

23/00877/FUL

Clovelly
116 Ashley Road
Newmarket

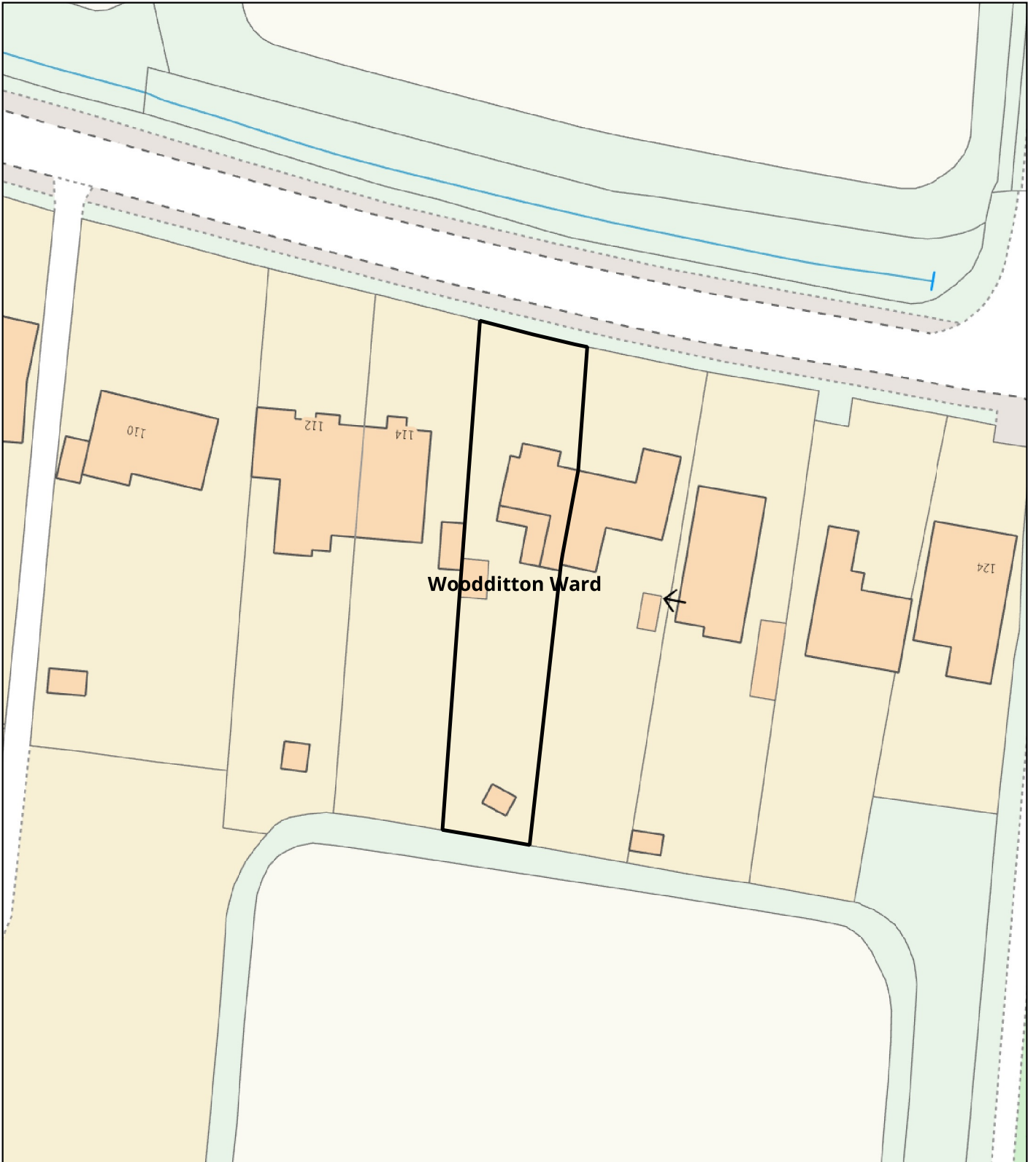
CB8 8DB

Demolition of 1no. semi-detached bungalow and erection of replacement 1 1/2 storey dwelling

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<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZ0NWGGGMGM00>





23/00877/FUL

Clovelly
116 Ashley Road
Newmarket



East Cambridgeshire
District Council

Date: 15/03/2024
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TITLE: 23/00877/FUL

Committee: Planning Committee

Date: 3 April 2024

Author: Planning Officer

Report No: Y186

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Site Address: Clovelly 116 Ashley Road Newmarket Suffolk CB8 8DB

Proposal: Demolition of 1no. semi-detached bungalow and erection of replacement 1 1/2 storey dwelling

Applicant: Miss Holly Roeder

Parish: Cheveley

Ward: Woodditton

Ward Councillor/s: James Lay
Alan Sharp

Date Received: 7 August 2023

Expiry Date: 8 April 2024

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE the application for the following reason:

The proposed replacement dwelling, due to its height, roof alignment and overall form, would visually dominate the existing semi-detached dwelling that it would be joined to, to the detriment of the visual amenity of the semi-detached pair. The dwelling, by virtue of its significant footprint, height and overall design, is considered to be out of keeping with the existing character and appearance of the development within the wider street scene, appearing incongruous within its setting. The proposal is therefore contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan as well as the aims of the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

- 2.1 The application originally sought planning permission for the demolition of an existing semi-detached bungalow and the erection of a detached one and a half storey dwelling.
- 2.2 During the course of the application, officers raised concerns to the design and scale of the dwelling and the impacts that the proposal would have on the character and appearance of the wider street scene.
- 2.3 In response to the concerns raised, amended plans have been submitted for the demolition of the existing semi-detached dwelling and the erection of a replacement one and a half storey, semi-detached dwelling.
- 2.4 The proposed semi-detached dwelling would have an eaves height of approximately 2.6m (8.5ft) and a ridge height of 5.4m (17.7ft), incorporating accommodation at first floor level that would be served by a dormer window and roof lights to the rear elevation. The design of the dwelling includes a large full width rear addition, rear dormer, front extension and timber framed canopy entrance porch. The materials are proposed to be brick and render for the external walls and tiles for the roof.

The replacement dwelling would use the existing vehicular access into the site which would be widened as part of the proposal.

- 2.5 The application has been called-in to Planning Committee by Cllr James Lay to allow for a discussion on planning matters.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

- 3.1 No planning history at the site.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises an existing single storey, semi-detached dwelling at 116 Ashley Road. The site is located within the Newmarket Fridge development envelope within an existing residential area. Vehicular access is taken to the front of the site where there is also a lawned garden area. The dwelling benefits from a larger garden area and detached outbuilding to the rear.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees, and these are summarised below. The full responses are available on the Council's web site.

Local Highways Authority - 18 August 2023

Upon review of the information submitted, I have no objection to the proposed variation of building use. The change in use will not adversely impact the highway.

Conditions

HW22A: The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.

Non-Standard Condition: Prior to the occupation of the dwelling, the vehicular access shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.

Informatives

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Waste Strategy (ECDC) - 22 September 2023

East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision (delivery and administration) of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

- Each new property requires a set of receptacles; the contribution is currently £57 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.

- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

ECDC Trees Team - 18 October 2023

No tree related objections to this application but the provision of a soft landscaping scheme should be provided by condition to aid the integration of the new development into the surrounding area.

Parish - 13 March 2024

Cheveley Parish Council met on 12th March to discuss the above application. The parish council object on the grounds that the proposed building will be too large and out of character of surrounding properties. They object to the layout, density of building design and visual appearance.

Ward Councillors - No Comments Received

- 5.2 A site notice was displayed near the site on 17 August 2023.
- 5.3 Neighbours – 4 neighbouring properties were notified, and the two responses received as part of the original consultation period are summarised below. A full copy of the responses are available on the Council's website.
- Supportive of the plans to bring 116 Ashley Road up to standard and in keeping with other properties in the area.
 - The plans are visually appealing and complimentary to neighbouring properties.
 - The proposed works which would appear aesthetically pleasing can only enhance the look and feel of the road and as a local neighbour fully support the plans.
- 5.4 Following consultation on the amended plans, one additional response has been received and is summarised below.
- As the owners of 118 Ashley Road, we do have concerns regarding the demolition of number 116.
 - It appears we are now looking at a different project completely, demolition of 116 Ashley Road and rebuild attached to 118 Ashley Road.
 - The plans assume that our lounge at the rear of 118 is attached to 116 at present, this is not accurate. There is a 70cm gap between the lounge we extended to the bungalow over 30 years ago. If 116 is built adjoining 118 at this point the boundary will be crossed and built on. This impacts on land boundary, of the building and garden. We're not expecting to change our garden.
 - 116 will be taller and the rear is out of line with 118. This will encroach our eyeline from 118 rear window in lounge, we do not think this is acceptable.

- We are not happy about the creation of a valley on the roof between the two properties which may cause problems in the future.

6.0 THE PLANNING POLICY CONTEXT

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan 2015 (as amended 2023).

6.2 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.3 Supplementary Planning Documents

Developer Contributions and Planning Obligations
 Design Guide
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
 Flood and Water
 Natural Environment
 Climate

6.4 National Planning Policy Framework (December 2023)

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.5 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

7.1 The main considerations which are considered to be relevant to the proposal are the principle of development, the impact on visual amenity, residential amenity, highway safety, trees, ecology, flood risk and drainage, contamination and climate change.

7.2 **Principle of Development**

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) (the Local Plan) provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. The hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It however allows for more limited development within villages within a defined development envelope. It continues that within the defined development envelopes, housing, employment and other development to meet local needs will normally be permitted, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied.

7.4 Policy GROWTH 5 of the Local Plan also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

7.5 The application site is located within the development envelope for the Newmarket Fringe. The principle of development may therefore be acceptable subject to all other material planning considerations being satisfied.

7.6 **Visual Amenity**

7.7 Policy ENV 1 of the Local Plan states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements.

7.8 Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials, and colour of buildings relate sympathetically to the surrounding area.

7.9 Paragraphs 135 and 139 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.

7.10 The application originally sought permission for the demolition of the existing semi-detached dwelling and the erection of a detached, one and a half storey dwelling.

7.11 Whilst the existing dwelling is semi-detached in nature, comprising a true single-storey bungalow, it is noted that this stretch of Ashley Road comprises a mix of semi-detached and detached dwellings. On review of the originally submitted plans, Officers considered that a detached 1.5 storey dwelling could potentially be

accommodated on the site. Notwithstanding this, the size and layout of the plot is derived from the existing semi-detached nature of the property, and it was considered that the proposed detached dwelling, due to its scale and design, would appear cramped and contrived within the plot. Furthermore, due to the scale and design of the dwelling, which included a number of contrasting roof forms and external architectural features, it was considered that the dwelling would appear incongruous within the street scene and would not be in keeping with the existing development along this stretch of Ashley Road.

- 7.12 These concerns were relayed to the applicant's agent and revisions were requested to the scale and design of the proposal. Amended plans have been submitted proposing a replacement one and half storey, semi-detached dwelling.
- 7.13 Officers have no objection to the proposed replacement dwelling taking a semi-detached form, however careful consideration has to be given to the design of the dwelling and the impacts that it could have on the visual amenity of not only the application site, but also the adjoining dwelling. The proposed materials would include brick, render and roof tiles which are considered suitable within the context of the site.
- 7.14 The replacement dwelling would include first floor accommodation within the roof space, served by a dormer window and roof lights to the rear elevation. Whilst the eaves of the dwelling would form a continuation of those on the adjoining dwelling at 118 Ashley Road, the ridge height would be 5.4m (17.7ft), sitting approximately 0.65m (2.1ft) higher, with the introduction of a hipped roof element where the two roof forms would join. The height of the dwelling in relation to the adjoining property is considered to be uncoordinated and disjointed in appearance. In addition, the dwelling would be designed so that the ridge line, as well as being of a greater height, would be set back further in the site, and would not align with the ridge line of the adjoining property. This is considered to further exacerbate the uncoordinated and disjointed appearance of the dwelling and would result in the dwelling being visually dominant within the semi-detached pair. It is noted that the existing pairs of semi-detached properties within the street scene are of the same overall height and roof alignment, and as such it is considered that the proposed dwelling would appear out of place within the street scene.
- 7.15 The replacement dwelling would be of a substantial footprint. The design of the dwelling includes a number of projecting elements, including a large extension with a triple gable roof form of differing heights to the rear, as well as a dormer window. To the front, the dwelling would benefit from a canopy entrance porch and substantial projection. The extensions would be designed with gable roof forms, which would appear at odds with the Jerkinhead roof form which is proposed to the main element of the dwelling. The introduction of a Jerkinhead roof form would also be out of keeping with the true hipped roof form to the adjoining dwelling.
- 7.16 Officers acknowledge that there is some variation in the design and appearance of the dwellings within the wider street scene. However, the cumulative impacts of the proposal, by virtue of its significant footprint, height and design, would result in the introduction of a dwelling to the site which would appear visually dominant and out of keeping with the character and appearance of the existing dwellings within the street scene. This is considered to result in detrimental harm to the visual amenity

of the site and adjoining property, as well as to the character and appearance of the wider street scene.

- 7.17 It is considered that the proposal would be contrary to policies ENV1 and ENV2 of the Local Plan.

7.18 Residential Amenity

- 7.19 Policy ENV 2 of the East Cambridgeshire Local Plan requires that all new development proposals will be expected to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.20 The proposed dwelling would adjoin to 118 Ashely Road, with the majority of the bulk and massing of the dwelling running immediately alongside the existing built form of the dwelling. Reference has been made in the neighbour comments to the height of the dwelling and the positioning of the rear elevation in relation to 118 Ashley Road and how this would encroach the line of sight from the rear lounge window. Whilst the rear wall of the dwelling would align with the rear wall of the adjoining property, the design would include a roof overhang with an additional projection. Given the limited projection of this element, it is not considered that it would result in a harmful overbearing or overshadowing impact to the neighbouring property.
- 7.21 A single storey projecting element is proposed to the front elevation of the dwelling which would be located within close proximity of the boundary shared with the adjoining property. The property benefits from an opening within close proximity of the boundary. The extension would be located due west and therefore has the potential to have some overshadowing impact. However, when considering the projection of the extension, which would be approximately 3.6m (11.8ft), and the fact that it would be set in slightly from the shared boundary, it is not considered that any overbearing or overshadowing impact would be to a level detrimental to the amenity of the occupiers of the adjoining property as to warrant a reason for refusal. No openings are proposed to the side elevation of the extension which would prevent overlooking towards the property.
- 7.22 The dwelling would be located to the side of 114 Ashley Road, set in from the boundary shared with the property as well as its side elevation. Whilst the property benefits from openings to the side elevation, it is considered that sufficient distance would be retained to prevent the proposal from resulting in harm to the amenity of the occupiers by way of overbearing and overshadowing. Openings to the side elevation of the dwelling would be limited to a utility room window and a secondary opening to an open plan kitchen, dining and living area. The nature of these openings, together with the distance retained, is considered sufficient to prevent harmful overlooking between the two properties.
- 7.23 There is the potential for noise and vibration to be generated during the construction phase of the development. In order to limit such impacts to an acceptable level, conditions could be attached to the decision notice in relation to construction hours and the use of ground piling should the application be permitted.

7.24 It is considered that the proposal would have an acceptable impact on the residential amenity of the existing and future occupiers, in accordance with policy ENV 2 of the Local Plan.

7.25 Highway Safety and Parking Provision

7.26 Policy COM 7 of the Local Plan states that development proposals shall provide a safe and convenient access to the highway network. Policy COM 8 requires that development proposals shall provide sufficient parking to serve the development.

7.27 The proposed dwelling would utilise the existing vehicular access into the site which would be widened as part of the proposal. The Local Highway Authority have been consulted as part of the application and have raised no objections to the proposal on the basis that the development would not adversely impact on the highway.

7.28 The block plan demonstrates that the existing front garden would be laid to hardstanding and would be able to accommodate at least two vehicles with space retained for on-site turning. It is considered that there would be sufficient space for cycle and bin storage on the site.

7.29 The proposal is considered acceptable from a highway safety perspective and would provide adequate parking provision in accordance with policies COM 7 and COM 8 of the Local Plan.

7.30 Trees and Ecology

7.31 Policy ENV 7 of the Local Plan states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland, and ponds.

7.32 Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape, and biodiversity of the surrounding area.

7.33 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.

7.34 The application seeks permission for a replacement dwelling and the proposal is not considered to result in a significant impact on ecology in the area. However national and local policies require that all development bring about ecological enhancements. It is considered that a scheme of ecological enhancements, for example through the provision of bird nest and bat roosting boxes, would be sufficient to secure an

ecological enhancement given the small scale of the proposal. Were permission to be granted, this could be secured by condition.

7.35 The Trees Officer has been consulted as part of the application and has raised no objections to the proposal. A condition has however been requested requiring the submission of a soft landscaping scheme to aid the integration of the new development into the surrounding area. This condition could be appended to the decision should it be granted.

7.36 Subject to the inclusion of the above conditions should the application be permitted, the proposal is considered to accord with policies ENV 1, ENV 2 and ENV 7 of the Local Plan and Policy SPD.NE6 of the Natural Environment SPD.

7.37 Flood Risk and Drainage

7.38 Policy ENV 8 of the Local Plan states that new development should normally be located within Flood Zone 1 and should contribute to an overall flood risk reduction.

7.39 The site is located within Flood Zone 1, where the principle of development is acceptable in flood risk terms.

7.40 The application form states that surface water would be disposed of through sustainable drainage systems and the main sewer and foul water via the main sewer which is considered acceptable. The application is for a single dwelling and the information submitted is therefore considered acceptable for the purposes of the planning application. It is noted that more detailed information in relation to surface and foul water drainage would be required for building regulations and the applicant would need to seek consent from Anglian Water before connecting to the main sewer.

7.41 It is therefore considered that an acceptable drainage scheme could be achieved at the site in accordance with policy ENV 8 of the Local Plan.

7.42 Contamination

7.43 All applications for residential development are considered to be particularly sensitive to the presence of contamination. Notwithstanding, the application seeks permission to replace an existing dwelling within the residential curtilage. The application site is therefore considered to pose a low risk of contamination. However, as a safeguarding measure, a condition regarding the reporting of unexpected contamination could be attached to the decision notice should the application be permitted.

7.44 Subject to the relevant condition should the application be permitted, the proposal is considered to accord with policy ENV 9 of the Local Plan as well as the aims of the NPPF.

7.45 Other Material Matters

7.46 With regard to the neighbour comments in relation to the boundary between the two properties. Matters of land ownership are not a material consideration which can be

taken into account as part of the assessment of this planning application. Ownership Certificate B has been signed during the course of the application. It is also advised that the granting of planning permission does not override ownership or rights of access.

8.0 Planning Balance

- 8.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 The development is contrary to policies ENV 1 and ENV 2 of the Local Plan. The proposal would introduce a dwelling to the site which would visually dominate the existing semi-detached dwelling to which it would be adjoined. The dwelling, by virtue of its significant footprint, height and overall design is considered to be out of keeping with the character and appearance of the development within the wider street scene, appearing incongruous within its setting.
- 8.3 Officers acknowledge that there would be some benefits to the scheme through the creation of short-term employment during construction. This benefit however carries limited weight and is restricted by the scale of the development which is for a single dwelling.
- 8.4 It is therefore considered that the scheme does not accord with the development plan when taken as a whole and, having considered the benefits of the scheme against the harm, that there are no material considerations that indicate a departure from the development plan is warranted in this instance.
- 8.5 The application is therefore recommended for refusal.

9.0 APPENDICES

None

Background Documents

23/00877/FUL

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 (as amended 2023) -

<https://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20adopted%2019%20October%202023%20-%20final%20with%20cover.pdf>

