
MAIN CASE

Reference No: 18/00474/FUL

Proposal: Proposed dwelling

Site Address: Site Rear Of 19 Saxon Drive Burwell

Applicant: R&S Commercial

Case Officer: Oli Haydon, Planning Officer

Parish: Burwell

Ward: Burwell

Ward Councillor/s: Councillor David Brown
Councillor Lavinia Edwards
Councillor Michael Allan

Date Received: 11 April 2018 **Expiry Date:** 6th July 2018
[T43]

1.0 RECOMMENDATION

- 1.1 Members are requested to REFUSE planning permission for the following reason:
1. The resulting development will have a cramped appearance and appear overly dense within the constrained site. Additionally, the proposed massing, form and scale of the dwelling would appear out of keeping in the wider urban area. The dwelling would appear harmfully overbearing on the residents of 19 Saxon Drive and cause detriment to the sense of openness present in the rear garden of this neighbouring dwelling. The development is not considered to be in accordance with Local Plan Policy ENV1, HOU2 and ENV2 and LP28, LP6 and LP22 of the Submitted Local Plan 2017 which states that development should respect the density, landscape and character of the surrounding area and provide sufficient levels of amenity for future occupiers.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the erection of a detached two-storey dwelling following previously approved applications for a dwelling on the site under 17/00734/FUL, 16/00773/VAR and 15/00675/FUL.
- 2.2 The proposed dwelling would have a width across its front elevation of 11m, a depth of 12.4m, eaves of 5m and a ridge height of 8m. The width has been increased by

4.2m from the previous approval, with the addition of an attached garage with habitable roof-space.

2.3 Amendments were received as part of the dwelling's approval under 17/00734/FUL to remove the garage and habitable roof-space. In spite of this, these elements have now be reinstated for the purposes of this application.

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.**

2.5 The application was called-in to Planning Committee by Cllr David Brown as "the disagreement is of a subjective matter".

3.0 **PLANNING HISTORY**

3.1

15/00675/FUL	Erection of new 3 bed detached house	Approved	22.09.2015
17/00734/FUL	Proposed dwelling	Approved	06.09.2017
16/00773/VAR	Variation of condition 1 (approved plans) of previously approved 15/00675/FUL for Erection of new 3 bed detached house	Approved	26.07.2016

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site (0.04ha/0.09 acres) is located within the established development framework of Burwell and comprises part of the side and rear garden to 19 Saxon Drive. The site is located at the end of the cul-de-sac of similarly designed residential dwellings. The land beyond the western boundary is in use as allotments and the land to the south of the site forms part of Burwell Museum and Windmill.

4.2 The site area has been reduced by 30sqm from the previous approval.

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.

Burwell Parish Council – No objections raised although the amendment to the garage roof was not clear

Ward Councillors – Cllr Brown stated that “the disagreement is of a subjective matter and therefore I would like to call it in to Committee for a wider discussion”.

Waste Strategy (ECDC) – No objections raised subject to informatives.

CCC Growth & Development - No Comments Received

Local Highways Authority – No objections raised subject to conditions relating to drainage and turning.

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

- Concerns regarding the overlooking from the dwelling
- Capacity of the main sewer in Saxon Drive
- Same conditions should be applied as previous approvals
- Larger dwelling would have a further visual impact
- Overshadowing

6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU2	Housing Density

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2012

6 Delivering a wide choice of high quality homes

- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP22 Achieving Design Excellence
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP6 Meeting Local Housing Needs
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 **PLANNING COMMENTS**

- 7.1.1 The main issues to consider in the determination of the application are the principle of development, visual amenity, residential amenity, highway safety, drainage and ecology.

7.2 **Principle of Development**

- 7.2.1 The site is located within the defined development envelope for Burwell, in close proximity to the services and facilities on offer in the village; the principle of residential development is deemed acceptable. The proposal is considered to be compliant with LP1, LP3 of the Submitted Local Plan 2017 and GROWTH2 of the 2015 Local Plan.
- 7.2.2 The site also has the benefit of multiple existing planning permissions for a new detached dwelling. This submission seeks to reinstate the garage and room-above that was removed as part of an amendment to the previous permission (17/00734/FUL).

7.3 **Residential Amenity**

- 7.3.1 The proposal seeks consent to construct a detached dwelling to the rear of 19 Saxon Drive. The site would be accessed along the southern edge of the plot belonging to Number 19.
- 7.3.2 In terms of overlooking, no windows have been proposed in the western elevation, facing onto the neighbouring resident at Number 19. Additionally, no windows have been proposed on the first floor of the northern elevation which negates any overlooking to the other properties in this part of Saxon Drive. It is considered that there is an acceptable level of overlooking on the museum to the south and the vacant land to the east.

- 7.3.3 The dwelling would be located 17m from the rear elevation of Number 19 with the garage element of the proposal being located 0.5m from the boundary of the rear garden belonging to this neighbour.
- 7.3.4 The previous approval on the site (17/00734/FUL), during the course of which this garage element was removed through an amendment, concluded that *“the design of the dwelling and the scale of the dwelling have now reached the maximum in terms of an acceptable relationship with neighbouring dwellings and that further alterations which increase the scale would raise significant concerns for the Local Planning Authority”*.
- 7.3.5 The East Cambs Design Guide 2012 aims for separation distances between dwellings of 20 metres. Given that this proposed dwelling is 17 metres from the rear elevation of No.19, it is acknowledged that it would have an overbearing impact to the extent that it is considered to be significant enough to warrant refusal. The garden of Number 19 is open in its character with modest single-storey extensions occupying the northern boundary. The inclusion of a 6m (leading to 8m) tall and bulky structure only 0.5m from the neighbour’s boundary would result in a significantly harmful impact on the amenity of this resident and compromise the neighbours ability to comfortably enjoy their modest private amenity space.
- 7.3.6 The previous scheme was approved on the basis that the removal of the garage element reduced the impact on the neighbouring residents to acceptable levels; for the garage’s reinstatement to then be approved would cause this level of harm, that was previously considered unacceptable, to re-emerge.
- 7.3.7 The conclusions of the previous officer when determining 17/00734/FUL remain valid and approval of *this* application would nullify the benefits of the previous discussions, lead to a significant level of harm to neighbouring residents and also amount to a notable inconsistency in the recommendations of the Planning Authority.
- 7.3.8 It is considered that the scheme would fail to sufficiently protect the residential amenity of surrounding residents and is therefore deemed contrary with 2015 Local Plan Policy ENV2 and LP22 of the Submitted Local Plan 2017.

7.4 Visual Amenity

- 7.4.1 2015 Local Plan Policy ENV1 and LP28 of the Proposed Submission Local Plan 2017 states that development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development. Furthermore, 2015 Local Plan Policy ENV2 and LP22 of the Proposed Submission Local Plan 2017 stress the importance of efficient use of land which respects the density, urban and village character.
- 7.4.2 The principle of development on this site has been established through recent permissions and thus an element of visual impact is accepted. However, the increase in scale and massing of the proposed, by reinstating the attached 1.5 storey garage, results in the dwelling overcrowding the plot with a density that is

uncommon in the immediate locality. The dwelling's 11m width would dominate the 18.5m wide site as would the 12.5m depth in the 18m deep site. The resulting density of the plot within its garden would be equivalent to 30 dwellings/ha (14 dwellings/acre). The two neighbouring dwellings (15 and 17 Saxon Drive) have densities of approximately 18 dwellings/ha.

- 7.4.3 The overcrowding of the plot and amount of built form proposed to the rear of 19 Saxon Drive would lead to a significant and demonstrable level of visual harm discordant with the open nature of the existing site and the adjoining rear gardens. Whilst weight is given in support of the scheme in terms of the previous approvals, the addition of the side extension containing the bedroom and garage would amount to a further 30sqm of built form on a site that is considered to be at its capacity in terms of visual impact. The proposal is considered to harm the visual character of the area and constitute overdevelopment contrary to Policy ENV1, ENV2 and HOU2 of the Cambridgeshire Local Plan 2015 and LP28, LP22 and LP6 of the Submitted Local Plan Local Plan 2017.

7.5 Other Material Matters

- 7.5.1 The Local Highways Authority have raised no concerns with the proposal subject to conditions. Adequate parking and turning is provided in the form of a single garage and outside parking area. It is worth noting that, in the Submitted Local Plan 2017, single garages are not considered to provide adequate parking and thus the scheme would fail to provide sufficient parking if this plan was given full weight.
- 7.5.2 The proposal is required to protect biodiversity and geological value of land and buildings, and minimise harm to or loss of environmental features such as hedgerows and trees. Trees impact were considered as part of the previously approved application and a condition was attached for a tree protection scheme. This condition can be utilised again if the application is approved and would be considered sufficient.
- 7.5.3 County Archaeology have considered the findings of a previously submitted schedule of works and have no additional site requirements as part of this application.
- 7.5.4 Contamination and drainage information can be secured by condition if the application is approved.

7.6 Planning Balance

- 7.6.1 The proposal would result in an additional dwelling to add to the Council's housing stock and there are associated economic benefits from the construction process and continuing contribution to the local economy by future occupiers. All of the above attract weight in favour of the proposal.
- 7.6.2 The proposal benefits from extant planning permission for a single dwelling and the above benefits are therefore secured through this recent and relevant history.
- 7.6.3 However, the proposal fails to adhere to the amendments required at the previous application stage. The implementation of the garage and habitable room above

would lead to a significant and demonstrable level of overbearing on the occupier of the neighbouring 19 Saxon Drive. Furthermore, the increase in built form on the site would result in a scale, massing and density that would significantly harm the visual character and appearance of the area whilst contravening the density of nearby plots.

- 7.6.4 The proposal is considered to lead to significant and demonstrable harm to both neighbouring occupiers and the visual character of the area, contrary to Policy ENV1 and ENV2 of the Cambridgeshire Local Plan 2015 and LP28 and LP22 of the Submitted Local Plan 2017. The benefits of the scheme, including the provision of a new dwelling are outweighed by the harm caused and the application is therefore recommended for refusal.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00474/FUL	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555 oli.haydon@eastca
15/00675/FUL	Ely	mbs.gov.uk
17/00734/FUL		
16/00773/VAR		

National Planning Policy Framework -

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>