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**MAIN CASE**

**Reference No:** 16/00795/FUL

**Proposal:** Erection of new 4 bedroom dwelling and double garage

**Site Address:** Land Adj 24 Kiln Close Little Downham Ely Cambridgeshire CB6 2SF

**Applicant:** Mr & Mrs A Youngman

**Case Officer:** Ruth Gunton Planning Officer

**Parish:** Little Downham

**Ward:** Downham Villages  
Ward Councillor/s: Councillor Anna Bailey  
Councillor Mike Bradley

**Date Received:** 13 June 2016      **Expiry Date:** 8<sup>th</sup> February 2017  
**[R191]**

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1.0 **RECOMMENDATION**

1.1 Members are requested to APPROVE subject to the recommended conditions below:

- 1 Approved plans
- 2 Time Limit
- 3 Manoeuvring area
- 4 Sample materials
- 5 Biodiversity enhancements
- 6 Soft landscaping

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks planning permission for the erection of a 4-bedroom single storey dwelling and double garage.

2.2 The application was reduced in height (September) from two to one storey due to officer concerns regarding impact on the streetscene arising from a taller newer dwelling being located behind the existing single storey dwellings of 22, 24, 26 and 28 Orchard Estate. The plans were amended one further time (November) to relocate the main door from the side to minimise potential impact on adjacent neighbours.

- 2.3 The proposed ridge height of the dwelling is approx. 5m with eaves height of approx. 2.5m. External materials have not been proposed and will need to be approved by the planning authority at a later stage. The boundary treatment along the south-west boundary is proposed as 1.8m featheredge boarding.
- 2.4 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/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

### 3.0 PLANNING HISTORY

03/00499/FUL	Two x 2 bedroom houses	Approved	16.07.2003
03/01046/FUL	2 x 2 bedroom houses	Approved	17.11.2003

### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside but adjacent to the development boundary of Little Downham. The site runs along in a strip behind dwellings from No. 24 Kiln Close to 20b Orchard Estate. The site plan shows only the north-west half is proposed for the new dwelling and garden.
- 4.2 The land is associated with the dwelling No. 24 Kiln Close and houses a number of outbuildings and the application also states that it was used as a builders yard.
- 4.3 There is an existing vehicular access point from the site, which crosses land outside Nos. 20 and 20b and joins Orchard Estate. The applicant has necessary permission to a cross this land.
- 4.4 At the time of the site visit (July 2016) the site was in the process of being cleared of disused sheds and debris.
- 4.5 To the north-east of the site, in front of the proposed dwelling, are two pairs of single storey dwellings, Nos. 22, 24, 26, and 28 Orchards Estate, whose rear gardens adjoin the site boundary. To the south east (side) there is land belonging to the applicant containing outbuildings. To the south-west of the site is a middle section of a long rear garden belonging to No. 12 , and to the north-west there is the rear garden of No. 10 and dwellings 20b and 20a.
- 4.6 The corner of Orchard Estate from which the site is accessed is used as informal parking for the dwellings nearby which have no on-site parking.

4.7 Orchard Estate is a residential road with a mixture of both single storey and terraced groups of dwellings. The prominent materials used externally are red bricks and brown concrete pantile roofs. Cream or yellow render is also occasionally seen. Kiln Close is accessed from Orchard Estate.

## 5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees: Little Downham Parish Council, Highways Authority, East Cambridgeshire District Council waste services, Littleport and Downham Drainage Board, and trees officer, and these are summarised below. The full responses are available on the Council's web site.

5.2 Little Downham Parish Council – Recommend refusal on grounds of overdevelopment of site, visually intrusive in streetscene, loss of residential amenity to neighbours, parking/access difficulties due to construction vehicles and increased vehicle trips to and from the site by future occupiers, trees on site had Tree Preservation Orders on and have been removed, site has been cleared devastating wildlife, outside development envelope. The Parish Council were reconsulted on the amended plans and maintained their objections as above apart from that of visual intrusion in the streetscene which was not explicitly mentioned again.

5.3 Highways Authority – No objections in principle. The site has an existing access with the highway which is wide enough to accommodate shared use access. A condition is recommended that the manoeuvring area is provided as shown on the plans and maintained as such free from obstruction. An informative is recommended to advise the applicant that they need the approval of the highways authority for works within the public highway, and any other necessary consents should be obtained from the County Council. The Highways Authority were reconsulted on the amended plans but had nothing further to add.

5.4 Waste – Standard advice regarding responsibilities of occupiers to bring their bins to the public highway, cost of new bins and payment details.

5.5 Littleport and Downham Drainage Board: No objection provided that soakaways are an effective means of surface water drainage in this location.

5.6 Trees officer – trees close to the site may be affected. A topographical tree survey is recommended for further information.

5.7 Neighbours – 15 neighbouring properties were notified, a site notice was posted, and an advert was placed in the Cambridge Evening News. The responses received are summarised below. A full copy of the responses are available on the Council's website.

- 22 Kiln Close: No objection - but concerned that they will still be able to access their own property during construction, and parking.
- 18 Orchard Estate: Objection – due to health needs of occupants of No. 18 emergency services need 24-hour access, which will be impacted by increased vehicular activity from the proposed development. Increased noise will also impact occupants' health.

- 20 Orchard Estate: Objection – the parking area is congested and access through to the site would be difficult especially for an emergency vehicle. The developer could work with Council to provide more parking on the green. The proposed dwelling would be very close to the bungalows in front and block their natural light and overlook them. Dormer windows are not in keeping in the streetscene. It is currently green and supports bird life including owls. The dwelling would be better set further along the plot. The dwelling should be the same height as the smallest neighbouring dwelling.
- 26 Orchard Estate (occupant 1): Objection – Occupier suffers poor mental health which would be further impacted by the loss of light from overshadowing, and loss of privacy from overlooking. The dwelling could be moved down the plot where the dwellings are further from the boundary fence, or it could be built where the garage is proposed, or the height could be reduced to that of the existing bungalows.
- 26 Orchard Estate (occupant 2): Objection – The proposed height is imposing and built close to the bungalows. A lower height could be built or it could be built further along the site. Access is already overcrowded and creating additional parking and widening could be created from a small part of the green.
- 24 Orchard Estate (occupant 1): Objection – Loss of light to rear garden from overshadowing, loss of view. The site is big and should be able to accommodate a dwelling without detrimental impact on quality of life.
- 24 Orchard Estate (occupant 2): Objection – the plot is big enough for the dwelling to be built with less impact on the bungalows. Loss of privacy through overlooking into habitable rooms, loss of light, loss of all views. Rear inter-visible windows should be 22m apart and these are only 11m.

5.8 Amended plans were received which reduced the height of the dwelling to single storey. The following neighbour comments were received:

- 20a Orchard Estate – Objection - Still too close to bungalows which will stop light. Access width is small. Could not get to their house due to lorry and builder on the road. There are already access issues with trying to get their car past the parked cars for the bungalows. Outside the development envelope. Risk to children from more vehicles using site. Trees were removed with nesting birds in.
- 23 Kiln Close – No concerns.
- 26 Orchard Estate (Occupant 2) – Objection – proximity to boundary means it remains overbearing, the facing windows and doors are only 11m away which is half the legal limit so they should be opaque and opening for ventilation only. There will be even more overshadowing. Access to the site is still very limited. Plans show No. 26's garden bigger than it is, giving a false impression of impact.
- 26 Orchard Estate (Occupant 1) – Objection – overlooking into bedroom and living room, the distance is 11m and half what the government recommends, therefore the doors should be moved and the windows obscured and opening only for ventilation. The current 1.8m fence casts shadow over half the garden, so continued concern over loss of light.

One further amendment was made to relocate the main door from the side to the front of the dwelling. The following neighbour comments were received:

- 20a Orchard Estate – Objection – the dwelling would still encroach on other homes by overlooking, loss of privacy and loss of light. Too many cars already make it difficult to get by. The opening is narrow onto the site. Danger to children from more cars passing by. There are enough homes in the Close.
- 26 Orchard Estate (Occupant 2) – Objection - Moving the door hasn't changed the previously-raised concerns regarding overbearing, overshadowing, overlooking, distance between windows, size of garden in plans. Nothing has been said regarding the site clearance and removal of protected orchard trees.
- 26 Orchard Estate (Occupant 1) – Objection – Maintains previously-raised concerns regarding window distances, size of garden in plans. A lower height has not helped. The dwelling could be built further along the site. Loss of house value from loss of views inappropriate to village location.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

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 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

### 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations  
Design Guide

### 6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design

## 7.0 PLANNING COMMENTS

The main issues to consider in relation to this application are the principle of development, the impacts upon residential amenity and visual amenity, biodiversity, highway safety, and parking provision.

#### 7.1 Principle of Development

The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

The benefits of this application are considered to be: the positive contribution of the provision of an additional dwelling to the district's housing stock and the positive contribution to the local and wider economy in the short term through the construction of the new dwelling.

The application site is located outside but adjacent to the development envelope of Little Downham, located adjacent to existing residential dwellings and within 1 mile of the facilities and services within the village. Pedestrian footpaths exist along the entire route into the centre of the village. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site is therefore considered to be in a sustainable location.

It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application. The main considerations in determining this application are therefore: whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development.

#### 7.2 Residential Amenity

A site visit was carried out on the 6th July and the proximity of the proposed dwelling to the bungalows to the north-east (22, 24, 26, 28) was noted. Officer concerns regarding the impact of the proposed two storey dwelling on the residential amenity of these neighbours, particularly in terms of overshadowing, were raised to the agent and amended plans were received which reduced the dwelling to a single storey with a ridge height of approx. 5m. This will still result in some overshadowing of the rear gardens of the neighbours at times in the morning to mid-afternoon, but not to an extent that is considered significant enough to reasonably refuse the application. The proposed garage is not considered to cause significant overshadowing to neighbours at 20b due to the distance (8m).

There would be some increased sense of enclosure for the residents of 24 and 26 Orchard Estate due to the proposed dwelling extending along the majority of their rear boundaries. This has to be balanced with the fact that the eaves height is approx. 2.5m at the closest point with the boundary and reaches a ridge height of approx. 5m high at 6m from the boundary. This is not considered to be significantly overbearing so as to warrant refusal, and loss of view is not a material consideration in planning decisions.

There were concerns from neighbours regarding loss of privacy from facing windows. The East Cambridgeshire Design Guide states that the distance between rear inter-visible windows should be a minimum of 20m, and plans show that the distance is approx. 13m (neighbours state that it is 11m). The existing boundary treatments are approx. 1.8m wooden fences. These already exist along the north-east boundary of the site and due to the height of the fence and the fact that there are no windows proposed above ground floor level, privacy of neighbours is considered to be sufficiently protected and there is not considered to be a significant detrimental loss of privacy to neighbours with facing windows.

As the site already has vehicular access and permission to cross the land outside 20a and 20b, the car trips generated by the dwelling are not considered a significant change to what is already possible. Therefore the impact on residential amenity of 20a and 20b is not considered significantly detrimental.

The proposed dwelling would overlook the middle section of a long rear garden of 10 Lawn Lane. The distance of this part of the garden away from the dwelling at No. 10 (approx 65m) is considered sufficient enough not to cause significant impact on the residential amenity of the neighbour once the proposed 1.8m boundary fence is erected.

Other neighbours are considered to be at sufficient distance for there to be no impact on their residential amenity.

Therefore whilst there would be some impact on residential amenity of neighbouring occupiers by way of an increased sense of enclosure and overshadowing of rear garden areas, there are not considered significantly detrimental enough to warrant refusal and therefore comply with policy ENV2.

### 7.3 Visual Amenity

Amended plans have reduced the height of the proposed dwelling to approx. 5m which is considered a suitable height in relation to the single storey dwellings adjacent to the site (Nos. 22, 24 26, and 28 Orchard Estate). From the public highway of Orchard Estate most of the dwelling and some of the garage apart from the roof would be obscured by other dwellings, however it is considered reasonable that if the application is approved a condition is applied for the external materials to be agreed by the local authority. This will ensure that the dwelling blends in with the streetscene as well as possible and complies with policy ENV2.

### 7.4 Highways

The Highways Authority had no objection due to there being an existing vehicular access. A condition is recommended that the manoeuvring area is provided as shown on the plans and maintained as such free from obstruction, which is considered to be reasonable. Concerns were raised by residents regarding the accessibility of the site given the parking which takes place in the corner of Orchard Estate. The lack of parking on Orchard Estate which contributes to the concerns regarding access to the site is not itself a planning issue and cannot be given any weight. The access route from Orchard Estate over land outside 20a and 20b already exists and is lawful, and any parking which blocks this access route would be a matter for police.

With the above condition the proposal is considered to comply with policy COM7.

7.5 Biodiversity and ecology

Concerns were raised by neighbours and the Parish Council regarding the loss of biodiversity and ecology from the site having been cleared. The application states that trees or hedges on the site would be affected by the application, however the site was in the process of being cleared during the site visit carried out by the Planning Officer and no significant trees or hedges were remaining on site. The Trees Officer recommended a topographical survey however this was not requested due to the site having been cleared. The Trees Officer made no reference to trees on site with Tree Protection Orders (TPOs) therefore it is not considered that any trees were unlawfully removed.

Policy ENV7 looks for opportunities to be taken for biodiversity and ecology enhancements to development sites, and whilst the site plan mentions a bird or bat box to be fixed to the rear of the dwelling, in this case it is considered reasonable to condition that both bird and bat boxes are provided and approved by the planning authority, and also that a soft landscaping scheme is provided for approval by the planning authority. With these conditions it is considered to comply with policy ENV7.

7.6 Flood Risk and Drainage

The site is located in flood zone 1 and therefore not at risk of flooding. Surface water drainage will be disposed of via soakaways located to the front and rear of the site. The Internal Drainage Board had no objections subject to soakaways being an appropriate method of surface water drainage in this location. Soakaways are used in the newer houses of Nos. 20a and 20b Orchard Estate adjacent to the site, and are therefore considered to be appropriate. This complies with policy ENV8.

7.7 Parking provision

Two parking spaces are provided on site within a garage (floor space approx 6x6m) which complies policy COM8 requirements for a dwelling in this type and location of dwelling.

7.8 Planning Balance

Whilst the proposed dwelling is outside the development envelope of Little Downham, it is considered to be in a sustainable location. Vehicular access is established so is not considered to weigh against this application. The adverse effects of minimal impact on residential amenity to the neighbours at 22, 24, 26, and 28 Orchard Estate are not considered to significantly and demonstrably outweigh the benefits of the addition to the housing stock, short term benefit to the construction trade, and biodiversity enhancements.

8.0 APPENDICES

8.1 Appendix 1 - Conditions

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**Background Documents**

**Location**

**Contact Officer(s)**



16/00795/FUL

Ruth Gunton  
Room No. 011  
The Grange  
Ely

Ruth Gunton  
Planning Officer  
01353 665555  
ruth.gunton@eastca  
mbs.gov.uk

03/00499/FUL

03/01046/FUL

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

## APPENDIX 1 - 16/00795/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
06/1596/16		13th June 2016
03/1596/16		20th September 2016
04/1596/16 SITE PLAN		4th November 2016
01/1596/16 GROUND FLOOR PLAN		4th November 2016
02/1596/16 ELEVATIONS		4th November 2016

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The manoeuvring area shall be provided as shown on the site plan (04/1596/16 as revised, received 4th November 2016) and maintained free from obstruction in perpetuity.
- 3 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 4 No above ground construction shall take place on site until details of the external materials including roof, walls, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to the occupation of the dwelling the specific details of the bat box and bird box, including their proposed location, shall be submitted to and approved in writing by the Local Planning Authority.  
  
Development shall be carried out in accordance with the approved details.
- 5 Reason: In order to support biodiversity opportunities and comply with policy ENV7.
- 6 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the

development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 Reason: To safeguard the character and appearance of the area and to encourage biodiversity and ecology, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.