



<b>Planning Committee Date</b>	04/10/2023
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/01821/HFUL
<b>Site</b>	30 Maids Causeway
<b>Ward / Parish</b>	Market
<b>Proposal</b>	Demolition of existing garage and erection of two storey double garage.
<b>Applicant</b>	Miss Xi Lin
<b>Presenting Officer</b>	John McAteer
<b>Reason Reported to Committee</b>	Called-in by Cllr Tim Bick
<b>Member Site Visit Date</b>	-
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Design</li><li>2. Use of Property</li><li>3. Separate Planning Unit</li></ol>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for the demolition of an existing garage and erection of a two-storey double garage. Above the garage an ancillary gym and home office would be located. The proposal is in keeping with its surroundings and gives rise to no significant impacts on neighbouring amenity or visual amenity with its Conservation Area and surrounding listed building and BLI setting context.
- 1.2 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 (setting 32 – 50 Maids Causeway)	x	Flood Zone	
Building of Local Interest (30 Maids Causeway and adjacent neighbours to the west)	X	Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

\*X indicates relevance

- 2.1 The existing site is a residential property fronting Maids Causeway with a garden and single storey garage accessing Salmon Lane. Residential Properties lie to the East and West, and Grafton West Car Park is found to the South.

## 3.0 The Proposal

- 3.1 The application proposes the demolition of an existing garage and the erection of a two-storey double garage.
- 3.2 The two-storey garage would be built to replace an existing single storey garage within the rear garden of the property which overlooks the road of Salmon Lane.
- 3.3 The application has been minorly amended to address representations and from the Local Highways Team. This amendment involved a small change to the internal layout of the Garage and a door within the garage door has been swapped from internal opening to external opening. Given

how small the change to the proposed plans was, further consultation was not deemed necessary.

#### **4.0 Relevant Site History**

No previous applications have been made on the site to amend or otherwise alter the existing single storey garage. Therefore, previous applications relating to the main property are not considered to be relevant to the current proposal.

#### **5.0 Policy**

##### **5.1 National**

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

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)

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

Policy 1: The presumption in favour of sustainable development

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 58: Altering and extending existing buildings

Policy 59: Designing landscape and the public realm

Policy 61: Conservation and enhancement of historic environment

Policy 62: Local heritage assets

Policy 71: Trees

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

##### **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

Grafton Area Masterplan and Guidance SPD (2018)

##### **5.5 Other Guidance**

The Kite conservation area

## **6.0 Consultations**

### **6.1 County Highways Development Management –No Objection**

6.2 The Highways Authority advised that the internal arrangement of the proposed garage would not provide enough space for two cars given the internal opening door found within the south facing garage door.

6.3 Following further formal consultations, Dr Jon Finney advised that an external opening door would satisfy requirements for parking provision within the garage. The applicant accepted this advice, and the proposed plan was subsequently changed to reflect this in the design.

### **6.4 Conservation Officer – No Objection**

6.5 The application has been assessed and it is considered that the proposal would not give rise to any harm to any heritage assets.

## **7.0 Third Party Representations**

7.1 11 representations have been received.

7.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Heritage impacts
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)
- Construction impacts

7.3 Those in support have raised cited the following reasons:

- Quality of design
- Improvement of the local area
- Suitable use of space

7.4 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.

## **8.0 Assessment**

### **8.1 Principle of Development**

8.2 The proposed seeks to erect a two storey garage building within the rear garden of the property. The garage would share a footprint with an existing single storey garage to be demolished and would overlook Salmon Lane, a road with multiple two storey garages already in evidence. Given the

context and minor nature of the garage to be built it is considered that the principle of the development is acceptable and in accordance with policies 55, 56, and 58.

### **8.3 Design, Layout, Scale and Landscaping**

- 8.4 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 and includes appropriate landscaping and boundary treatment.
- 8.5 It is considered that the proposed garage building would be an acceptable addition to the site. The garage would be built upon the footprint of an existing garage to be demolished and would be subservient in both scale and design to the main dwelling.
- 8.6 The garage would be visible along Salmon Lane. There are already several two storey garages / outbuildings of similar size and varied design along this road. The proposal would therefore not be out of character. In particular, the adjacent property at 32 Maids Causeway has a similarly sited two storey garage of approximately the same height and width as that proposed.
- 8.7 Given the subservience of the proposed garage to the main dwelling and the context of the existing garages / outbuildings which overlook Salmon Lane, the proposal would be in keeping with its surroundings. It is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, and 58.

### **8.8 Heritage Assets**

- 8.9 The application falls within the Kite Conservation Area and the main dwelling is a Building of Local Interest. The proposal would be within the visual sphere of listed grade 2 buildings to the east along Maids Causeway and other BLI's to the west.
- 8.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.11 Para. 199 of the NPPF set 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.
- 8.12 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. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.

- 8.13 The Conservation Officer has advised that the proposal would not give rise to any harm to the identified heritage assets.
- 8.14 As per the Conservation Officer's comments, it is considered that the proposal would not represent harm to the Conservation Area or the building of listed interest. The garage would not be connected to, nor directly impact any part of the main dwelling, and would be subservient in scale.
- 8.15 The proposed garage would be visible from Salmon lane and the Grafton West Car Park, but would otherwise be screened from the rest of the Conservation Area by residential houses. Given the existing two storey garages / buildings within the context, the impact upon the Conservation Area would not be harmful. No harmful impact is envisaged to the setting of other listed buildings or BLI's locally. The proposal is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policies 60 and 61.

#### **8.16 Cycle and Car Parking Provision**

- 8.17 Car parking
- 8.18 Highways Officer Dr Jon Finney advised that the internal opening door within the garage door of the proposed garage would limit the types of vehicles able to park within the building and therefore impact the parking provision of the site.
- 8.19 A revised scheme has been provided which alters the existing internal opening door to an external opening door, satisfying the objection of the Highways Authority. Given that there is an existing garage on the site and the proposal would not reduce this provision, the proposal is therefore considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.
- 8.20 Sufficient space would remain within the garage for bicycles to park and pass through and underneath the building.

#### **8.21 Amenity**

- 8.22 Policies 35, 50, 52, 53 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.
- 8.23 Neighbouring Properties

- 8.24 The proposal would rise to two storeys at the rear of the existing garden, potentially causing some loss of light to both adjacent neighbours at 32 and 28 Maids Causeway. Any loss of light is not considered to be significantly harmful. Overlooking impacts would not be significantly harmful. There is a first-floor rear facing full sized window to the gym / office. This window has been conditioned to be obscure glazed and non openable below 1.7m to avoid any additional overlooking. There is also a side facing first floor toilet window which will also be obscure glazed through condition.
- 8.25 32 Maids Causeway already has a two storey garage at the rear extremity of its garden. Given the similarity in scale and design between the existing garage at 32 and the proposed garage at 30, the massing and loss of light impacts on either property would be mutual and neither would not impact an area of primary residential amenity.
- 8.26 28 Maids Causeway has a single storey garage at the rear extremity of the garden. The proposed garage building at number 30 would not exceed the Northern elevation of this single storey garage and therefore loss of light to the garden of number 28 would not be significant.
- 8.27 Several neighbours raised objections on the grounds that the proposed garage could be used as a property to let. Whilst the proposed garage would share a garden with the existing dwelling and therefore a functional link would remain between the two, it is acknowledged that there is a risk the proposal could be used a property to let and become a separate planning unit. Planning permission would be required for such a use and the creation of a separate planning unit. In any event, a condition is recommended ensuring that the use of the proposed garage would remain ancillary to the main dwelling.
- 8.28 Summary
- 8.29 The proposal adequately respects the amenity of its neighbours and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, 53, and 58.
- 8.30 Third Party Representations**
- 8.31 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

<b>Third Party Comment</b>	<b>Officer Response</b>
Party walls	This is a civil matter between different landowners in which the local planning authority has no role. The Party Wall Act 1996 governs the process by which party walls and associated disputes are handled.

Covenants	A planning permission would not override covenants and private rights. These are civil matters between different landowners and not a material planning consideration.
Building control	Concerns have been raised regarding the building works. A planning permission does not override the requirement for Building Regulations to be obtained.

### 8.32 Planning Balance

- 8.33 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).
- 8.34 The proposed would introduce a two-storey garage outbuilding to the rear of the existing property where previously there was a single storey garage. Minor impacts of massing on the boundary and loss of light to neighbouring gardens would result.
- 8.35 The existing garage is in poor condition, and the rear road of Salmon Lane has a number of similar two storey outbuildings facing onto it. A new two storey outbuilding on this plot would help revitalise the road, be in keeping, and be of a suitable size and design in the existing context.
- 8.36 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

### 9.0 Recommendation

- 9.1 **Approve** subject to the following conditions, minor amendments of which delegated to officers:

### 10.0 Planning 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 The two-storey garage hereby permitted shall be used only for purposes ancillary to the enjoyment of the host dwelling house. It shall at no time be used as sleeping accommodation, nor shall it be separately occupied or let and no trade or business shall be carried on therefrom.

Reason: To avoid harm to the character of the area, to protect the amenity of neighbouring occupiers and because if the outbuilding were to be slept in or used as a separate unit of accommodation it would provide a poor level of amenity for its intended occupiers (Cambridge Local Plan 2018, policies 35, 50, 55, 52, and 57).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the first floor elevations/roof slopes of the garage unless the windows are (a) obscure-glazed, and (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; or expressly authorized by planning permission granted by the Local Planning Authority in that behalf.

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

5. The first floor north facing gym / office window and first floor east facing toilet window shall both be obscure glazed to Pilkington Level 3 level of obscurity prior to the use of the spaces and retained as such for the lifetime of the development. The windows shall be non-openable and retained as such below 1.7m from the internal finished floor level.

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