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**MAIN CASE**

Proposal:                      Erection of detached house and garage to the rear of existing dwelling.

Location:                     8 East Fen Road Isleham Ely CB7 5SW

Applicant:                    Mr & Mrs Steven Baines

Agent:                         Mr Noel Garner

Reference No:                10/00170/FUL

Case Officer:                Penelope Mills

Parish:                        Isleham  
                                    Ward:     Isleham  
                                    Ward Councillor/s:   Councillor Derrick Beckett

Date Received:     9 March 2010                      Expiry Date:     4 May 2010

**[K220]**

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**1.0     EXECUTIVE SUMMARY**

- 1.1     The application seeks full planning permission for the erection for a detached, two-storey dwelling and a detached garage to the rear of 8 East Fen Road. The dwelling would be served by a new vehicular access from East Fen Road.
- 1.2     This application was originally considered by Planning Committee on 5<sup>th</sup> May, when members resolved to defer making a decision on the application, pending the appeal decision for the previous application for the site. The appeal has now been determined and as such the application is brought before Committee for a decision.
- 1.3     The main issues for consideration are:
- The Inspector's decision on the previous proposal
  - Amendments to the plan and the implications for residential amenity
- 1.4     It is considered that in light of the Planning Inspectorate's decision to allow a very similar development on the site, and following amendments to the design to address the impact on neighbouring residential amenity, the local planning authority could not reasonably sustain a recommendation of refusal, despite legitimate earlier concerns. The application is therefore recommended for approval.

## 2.0 **THE APPLICATION**

- 2.1 The application seeks permission for the erection of a detached dwelling and garage to the rear of 8 East Fen Road. The design of the proposed dwelling has been amended since Committee last considered the proposal, although the scale and positioning are broadly the same. The proposed dwelling is two-storey with a pitched roof and has 'T-shaped' footprint. On the front elevation the roof would continue to a lower eaves height enclosing a porch area.
- 2.2 The detached garage and garden store would be positioned between the new dwelling and number 8 and would measure 9 metres in length, 5.5 metres in width and would have an eaves and ridge height of 2.2 metres by 5.2 metres respectively.
- 2.3 The new dwelling would be served by a new vehicular access from East Fen Road, which would be situated between number 8 and the neighbouring number 10.

## 3.0 **THE APPLICANT'S CASE**

- 3.1 The applicant has submitted no new statement in support of the application other than the Design and Access Statement originally submitted with the application, which is attached at Appendix 1.

## 4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The application site is located within the development envelope, but at the very edge of the settlement; to the rear is open farmland. The site forms part of the rear garden of No. 8, a relatively modern two-storey detached dwelling with a hipped roof, set back from the road. Vehicular access to the existing dwelling is to the southern side of the site, and there is an existing detached single storey garage, set behind the house. An evergreen (laurel) hedge runs across the front boundary, with a small pedestrian gate positioned centrally.
- 4.2 East Fen Road has a relatively mixed streetscene with different styles and ages of property. However, the properties along the eastern side of the highway, where the application site is located, form a single row of frontage development made up of well-spaced, detached dwellings. To the west the development is less uniform in its distribution with dwellings positioned at different distances and orientations to the highway. There is also a small cul-de-sac development accessed from the northern end of the road, infilling some of the land to the rear of the dwellings along the west side of East Fen Road.
- 4.3 Despite the generally mixed character described above, the development along the eastern side of East Fen Road does have clearly defined character: that being, a single row of fairly modest properties, with relatively large rear gardens that back on to agricultural fields.

## 5.0 **PLANNING HISTORY**

### 5.1

00/00495/OUT	Erection of Detached Bungalow together with access arrangements and other associated site works	Approved	09.08.2000
09/00647/FUL	Erection of detached house and garage to the rear of existing dwelling.	Refused <b>Allowed on Appeal</b>	16.10.2009

## 6.0 **REPLIES TO CONSULTATIONS**

### 6.1 **Parish Council**

No Comments.

### 6.2 **Highways**

No objection in principle

- Advised the site plan should show 2m x 2m visibility splays on each side of the access, which may require access being centrally located within the frontage of the plot.
- Conditions suggested regarding construction of access, parking and turning and visibility

### 6.3 **Environmental Health**

Appropriate contamination risk assessment conditions requested.

### 6.4 **Neighbours**

Two nearby addresses notified and site notice posted. Five written responses received either in support of the application or confirming that they do not object.

## 7.0 **THE PLANNING POLICY CONTEXT**

### 7.1 **East Cambridgeshire Core Strategy 2009**

CS1	Spatial Strategy
CS2	Housing
EN1	Landscape and settlement character
EN2	Design
S6	Transport impact
S7	Parking provision

### 7.2 **Regional Spatial Strategy – East of England Plan**

SS1	Achieving Sustainable Development
ENV7	Quality in the Built Environment

### 7.3 **National Planning Policy**

PPS1 Delivering Sustainable Development  
PPS3 Housing

### 8.0 **PLANNING COMMENTS**

- 8.1 The application site is located within the development envelope for Isleham, which is designated as a 'Limited Service Centre' in policy CS1 of the Core Strategy. On non-allocated housing sites within such settlements, policy CS2 states that development of up to 9 dwellings could be acceptable, provided that there would be no adverse effect on the scale and character of the area, and that all other material considerations are satisfied.
- 8.2 The previous committee report for this application concluded that the proposed dwelling, due to its scale, design, and position at the edge of the settlement would appear at odds with the existing spatial layout and adversely affect the character and setting of this part of the village. It was also considered that the size of the dwelling and its close proximity with the neighbouring boundary would have resulted in it being overbearing to No 10 East Fen Road, adversely affecting their residential amenity. The proposal was therefore recommended for refusal.
- 8.1 Since that report was written, the Planning Inspectorate has granted an appeal for a detached dwelling on the site. The Inspector's Decision, a copy of which is attached at Appendix 2, is a material consideration in determining this application.

#### **The impact on the setting of the village and the character and appearance of the area**

- 8.3 In making his assessment of the proposal on the character and appearance of the area, the Inspector stated that he did not consider there to be a common building line along this part of East Fen Road and observed that with the exception of this site, views from the road into the open countryside are restricted by garages and outbuildings, with significant development in the rear parts of a number of plots.
- 8.4 The Inspector found the curtilage of number 8 to be noticeably bigger than those of its neighbours and concluded that given the variable heights and designs of buildings in the streetscene, the proposed dwelling, would not look out of place. He also considered the design of the dwelling to be of a high quality and stated that the proposal would *'reinforce local distinctiveness'* and *'make an efficient use of land, whilst respecting the density and character of the surrounding area'*. He also found that the *'scale and massing would relate sympathetically to the street scene'* and stated that *'the proposal would make a clear distinction between public and private space and although further from the road than its neighbours, it would provide enclosure to the street scene'*.
- 8.5 In terms of the setting of the village, the Inspector considered that the proposal provided the opportunity, through conditions, to continue the hedgerow across the rear of the site and to introduce additional planting elsewhere within the curtilage, in order to screen the built development in views from the countryside. It was felt that

this could enhance the character and appearance of the settlement edge, a requirement of policy EN1 of the Core Strategy.

- 8.6 Given the similarity of the dwelling proposed in this application to the scheme allowed on appeal, the Inspector's conclusion that the previously refused dwelling was in accordance with Core Strategy Policies EN1 and EN2 in terms of its impact on the character and appearance of the area, has significant implications for this current application. In this context, despite Officer's earlier concerns with the proposal, the local planning authority could not sustain a recommendation of refusal on the basis of the impact on the setting of the village and the character and appearance of the area.

### **The impact on neighbouring residential amenity**

- 8.7 In the previous Committee Report, concerns were raised regarding the adverse effect on the residential amenity of the neighbouring bungalow, No. 10 East Fen Road. These concerns were due to the creation of an 11 metre long elevation approximately 1 metre from the common boundary, which would have had a significant overbearing impact on that neighbour.
- 8.8 The proposal has since been amended so that the relationship with the neighbouring bungalow reflects that of the proposal allowed on appeal. The bulk of the building has been realigned so that the gable end would be closest to the neighbour and the wider part of the dwelling would be further from the common boundary, a relationship that the Inspector was happy raised no adverse impacts on residential amenity.
- 8.9 The use of roof lights and high-level glazing would prevent the majority of overlooking issues, although a single front facing dormer window has been added to the design. This dormer would not directly overlook the host dwelling, number 8, or the neighbouring bungalow, number 10 and on balance, it is considered that it would not result in a significant adverse effect on neighbouring residential amenity, to warrant the refusal of the application.

### **Highway Safety Issues**

- 8.10 There has been no change in highway safety issues. The proposed dwelling would still be served by a new vehicular access from East Fen Road, to the north side of the existing dwelling and this arrangement is acceptable in Highway Safety terms, subject to the provision of appropriate visibility splays.

### **Other Issues**

- 8.11 In resolving to reject the Officer's earlier recommendation for refusal, Members referred to the land being a brownfield site, with the potential to build 2.4 dwellings. Since that time an amendment has been made to Planning Policy Statement 3: Housing (PPS3), which excludes garden land from the definition of previously developed land.
- 8.12 The fact that the site is no longer defined as 'previously developed' does preclude its future development, provided that the development proposal is considered to be acceptable, in keeping with the character and appearance of the area and is in accordance with local policy.

- 8.13 The Planning Inspector noted the change in PPS3 when making his decision and concluded that *‘the further development of this site, which is in a location where small-scale development is promoted by the Core Strategy and within an area where backland development is not untypical, would make a more efficient use of land, as advocated by PPS3 and would accord, in principle, with Core Strategy Policy CS2’.*
- 8.14 The Inspector’s decision concluded that S106 contributions were not required for a detached dwelling on this site and the same position has therefore been taken with regard to this application.

**Conclusion**

- 8.15 In reaching his decision to allow the construction of a dwelling on this site, the Inspector chose to give greater weight to the character of the wider, rather than the immediate area, and to the benefits a properly implemented scheme of landscaping that successfully established a boundary hedge, would bring to the setting of the village.
- 8.16 The Inspector has subsequently highlighted that these are matters of judgement, and although he reached a different conclusion to the Council, he did not consider the Council’s original opinion to be unreasonable. However, the decision of the Planning Inspectorate, which is a higher body of authority, to allow an appeal for a similar dwelling on this site, has a significant bearing on this application. In light of the Inspector’s comments, and following amendments to the design to address the impact on neighbouring residential amenity, the application is recommended for approval.

**9.0 RECOMMENDATION: Approve, subject to conditions**

- 1 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 1 REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 2 REASON: To safeguard the character and appearance of the area, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 3 Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 3 REASON: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.

- 4 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: . The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 4 REASON: To safeguard the character and appearance of the area, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 5 No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans; a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and an implementation programme. The details shall also indicate all existing trees and hedgerows on the land and details of any to be retained and shall include details for the establishment of a mixed native species hedge along the north-eastern boundary. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 5 REASON: To safeguard the character and appearance of the area, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 6 Prior to first occupation of the dwelling visibility splays shall be provided each side of the vehicular access. Minimum dimensions to secure the required splays shall be 2 metres, measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway, and 2 metres, measured along the channel line of the highway carriageway from the centre line of the proposed access. The splays shall be thereafter maintained free from any obstruction exceeding 0.6m above the level of the highway carriageway.
- 6 REASON: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.

## **APPENDICES**

- Appendix 1 – Design and Access Statement
- Appendix 2 – Appeal Decision – 09/00647/FUL

<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
Case File and history file 10/00170/FUL and 09/00647	Penelope Mills Room No. 011 The Grange Ely	Penelope Mills Planning Officer 01353 665555 penny.mills@eastcamb.gov.uk
Core Strategy		