

<b>Application Number</b>	19/0169/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	21st February 2019	<b>Officer</b>	John Shuttewood
<b>Target Date</b>	18th April 2019		
<b>Ward</b>	Newnham		
<b>Site</b>	█ Eltisley Avenue		
<b>Proposal</b>	Retrospective single storey rear extension and decking		
<b>Applicant</b>	█ █ Eltisley Avenue		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed extension is considered to be of high-quality design and is considered to preserve and enhance the character and appearance of the Conservation Area</li> <li>- The proposed extension is not considered to give rise to any significant adverse impacts to residential amenity</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is a two-storey brick mid-terrace property on the eastern side of Eltisley Avenue. Eltisley Avenue is a residential street characterised by terraced dwellings. The site lies in close proximity to commercial uses at the Grantchester Street Neighbourhood Centre to the north of the site. The site lies within the Newnham Croft Conservation Area.

## **2.0 THE PROPOSAL**

2.1 The application seeks full planning permission for the construction of a single storey extension to the rear of the dwelling. It also seeks permission for the installation of decking within the rear garden area.

2.2 The application is retrospective as the extension and the decking has been completed.

## **3.0 SITE HISTORY**

3.1 There is no site history.

## **4.0 PUBLICITY**

4.1 Advertisement:	Yes
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  52, 55, 56, 57, 58, 61

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

Central Government Guidance	National Planning Policy Framework July 2018  National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards  Circular 11/95 (Annex A)
Previous Supplementary Planning Documents	Sustainable Design and Construction (May 2007)
	<u>Area Guidelines</u>  Newnham Croft Conservation Area Appraisal (2013)

## 6.0 CONSULTATIONS

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

6.1 No comment.

### **Urban Design and Conservation Team**

6.2 There are no material conservation issues with the proposal.

### **South Newnham Neighbourhood Forum**

6.3 It is regrettable that the applicant was advised that the development did not require permission and that works have taken place. It is understood that the amount of glazing led the planning enforcement team to determine the extension would not be permitted development. The scale of the glazing visually dominates the rear of no. ■■■ and to some extent the garden of no ■■■. The Residents Forum is of the view that the development does not respond to the surrounding character, that it is not sympathetic to the existing building, that it unacceptably

overlooks and visually dominates the side and rear of no [REDACTED] and garden of no [REDACTED] and that the extension fails to protect the amenity and privacy of no's [REDACTED] and [REDACTED]. There was no meaningful consultation with neighbours prior to undertaking any works. The property is within a terrace of small plots which are very close together and which needs to be taken into account. The extent of glazing and the raised decking gives rise to privacy issues for neighbours. Asks that the extent of glazing is modified to reduce the area of glass and to erect higher fences between nos. [REDACTED] & [REDACTED] and [REDACTED] & [REDACTED]. The development is considered contrary to policies 52, 55 and 58 of the Cambridge Local Plan 2018.

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 owner of [REDACTED] Eltisley Avenue has made two representations including photographs.

7.2 The representations can be summarised as follows:

- Concerned about length and amount of glazing to the new extension and its proximity to no. [REDACTED].
- Increased overlooking to house and garden of no. [REDACTED]
- Not in keeping with the surrounding character.
- Extension visually dominates no [REDACTED].
- Applicants did not discuss with neighbours before building the extension.

7.3 Councillor Gehring initially requested that the application was determined at planning committee due to concerns from neighbours and the resident's association. He later withdrew his request following a discussion with the case officer regarding the permitted development fallback.

7.4 Councillor Cantrill has requested that the application be determined at planning committee. He is concerned that the level of glazing impacts the privacy of no [REDACTED] and as a result considers the proposal to be contrary to policy 58.

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 and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Context of site, design and external spaces and impact on heritage assets
2. Residential amenity

### **Context of site, design and external spaces and impact on heritage assets**

8.2 The extension has replaced a former lean-to brick outrigger of approximately 1.8m depth with a contemporary square extension clad mainly in glass which measures approximately 3m x 3m. The parapet and window frames are constructed from a grey powder coated aluminium. A rooflight sits atop the flat roof. The plans allow for an open plan kitchen/dining room within the house which in turn leads off to a series of stepped decking areas. The Conservation Officer has confirmed that there are no material conservation issues associated with the proposal. The footprint and height of the extension appears to be close to or within the parameters of what would ordinarily be considered permitted development. The extension is to the rear of the property and is not visible from any public vantage point. That notwithstanding, the extension and the decking both combine to result in a high-quality contemporary design which successfully contrasts with the traditional form and appearance of the main house.

8.3 Whilst the views of South Newnham Neighbourhood Forum are noted, many rear extensions in conservation areas are contemporary in nature and there is no expectation embedded into policy that extensions such as this should be traditional in form or material. The extension as built is clearly a positive and successfully contrasting scheme and complies with policies 52, 55, 56, 57, 58, 61.

## Residential Amenity

### Impact on amenity of neighboring occupiers

- 8.4 The rear extension continues the line of the original outrigger rear extension further into the garden and as such the development does not come any closer to the boundary with no. ■■ Eltisle Avenue than before.
- 8.5 In relation to no. ■■, neither the length nor the height of the development is objectional. The dimensions of the extension are entirely reasonable and do not, in officers' view, give rise to any significant overshadowing or overbearing issue that would come close to warranting a refusal of planning permission. Officers are mindful of the objection from no. ■■ - they consider the extension dominates their small terrace garden - but any refusal on these grounds would have to be compared against what could be constructed under permitted development and this would be – in officers' view - indistinguishable from the scheme that has been put forward for planning permission, both in height, length and the extent of glazing. Having considered the submitted photos from the external terrace of no. ■■, the extension is in any case viewed largely against the back-drop of the existing rear gable and there is some limited planting already in place in-between the extension and the boundary.
- 8.6 Turning specifically to the glazing, the extension comprises floor to ceiling height panels on the side facing no. ■■ and to the rear. It is not unlike a conservatory in this regard albeit many conservatories also comprise a solid wall upstand. The neighbor at no. ■■ is particularly concerned that there has been a threefold increase in the amount of window space affecting their home and garden, with the glazing estimated at 1.6m away from their boundary and 3.2m away from their house.
- 8.7 Located at ground level, it is officers' view that the extent of glazing is a mainly a matter for the applicant in how they wish to utilise and live within their internal (open) kitchen/diner space. Its presence – whilst visible from no. ■■ - does not impinge significantly on their privacy. It is accepted that no. ■■ can see through and into the side of the proposed extension through and above an existing trellis and vice versa and that views from the rear of no. ■■ into the rear gardens of nos. ■■ and ■■ are available from the extension and from the external decking.

However, this is a built-up terraced part of the City and complete privacy is rarely achievable.

- 8.8 There may be some increased overlooking resulting from the extension to the neighbour, but in no way could this be said to be harmful given the built-up context. In officers' view, removing elements of glazing, applying obscure film to the glazing or raising the height of the boundary fence are not necessary in this case in order to grant planning permission. Under permitted development, either neighbour could choose to erect a 2m high fence across the boundary if additional privacy was sought and/or plant additional landscaping in-between. In officers' view these are matters for the neighbours individually or collectively if there is willing. This is a ground floor extension and some inter-looking between external and internal spaces is part and parcel of living within a terraced environment.
- 8.9 Officers are not concerned regarding light pollution. It is accepted that in the winter months, the extension will have more of a presence in the earlier and darker evenings but this would be little different to a traditional conservatory. In any event at night-time, use of garden areas is typically less than during the day, so the impact on amenity from light pollution is limited.
- 8.10 Whilst it is always advisable that neighbours inform one another of planned works and it is unfortunate that the proposed works do not appear to have been communicated to the neighbours ahead of being undertaken, this is not a reason to refuse planning permission.
- 8.11 The development adequately respects the residential amenity of its neighbours, and the constraints of the site and is compliant with Cambridge Local Plan (2018) policy 58.

## **9.0 CONCLUSION**

- 9.1 The combined development in terms of the single storey rear extension and the decking are on the margins of constituting permitted development. Whilst it is not the purpose of this application to categorically determine the lawfulness of the development as implemented, it is evident that a permitted development scheme could be so similar (in terms of impact and appearance) that this forms a very strong fall-back for approving the scheme. It may be the case that a subsequent

application for a certificate of lawfulness could demonstrate beyond doubt the lawfulness of the works but in officers' view this is not necessary. The design is acceptable and the impacts on residential amenity are acceptable notwithstanding the permitted development fall-back.

## **10.0 RECOMMENDATION**

**APPROVE** with no conditions