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<b>Application Number</b>	19/1408/FUL	<b>Agenda Item</b>	41
<b>Date Received</b>	10th October 2019	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	5th December 2019		
<b>Ward</b>	West Chesterton		
<b>Site</b>	45 Highworth Avenue		
<b>Proposal</b>	Residential redevelopment comprising three link detached dwellings to the rear and one detached dwelling on the site frontage along with car and cycle parking and associated infrastructure following demolition of existing building on the site.		
<b>Applicant</b>	c/o Agent		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"><li>1. The proposed scale, continuous bulk and form of the two storey flat roofed terrace of 3 dwellings at the rear of the site would appear as inappropriate backland development</li><li>2. Overbearing impact upon No's 43, 47 and 51 Highworth Avenue</li><li>3. Driveway and parking will result in noise and disturbance upon No's 43 and 47 Highworth Avenue</li></ol>
RECOMMENDATION	REFUSAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site comprises of a 'T' shape with a bungalow and garages set back from the road and behind the building line. The bungalow sits within the main spine of the 'T' shaped site. The site also sits directly behind No.43's and No.47's gardens in a rectangular area of land approximately 0.11ha in size.

- 1.2 To the north/north-east/east is Highworth Avenue, especially no's 43, 47 and 51 Highworth Avenue. To the west/south-west is Hurst Park Avenue. The site surrounded by residential properties and their verdant spacious green gardens.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks planning permission for a 'Residential redevelopment comprising three link detached dwellings to the rear and one detached dwelling on the site frontage along with car and cycle parking and associated infrastructure following demolition of existing building on the site.'

## **3.0 SITE HISTORY**

- 3.1 None relevant

## **4.0 PUBLICITY**

- |     |                        |     |
|-----|------------------------|-----|
| 4.1 | Advertisement:         | No  |
|     | 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 2018 policies, Supplementary Planning Documents and Material Considerations.
- 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Local Plan 2018		1 3
		28 29 31 32 33 34 35 36
		50 51 52
		55 56 57 59 68 70 71
		80 81 82

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

Central Government Guidance	<p>National Planning Policy Framework 2019</p> <p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</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>
SPD's	Sustainable Design and Construction (2020)
Previous Supplementary Planning Documents	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). This document, prepared to support policies in the 2006 local plan is no longer SPD, but is still a material consideration.
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>Arboricultural Strategy (2004)</p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment</p>

	<p>(November 2010)</p> <p>Cambridge City Council Draft Air Quality Action Plan 2018-2023</p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Contaminated Land in Cambridge - Developers Guide (2009)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Cambridge On-Street Residential Parking Study (2016)</p>
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## 6.0 CONSULTATIONS

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

- 6.1 Originally objected. Amended site plan submitted demonstrating the correct inter vehicle visibility splays which overcomes objection. Conditions regarding a traffic management plan, falls and levels, driveway bound material and pedestrian visibility splays.

#### **Drainage Officer**

- 6.2 No objections subject to conditions regarding surface water drainage and maintenance programme.

## **Environmental Health team**

- 6.3 No objections subject to conditions regarding construction hours, construction/demolition noise/vibration & piling, dust, EV charge points and boilers.

## **Waste Officer**

- 6.4 This is a private road, that the refuse vehicle will not be going down, so all bins need to be put out by residents near the main road (Highworth Ave) however because there won't be room on the pavement for all the bins, a collection point will need to be installed <10m from Highworth Ave. A collection point will need to be big enough to accommodate 8 x 240 wheelie bins (4 x blue+4 x green bins, as these go out on the same day). Bins need to be taken back to the properties by the residents after collection.

## **Archaeology Team**

- 6.5 Our records indicate that the site lies in an area of archaeological potential. The site is located close to several previously investigated archaeological sites. In 2004 excavations 300m to the west of the site revealed prehistoric, Roman and medieval remains (Cambridge Historic Environment Record refs: MCB15631, ECB1316 & ECB1855). Post-medieval and Roman remains have also been found on Carlton Way, c.500m to the north-west. Furthermore, medieval occupation has been recorded c.500m to the south-east. Recommends a Written Scheme of Investigation condition.
- 6.6 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 objections:
- 9 Hurst Park Avenue
  - 20 Hurst Park Avenue
  - 24 Hurst Park Avenue
  - 26 Hurst Park Avenue

- 32 Hurst Park Avenue
- 36 Hurst Park Avenue
- 63 Hurst Park Avenue
- 65 Hurst Park Avenue
- 66 Hurst Park Avenue
- 72 Hurst Park Avenue
- 8 Highworth Avenue
- 14 Highworth Avenue
- 15 Highworth Avenue
- 19 Highworth Avenue
- 20 Highworth Avenue
- 21 Highworth Avenue
- 22 Highworth Avenue
- 23 Highworth Avenue
- 28 Highworth Avenue
- 30 Highworth Avenue
- 31 Highworth Avenue
- 33 Highworth Avenue
- 35 Highworth Avenue
- 37 Highworth Avenue
- 39 Highworth Avenue
- 43 Highworth Avenue
- 51 Highworth Avenue
- 51A Highworth Avenue
- 55 Highworth Avenue
- 57 Highworth Avenue
- 59 Highworth Avenue
- 9 Orchard Avenue
- 10 Orchard Avenue
- 18 Orchard Avenue
- 38 Orchard Avenue
- 3 Leys Road
- 13 Leys Road
- 44 Leys Road
- 26 Highfield Avenue
- 28 Highfield Avenue

7.2 The letters of objections can be summarised as follows:

- Overdevelopment
- Density is too high
- Out of keeping

- Flats roofs are out of keeping
- The proposed dwellings are of the same design when most houses down Highworth Avenue are of a different design
- Highworth Avenue has a history of every house being of a different design and having frontage on to the street, each house having open space and garden to allow nature and the wildlife to flourish.
- No other backland development
- Will set precedent for further backland development
- This garden development will interrupt a wildlife corridor and impact upon local wildlife
- Lack of information regarding biodiversity enhancements or landscaping
- The proposal would provide small amenity areas for the dwellings
- 24, 26, 32 and 36 Hurst Park Avenue which will be overlooked from the terraces on the first floors of the linked houses.
- Impact upon 41, 43, 47, 51 Highworth Avenue as the proposed dwellings are immediately behind
- Noise and disturbance
- The proposed scheme would be higher than the existing bungalow
- No public consultation was carried out by the applicant
- The documents submitted fail to state exactly how this will be achieved and how the net gain will be measured.
- Turning cars will be difficult in the site which will probably lead to cars adding to the parking pressures in Highworth Avenue
- Additional traffic coming from the site may conflict with pedestrians and cyclists
- Extra cars will damage the road further
- Contrary to policies 50, 52, 56 of the Local Plan
- Questions over the developments' sustainability merits
- Water runoff needs to be considered
- Collection of bins is unclear
- The application should go to planning committee to be considered by members

7.3 The owners/occupiers of the following addresses have made representations in support:

- 57A Highworth Avenue

The letters of support can be summarised as follows:

- Improve the area

7.4 Councillor Mike Sargeant has called the application in to be considered by members of the planning committee for the following reason:

- It is potentially in contravention of Policy 52: Protecting garden land and the subdivision of existing dwelling plots.

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 the main issues are as follows:

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. Drainage
8. Sustainability
9. Third party representations

### **Principle of Development**

8.2 Policy 3 of the Cambridge Local Plan 2018 states that for residential development, the spatial strategy is to focus the majority of new development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally.

8.3 As the proposal is for the subdivision of an existing residential plot, policy 52 of Cambridge Local Plan (2018) is relevant in assessing the acceptability of the proposal.



- 8.4 Policy 52 of the Cambridge Local Plan (2018) states that:
- 8.5 'Proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where:
- a. the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area;
  - b. sufficient garden space and space around existing dwellings is retained, especially where these spaces and any trees are worthy of retention due to their contribution to the character of the area and their importance for biodiversity;
  - c. the amenity and privacy of neighbouring, existing and new properties is protected;
  - d. provision is made for adequate amenity space, vehicular access arrangements and parking spaces for the proposed and existing properties;
  - e. there is no detrimental effect on the partial comprehensive development of the wider area'
- 8.6 The existing bungalow on the site is set behind a garage and the existing building line of its neighbouring properties. Whilst there is a strong form of linear development along Highworth Avenue, the bungalow is already set back from the road and gives the perception that there an element of back-land development. Whether or not the existing bungalow in turn allows for a deeper development of the site on the plot is a matter for debate. This notwithstanding, the following paragraphs set out to assess and conclude that the proposed scheme fails to accord with policy 52.

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

- 8.7 The site comprises a bungalow set further back into the site, behind a garage and behind the existing building line set by the neighbouring properties. Highworth Avenue is characterised by two storey dwellings that are either detached or semi-detached with driveways in front for the parking of vehicles. The proposal includes a set of 3 terraced properties at the rear of the site accessed via a long driveway from Highworth Avenue due to the demolition of the existing bungalow. The proposal also

includes the erection of a detached two storey dwelling adjacent to No.43 Highworth Avenue.

- 8.8 The proposed terrace of 3 dwellings positioned at the rear of the site would be of two storey scale, of boxed form and flat roofed. The applicant amended the scheme to lower the ridge height of the dwellings to match the ridge height of the existing bungalow. Officers acknowledge this reduction in height. However, the bungalow has a dual pitched roof in comparison to the proposed two storey scale, boxed form and flat roofed terrace. The dual pitched roof helps to mitigate the roof form of the bungalow. The proposed scheme would open up views into the site due to the creation of a large long driveway and the terrace would fill the whole of the rear of the site especially when viewed from Highworth Avenue.
- 8.9 The character of the rear garden area is its spaciousness and green landscaped context. It is considered that the proposed scale, continuous bulk and form of the two storey flat roofed terrace of 3 dwellings at the rear of the site would appear as inappropriate back-land development, out of character with the rear of the site and its surroundings and being readily apparent when viewed from Highworth Avenue down the long driveway. As such the scheme would be out of keeping with the character of the site and surrounding area contrary to Policies 52, 55 and 57 of the Cambridge Local Plan 2018.

Officers raise no issues with the siting, design or scale of the new house proposed on the frontage.

## **Residential Amenity**

### Overlooking, Overbearing and Overshadowing

Impact on amenity of neighbouring occupiers

- 8.10 The site is surrounded by residential properties. To the north/north-east/east is Highworth Avenue, especially no's 43, 47 and 51. To the west/south-west is Hurst Park Avenue. Officer's consider unit 4 to have no significant impact upon the residential amenity of it's neighbouring properties. The residential amenity impact of units 1- 3 is set out below.

*No.51 Highworth Avenue (to the north)*

- 8.11 As outlined above, No.51's garden is sited immediately adjacent to the north-west rear boundary of the site and unit 3. The applicant has proposed a shallow strip of planting on the north west boundary between unit 3 and the common boundary with No.51. However, officers do not consider this to be sufficient to mitigate against the height and length of plot 3's elevation. The excessive length, two storey height, flat roof form and three dimensional bulk of the north west facing elevation and return of unit 3 would result in a significant overbearing impact upon the rear garden of No.51 Highworth Avenue. It is not of a form which is subservient or respectful of the rear garden context. There may be a degree of overshadowing upon the very rear of the garden of No.51. But this is not considered to be significant enough to warrant a reason for refusal given the size of the garden and consideration of the BRE guidance.

*No's. 43 & 47 Highworth Avenue (to the east and to the north)*

- 8.12 The two storey flat roofed terrace of 3 dwellings would be sited directly and closely to the rear of the gardens of No.43 and 47 Highworth Avenue. Due to the limited gap between these properties and the proposed dwellings, and by virtue of the proposed scale, bulk and form of the dwellings, the proposal would result in an unacceptable sense of overbearing upon the rear gardens of No.43 and 47 Highworth. The first floor front windows are louvred to direct views into the middle of the site, and away from the rear gardens. If officers were minded to approve the application, a condition would have been recommended to secure this.

*No. 41 Highworth Avenue (to the south)*

- 8.13 No.41 Highworth Avenue is set in line with and to the south of No.43 Highworth Avenue. At the very rear of No.41's garden, which is the area closest to the terrace properties, there are a number of outbuildings. For these reasons, officers do not consider there would be an overbearing impact upon the garden of No.41.

*24, 26, 32 and 36 Hurst Park Avenue (to the west)*

8.14 The Hurst Park Avenue properties are sited west of the built form of the proposed terrace. There would be a degree of overlooking of the very rear of the gardens of the immediate properties in Hurst Park Avenue from the first floor rear windows of the 3 units and also the first floor terraces on unit 1 & 2. There would also be a degree of overbearing, overlooking and overshadowing of the very rear of these gardens. Given the distance away, and taking into consideration of the large number of these gardens are screened by very mature trees within the neighbouring gardens, and that the first floor terraces are set in from the rear elevation and further away from these properties, officers do not consider there would be a significant adverse impact upon these properties.

#### Noise/Disturbance

8.15 Cars do not currently go beyond the parking areas of the immediate neighbouring properties, No's 43 and 47 Highworth Avenue. The proposal seeks to introduce a large driveway to access the terrace of 3 properties to fill the 'T' shaped site therefore creating a hammerhead turning area. At least 5 cars would use this driveway. There would also be a car parking space directly to the rear of No.47 and also two car parking spaces adjacent to the side boundary of No.43. This element of proposal would result in an increase in noise and disturbance to neighbouring properties through car movements, especially Nos.43 and 47 Highworth Avenue, in what is an otherwise quiet rear garden area. The proposal is therefore contrary to Policies 35, 52, 55, 56 and 57 of the Cambridge Local Plan 2018.

#### Amenity for future occupiers of the site

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

Unit Type	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (ml)	Proposed size of unit	Difference in size
1	3	5	2	93	175	+82
2	3	5	2	93	175	+82
3	3	5	2	93	171	+78
4	3	5	2	93	98	+5

- 8.17 As set out in the table above, all proposed units would comply with the space standards in respect of internal floor space. The proposed dwellings all provide moderately small gardens but they are sufficient in size for a small family to occupy and utilise. The gardens would face south west. The layout and arrangement of the gardens is acceptable and would comply with Cambridge Local Plan (2018) policy 50.

### *Accessible homes*

- 8.18 The development has been assessed for compliance with Policy 51 and complies with the requirements of Part M4 (2) of the Building Regulations.

### **Refuse Arrangements**

- 8.19 The Waste Officer has commented that a collection point to accommodate 8 bins should be located 10m away from Highworth Avenue to allow the Council's waste team to collect the bins. While this not shown on the submitted plan, there is space within the site to accommodate this. If officers were minded to support the proposal a condition requiring this would be recommended to provide adequate refuse and recycling in compliance with Cambridge Local Plan (2018) policy 57.

### **Highway Safety**

- 8.20 The Highway Authority originally objected to the application due to the incorrect demonstration of inter vehicle visibility splays. The applicant submitted an amended site plan demonstrating the correct inter vehicle visibility splays which overcomes the objection. Comments from third parties regarding vehicle visibility issues and highway safety concerns are noted, however the Local Highways Authority has raised no objection to the proposed development on the grounds of highway safety or the increased use of the access. In this regard the proposal is compliant with Cambridge Local Plan (2018) policy 81.

### **Car and Cycle Parking**

#### **Car parking**

- 8.21 Each of the proposed 4 dwellings is provided with a car parking space within the site with an additional space for visitors. As

such the proposed development would meet the requirements for parking set out within Policy 82 Appendix L.

- 8.22 However, as set out in the above residential amenity section of this report, the parking and turning arrangements for the proposed dwellings would result in an adverse impact upon the residential amenity of neighbouring properties.

#### Cycle parking

- 8.23 The proposal includes individual cycle stores for each dwelling. The proposal is compliant with the standards set out in Policy 82 Appendix L.

#### Drainage

- 8.24 The Drainage Officer has not raised any objections subject to a surface water drainage condition. The condition would secure an adequate surface water drainage scheme for the proposed dwellings. If officers were minded to support the scheme, such a condition would be recommended to ensure compliance with the National Planning Policy Framework (2019) and policy 31 of the Cambridge Local Plan (2018).

#### Sustainability

- 8.25 Neighbours have questions the sustainability merits of the proposed scheme. If officers were minded to recommend approval of the application, conditions regarding water efficiency and carbon reduction would have recommended in accordance with policy 28 of the Cambridge Local Plan 2018.

#### Third Party Representations

- 8.26 The third-party representations have mostly been addressed in the relevant sections above. The following issues remain:

Representation	Response
Biodiversity, Wildlife corridor and impact upon the local wildlife, Lack of information regarding	Acknowledge the lack of information. Biodiversity enhancement could be

biodiversity enhancements or landscaping	conditioned if officers were minded to recommend approval.
Overdevelopment/Density	Addressed above. Reflected in the 1 <sup>st</sup> reason for refusal
No other backland development, precedent for further backland development	Acknowledged. The principle of backland has been addressed above.
Flat roofs	Addressed above. Reflected in the 1 <sup>st</sup> reason for refusal
No public consultation carried by the applicant	The Council has no control over this.
Parking pressures in Highworth Avenue.	It is considered the proposal includes sufficient parking within the site and therefore should not add to overnight parking stress in Highworth Avenue.
Damage to the road due to extra cars	This is a matter for the Cambridgeshire County Council Highway Team.

## 9.0 CONCLUSION

- 9.1 Whilst the proposal would provide additional housing within a sustainable location it would also introduce a form of development which would be starkly out of keeping with the verdant rear garden environment in which the properties would be located. This rear garden area is relatively free from development and buildings of comparable scale and prominence to those proposed. As such, the scheme would appear wholly out of character with its surroundings and because of its large footprint towards the edges of the site and its two storey boxed form would also harm the amenity of adjacent neighbouring gardens. These impacts would be compounded by the additional noise and disturbance which

would arise from vehicular movements associated accessing the plots. Having regard to applicable national and local planning policies, particularly policy 52, and having taken all relevant material considerations into account, it is considered that planning permission should be refused.

## **10.0 RECOMMENDATION**

**REFUSE** for the following reasons:

1. The proposed scale, continuous bulk and form of the two storey flat roofed terrace of 3 dwellings at the rear of the site would appear as inappropriate backland development, starkly out of keeping with the verdant rear garden environment in which the properties would be located and particularly when viewed from Highworth Avenue down the long driveway. The proposal would be out of keeping with the character of the surrounding area contrary to Policies 52, 55 and 57 of the Cambridge Local Plan 2018.
2. No.51's garden is sited immediately adjacent to the north-west rear boundary of the site and unit 3. The excessive length, two storey height, flat roof form and bulk of the north west facing elevation and its return of unit 3 would result in an significant overbearing impact upon the rear garden of No.51 Highworth Avenue contrary to Policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.
3. The two-storey flat roofed terrace of 3 dwellings would be sited directly and in close proximity to the rear of the gardens of No.43 and 47 Highworth Avenue. Due to the limited gap between these properties and the proposed dwelling, and by virtue of the proposed scale, bulk and form of the dwellings, the proposal would result in an unacceptable sense of overbearing upon the rear gardens of No.43 and 47 Highworth Avenue contrary to Policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.
4. The proposal would introduce additional car movements into an otherwise peaceful rear garden environment generating additional noise and disturbance impacts to neighbouring properties contrary to Policies 35, 52, 55, 56 and 57 of the Cambridge Local Plan 2018.