

<b>Application Number</b>	21/01125/HFUL	<b>Agenda Item</b>	
<b>Date Received</b>	10th March 2021	<b>Officer</b>	Phoebe Carter
<b>Target Date</b>	5th May 2021		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	8 Kelsey Crescent Cambridge		
<b>Proposal</b>	Retrospective application for the erection of an ancillary annex.		
<b>Applicant</b>	Mr And Mrs Ostani 8 Kelsey Crescent Cambridge		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The design is acceptable and the impacts on residential amenity are acceptable notwithstanding the application is retrospective and a strong objection has been received in respect of the proposal.</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 No. 8 Kelsey Crescent is a two-storey, end of terrace property on the south eastern side of Kelsey Crescent. The built form of the area is predominantly residential. Two pairs of semi-detached properties on Windermere Close face the side gable of the host property.

## **2.0 THE PROPOSAL**

- 2.1 The proposed application is seeking retrospective planning permission for a single storey ancillary annexe in the rear garden.
- 2.2 The annexe is 5 metres long by 6.5 metres in width. It fills the entire width of the garden. The height of the outbuilding is approximately 3 metres with a velux window marginally above the roof level. A veranda is to the front of the annexe extending 1 metre from the front elevation. The proposed annexe is intended to be used by family members and is proposed in materials that matched the previous garage. It includes a white plastic trim fascia board along the eaves.
- 2.3 The car port element has been removed and does not form part of the application.

## **3.0 SITE HISTORY**

An annexe has planning permission (19/0838/FUL decided on 30.08.2019). The works have been completed and the annexe has the following difference:

- The overall height is 0.1 metres higher than that approved;
- A high level obscure glazed window is proposed in the south west side elevation;
- The annexe demolished the garage instead of extending;
- The addition of a 1 metre veranda / overhang off the front elevation;
- Removal of one window from the rear elevation; and
- Removal of the car port

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
19/0838/FUL	Conversion and extension of garage to habitable space and erection of carport.	Permitted

## 4.0 PUBLICITY

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

## 5.0 POLICY

### 5.1 National Planning Policy Framework 2019

National Planning Practice Guidance

#### **Cambridge Local Plan 2018**

55 (context), 56 (successful places), 57 (new buildings), 58 (extensions)

82 (parking)

Appendix L: Car and cycle parking

Sustainable Design and Construction SPD 2020

Cambridgeshire Flood and Water SPD

## 6.0 CONSULTATIONS

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

6.1 The Highway Authority requests that the application be refused in its present format as no details of the proposed carport have been provided. The above may be overcome if the applicant provides a dimensioned plan showing the proposed car port. *(Officer note, the car port does not form part of the application)*

6.2 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 Cllr Ashton has called the application into Planning Committee regarding and in relation to the retrospective nature of the proposal and the concerns raised by the nearby residents of no. 4 Windermere Close.

The owners/occupiers of the following address have made a representation:

- 4 Windermere Close

7.2 The representation can be summarised as follows:

- Contravention to granted permission, application is retrospective and complete
- Demolition and rebuild instead of extension of garage
- Larger than existing garages, resembles a petrol filling station, out of context
- Overbearing, towering above existing garages
- Overhang excessive
- Materials, plastic fascia depth 48cm out of context, should be grey, causes glare, dazzle, temporary blindness and photokeratitis (painful, temporary eye condition caused by exposure to ultraviolet rays).
- Tree removed during build, incorrect application form submission
- Loss of biodiversity, removal of hedging and shrubs in the garden
- Use of building, it is in fact a separate dwelling, with a separate front door
- Plans dated 2019 and should have been submitted as part of original application. The changes to the plans were planned prior to construction.

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 representation received the main issues are as follows:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Other matters

### **Principle of Development**

8.2 19/0838/FUL, which is of an identical footprint to the proposed, is extant and this carries weight within the application assessment. The principle of the development was assessed under this application and was considered acceptable and in accordance with the Local Plan Policies 55, 56 and 58. Considerable focus in the third-party representation falls upon the retrospective nature of the application and the applicant's original intentions. The fact that the application is retrospective is not sufficient cause to refuse the application; members of the Planning Committee are advised to assess the application as submitted for consideration on its own merits. The applicant's intentions and the third-party representations in this regard are of no material bearing to the assessment of the proposal. The works as carried out have been entirely at the applicant's own risk and if the application is refused, officers would ask for authority to serve an enforcement notice to seek the regularisation of the planning infringement.

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

#### Response to context

8.3 The revised design of the proposed outbuilding are considered to be in scale and character with the existing dwelling and its surroundings and do not significantly change the impact of the annex upon its surroundings. The overall volume and floor area are very similar to the extant planning consent. Whilst the original garage has been demolished, instead of extended, the materials used are a similar red brick to the surrounding garages and the roof has been felted. It is considered that the materials

are in keeping with the surrounding rear garages and dwellings and it does not harm the character or appearance of the street-scene. The annex roof has been altered to create a veranda, approximately 1 metre in depth. Whilst this is visible, from the third party's garden and house and from the pathway, it is not visually harmful, despite the representation to the contrary. The white plastic fascia panel is not noticeably out of keeping; it is a commonly occurring form of fascia used on domestic buildings. The car port, previously approved under 19/0838/FUL, has been removed from the plans.

- 8.4 The proposal's impact on the character and appearance of the existing property, street scene and surrounding area is in compliance with policies 55, 56 and 57 of the Cambridge Local Plan 2018.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.5 The revised design is not considered to adversely affect the amenities of the neighbours. The overall height has marginally increased (0.1 metre) and it is not considered to significantly increase the visual impact of the proposal. It is not overbearing either to the property or rear garden area of the objector's property, which is separated by a pathway in-between. Whilst the proposal does introduce a window on the side elevation this is a high-level window to a shower room which is obscure glazed and consequently it is not considered to increase overlooking. No loss of privacy arises. Officers are mindful of the objection from No. 4 Windermere Close, however, in Officers' view the revised scheme and differences between that proposed and that approved do not amount in substance to a significant difference or significant harm. To refuse planning permission would be a difficult task to defend on appeal.
- 8.6 The addition of a verandah, due to the siting of the garages to the rear of the properties on Kelsey Crescent and the relationship to the rear amenity space of the properties on Windermere Road, is

considered not to overshadow or overbear the surrounding residential amenity spaces.

- 8.7 The proposal is not for a separate dwelling and must be determined as an ancillary proposal; it would be unreasonable of the Planning Committee to treat the application differently. A condition is proposed to be attached to any consent to restrict the use of the annex to ancillary to the main dwelling to ensure that it would not result in a separate dwelling.
- 8.8 Lastly, the objection raises issues of glare, dazzle, temporary blindness and photokeratitis associated with the white plastic fascia panel. The objector's property and garden has been visited. Officer's do not share the concerns raised in this regard. Whilst the plastic fascia is visible from the objector's garden, this form of building material is commonplace and any glare is likely only to be temporary depending on the level and angle of sunshine, reducing in time with weathering.
- 8.9 In the opinion of officers, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 55 and 57 .

### **Highways**

- 8.10 The Local Highways Authority have been consulted on the planning application. The comments have recommended that the application is refused due to lack of information provided on the car port. The proposed car port has been removed from the application, confirmed by the agent, and therefore the highways comments are not relevant. The Local Highways Officer has therefore raised no concerns regarding the proposal. Subsequently, the proposal would comply with Policy 81 of the Cambridge Local Plan (2018).

### **Third Party Representations**

- 8.11 The majority of the third-party comments have been addressed in the preceding paragraphs. Neighbours have raised concerns regarding the removal of a tree which was not included on the

original application (2019). Whilst Officers are unsure of the location of the tree in question the site does not fall within a Conservation Area and there are no Tree Preservation Orders on site and therefore the tree had no protection under planning and could be removed without notification. It therefore has little bearing on this assessment. The Council does not seek to exercise control over the layout and planting of domestic gardens. Removal of shrubs and plants prior to the project, as also raised by the objector is noted, but again has little bearing on this recommendation.

8.12 Concerns have been made regarding the use of the building. A condition was added to the original application, and will also be added to any permission granted, regarding the use of the annex ancillary to the dwelling. The floorplans submitted have not been amended regarding the internal layout and Officers are satisfied that the condition will limit the use and ensure that it remains functionally connected to the dwelling.

8.13 The other aspects of the comment have been discussed within the assessment of the application.

## **9.0 CONCLUSION**

9.1 The development in terms of the annex has not been built to the extant planning permission. The fact that the proposal is retrospective should not be held against the applicants in the determination of the proposal. It is evident that the extant permission is similar (in terms of impact and appearance) and it forms a strong fall-back position for approving the scheme. The design is acceptable and the impacts on residential amenity are acceptable notwithstanding the extant permission fall back.

## 10.0 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. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse and it shall at no time be independently occupied or let, used to accommodate bed-and-breakfast guests or other short-term visitors paying rent or fees.

Reason: To avoid harm to the character of the area, to protect the amenity of neighbouring occupiers and to avoid the creation of a separate planning unit (Cambridge Local Plan 2018, policies 35, 55, 52, and 57).