
MAIN CASE

Reference No: 19/01395/FUL

Proposal: Change of use of annexe to residential dwelling including revision to garden and parking arrangements

Site Address: 3 Hall Lane Burwell Cambridge CB25 0HE

Applicant: Mr Colin Barnes

Case Officer: Rachael Forbes, Planning Officer

Parish: Burwell

Ward: Burwell
Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 30 September 2019 **Expiry Date:** 13th December 2019

[U138]

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE planning permission for the following reasons:

- 1) Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 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. Policy ENV 2 states that development proposals should ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area. The proposal fails to provide a complementary relationship with its surroundings in its proposed use as an independent dwelling; the building, by virtue of its design and location is read as an outbuilding and does not reflect the design and form of the dwellings in the street scene. It is not in keeping with the character and appearance of the area due to its location on a byway where the overriding character of the area is domestic outbuildings, rear gardens, boundary treatments and vegetation. The proposed development therefore fails to comply with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

2) Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity. The plot size is significantly smaller than that set out in the Design Guide SPD, resulting in a failure to provide a high quality and useable garden space and therefore a poor level of amenity as required by policy ENV 2 of the Local Plan and Design Guide SPD. Furthermore, the first floor bedroom is served by a single rooflight and therefore offers a poor outlook from a habitable room which would significantly impact on the amenity of future occupiers. The proposal therefore fails to provide a high standard of residential amenity and is contrary to policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks a change of use of the existing annexe to an independent residential dwelling. A single storey annexe was granted permission under application 14/00628/FUL and permission for a two storey annexe was granted under application 16/01407/FUL.
- 2.2 The application has been called into Planning Committee by Cllr Brown as he believes there are matters of principle associated with this application that deserve to be considered by the Committee.
- 2.3 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

- 3.1
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|--------------|---|-----------|------------|
| 14/00628/FUL | Proposed single storey annex outbuilding providing habitable accommodation | Approved | 28.08.2014 |
| 16/01407/FUL | Proposed Change from a single storey annex to a two storey annex to provide habital accommodation for a full time care worker | Approved | 01.12.2016 |
| 19/00660/VAR | To Remove Condition 4 (Occupancy Restriction) of previously approved 16/01407/FUL for Proposed Change from a single storey annex to a two storey annex to provide habitable accommodation for a full time care worker | Withdrawn | 27.06.2019 |

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 3 Hall Lane is a single storey detached dwelling situated in the development envelope of Burwell and outside of the Conservation Area. The annexe is situated at the bottom of the rear garden and has its own access from Dark Lane, along a Public Right of Way. To the south of the site is the Conservation Area boundary and the garden of a Listed Building, Ramsey Manor (Grade II, LEN 1126398).
- 4.2 Dark Lane is an unadopted public byway which is characterised by the rear of residential dwellings and the associated outbuildings, boundary treatments and vegetation. There are single garages and another annexe building, which is a garage with annexe above.
- 4.3 The annexe is two storey and is constructed in a multi buff brick plinth and weather boarding, red pantiles and double glazed aluminium units. The annexe has a small enclosed area with a fence to the rear and a picket fence and five bar gate to the front. There is also a shed within the enclosed area of the proposed site.

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.

ECDC Trees Team - No Comments Received

Waste Strategy (ECDC) – 30th October 2019

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 (Spring Close) 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 and/or loose gravel/shingle driveways; 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 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 two bins; this contribution is currently set at £43 per property.

CCC Growth & Development - No Comments Received

Local Highways Authority - 29 October 2019

Whilst I may have reservations regarding the suitability of Dark Lane as a residential access, it appears to have established use by this and other adjacent properties.

The approval granted under reference 14/00628/FUL appears to recognize independent access and parking for the two buildings and no significant increase in use is likely to result from this proposal.

I note that two parking spaces are proposed; while the turning length is not ideal the additional width available should make this workable.

Visibility accessing Dark Lane is not ideal, although this application does not change the existing situation.

On this basis, I have no objections.

I note that the County Councils Asset Information Definitive Map Team have also been consulted.

Asset Information Definitive Map Team – 31st October 2019

Thank you for consulting us on the planning application above. Please note Public Byway No. 31 Burwell forms the vehicle access to the development.

Whilst the Definitive Map team do not have any objection to the development proposal, the applicant should be aware of the presence of the public byway, its legal alignment and width.

The County Council has guidance for Planners & Developers with regarding the boundary treatments and planting adjacent to a public right of a way.

The byway must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it.

Cambridge Ramblers Association - No Comments Received

Parish Council - 30 October 2019

Burwell Parish Council has objections to this planning application

Burwell Parish Council is supportive of the neighbours comments
Burwell Parish Council stands by its previous comments made on this application
Burwell Parish Council objects as this planning application is setting a precedence for future development on to a Byway.

Ward Councillors - No Comments Received

5.2 **Neighbours** – six neighbouring properties were notified and three responses were received, which are summarised below. A full copy of the responses are available on the Council's website:

- Granting permission would set a precedent for similar applications.
- Dark Lane is an unadopted bridleway that sees frequent pedestrian use and provides limited vehicular access for Hall Lane residents – it is an unmade access and access is difficult when it is wet, any increase in traffic would inevitably make the situation worse.
- Dark Lane is not a through road and would be completely unsuitable as a main access to a property.
- Concerns around emergency vehicle access
- Loss of rural nature of the village which has lost too many countryside features.
- Out of character with Dark Lane, which is a typical unmade village lane bordering a listed property and Conservation Area with many mature trees.

A site notice was displayed near the site on 18th October 2019 and a press advert was published in the Cambridge Evening News on 7th October 2019.

6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

| | |
|----------|--|
| GROWTH 2 | Locational strategy |
| GROWTH 5 | Presumption in favour of sustainable development |
| 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 |

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 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

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main consideration of the application is whether the proposal could be an independent dwelling. Therefore, all matters that would be taken into consideration when assessing a proposal for a dwelling will be considered including the principle of development, visual amenity, residential amenity, highway safety and parking and all other relevant planning matters.

7.2 Principle of Development

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport but more limited development will take place in villages which have a defined development envelope. Within the defined development envelopes housing, employment and other development to meet local needs will normally be permitted – provided that there is no significant adverse impact on the character and appearance of the area and that all other material planning considerations are satisfied.

7.4 The annexe is located in the development envelope of Burwell and the principle of development for an annexe was considered acceptable under the original application, 14/00628/FUL and the subsequent application 16/01407/FUL. An independent dwelling would also be acceptable in principle given the location within the development envelope, subject to satisfying all other relevant material planning considerations, which are explained in more detail below.

8.0 Visual Amenity

8.1 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 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. Policy ENV 2 states that development proposals should ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

8.2 The officer report for application 14/00628/FUL states ‘the annexe/outbuilding will replace an existing detached garage which, due to its age and construction, is not of any architectural interest or merit. The annexe/outbuilding has been designed in such a way that it can be converted into a garage in the future’. The report goes on to say that ‘the scale of the proposed annexe/outbuilding is considered to be acceptable especially given that it will be only be visible from the public right of way to the rear of the site and the development will not have an adverse impact on the character and appearance of the area’.

8.3 The officer report for 16/01407/FUL states that the application was submitted because the annexe had not been built in accordance with the approved plans; the

officer considered that the changes to the annexe would not result in a detrimental impact to the character of the area.

- 8.4 The annexe is accessed from Dark Lane. Dark Lane is a public byway for all traffic from Spring Close to High Street, although vehicular traffic cannot access High Street from Dark Lane as there are bollards in place to prevent this. The dwellings situated on Hall Lane and The Paddocks back onto Dark Lane. Dark Lane is characterised by vegetation/trees and boundary treatments such as close board fencing. There are single garages present at other properties that are accessed from Dark Lane and a 1.5 storey detached garage and annexe at number 7 Hall Lane, approved under application reference 16/00664/FUL, which is 5.7 metres in height, 7.3 metres wide and 7.9 metres deep.
- 8.5 While the building is already present and there are no changes proposed to the building itself, it is considered that its use as an independent dwelling would not be in keeping with the character and appearance of the area. The character of Dark Lane is a narrow public byway which very clearly consists of the rear of residential dwellings and their associated outbuildings/boundary treatments. It is noted that 39/39a High Street have access onto Dark Lane; the front door is on Dark Lane and the vehicular access is also on Dark Lane but accessed from High Street. It is considered that they would be read as part of High Street as they have dormer windows on the elevation fronting High Street, which is similar to adjacent properties. It is considered that the use of the annexe as an independent dwelling would result in the introduction of a type of backland development which is not characteristic of Hall Lane. It is also considered that while the design of the proposal is appropriate for an outbuilding/annexe with the potential to return to a garage, it is not considered to reflect the form of any of the adjacent dwellings in character and appearance and does not provide a complimentary relationship with its surroundings and therefore fails to comply with policy ENV 2 of the Local Plan.
- 8.6 It is therefore considered that as an independent dwelling the proposal would not provide a complimentary relationship with existing development and that its location would not be considered appropriate for an independent dwelling. The proposal is therefore considered to be contrary to policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan, 2015.

9.0 Residential Amenity

- 9.1 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that 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.
- 9.2 3 Hall Lane has three adjacent neighbours, 1 Hall Lane to the east, 5 Hall Lane to the west and 37 High Street to the south.
- 9.3 The officer report for application 16/01407/FUL considered that the annexe as built would not result in harm to residential amenity and complied with policy ENV 2 of the East Cambridgeshire Local Plan, 2015. As there are no physical changes to the building, it is considered that there would be no harm to the residential amenity of neighbouring dwellings in respect of overlooking, overbearing and overshadowing.

- 9.4 However, policy ENV 2 also states that new development will be expected to ensure that occupiers of new buildings, especially dwellings, enjoy high standards of amenity. The Design Guide SPD states that building plots should be 300sqm with the footprint of any proposed development being no more than one third of the plot size. The plot size is under the 300sqm set out at approximately 220sqm, however the built form takes up less than a third of the plot. The Design Guide also states that 50sqm of garden area should be provided. The agent has confirmed that the amenity space would equate to 57sqm, however, it is considered that this space would result in a poor level of functional, useable space given the layout of the plot.
- 9.5 Furthermore, the first floor bedroom would be served solely by one rooflight. It is considered that this results in a poor outlook from the room and would not be acceptable as the sole window for this room for future occupiers of the proposed dwelling.
- 9.6 Although, the proposal is not considered to result in a significant impact to the residential amenity of neighbouring dwellings, it is considered that it provides a poor standard of amenity to future occupiers by virtue of a small plot and garden space and a lack of outlook from the first floor bedroom. The proposal is therefore contrary to policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

10.0 Highway Safety and Parking

- 10.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. There has been concern raised around the suitability of Dark Lane as an access and that it becomes churned up when wet and would make access difficult. Dark Lane is an unadopted path and bridleway, which provides access to the rear of the properties at Hall Lane. The Local Highway Authority have been consulted as part of the application and have commented that while they do have reservations regarding the suitability of Dark Lane as a residential access, it appears to have established use by this and other properties. They have gone on to comment that 'The approval granted under reference 14/00628/FUL appears to recognise independent access and parking for the two buildings and no significant increase in use is likely to result from this proposal. I note that two parking spaces are proposed; while the turning length is not ideal the additional width available should make this workable. Visibility accessing Dark Lane is not ideal, although this application does not changing the existing situation. On this basis, I have no objections'. The proposal is therefore considered to comply with policy COM 7.
- 10.2 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. Two parking spaces have been provided on site and therefore the proposal is considered to comply with policy COM 8 of the East Cambridgeshire Local Plan, 2015.

11.0 Public Right of Way

- 11.1 A Public Right of Way (Public Byway, number 31 Burwell) runs along Dark Lane and forms the vehicle access to the development. The County Council Definitive

Map Team have no objections to the proposal, they have commented that the applicant should be aware of the presence of the public byway, its legal alignment and width and have asked for a number of informatives to be added to the decision notice if permission were to be granted.

11.2 The proposal is therefore considered to comply with policy COM 7 of the East Cambridgeshire Local Plan, 2015.

12.0 Ecology

12.1 Policy ENV7 of the East Cambridgeshire Local Plan, 2015 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.

12.2 It is considered that given the existing building will be remaining and will not be changed in any way that the proposal is highly unlikely to adversely affect protected or priority species or designated sites. However, it is considered that biodiversity enhancements could be sought and these could be secured by condition, if planning permission was granted.

12.3 The proposal is therefore considered to comply with policy ENV 7 of the East Cambridgeshire Local Plan, 2015.

13.0 Flood Risk and Drainage

13.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The policy states that development would not be permitted where:

- It would intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigation measures can be agreed and implemented.
- It would increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or by impeding the flow or storage of flood water.
- It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
- The risk of flooding would cause an unacceptable risk to safety; or
- Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowance.

13.2 The site is entirely located within flood zone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The application form states that surface water will be disposed of via soakaways and foul water by mains sewer. It is considered that this is likely to

be the existing situation and therefore no condition in relation to foul and surface water would be required.

- 13.3 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.

14.0 Planning Balance

- 14.1 While there are no changes proposed to the existing building, it is considered that the use of the annexe as an independent dwelling would not be in keeping with the character and appearance of the area due to its location on a byway on which the overriding character is the rear gardens and outbuildings of the dwellings at Hall Lane and The Paddocks, along with the associated boundary treatments and vegetation.
- 14.2 The annexe was not intended to be a separate dwelling and was approved on the basis that it complied with policies as an annexe, in connection with the host dwelling.
- 14.3 The proposed development would not reflect the dwellings in the street scene due to its design and location and it is read as an outbuilding, subservient to the main dwelling.
- 14.4 The proposal fails to offer a high standard of amenity for future occupiers by virtue of a small plot size and an inadequate and poor quality amenity space and a lack of natural outlook from the first floor bedroom.
- 14.5 The proposal is therefore considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 and is therefore recommended for refusal.

| <u>Background Documents</u> | <u>Location</u> | <u>Contact Officer(s)</u> |
|--|--|--|
| 19/01395/FUL | Rachael Forbes Room No. 011 The Grange | Rachael Forbes Planning Officer 01353 665555 |
| 14/00628/FUL 16/01407/FUL 19/00660/VAR | Ely | rachael.forbes@eas tcambs.gov.uk |

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>