

Application Number	09/0869/FUL	Agenda Item	
Date Received	23rd September 2009	Officer	Miss Amy Lack
Target Date	18th November 2009		
Ward	Romsey		
Site	Rear Of 35 Belgrave Road Cambridge Cambridgeshire CB1 3DE		
Proposal	Erection of single storey house to the rear of 35 Belgrave Road.		
Applicant	Mr Andy Carolan 60 Hemingford Road Cambridge CB1 3BZ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is a backland area at the rear of 35 Belgrave Road which is a two storey flatted development dating from the mid eighties. The proposal site will take access through an existing archway over which flat accommodation is housed. The development site itself is currently given over to hard standing, where a builders yard with two single storey, dilapidated garages, is located. Parking spaces for the existing flats is between the garages and the existing flat to the east of the site.
- 1.2 The rest of the street and immediate surrounding area is predominantly comprised of Edwardian/Victorian semi-detached dwellings with small runs of terrace housing fronting the street, most of these have large rear gardens.
- 1.3 The site is not allocated as in the Cambridge Local Plan (2006), nor does it fall within a Conservation Area. The site falls outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 This application seeks permission for the erection of a bungalow on the land to the rear of 35 Belgrave Road.
- 2.2 The dwelling has a 'U' shaped footprint, which extends along the western, northern and eastern boundaries of the site resulting in

the provision of an external amenity courtyard area adjacent to the southern boundary. The western element comprises a bedroom and bathroom; the northern element a second bedroom, sitting room and hall and toilet; and the eastern element an open plan kitchen and dining room area.

- 2.3 The dwelling rises to a maximum ridge height of 2.9 metres above the existing ground level (a total 3.4 metres from the proposed lowered ground level) falling to an eaves height of 2.1 metres. The foot print of the building extends to within 1 metre with the shared boundary to the north with 76 and 78 St. Philips Road and 39 Belgrave Road and 1 metre to the south with 33 Belgrave Road, 1.85metres with the shared western boundary with 40 and 42 Hemingford Road and 3.2metres from the eastern boundary with the flats of 35 Belgrave Road.
- 2.4 Provision for the parking of one car and a shared refuse/recycling and cycle store are indicated to the northeastern corner of the application site.
- 2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
C/72/0308	Outline application for the erection of 4 lock-up garages.	REF
C/83/0612	Alterations and erection of 2 storey extensions to form 3 No. self contained flats	A/C
C/86/0866	Outline application for the erection of a detached bungalow.	REF
C/91/0108	Demolition of existing buildings and erection of bungalow.	REF
C/02/0698	Erection of a two bedroomed house in place of existing garages.	REF
C/03/0905	Erection of 1 bedroom bungalow following demolition of garages to rear of no. 35 Belgrave Road.	REF
07/0712/FUL	Single storey rear extension to	W/D

form bedsit.

3.1 The site has a long planning history. Applications for new dwellings in place of the existing garages have been submitted in 1986, 1991, 2002 and 2003. The 1986 application (C/0866/86) went to appeal and was dismissed. The Planning Inspector at the time concluded that the existing curtilage could not provide enough space for the bungalow, taking account of the need to provide light and space outside windows, adequate amenity and parking area, in addition to necessary amenity and parking space for the three flats at the front of the site. He was also of the opinion that a new dwelling would be close to the rear elevation of the flats and would inevitably cause overlooking and lack of privacy between the two buildings. He also commented that any attempt at screening, would cause an overbearing and oppressive effect on living conditions in either or both of the buildings, concluding that the application site was too small and any further dwelling would be cramped and would overcrowd the site.

3.2 The successive three applications proposed residential development on this backland site were all refused by the City Council for reasons similar to that concluded by the Inspector above.

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains

relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 Planning Policy Statement 3: Housing (2006): Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

5.4 Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.5 Circular 05/2005 - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

5.6 East of England Plan 2008

SS1 Achieving sustainable development

T1 Regional transport strategy objectives and outcomes

T9 Walking, cycling and other non-motorised transport

T14 Parking

ENV7 Quality in the built environment
WM8 Waste management in development

5.7 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision
P9/8 Infrastructure Provision

5.8 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/10 Sub-division of existing plots
3/12 The design of new buildings
5/1 Housing provision
8/2 Transport impact
8/6 Cycle parking
8/10 Off-street car parking

Planning Obligation Related Policies

3/8 Open space and recreation provision through new development
5/14 Provision of community facilities through new development
10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

5.9 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility,

sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

5.10 Material Considerations

Cambridge City Council (2004) – Planning Obligation Strategy: Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

Cambridge City Council (2006) - Open Space and Recreation Strategy: Gives guidance on the provision of open space and recreation facilities through development.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No objection raised but the Highways Engineer expresses concern at the further intensification in use of the existing side passage and the possible conflict of used by four separate households, particular given that two cars cannot pass in the entrance. Should the application be approved standard highway works informatives should be attached.

Head of Environmental Services

- 6.2 No objection is raised to the principle of the development proposed but it is recommended that standard conditions to control construction hours, hours of collections and deliveries to site, refuse and recycling facilities and contaminated land be imposed.

7.0 REPRESENTATIONS

- 7.1 Councillor Ellis Miller has requested that if mindful to refuse this application it be brought before East Area Committee. She considers the application to have merit and that it would benefit from a wider discussion with fellow members.

7.2 The owners/occupiers of the following address have made representations:

- 39, Belgrave Road, Cambridge

7.3 The representations can be summarised as follows:

- This application follows a history of previously refused applications as a result of the site not being big enough to accommodate housing;
- The new flat development had to allow parking for three cars;
- The road cannot cope with any more vehicles attempting to park, a lot of the houses are let out as bedsits therefore resulting in more than one car per dwelling;
- Where will lorries delivering building materials park and turn?;
- As a disabled occupant without a car and therefore without a disabled car parking bay in the road, as a result of the lack of space for car parking in the street, when being picked up it is a long difficult walk to parking that is found at a long distance from the property, this will only be made worst by additional housing and increased pressures for on street parking.

7.4 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. 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. Third party representations
8. Planning Obligation Strategy

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) explains that

provision is made for an increase of 12,500 dwellings over the period 1999-2016, and while it is recognised that most of these will be from larger sites within the urban area and urban extensions, development for housing on windfall sites, such as this, will be permitted. However, criteria a, b, c and f of policy 3/10 advise that residential development within the garden area or curtilage of existing properties will not be permitted if it would;

a – have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;

b – provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;

c – detract from the prevailing character and appearance of the area; and

f – prejudice the comprehensive development of the wider area of which the site forms part.

8.3 Considering the proposal in each case I will address the above listed requirements in turn;

a) The application proposes a two bedroom bungalow. I believe that the introduction of a building, with the size of footprint proposed, into this backland garden area will create a built form that would have a distinct adverse impact on, and erode the level of amenity other residents currently enjoy, and should expect as neighbouring occupiers. Despite much being done to keep the scale down, the extent of the building, even at single storey height, will have a real 'presence' for neighbours, especially those directly to the north in St. Philips Road. The proposed building is unlikely to result in any significant loss of light to existing living accommodation, but will impact on rear garden areas, and the amenity they provide, even when small to neighbouring occupiers. Although the impact might be considered by some to be a perceived loss as opposed to a reality, this will nonetheless, in addition to the overwhelming presence of a new building in this uncharacteristic area, have a significant adverse impact upon the amenity of neighbouring properties.

- b) The proposal does not demonstrate that it provides adequate amenity for the prospective occupiers of the proposed dwelling. Three car parking spaces (none of disabled parking bay width and together less than the 3 x 2.4 metres required) are retained to serve the existing flats along the southern boundary between the proposal site and the existing flats; if expanded to meet the full standard they would erode further or encroach into the application site. A car parking space is shown for the proposed dwelling. The local highway authority has raised concern at the further intensification of the use of the existing access into this backland area from Belgrave Road and the potential conflict of its use by four separate households, particularly given that two cars cannot pass at its entrance. I do not consider this criterion adequately met, as shown.
- c) The introduction of a dwelling into this backland location would detract from the prevailing character and appearance of the area. The site, although not of any particular visual merit in the way that it is currently used, contributes to the open character in this rear area where no other residential development within adjacent rear garden areas has taken place. What is proposed is totally out of character and will have an undue impact and create an atypical form in what is essentially an area of rear gardens. The proposal fails this criterion. This leads on to the advice of criterion (f) of policy 3/10, which considers comprehensive development of the wider area.
- d) This refers to the potential prejudicing of further, comprehensive development. Although the proposed development, in my opinion, is a piecemeal proposal seeking to maximise a particular site and not considering the possibility of other adjacent land, the poor quality and constrained nature of the access precludes wider development using the proposed access. The development potential for this site is very much constrained by the size of the plot, the access arrangement and its relationship to neighbouring dwellings; I do not consider this proposal to conflict with criterion (f) of policy 3/10.

8.4 In addition to the above I am also mindful that although development plan documents have been adopted since the appeal decision of C/0866/86, that decision and successive applications since the Inspector's dismissal refused by the City Council, are material in considering the principle of residential development in this backland area and have been rejected. Although different

phraseology may have been used as new policy has emerged, the issues of appropriateness of development and its contextual relationship with, and implications for the amenity of neighbours has been a constant thread through the years and which still weigh against the development of the site.

- 8.5 While I consider the development to be accordance with policies 3/1 and 5/1 of the Cambridge Local Plan (2006) in principle, in my opinion, the proposal fails to accord with at least three criteria of policy 3/10 of the Cambridge Local Plan (2006) and is therefore, in principle, unacceptable.

Context of site, design and external spaces

- 8.6 The proposal has the potential to improve the appearance of the area by ridding it of the existing unsightly builders storage yard use and the state of disrepair of the existing garages which would be demolished to realise the proposal. However, despite that potential benefit (which need not necessarily be sought through redevelopment) this proposed form of backland development is not considered in keeping with the character of the surrounding area. The proposal does not reflect the character of the area in terms of its general back garden appearance its single storey form, its lack of amenity space and its lack of a road frontage. Whilst the site itself cannot be characterised as a 'rear garden' the openness it provides is characteristic of the development pattern in this residential area.
- 8.7 In my opinion the proposal fails to comply with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 It is argued in the Design and Access statement that the courtyard created as a result of the 'U' shaped footprint allows all main aspect windows of the proposed dwelling to look inwardly to this private courtyard. Only roof lights serving the bathroom and utility areas have been proposed to look out of the site.
- 8.9 Although the proposal has recognised the need to try and reduce any negative impact in terms of overlooking, and its single storey

height demonstrates an attempt to minimise the impact it will have upon neighbouring property, the proximity of the dwelling to the shared site boundaries means that it will have a distinct 'presence', and will result in a reduced outlook for some properties, and will overshadow the gardens of 76 and 78 Philips Road to the north, which are some of the shortest gardens in the immediate surrounding area. The building is only a metre from the boundary with these properties. It is a similar distance from the boundary with 33 Belgrave Road to the south. I consider that the very close proximity of the proposed dwelling by virtue of the very constrained plot upon which it is sited is unacceptable in terms of its introducing a dominating mass, which will overshadow a significant part of the neighbouring rear gardens to numbers 76 and 78 Philips Road, thereby demonstrating a failure of the development to adequately respect the residential amenity of its neighbours and the constraints of the site; as such the development is contrary to Cambridge Local Plan (2006) policies 3/4 and 3/12 and to guidance within PPS1 Delivering Sustainable Development.

Amenity for future occupiers of the site

- 8.10 The outlook for the prospective occupiers is an improvement upon previous proposals for residential development on the site which have predominately overlooked an active car parking area. However, in trying to prevent or minimise amenity implications for neighbours the proposal focuses almost all openings on the central courtyard but at the same time suggests planting which is likely to limit light to the space. This only seems to demonstrate that the development is not practicable in this location.
- 8.11 In my opinion the proposal fails to provide a high-quality living environment or appropriate standard of residential amenity for future occupiers, and as such I consider that in this respect it fails to comply with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/7 and 3/12).

Refuse and Cycle parking arrangements

- 8.12 It is proposed that a store for waste and recyclables is located to the east of the site and that this will also make provision for the storage of cycles. Located where it is likely to create difficulties for the people using the existing three car parking spaces.

- 8.13 In order to accord with the current waste strategy operating in the city this store must accommodate three wheelie bins. The City Council's minimum cycle parking standards as set out in Appendix D of the Cambridge Local plan (2006) require secure, covered parking for at least two cycles for a dwelling with two bedrooms.
- 8.14 The submitted plans fail to provide full details of the proposed shared store and only illustrate the proposed position of a store; what is illustrated would appear too small but I think a slightly bigger structure could be achieved. Should the application be recommended for approval I would suggest that full details can be agreed by the imposition of a condition to meet the required provisions.
- 8.15 As such, subject to a condition, I consider the proposal is compliant with East of England Plan (2008) WM6 and Cambridge Local Plan (2006) policy 3/12 with regard to on site waste and recycling provision and compliant with East of England Plan (2008) Policy T9 and Cambridge Local Plan (2006) policy 8/6 with regard to onsite cycle parking provision. However, it must be recognised that whilst adequate provision can be made, given the limited external amenity space which surrounds the building footprint, this store further impinges upon this to the detriment of prospective occupiers, compounding the failure of the proposal to recognise the constraints of the site.

Highway Safety

- 8.16 Concern has been raised by the highway engineer consulted on the application at the further intensification in the use of the access to this backland area from Belgrave Road given the possible conflict of use by four separate households, particularly as two cars are not able to pass in the entrance. However, no objection has been raised on behalf of the Highways Agency with regard to highway safety and as such the proposal is considered compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

Car Parking

- 8.17 One car parking space is proposed onsite to the northeast corner of the site, adjacent to the northern boundary shared with neighbouring 39 Belgrave Road. Although manoeuvring to use the access could be difficult this is in accordance with the City

Council's maximum Car Parking Standards as set out in Appendix C of the Cambridge Local Plan (2006). As such the proposal is considered compliant with respect to car parking with East of England Plan (2008) policy T14, and Cambridge Local Plan (2006) policy 8/10.

Third Party Representations

- 8.18 Only one representation was received in objection to the proposed development. This raised two key issues, one with regard to the principle of residential development within this backland area, which have been addressed above within the main body of the report, the other with regard to the impact of the proposal upon parking in the surrounding streets. Whilst I acknowledge that an additional dwelling will result in additional comings and goings to Belgrave Road and the site I am satisfied that the provision of an onsite car parking space will go some way to mitigating against this impact and any additional impact will be negligible and satisfactorily absorbed by the surrounding area.

Planning Obligation Strategy

- 8.19 The Planning Obligation Strategy (2004) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy. The proposed development triggers the requirement for the following community infrastructure:

Open Space

- 8.20 The Planning Obligation strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising formal open space, informal open space and children's play areas. The total contribution sought has been calculated as follows.
- 8.21 The application proposes the erection of one two-bedroom house. A house or flat is assumed to accommodate one person for each bedroom. The totals required for the new building are calculated as follows:

Formal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	360	540		
2-bed	2	360	720	1	720.00
3-bed	3	360	1080		
4-bed	4	360	1440		
Total					720.00

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	306	459		
2-bed	2	306	612	1	612.00
3-bed	3	306	918		
4-bed	4	306	1224		
Total					612.00

Children's play space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	0	0		0
2-bed	2	399	798	1	798.00
3-bed	3	399	1197		
4-bed	4	399	1596		
Total					798.00

8.22 A S106 planning obligation have been completed to secure the requirements of the Planning Obligation Strategy (2004) and as such I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

Community Development

8.23 The Planning Obligation Strategy (2004) requires that all new

residential developments contribute to community development facilities, programmes and projects. This contribution is £1085 for each unit of one or two bedroom unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1085		
2-bed	1085	1	1085.00
3-bed	1625		
4-bed	1625		
Total			1085.00

8.24 A S106 planning obligation have been completed to secure the requirements of the Planning Obligation Strategy (2004) and as such I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

RECOMMENDATION

REFUSE for the following reason/s:

1. The proposed development would introduce a building into a backland area that currently retains an openness which is characteristic of the surrounding residential grain of the area. The proposed development would close down the space and create a visually intrusive form that would detract from the prevailing character and appearance of the area, fail to positively enhance the townscape and fail to reflect the local context or recognise the constraints of the site. The development is therefore contrary to policy ENV7 of the East of England Plan 2008, policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006.

2. The proposed development, by virtue of the juxtaposition of the building to the shared boundaries to the north, south and east allows for potential overlooking from adjacent buildings, with limited external amenity space, compounded by the provision of unsatisfactory cycle and refuse and recycling storage facilities, would result in a poor outlook for the occupiers of the dwelling to the detriment of their residential amenity. This also demonstrates a failure of the development to respect the site constraints and respond to context. The development is therefore contrary to Cambridge Local Plan (2006) policies 3/4 and 3/12 and to guidance within PPS1 Delivering Sustainable Development.
3. The proposed dwelling, by reason of its overall massing adjacent to the shared boundary with 76 and 78 Phillips Road to the north will have an overpowering impact upon and create an unreasonable sense of enclosure for what are small rear gardens, resulting in a loss of light to these areas and unreasonable impact on the outlook of those properties. The proposal would as a consequence cause the occupiers of those dwellings to suffer an unreasonable sense of enclosure and an unacceptable loss of the amenity they should reasonably expect to enjoy. The proposal will not have positive impact on its setting and is out of context with its surroundings. For these reasons the proposal constitutes poor design and is contrary to the East of England Plan 2008 policy ENV7, to policies 3/4 and 3/12 of the Cambridge Local Plan 2006 and to advice in Planning Policy Statement 1: Delivering Sustainable Development 2005.

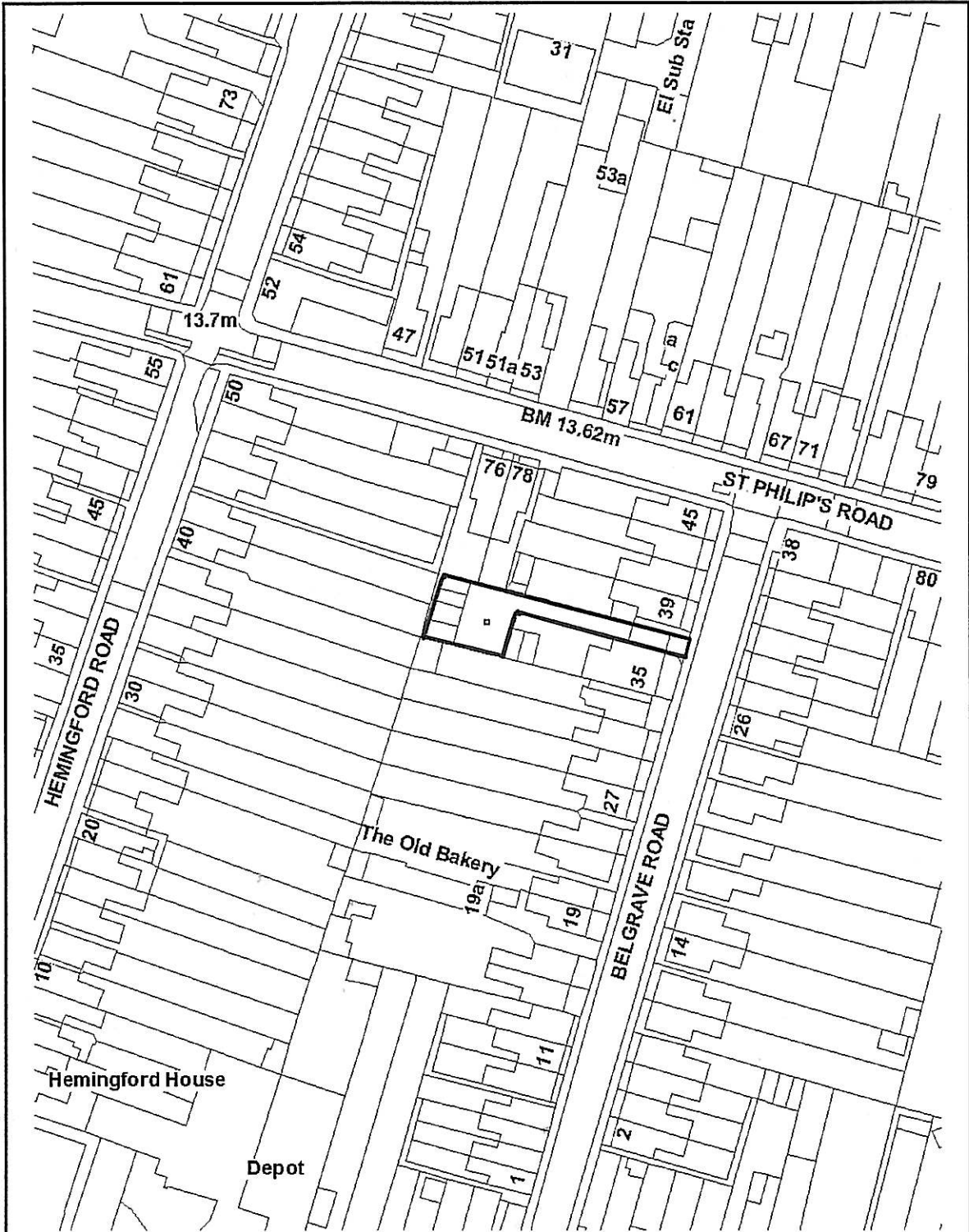
LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”

5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



09/0869/FUL

Rear Of 35 Belgrave Road Cambridge Cambridgeshire