.
- 9.2 The design and scale of the proposed dwelling would respect the built form of the area and setting of the site. The proposed design is of a chalet style, with the first floor in the roofspace, and in line with the front elevation of no.24, which would give it a subservient appearance adjacent to the established two storey housing. The proposal would make effective use of ancillary garden space to provide an additional dwelling.
- 9.3 The proposed dwelling would not have any adverse impact on the residential amenity of the neighbouring dwellings, including the host dwelling, in terms of overlooking, overshadowing and overbearing sense of enclosure. The occupiers of the proposed dwelling would benefit from adequate levels of privacy and private outdoor 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 91 of the Town and Country Planning Act 1990 (as amended by 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 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 2018 policy 35).

4. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, 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 2018 policy 35).

5. Prior to the first occupation of the dwelling, hereby permitted, 2m x 2m pedestrian visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted drawing no. PL(90)01 Rev C. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety (Cambridge Local Plan 2018 policy 81).

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no further windows shall be installed in the rear elevation of the dwelling at first floor level, including in the roofspace, unless non-opening and obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent up to a minimum height of 1.7 metres above the internal finished first floor level.

Reason: To protect the amenity of occupiers of adjoining properties (Cambridge Local Plan 2018 policies 52, 55, and 57).

7. Prior to the occupation of the development, hereby permitted, the curtilage(s) of the approved dwelling(s) shall be fully laid out and finished in accordance with the approved plans. The curtilage(s) shall remain as such thereafter.

Reason: To ensure an appropriate level of amenity for future occupiers and to avoid the property being built and occupied without its garden land (Cambridge Local Plan 2018 policies 50, 52, 55 and 56).

8. Prior to first occupation of the dwelling, hereby permitted, the cycle parking facilities shall be provided in accordance with the approved details and shall be retained in accordance with these details thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles (Cambridge Local Plan 2018 policies 52 and 82).

9. Prior to first occupation of the dwelling, hereby permitted, the refuse storage facilities shall be provided in accordance with the approved details and shall be retained in accordance with these details thereafter.

Reason: To ensure appropriate provision for the storage of waste receptacles (Cambridge Local Plan 2018 policy 52).

10. Prior to any equipment, machinery or materials being brought onto the site for the purpose of development, including demolition, details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to development commencing and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the Local Planning Authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site (Cambridge Local Plan 2018 policies 55, 57, 59 and 71).

11. Notwithstanding the approved plans, the dwellings, hereby permitted, shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018 policy 51).

12. No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall be based upon the principles within the agreed Assessment of Flood Risk prepared by Martin Andrews Consulting Ltd (ref: 117-FRA-01-C) dated 03/12/2018 and shall also include:

a) Details of the existing surface water drainage arrangements including runoff rates for the 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;

b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;

c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;

d) A plan of the drained site area and which part of the proposed drainage system these will drain to;

e) Full details of the proposed attenuation and flow control measures;

f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;

g) Full details of the long-term maintenance arrangements and adoption of the surface water drainage system;

h) Measures taken to prevent pollution of the receiving groundwater and/or surface water

i) Formal agreement from a third party if discharging into their system is proposed, including confirmation (and evidence where appropriate) that sufficient capacity is available.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development (Cambridge Local Plan 2018 Policies 31 and 32).

13. Finished ground floor levels of the dwelling, hereby permitted, shall be set no lower than 12.87m AOD above existing ground level.

Reason: To reduce the risk of flooding to the proposed development and future occupants (Cambridge Local Plan 2018 Policies 31 and 32).

14. No development shall commence until a scheme for flood resilient/resistant construction has been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: To reduce the risk of flooding to the proposed development and future occupants (Cambridge Local Plan 2018 Policies 31 and 32).