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**MAIN CASE**

**Reference No:** 15/01183/FUL

**Proposal:** Erection of dwelling together with new vehicular access

**Site Address:** 2 Main Street Witchford Ely Cambridgeshire CB6 2HG

**Applicant:** Mr & Mrs LeBrun

**Case Officer:** Jon Pavey-Smith Planning Officer

**Parish:** Witchford

**Ward:** Haddenham  
Ward Councillor/s: Councillor Steve Cheetham  
Councillor Mark Hugo  
Councillor Stuart Smith

**Date Received:** 9 October 2015      **Expiry Date:**

[Q131]

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1.0 **RECOMMENDATION**

1.1 Members are requested to REFUSE the application for the following reasons:

1. The positioning of a new dwelling behind No.2 Main Street, Witchford would create a cramped form of development that would be odds with the general form and character of local development, consequently upsetting the existing settlement pattern. Furthermore, the proposal would not provide the neighbouring properties with a high quality environment, but would result in backland development with all its associated problems relating to noise, disturbance, and loss of amenity. The proposal therefore fails to comply with policy ENV2 of the East Cambridgeshire Local Plan 2015, the Design Guide SPD 2012 and the National Planning Policy Framework.
2. Permitting a new dwelling on land at the rear of No.2 Main Street, Witchford would potentially set a precedent for further housing development at the rear of No.4 and No.6 Main Street, the cumulative impact of which would have a detrimental impact upon the character of the locality. The proposal therefore fails to comply with policy ENV2 of the East Cambridgeshire Local Plan 2015, the Design Guide SPD 2012 and the National Planning Policy Framework.

## 2.0 SUMMARY OF APPLICATION

2.1 The application seeks consent for the construction of a two storey dwelling together with a parking area and a new access. The proposed dwelling will have a length of 6.5m metres and a maximum depth of 12 metres. The dwelling will have a ridge height of 7 metres and an eaves height of 3 metres. Access will be a new access to the side of the property No2 Main Street, Witchford. The materials proposed are a mixture of buff brick plinth, shiplap timber cladding.

2.2 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 The application has been called to Planning Committee by Cllr Joshua Schumann.

## 3.0 PLANNING HISTORY

3.1

82/00634/FUL	2 STOREY EXTENSION AND CONSTRUCT SWIMMING POOL	Approved	18.11.1982
98/00341/FUL	Alterations & Extension	Approved	15.07.1998

## 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located within the development envelope of Witchford and includes a parcel of land immediately to the rear of No.2 Main Street, Witchford which is a two storey detached dwelling. Vehicular access to the site would be via a new access that runs between No2 Main Street and the neighbouring bungalow, known as Little Mead. No2 Main Street will retain its existing access and parking arrangements. To the east of the site is a derelict farm building on large triangular shaped plot which is heavily screened on both sides. The redundant building is on the same building line as No2 Main Street. To the rear of the site is open countryside with the A142 to the north. The application site measures approximately 1100 square metres (including the access route).

## 5.0 RESPONSES FROM CONSULTEES

5.1 The full responses are available on the Council's web site.

**Local Highways Authority** - The Highways Authority has no objections in principal to this application subject to the following recommended conditions being attached to any permissions given:

-The applicant MUST relocate the telegraph pole and lamp column immediately adjacent to the proposed access with Main Street.

-The proposed drive ways be constructed so that their falls and levels are such that no private water from the site drains across or onto the adopted public highway.

-The proposed drives be constructed using a bound material, for the first six metres from the boundary of the adopted public highway into each site, to prevent debris spreading onto the adopted public highway.

-Any proposed gates must be set back at least 6m into the applicant's property from the boundary of the adopted public highway.

-Two 2.0 x 2.0 metres visibility splays shall be provided and shown on the drawings. The splays are to be included within the curtilage of the new dwelling. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

-The manoeuvring area as shown on the drawings shall be maintained so that it is free of any obstruction that would prevent a domestic vehicle from being able to manoeuvre with ease so it may enter and leave the property in a forward gear.

**Environmental Health** – No issues to raise apart from the adding two contamination conditions.

**Waste Strategy (ECDC)** - East Cambs 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 on the relevant collection day. ECDC as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles. This contribution is currently set at £43 per property.

**Parish** – No Objections, however the council notes that the proposed vehicular access to this site is along a relatively narrow route between two existing properties and there is the potential for some traffic noise.

5.2 Neighbours – Site notice posted and 10 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Little Mead, No4 Main Street, Witchford, Ely has raised the following objections:

- The upstairs window of Bedroom 2 on the south elevation could look straight in our bedroom.
- It appears from the plans that the ground level on the south west elevation is going to be raised; this could affect our natural drainage system.

- The proposed driveway comes very close to our bedroom thus making us very exposed to traffic noise and movement.
- The new vehicular entrance could increase traffic into the 30mph limit and would require the movement of a street light and the movement of the electricity pole.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV4	Energy water efficiency and renewable energy in construction
ENV 2	Design
ENV 1	Landscape and settlement character
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Design Guide

### 6.3 National Planning Policy Framework 2012

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

## 7.0 PLANNING COMMENTS

The main issues to consider in the determination of this application are the principle of development; impacts of the proposal on residential amenity and visual amenity; and highway safety.

### 7.1 **Principle of Development**

7.2 The local planning authority 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.

7.3 The benefits of this application are considered to be: the provision of a residential dwelling built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.

- 7.4 The site is located within the established development framework of Witchford, in a residential area close to the facilities and services on offer in the settlement. 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.
- 7.5 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.
- 7.6 Residential Amenity**
- 7.7 Policy ENV2 of the Local Plan states that development proposals should ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that future occupiers enjoy high standards of amenity.
- 7.8 The nearest non associated dwelling is No4 Main Street. The objection received from this neighbouring property concerning overlooking from the bedroom window in the southern elevation has been taken into account.
- 7.9 The proposed bedroom window is 20m from the rear elevation of No4 Main Street and at an obscure angle compared to the proposed dwelling. It is therefore considered that the residential amenity of No4 Main Street will be retained to an acceptable level.
- 7.10 The noise and disturbance from the proposed driveway has been taken into account, however it is considered that there is sufficient distance between the proposed driveway and the No4 Main Street against the potential noise. In addition, the existing hedge on the boundary will help to reduce the impact on the be placed on this boundary to reduce the no could be due to the distance
- 7.11 On balance, the proposed extension is considered to comply with Policy ENV2 of the East Cambridgeshire Local Plan 2015 as whilst there would be some impact on the residential amenity of neighbouring properties, this impact is not sufficient to warrant a reason for refusal.
- 7.12 Backland Development**
- 7.13 Policy ENV2 of the Local Plan requires the location, layout, scale, form and massing of a proposal to relate sympathetically to the surrounding area. The policy also advocates the need to develop in a comprehensive way, avoiding uncoordinated piecemeal development. The East Cambridgeshire Design Guide SPD also contains a reference to back land development. Whilst this application involves the construction of a dwelling to the side of the host dwelling, similar principles will apply.
- 7.14 The Design Guide SPD states that backland development will only be acceptable if:
- It is supported by a contextual analysis of the area;
  - There is sufficient space to allow for an access road;

- There is adequate protection against noise and disturbance for the host dwelling;
- Consideration has been given to the inclusion of adjacent land, to avoid piecemeal development;

7.15 I have reviewed each of the above bullet points in turn:

7.16 It should be noted that there has not been any contextual analysis submitted with this proposal. There has been no evidence submitted showing the proposal would not be at odds with the settlement pattern of Witchford in this location.

7.17 It is considered that there is sufficient space for the access road.

7.18 The proposed development would not provide the host property with a high quality environment, but would result in development which would lead to associated problems relating to noise, disturbance and loss of privacy. The noise and disturbance created by the comings and goings of traffic next to the existing dwelling would reduce the residential amenity of the existing dwelling. This reduction in residential amenity is coupled with the overlooking incurred to the rear garden of the host dwelling from the window of bedroom 2 of the proposed dwelling.

7.19 The Design Guide SPD states that the distance between the rear inter-visible windows should be a minimum of 20m and be located at least 10m from the rear boundary of the dwelling to the front. The distance between the rear inter-visible windows is 17m and the distance between the rear boundary of No2 Main Street and the front elevation of the dwelling is 7.5m. The dwelling proposed would fail to meet any of these criteria and would therefore lead to an unacceptable impact on the residential amenity of the host dwelling in terms of loss of privacy to its rear garden. It should also be noted that the proposed dwelling is flush right behind the existing dwelling increasing the overlooking from the rear elevation.

7.20 Development at the rear of No2 Main Street would also potentially set a precedent for further housing development at the rear of No4 and No6 Main Street. Cumulatively if this were allowed to occur, it would have a detrimental impact upon the character of the locality. It is considered that the application does not accord with Policy ENV2 of the East Cambridgeshire Local Plan.

## 7.21 Design

7.22 Officers have concerns regarding the design of the dwelling not being in keeping with the surrounding dwellings on the northern side of the Main Road. The dwelling's design aims to replicate a large outbuilding which would not be unusual for a property the size of No2 Main Street to have. This design is seen by officers to be at odds with the surrounding dwellings to the front of the proposal. This is exacerbated by the introduction of the timber cladding material which would be the first time this material has been used on a dwelling within this area. Whilst the proposed dwelling is still considered to be somewhat at odds with the prevailing character of the area and therefore the proposal is some conflict with elements of policy ENV2 of the Local Plan. However, it must be noted that the proposed dwelling will be well screened by the existing dwellings to the front of the road. In

addition, the existing mature trees to the front of the site which will also help to screen the dwelling.

7.23 On balance it is considered that the proposal meets the requirements of policy ENV2 of the Local Plan 2015.

#### **7.24 Highways**

7.25 The proposal includes sufficient space for two vehicles to park within the application site together with space for vehicles to manoeuvre and leave the site on forward gear. The proposal therefore complies with policy COM7 in relation to access to the highway network and policy COM8 in relation to parking provision.

7.26 If the application were to be approved, the Local Highway Authority has recommended a number of conditions to be added to the relating to the visibility and the material used for the access.

#### **7.27 Ecology**

The application has been assessed against the Natural England Standing Advice for Protected Species. It was considered that no features of habitats were present that would require the submission of detailed ecological surveys.

7.28 On balance it is considered that the proposal would meet the requirements of policy ENV7 of the East Cambridgeshire Local Plan.

#### **7.29 Drainage**

7.30 The site does not fall within the flood plain, so a flood risk assessment is not required within application.

Foul sewerage will be connected into the mains drainage located under Main Street and surface water will be dealt with on the site via soakways. It is judged that the area of land is large enough to adequately drain the site through a soakaway. It is considered that any drainage details can be adequately conditioned.

#### **7.31 Planning Balance**

7.32 The proposal would give rise to an important benefit in the provision of much needed housing, which should be afforded significant weight in the planning balance. The proposal would also give rise to direct and indirect economic benefits, which should also be given weight. These benefits have to be set against the harm that would arise if the proposal was to go ahead. The proposal would significantly harm the residential amenity of the existing dwelling No2 Main Street and the amenity of future occupiers would be harmed by the presence of adjacent development. Such harm attracts significant weight in the planning balance. The adverse impacts of this back land site on the settlement pattern of the area also attract weight against the proposal. Taken together, these adverse effects outweigh the benefits of the proposal. The proposal is therefore recommended for refusal for the reasons set out at the beginning of this report.

8.0 APPENDICES

None

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/01183/FUL 82/00634/FUL 98/00341/FUL	Jon Pavey-Smith Room No. 011 The Grange Ely	Jon Pavey-Smith Planning Officer 01353 665555 jon.pavey- smith@eastcambs.g ov.uk

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>