

<b>Application Number</b>	18/2044/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	7th January 2019	<b>Officer</b>	Nicholas MacDermott
<b>Target Date</b>	4th March 2019		
<b>Ward</b>	Romsey		
<b>Site</b>	25 Brampton Road		
<b>Proposal</b>	Change of use from single dwelling to two flats (retrospective) and erection of first floor balcony to rear.		
<b>Applicant</b>	Mr & Mrs David Parkins Meadow Farm Ely Road Milton		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <p>The change of use from a single dwelling to two flats and the erection of a first floor balcony to rear does not harm the character and appearance of the area and provides adequate and appropriate private amenity space for each flat.</p>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is a triangular shaped piece of land located on a corner of Brampton Road where it meets a rear service road to the backs of properties fronting onto Brampton Road and Coldham’s Lane.
- 1.2 The dwelling at No 25 is the north eastern half of a pair of semi-detached two storey houses. No’s 25/27 and 29/31 are the only pairs of semi-detached houses and are located at the northern end of Brampton Road.
- 1.3 Brampton Road is comprised of small terrace rows of houses which are all characterised by bay window projections with

areas of painted render. The entire front and side elevation of No 29 is painted white, and No 27 the house adjoining No 25 is painted cream.

## **2.0 THE PROPOSAL**

2.1 This application seeks retrospective permission for the change of use from single dwelling to two flats and the erection of a first floor balcony to rear. The ground floor flat would have two bedrooms as would the first floor flat.

2.2 The application is accompanied by the following supporting information:

1. Supporting Statement
2. Drawings

## **3.0 SITE HISTORY**

Relevant applications included below:

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
18/00018/ENFNOT	Without planning permission, the unauthorised change of use of the Premises from a single dwelling house into two separate units of accommodation.	DISMIS dated 20.08.2018
17/1562/FUL	Change of use of existing two storey dwelling to two flats: 2 bedroom ground floor flat and	REFU dated 25.10.2017
15/0445/FUL	1 bedroom first floor flat  Part two storey part single storey rear and side extensions and single storey front extension	PERM dated 15.09.2015

## 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 Local Plan 2018	1 28 29 31 50 53 55 56 80 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 from 3 March 2014 onwards  Circular 11/95 (Annex A)  Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)
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<p>Previous Supplementary Planning Documents</p> <p>(These documents, prepared to support policies in the 2006 local plan are no longer SPDs, but are still material considerations.)</p>	<p>Sustainable Design and Construction (May 2007)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Cambridge Walking and Cycling Strategy (2002)</p>

## 6.0 CONSULTATIONS

### 6.1 Cambridgeshire County Council (Highways Development Control)

The streets in the vicinity provide uncontrolled parking. Occupants of the proposed scheme would be in competition with existing residential users for on-street parking but this would be unlikely to result in any significant adverse impact upon highway safety.

### 6.2 Drainage

There are no flood risk or drainage implications associated with this application.

### 6.3 **Environmental Health**

Proposal is acceptable subject to the imposition of a condition restricting the hours of construction.

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 addresses have made representations:

22, 24 and 26 Brampton Road

7.2 The representations can be summarised as follows:

Has not addressed previous refusal

Splitting the garden as proposed is not acceptable. Creates a very contrived and awkward arrangement. Does not make good amenity areas. doubtful if the areas will be used for anything other than bins and bikes.

Bin and bike storage is a considerable way from the doors of the properties, particularly for the first floor flat.

Proposal allows visibility between a first floor living room and kitchen into the bedrooms of the properties opposite with a loss of privacy

The balcony to the rear of the first floor flat giving inter-visibility to the rear of properties and gardens on Coldham's Lane and perhaps the next door garden.

It could be anticipated that all six bins would be stored in the small front garden and perhaps bikes outside the front bedroom of the ground floor flat. This would be visually impacting on the street.

Over development and inappropriate to the area. Two bedrooms meaning that they could be shared flats with possibly up to 8 people in the building as a whole.

Parking is a particular issue.

Proposed development is not consistent with its immediate locality. Changing the nature and character of the street to its detriment.

Tenants use the flat roof of the ground floor extension for an outdoor space despite no proper access or safety railings and there is no reason to suggest this would not continue with the current arrangements.

- 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**

### **Introduction**

- 8.1 The extensions and physical alterations to the appearance of No 25 were approved in September 2015 with the granting of permission of application 15/0445/FUL.

- 8.2 In October 2017 an application for the change of use of the existing two storey dwelling into two flats, Ref: 17/1562/FUL, was refused permission for the following reason:

“The proposed subdivision of the property into two flats would not provide an adequately high standard of living accommodation for future occupiers. The first floor flat could be occupied by a small family and has no access to private outdoor amenity space. The bin stores relate poorly to the development and are not sufficiently accessible. A revised bin store arrangement which would be adequately accessible is likely to be harmful to the street scene and as a result it is not possible to condition an amendment to this element. The proposal is not considered to provide an appropriate standard of residential amenity for future occupiers contrary to Cambridge Local Plan (2006) policies 3/7, 5/2 and 4/13.”

- 8.3 Following the refusal enforcement action followed and an appeal against that enforcement action was made which was dismissed by the Inspector on 20<sup>th</sup> August 2018. The Decision Letter of the Inspector is included as Appendix A.

- 8.4 In response to the decision and comments of that Decision Letter this current application was submitted just before the end of last year and was made valid on 7<sup>th</sup> January 2019.

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

- 8.5 The current appearance of No 25 was approved back in September 2015, Ref:15/0445/FUL. The angular flat roofed two and single storey extensions do not form part of this proposal.
- 8.6 The only externally visible physical works that are to be considered with this application are the replacement of a standard window in the rear elevation with a glazed door leading out onto a small part of the flat roof area where a small balcony area would be created. The size of the balcony area would be 0.9 metres deep and 4.2 metres wide. At the front of the house, in place of a central glazed door with two glazed panels to each side, two doors have been installed with a central glazed panel between.
- 8.7 A small canopy overhang attached to the rear extension shown on the 15/0445/FUL permission drawings has not been provided and is not shown on the current plans.
- 8.8 The small physical differences from the 2015 approved scheme would not harm the appearance or character of the house or surrounding area and are considered to be acceptable and in this respect the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58, 59.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.9 The physical works that have been carried out under permission Ref:15/0445/FUL were considered acceptable in terms of their impact on the amenity of neighbouring residential properties when approved in September 2015.
- 8.10 The minor changes to that permission include the replacement of a standard window with a glazed door and the creation of a small balcony area with balcony balustrading. At ground floor level it is proposed to replace a single central entrance door

with two doors. These proposed changes would not result in any identifiable harm to the amenity of neighbouring properties.

8.11 Environmental Health consider the proposal to be acceptable regarding the use of rooms adjoining the adjacent house at No 27. The subdivision and use of the garden area by two flats would have no adverse impact on surrounding residential properties as the garden area does not directly adjoin any other residential property.

8.12 The provision of a small balcony area for the first floor flat would accord with the advice of Policy 50 of the Cambridge Local Plan (2018) regarding the provision of external residential space which cites a balcony as being acceptable. The depth of the space although limited at 0.9 metres would still be able to accommodate a couple of chairs and a small table. As the balcony would be attached to the rear of a projection from the main body of the house there would be no undue overlooking/loss of privacy issues regarding the relationship with No 27 the adjoining neighbour

8.13 With regard to the relationship of the balcony area with the rear gardens of houses fronting onto Coldham's Lane the intervening sheds, garages and outbuildings sited in their rear gardens would mean that the distance from the balcony to the viewable garden areas would be in excess of 20 metres which is considered adequate in terms of maintaining an acceptable level of privacy for surrounding properties.

8.14 The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and it is compliant with Cambridge Local Plan (2018) policies 55 (58) and 35.

#### Amenity of future occupiers

8.15 The gross internal floor space measurements for units 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	3	1	61	79	+18
2	2	3	1	61	65	+4

## Size of external amenity space:

- 8.16 Application Ref: 17/1562/FUL which sought permission for a change of use of the dwelling into two flats was refused on the grounds that the first floor flat would have no access to private outdoor amenity space. The reason for refusal also referred to the bin stores being poorly related to the development and not being sufficiently accessible.
- 8.17 The Inspector reasoned that as things stood there was an adverse effect on the living conditions of occupiers of the first floor flat in terms of the lack of outdoor space provision. It was considered that the shape, size and relationship of the amenity area were considered by the Inspector to be unacceptable.
- 8.18 Those decisions were made when the 2006 Local Plan was in force. Policy 50 of the CLP (2018) includes a section on external residential space standards which indicates an expectation that all new residential units will have direct access to an area of private amenity space.
- 8.19 This current application seeks to overcome that reason for refusal and to meet the requirements of Policy 50. It is now proposed to divide the existing garden area into two parts with the garden area nearest to the flat building being allocated to the ground floor flat, and the area furthest away from the building being allocated to the first floor flat. The larger ground floor flat would be provided with 122 sq. metres of a garden space and the first floor flat would have 53 sq. metres. Hedging delineates the front boundary along Brampton Road and 1.8m high timber fencing has been erected along the rear boundary facing the rear access road.
- 8.20 The Inspector in his decision letter did not discount the possibility of a layout which would provide adequate amenity space for both flats. With regard to a proposed alternative layout providing amenity space for both flats (submitted for consideration of the enforcement appeal) the Inspector opined that as the amenity space would be adjacent to the highway it would afford little privacy from being overheard.
- 8.21 The scheme as now proposed does differ in the way the existing garden would be subdivided between the two flats. It does provide a slightly deeper area of amenity space for the

first floor flat which would give extra privacy to users of the space.

- 8.22 The configuration of private defensible space provision now proposed for the two flats is considered on balance to be adequate, sufficiently private and useable. Both amenity areas would be directly accessible from the front doors of the flats.
- 8.24 On balance the proposal provides an adequate level of residential amenity for future occupiers and it is considered that it is compliant with Cambridge Local Plan (2018) policies 50.

### **Car Parking, Cycle Parking and bins**

- 8.25 An existing car parking space is to be retained for the use of the ground floor flat which is accessed off the rear access track. In addition, a bike shed would be provided for each flat along the rear boundary of the two garden areas next to the access track.
- 8.26 The Inspector was of the opinion that adequate bin storage could be provided subject to a condition requiring approval of a bin store/s. This proposal shows that bin areas would be provided for each flat within their respective amenity areas along their rear boundaries. It is not considered that these proposed locations for the storage of bins and bikes would harm the appearance of the street scene or be unworkable. It would be possible to take the bins to the front of the property over garden paths rather than using the back access track.
- 8.27 It is considered that the proposal is compliant with Cambridge Local Plan (2018) policy 82.

### **Third Party Representations**

- 8.28 Splitting the garden as proposed is not acceptable. Creates a very contrived and awkward arrangement. Does not make good amenity areas. doubtful if the areas will be used for anything other than bins and bikes.

Case Officer response – Sub-division would be reasonable providing each flat with its own useable private amenity area.

8.29 Bin and bike storage is a considerable way from the doors of the properties, particularly for the first floor flat. It could be anticipated that all six bins would be stored in the small front garden and perhaps bikes outside the front bedroom of the ground floor flat. This would be visually impacting on the street.

Case Officer response – Distance from bin storage to street is only 15 metres for 25A and 17 metres for 25 along proposed paths. The bins would be less apparent than many along Brampton Road.

8.30 Proposal allows visibility between a first floor living room and kitchen into the bedrooms of the properties opposite with a loss of privacy. The balcony to the rear of the first floor flat gives inter-visibility to the rear of properties and gardens on Coldham's Lane and perhaps the next door garden.

Case Officer response – The separation distance between houses along Brampton Road is just over 20 metres and this is considered to be an acceptable and adequate separation distance between windows and the different uses that they serve. Because of the sheds, garages and outbuildings sited in the rear gardens of houses fronting onto Coldham's Lane the distance from windows at first floor level to the garden areas is 18 metres plus which is considered adequate in terms of maintaining an acceptable level of privacy for surrounding properties. The Inspector did not find this relationship unacceptable.

8.31 Over development and inappropriate to the area. Two bedrooms meaning that they could be shared flats with possibly up to 8 people in the building as a whole. Proposed development is not consistent with its immediate locality. changing the nature and character of the street to its detriment

Case Officer response – The proposal is not over development of the site and a total of 4 bedrooms is not considered to be excessive for the site or the surrounding area.

8.32 Parking is a particular issue.

Case Officer response – The County Highways Officer has not objected to the proposal and an existing car parking space is to be retained. In addition there is on street parking available

along Brampton Road. The Inspector did not find this aspect of the proposal unacceptable.

- 8.33 Tenants use the flat roof of the ground floor extension for an outdoor space despite no proper access or safety railings and there is no reason to suggest this would not continue with the current arrangements.

Case Officer response – The provision of the proposed private amenity space for flat 25A and the balcony area would give the occupants of the first floor flat a choice of space in which to sit out in, thus negating any need to sit out on the flat roof.

### **Conclusion**

- 8.34 The enforcement appeal was dismissed in August of 2018 on the grounds there was a significant adverse effect on the living conditions of occupiers of the first floor flat because of the lack of adequate and appropriate outdoor space provision.
- 8.35 The current proposal would address that issue in an acceptable manner with the proposed sub-division of the garden area to provide an adequate and appropriate amenity area for 25A. Furthermore, the scheme would also provide a balcony area for 25A. The scheme is now considered to satisfactorily meet the requirements of Policy 50 Cambridge Local Plan (2018) and is recommended for approval without any further delay.

## **9.0 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. Within 3 months of the date of this decision, bin and cycle storage shall be provided and the garden subdivided in accordance with the details within the approved plans.

Reason - To provide a satisfactory level of amenity for future occupiers (Cambridge Local Plan 2018, policies 52, 57, and 82)