



Planning Committee Date	2 nd August 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/04891/HFUL
Site	25 Devonshire Road, Cambridge, CB1 2BH
Ward / Parish	Petersfield
Proposal	Single storey rear extension, first floor rear extension and addition of rooflights.
Applicant	Mr and Mrs Oliver Banks
Presenting Officer	Beth Clark
Reason Reported to Committee	Called-in by Councillor Richard Robertson
Member Site Visit Date	-
Key Issues	<ol style="list-style-type: none">1. Impact of character and appearance2. Impact on conservation area3. Neighbouring amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks to extend to the rear at ground floor level, replace an existing first floor rear extension and add roof lights to the roof of the existing end of terrace property known as 25 Devonshire Road, Cambridge.
- 1.2 The proposal is not considered to cause harm to the character and appearance of the area.
- 1.3 The proposal is not considered to cause unacceptable harm to the amenity or living conditions of neighbouring occupiers.
- 1.4 The proposal is not considered to cause harm to the conservation area, subject to appropriate conditions.
- 1.5 The application has been subject to amendment which removed the rear roof dormer, altered the first-floor extension, materials and fenestrations, and the width of the ground floor extension. A subsequent formal re-consultation followed. Additional plans and a daylight and sunlight assessment were submitted at a later date, and another formal consultation period followed this.
- 1.6 Officers recommend that the Planning Committee **APPROVE** the application.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area	X	Local Nature Reserve	
Listed Building		Flood Zone 1	X
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	X
Local Neighbourhood and District Centre		Article 4 Direction	

*X indicates relevance

- 2.1 25 Devonshire Road is an end of terrace dwelling in the Mill Road Conservation Area and categorised in the Conservation Area Appraisal as a positive unlisted building. It is part of a terrace which is stated in the appraisal as fairly continuous and cohesive on the west side of the road. It is set back from the road, is adjoined by another dwellinghouse to the north (no. 24 Devonshire Road), and has a passage to the south leading to a modest sized garden.

- 2.2 Devonshire road consists of residential terraced dwellinghouses along the west side of the road, stretching from Mill Road to the north and towards Cambridge Train Station to the south. There are a number of modern residential dwellings located on the south-east of Devonshire Road. To the north-east of Devonshire Road is an industrial site, which has permission for redevelopment of the site, to include a mixture of residential and commercial spaces.
- 2.3 Houses along Devonshire Road have a fairly consistent frontage with low walled gardens and bay windows. The rear of these dwellings are inconsistent and there are many examples of single-storey extensions, first floor extensions and roof dormers to the rear.

3.0 The Proposal

- 3.1 Single storey rear extension, first floor rear extension and addition of rooflights.
- 3.2 The single-storey rear extension projects approximately 2.2m from the existing rear of the dwelling, features a dual pitched roof with ridge measuring approximately 3.7m, and eaves height at approximately 2.8m. The extension will extend to the width of the original dwelling, maintaining the side passage to the garden. The development is proposed to be clad in vertical timber. The overall combined replacement and new depth of extension adjacent to no. 24 Devonshire Road (north elevation) would be approximately 4.5m.
- 3.3 The proposed first floor extension will replace an existing glass and timber structure with a brick structure, occupying a similar footprint as what is existing. The brick extension will have a dual-pitch roof. The projection will match the existing 2.3m deep structure.
- 3.4 The application has been amended to address representations made by the Conservation Officer and third party concerns and further consultations have been carried out as appropriate. Revised plans were received, and a description change was agreed on 20th April 2023. The amendments removed a proposed rear dormer, reduced the width of the ground-floor extension and added the dual-pitch roof at first floor level, alongside some fenestration and materials changes.

4.0 Relevant Site History

- 4.1 No relevant site history

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 **Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Sustainable design and construction, and water use

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 35: Human health and quality of life

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 58: Altering and extending existing buildings

Policy 61: Conservation and enhancement of historic environment

5.3 **Neighbourhood Plan**

N/A

5.4 **Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

5.5 Other Guidance

Mill Road Conservation Area Appraisal

6.0 Consultations

6.1 Conservation Officer – No Objection

6.2 Comments follow on from those made previously on 16 January 2023 and are in response to revisions made since.

6.3 No objection in principle, there remains a couple of details raised in previous comments that have not yet been adequately addressed relating to windows and materiality which could be controlled by condition.

6.4 Timber cladding is considered an incongruous material choice on an extension in this context, it is not part of the material palette for the positive traditional buildings in the conservation area.

6.5 The proposed change of style to the first-floor windows is considered out of character with the house and conservation area and any replacement should be kept similar to the existing sashes.

6.6 The removal of the side part of the ground-floor extension and overly large dormer from the plans, are welcome. The revisions to the first-floor extension are now acceptable as is the matching brickwork and slate roof. The ground floor rear extension is a modern addition, but if appropriate materials are used, it is not thought likely to harm the conservation area. Flush rooflights are advised.

6.7 Conditions: 1. Non-masonry walling system, 2. Roof tiles and brickwork to match existing, 3. Windows at first floor to be similar to existing

7.0 Third Party Representations

7.1 Multiple and detailed representations have been received in objection to the scheme as submitted and as revised in respect of the impact of the scheme on no. 24 Devonshire Road and the wider character and appearance of the area.

7.2 The following issues have been raised:

- Character, appearance and scale
- Density and overdevelopment
- Heritage impacts
- Residential amenity impact (impacts on daylight, sunlight, enclosure)
- No other developments of this nature in the street

8.0 Member Representations

8.1 Cllr Richard Robertson has made a representation objecting to the application on the following grounds:

- Loss of light and overbearing and dominant impact on neighbouring property. Fails to comply with Local Plan Policy 58.

8.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

9.0 Assessment

9.1 Heritage Assets, Character and Appearance

9.2 The application falls with the Mill Road Conservation Area.

9.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

9.4 Para. 199 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.

9.5 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area.

9.6 Policies 55, 56 and 58 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials.

9.7 The application site comprises a two-storey end of terrace dwelling. The proposal seeks to add a single-storey rear extension, replacement first floor extension and additional roof lights. The proposal would not be visible from the street scene, other than roof lights to front of the property.

9.8 Devonshire Road is a largely residential street with a row of historic terraced houses along the west side of the road and a line of trees along the east with some modern dwellings behind. There is a fairly distinctive building line featuring small garden frontages retained by low walls, most dwellings have a bay window to front and modest rear gardens. A large majority of the dwellings have benefitted from extensions to the rear,

including roof dormers, single-storey and first floor extensions and there is little uniformity to the rear of the properties on Devonshire Road.

- 9.9 A number of key characteristics are set out in the Mill Road Conservation area appraisal, which exclusively relate to the street facing elements of Devonshire Road. The document outlines the key special characteristics of the area highlighting the trees on the eastern side of the road, the cohesive and continuous terrace of houses which are set back from the road with low boundary walls, ground floor canted bays with sash windows, and slate roofs with large brick chimneystacks. There are no elements of this proposal which threaten the key special characteristics of the Mill Road Conservation Area that are outlined in the appraisal.
- 9.10 The Appraisal does point out areas where some houses have been adversely affected by the use of modern details and materials. Namely, uPVC windows and doors, roof lights, artificial slate for roofs and the loss of front boundaries. The Conservation Officer has raised issue with the style of windows and materials proposed in this application, which can be controlled via condition if deemed necessary. However, this proposal does not set out other than to maintain the key special characteristics of these positively listed Devonshire Road properties, as set out within the wider Mill Road Conservation Area.
- 9.11 The proposed ground floor extension will project approximately 2.2m from the existing rear of the dwelling, has an eaves height of approximately 2.8m and builds to a total height of approximately 3.7m. It features a contemporary dual-pitched roof design, with a gable end and is proposed to be clad in timber. Whilst timber is not a traditional material found in this location, as noted by the Conservation Officer, there are a number of developments to the rear of the Devonshire Road which use timber cladding. Most notable is the "Tree House" behind numbers 35-37 Devonshire Road, which is a contemporary two-storey dwelling fully clad in horizontal timber. In officers view, it would not be inappropriate or in any way visually harmful for a modest ground-floor extension of this size to be clad in timber in the manner proposed; the material is already utilised in the Conservation Area and given the contemporary shape and design of the extension, it would be perceived as to successfully contrast with the original building.
- 9.12 The proposed ground floor extension will largely cover an area of existing patio and will extend down the south side of the site, in line with the original dwelling. A previous iteration of the scheme showed the ground-floor extension to stretch beyond the width of the original house, however following officer recommendations this was amended, and revised plans were submitted in April 2023 with a re-consultation following. The Conservation Officer welcomed this amendment and stated no objections to the size and form of the ground-floor extension. Following the amendments, the ground floor extension is thought to be an appropriately sized and designed addition which relates well to the host dwelling.

- 9.13 The first-floor extension would be better described as a replacement extension as there is an existing structure at the rear of the dwelling, at first-floor level. Although there are no records pertaining to planning permission of the original structure, Google Earth imagery demonstrates that it has been there for at least 20 years and is therefore outside the enforceable period.
- 9.14 The proposed first floor extension seeks to replace the existing flat-roofed wood and glass construct, with a brick structure that features a dual-pitched roof with slate tiling. The proposed eaves line would be below that which is existing at this first-floor interface with the boundary with no. 24 Devonshire Road. Previous iterations of this development proposed render and a large picture window at first-floor level. Following advice from the Conservation Officer, materials have been revised to matching brickwork on the original dwelling and a reduced window size to be more sympathetic towards the original windows of the dwelling.
- 9.15 Following the aforementioned revisions, the Conservation Officer has raised concerns regarding the change of style of window at first floor, as they remain to be considered out of character with the dwelling and Conservation Area. As such, it would be appropriate to secure details of the windows via condition to ensure any harm to heritage assets is limited.
- 9.16 As previously mentioned, there are a number of other dwellings on Devonshire Road which have extended at first floor level. These include nearby no. 28, and groups of properties at either end of the road (nos. 40-43 and nos. 5-6). Whilst each application is assessed on its own merit, it can be argued that a first-floor extension would not be out of character in the area due to the existence of other similar developments in this context.
- 9.17 It has been stated that due to the materials used in the existing first-floor structure, there is a certain level of visual permeability and light allowed to the neighbouring window. However, it would be impossible to control instances of blinds or window coverings that could be erected inside the existing structure, which would block any views and light to the neighbouring window. The design of the proposed first floor element is considered to be considerate as it would allow for sunlight to enter the neighbouring garden and window over the top of the dual pitch roof.
- 9.18 Overall, the proposed development is a high-quality design that would respond positively to its surroundings. The proposal is reflective of other residential developments to the rear of Devonshire Road and is not considered out of character or an overdevelopment of the site. By virtue of its scale, massing and design, and with the support of conservation specialists, it can be considered that there would be no harm to the character and appearance of the Conservation Area. The proposal is therefore compliant with Cambridge Local Plan (2018) policies 55, 56, 58 and 61 and with the provisions of the Planning (LBCA) Act 1990 and the NPPF.

9.19 **Amenity**

- 9.20 Policies 35 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 9.21 Immediate neighbouring properties are no. 24 Devonshire Road adjoined to the north of the application site and no. 26 Devonshire Road located to the south of the site, separated by a passage.
- 9.22 Concerns have been raised by the neighbouring property no. 24 Devonshire Road regarding the ground-floor extension having an unacceptable overbearing and enclosing impact on their garden amenity space and outlook from rooms at the rear of the property, due to the proposed extension coupled with the existence of an outbuilding in the rear garden of the development site. A distance of over 3.2m will be retained between the proposed ground floor extension and the outbuilding and does not result in an unacceptable level of built form and enclosure along the shared boundary.
- 9.23 Permitted development rights allows for 4m single-storey extensions to be built from the original rear of dwellings. With original rear of the dwelling at no. 25 in mind, the proposed development is only 0.4m above what would be achieved through permitted development. As a result, a distance of 3.6m along the boundary would remain between a permitted development rear extension and the existing outbuilding. This would be a difference of only 40cm when compared to the development proposed under this application.
- 9.24 Third party representatives have called into question a sunlight, daylight and overshadowing study conducted by EAL Consult and submitted by the applicants. More specifically, an objection has been received which relates to the fact that the windows assessed within the study are not numbered, and therefore cannot be identified. It can be assumed without reasonable doubt that the four windows in question, relate to the two windows at first floor level and two sets of French doors at ground floor level, which are in situ at the rear of no. 24. The two windows/doors closest to the application site are the ones that will be affected the most by the proposed development and the study demonstrates that there will be a negligible impact of less than 0.7% difference post-construction. For Annual Probable Sunlight Hours, all four windows/door identified will continue to receive more than the recommended sunlight hours in both summer and winter months.
- 9.25 It has also been disputed that the Overshadowing Assessment to neighbouring amenity area contained within the report by EAL Consult is inaccurate. The objection is concerned that the existing rear outbuilding in the garden of the application site has not been considered within the overshadowing assessment to the amenity area. Officers consider that the outbuilding has been included in the assessment as the gradient of colour

on the resultant heatmap is a darker shade (indicating some shadowing), in the area of garden land adjacent to this outbuilding. As a result, it is rational to conclude that both neighbouring amenity spaces either side of the application site will receive more than the minimum BRE requirement of two hours of sunlight on 21st March (equinox), to at least 50% of the garden.

- 9.26 Objections have been noted in relation to the loss of light to a habitable ground-floor room at no. 24 Devonshire Road, which will be adjacent to the proposed rear extension. A 45-degree loss of light analysis has been conducted and demonstrates the development would not break the vertical measurement and as a result, daylight and sunlight levels are unlikely to be adversely affected.
- 9.27 Concerns have been raised regarding the impact on light to the neighbouring properties first-floor window, situated to the north of 25 Devonshire Road and adjacent to the first-floor extension. The proposed brick extension is considered to be an improvement on the existing structure and has a better relationship to neighbouring no. 24 Devonshire Road. It will appear less overbearing due to the dual-pitched roof bringing the tallest part of the structure away from the boundary. Additionally, the eaves are proposed to be lower than what is existing, and the design and materials are an improvement on the wood and glass structure. The replacement structure would greatly reduce any instances of overlooking, as the only proposed window would face towards the application sites own garden. Crucially, the proposed extension would not break the 45-degree rule of thumb for loss of light, when measured vertically. Following BRE guidance, where the centre of the neighbour's window lies outside of the 45 degree lines, daylight and sunlight levels are unlikely to be adversely affected because light will continue to be received over the dual-pitched roof.
- 9.28 Site visits were completed by officers on three occasions, once to the application site (25 Devonshire Road) and twice to the adjoined neighbouring property (24 Devonshire Road). A thorough assessment has been made with regards to impact on loss of daylight, enclosure and overbearing and it can be demonstrated that the proposed development does not give rise to any significant amenity impacts on the neighbouring properties either side of the development site. The proposal does not break the 45-degree rule of thumb for loss of light and the submitted daylight and sunlight study (whilst not absolutely necessary to demonstrate the acceptability of the proposal) further establishes that these impacts would be negligible. There is an appropriate amount of space along the northern boundary of the site where there would be no built form, and as such any additional enclosure of neighbouring amenity space would not be significant enough to warrant a recommendation of refusal. The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policy 58.

9.29 The scheme is relatively small in scale and construction impacts are likely to be limited to a temporary period. Whilst there may be impacts arising from construction related activities that would give rise to some harm to the amenity of nearby occupiers, the level of harm would not be significant. The proposal is compliant with Local Plan policy 35.

9.30 **Other Matters**

9.31 Objections have been received about the lack of planning permission for a garden outbuilding at the application site. The outbuilding on site could have been completed in line with permitted development rights, for which planning permission is not required. Furthermore, the outbuilding appears to have been in situ since 2017 according to Google Earth imagery, and there are no records of enforcement action on the site. The outbuilding is likely to have become immune from enforcement action through the passage of time.

9.32 Concerns have been raised regarding the water run-off and maintenance from the proposed extensions. For the ground floor extension, the area within the development site where the proposed extension would project is currently paved. When considering this alongside the modest scale of the development, officers consider that the surface water risk resulting from the development would not be significant. The first-floor extension is a replacement and therefore run off rates are likely to be similar to what is existing. The proposal is contained within the red line of the development site and therefore drainage and water run-off are required through Building Regulations to be contained within the development site. Access for maintenance and party wall matters are a civil matter between neighbours and not a planning consideration.

9.33 Objections have been noted that the proposed development erodes the back garden, which is an important wildlife corridor harbouring local biodiversity. The area where the proposed ground-floor extension would project is currently paved and due to the minor scale of the development, it is considered that the levels of biodiversity in this area will be maintained. Any conditions requesting a scheme of biodiversity enhancement would be onerous.

9.34 Objections have stated that the proposed development would block views to gardens to the south and west of the site. Availability of views is a private matter and not a material planning consideration.

9.35 There are concerns raised about procedural issues including the lack of consultation. However, appropriate consultation has been confirmed and this has been carried out following changes in April 2023 and upon receipt of additional information in June and July 2023. Officers are satisfied that neighbouring occupiers / owners have had sufficient notice of changes.

- 9.36 Bin Storage and Car/Cycle parking arrangements at the site will be unaffected by the proposal.
- 9.37 Officers have no other concerns regarding the impact of the scheme on any other residential neighbours.
- 9.38 The proposal does not seek to amend the existing access or result in any highways safety implications. As a result, the proposal would comply with Paragraphs 110-111 of the NPPF.

9.39 **Planning Balance**

- 9.40 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 9.41 The proposed application is of high-quality design and is appropriate in terms of scale, form, siting, design, proportion and materials in relation to the surrounding area. The scheme would preserve the character of the local urban area and responds well to its context and the Conservation Area. Strong and detailed objections have been received from neighbouring owner and occupiers of no. 24 Devonshire Road located to the north of the site, relating to the impact of the proposal on their property and the wider character of the area including the Conservation Area. These objections have been duly noted and acknowledged throughout this report. Officers consider the perceived impacts to be overstated and in fact the scheme to be a modest and respectful addition to the existing house which has been amended to overcome concerns. There are no significant harmful neighbour amenity impacts arising.
- 9.42 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

10.0 Recommendation

10.1 **Approve** subject to:

The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

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. The materials to be used in the external construction of the ground-floor extension, hereby permitted, shall follow the specifications in accordance with the details contained within the application form, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55 and 58).

4. The materials to be used in the external construction of the first-floor development, hereby permitted, shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55, 58 and 61).

5. No proposed new windows shall be constructed, nor existing windows altered, until details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To avoid harm to the Conservation Area. (Cambridge Local Plan 2018, policy 61).