
MAIN CASE

Reference No: 19/01690/FUL

Proposal: Addition of roof lights (front elevation) to Attic level

Site Address: 4 Priory Gardens Isleham Ely Cambridgeshire CB7 5ZB

Applicant: Mr David Fitchett

Case Officer: Gemma Driver, Planning Assistant

Parish: Isleham

Ward: Fordham And Isleham
Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 6 December 2019 **Expiry Date:** 12/02/2020

[U160]

1.0 RECOMMENDATION

- 1.1 Members are recommended to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.
- 1) Approved Plans
 - 2) Time Limit
 - 3) Materials

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent to insert three roof lights to the front elevation of the roof slope of no.4 Priory Gardens. One roof light, serving the bathroom, has already been installed therefore, the application is part-retrospective. The existing roof light measures 600mm in width and 700mm in height. The two proposed roof lights would measure 800mm in width by 900mm in height. The roof lights would be aluminium in material. The application is required because permitted development rights to install any additional windows at upper floor levels were removed under Condition 12 of application 99/00323/FUL (see appendix 2).
- 2.2 The application was called in to Planning Committee by Councillor Huffer as the application has a lot of local concern.

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

97/00401/OUT	Residential development	Approved	03.06.1998
99/00323/FUL	Erection of Five Dwellings	Approved	02.02.2000
04/00922/FUL	Single storey side extension	Approved	15.09.2004
15/00583/CLE	Convert part of existing garage to additional ancillary domestic accommodation	Approved	01.06.2015

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site is a detached dwelling, located in Isleham, within the development envelope and in a residential area. The dwelling is located down a private road accessed from West Street. Priory Gardens is comprised of five dwellings. No.1A Priory Gardens was approved under a separate permission (reference number 02/00716/FUL) in 2002. The access to the site is located within the Conservation Area, however the dwelling itself is situated outside of the Conservation Area. The property features a driveway to the front with a detached garage located to the East of the dwelling. The streetscene comprises of detached dwellings all of which are of a different visual appearance but similar in design.

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.

Parish Council - 7 January 2020

We believe that it was a condition of the original planning approval for these residences that they didn't have skylight windows, which may have already been breached by the applicant.

We believe that any further windows would result in:

- Loss of privacy.
- Changing the appearance of residences in Priory Close

Ward Councillors - No Comments Received

5.2 **Neighbours** – Four neighbouring properties were notified by post and the responses received from three properties are summarised below. A total of three responses have been received. A full copy of the responses are available on the Council's website.

- The proposed addition of roof lights would adversely impact the character of the area
- The roof lights would cause an unacceptable loss of privacy and amenity by overlooking
- The uniform clay tiled rooflines of the houses in Priory Gardens are a vital component of the pleasing appearance of the development
- Any addition to the front elevation of any roof would substantially detract from the visual appeal of Priory Gardens
- The proposed changes appear to be complete with the exception of the windows to attic room 2 and the rooms appear to have been occupied
- The central roof light was installed without consultation over two years ago, together with a soil vent pipe
- The appearance is unfortunate
- The bathroom is readily visible from the road and has been in regular use
- The proposed roof lights to attic room 2 are large and would amount to a gross intrusion upon neighbouring properties, not only in Priory Gardens but also in the area beyond
- A window of any size at roof level affords a view over the neighbouring houses and into bedroom windows, this level of overlooking is an unacceptable loss of privacy and hence amenity
- Privacy will be jeopardised as they will overlook into the garden of no. 1A Priory Gardens
- The existing roof light, installed without permission, already affords a view through two bedrooms and the landing of no.1a Priory Gardens and now have to ensure privacy by taking the precaution of living with closed doors upstairs
- Concerned that the application would set a precedence
- The addition of roof lights will provide line of sight directly into the east facing bedrooms in no.1 Priory Gardens
- Addition of roof lights will detract from the character, desirability and sale price of properties in Priory Gardens
- Contrary to the planning conditions set out in (E/99/0323/F)
- Line of sight from no.1 Priory Gardens bedrooms to occupants of the room are now exposed by the fitted roof light

6.0 **The Planning Policy Context**

6.1 **East Cambridgeshire Local Plan 2015**

ENV 1 Landscape and settlement character
ENV 2 Design

6.2 **Supplementary Planning Documents**

6.3 National Planning Policy Framework 2019

12 Achieving well-designed places

7.0 PLANNING COMMENTS

7.1 It should be noted that the proposal description was amended to include 'part retrospective' to acknowledge that one of the roof lights has already been installed on the roof, which serves the bathroom.

7.2 The main issues to consider in the determination of this application are the impact it may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance and character of the wider area.

7.3 Principle of Development

7.3.1 A full application for the erection of 5 dwellings was approved under application 99/00323/FUL. Condition 12 of that permission removes permitted development rights to add any additional windows, doors or openings of any kind in any elevation at ground and upper floor levels without the expressive consent from the Local Planning Authority. The condition was imposed in order to safeguard the reasonable residential amenities of adjoining properties. Therefore, a planning application is required for the installation of the roof lights, and are subject of this part-retrospective application.

7.3.2 The proposed roof lights would be installed on the roof of the front elevation of the dwelling. The proposed development is considered to be acceptable, subject to the material considerations relating to visual amenity and residential amenity, which are explained in more detail in this report.

7.4 Residential Amenity

7.4.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

7.4.2 The Design Guide, SPD states that distance between rear inter-visible windows should be a minimum of 20 metres. It goes on to state that where dwellings already exist with windows closer than 10 metres to the boundary, it will not be incumbent to make up any shortfall in the prescribed separation distance. Whilst these distances are only applicable for rear windows, it can be proven that these distances have been more than met with this proposal.

7.4.3 The separation distance from the proposed roof lights to the closest point of no.5 Priory Gardens is 25 metres, this is the nearest dwelling to the proposed roof lights. The distance between the proposed roof lights and no.1A Priory Gardens is 67 metres. The distance between the proposed roof lights and no.1 Priory Gardens is 45 metres. The distance between the proposed roof lights and no.2 Priory Gardens

is 30 metres. It is considered that the proposal would not provide any potential to overlook no.3 Priory Gardens due to no.4 positioned forward of no.3 Priory Gardens, therefore this distance has not been measured.

- 7.4.4 Consultee comments received from neighbouring dwellings raise concerns regarding the proposed roof lights providing line of sight into bedrooms. The proposed roof lights would be looking out onto the front elevation of neighbouring dwellings, and therefore it is not considered that the roof lights would be overlooking into private amenity space.
- 7.4.5 During the site visit, access was gained to the dwelling in order to obtain views from the existing roof light, which serves the bathroom, and the existing windows at first floor level on the front elevation. It was considered that views from the first floor windows already provide a clearer line of sight towards neighbouring dwellings than from the existing roof light that is included as part of this proposal. Due to the existing presence of windows on this elevation, together with the separation distances stated above, it is considered that the proposal would not result in an increased level of overlooking.
- 7.4.6 The agent has confirmed that the cill height would be located at 1.5 metres above floor level. The height of this is not considered to be unreasonable and would not enhance views to neighbouring dwellings any more so than the existing windows at first floor level.
- 7.4.7 It is considered that the location and size of the proposed roof lights would not create any significantly detrimental impact on the residential amenity of nearby occupiers and would therefore comply with Policy ENV2 of the Local Plan 2015.

7.5 Visual Amenity

- 7.5.1 Policy ENV1 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 ENV2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 7.5.2 Whilst it is acknowledged that the proposal would create a slight change to the existing appearance of the dwelling within the streetscene, it is considered that the proposed roof lights would not significantly alter the external appearance of the dwelling to warrant refusal of the application on this basis.
- 7.5.3 It is considered that the proposed materials for the roof lights would not detract from the streetscene and would not create a detrimental impact upon the existing character and appearance of the area. Therefore the proposal complies with Policy ENV1 of the Local Plan that requires materials and colour to relate sympathetically to the surroundings.
- 7.5.4 Concerns have been raised during the neighbour consultation regarding the visual impact of the proposal. These concerns include that the proposed roof lights would

substantially detract from the visual appeal of Priory Gardens. Further to this, concerns have been raised that if granted permission, the proposal could set a precedence which would lead to an unsightly deformation of the existing elegance of Priory Gardens. It should be noted that each application is assessed on their own merits. Furthermore, it is considered that the addition of the roof lights are a minor addition to the dwelling which would not detract from the existing appearance of the dwelling or from the character of the area.

7.5.5 It is considered that the design of the proposal would not significantly alter the appearance of the dwelling and would not harm the character or appearance of the existing dwelling or its immediate locality and would therefore comply with Policies ENV1 and ENV2 of the Local Plan 2015.

7.6 **Other Material Matters**

7.6.1 A number of concerns have been raised by neighbours regarding the proposed roof lights detracting from the desirability of Priory Gardens and how the proposal may affect the future sale prices of properties within Priory Gardens. Property value is not a material planning consideration and therefore cannot be considered in the determination of this application.

7.7 **Planning Balance**

7.7.1 On balance, the proposal is considered to be compliant with the relevant local and national policies referred to above. The proposal is not considered to create significantly harmful impacts to the private amenity of neighbouring dwellings or the visual amenity and character and appearance of the area. This application is therefore recommended for approval.

8.0 **APPENDICES**

8.1 Appendix 1 – Recommended conditions

8.2 Appendix 2 – Decision Notice for 99/00323/FUL

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01690/FUL	Gemma Driver Room No. 011 The Grange	Gemma Driver Planning Assistant 01353 665555 gemma.driver@east camb.s.gov.uk
04/00922/FUL	Ely	
15/00121/FUL		
15/00583/CLE		

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>

APPENDIX 1 - 19/01690/FUL Conditions

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

Plan Reference	Version No	Date Received
19.02.100	B	6th December 2019
19.02.101	B	6th December 2019
19.02.104	B	6th December 2019
19.02.110	B	6th December 2019
19.02.404	B	6th December 2019
19.02.410	B	6th December 2019

- 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 materials to be used in the construction of the external surfaces, including windows, shall be as specified on the application form. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



**EAST CAMBRIDGESHIRE
DISTRICT COUNCIL**

THE GRANGE, NUTHOLT LANE
ELY, CAMBRIDGESHIRE CB7 4PL
Telephone: Ely (01353) 665555 Ext
Direct Dial (01353) 668833 Fax: (01353) 665240

Bird & Tyler
3 Brooklands Avenue
Cambridge

DK 41001 ELY
This matter is being dealt with by:
Andrea Mayley
Extension: 250
My Ref:
Your Ref:

TOWN & COUNTRY PLANNING ACT 1990

PLANNING PERMISSION
Subject to conditions

The Council hereby grant planning permission for Erection of Five Dwellings at 12 West Street, Isleham, Ely Cambs, CB7 5SB for Upware Marina

In accordance with your application for full permission reference E/99/0323/F registered 13th April 1999 and the plans, drawings and documents which form part of the application subject to the additional conditions set out below:

Additional conditions

1. The development to which this permission relates must be started not later than the expiration of 5 years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990.
2. No development shall take place until details of the materials (including samples) to be used for the external walls and roof have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that visually the development accords with neighbouring buildings to safeguard the character of the area.
3. The permanent space to be reserved on the site for turning and parking shall be provided before the use commences and thereafter maintained.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway.

Customer Services Helpline: (01353) 665555 Ext 315

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: To safeguard the character of the area and to help to assimilate the development into its surroundings.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character of the area and to help to assimilate the development into its surroundings.

6. No demolition, site clearance or building operations shall commence until chestnut pale fencing (or other type of fencing approved by the Local Planning Authority) of a height not less than 1.3 metres has been erected around each tree or tree group to be retained on site at a radius from the trunk of not less than 3.6 metres (12ft) or the extent of the crown spread plus one metre, whichever is the greater of the two. Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of the development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with a tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.

Reason: To protect trees which are to be retained in order to enhance the development and the visual amenities of the area.

7. Prior to the demolition of the clunch wall, detailed specification for the replacement wall shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interest of the character of the area.

8. No development shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any trees screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of the building(s).

Reason: In the interest of the amenity and the environment of the development.

9. Details, at a scale which indicates clearly the size and shape of sections, shall be submitted for the written approval of the Local Planning Authority before commencement of development, covering the following:

i) External joinery details.

Reason: To preserve the special architectural and historic interest of the building.

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To safeguard the archaeological interests of the site.

11. No structures, buildings, planting shall be erected/placed on the area marked "Stand Off" on the approved plan, without prior written agreement from the Local Planning Authority in consultation with the County Archaeologist.

Reason: To safeguard the archaeological interests of the site.

12. Notwithstanding the Town and Country Planning General Development Order 1988 (or any order revoking or re-enacting that order) no additional windows, doors or openings of any kind shall be formed in any elevation(s) at ground and upper floor levels of the approved development without the permission of the Local Planning Authority.

Reason: To safeguard the reasonable residential amenities of adjoining properties.

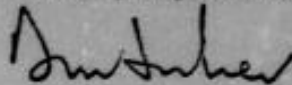
13. The development shall be carried out and completed strictly in accordance with the approved details to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the complete and proper development of the site.

Notes

1. The approved plans for this application are as originally submitted with the application and the obligation attached to E/97/0401/O dated 19.3.99 and the development should be completed strictly in accordance with these plans. Any amendments to the approved plans must be first agreed in writing by the Local Planning Authority.
2. This development should be carried out in strict accordance with the provisions of the Environment Agency letter which attaches to this consent.

This permission is granted subject to due compliance with the bye-laws and general statutory provision in force in the District and does NOT constitute approval under Building Regulations. To discuss this further you are advised to contact the Building Regulations Section at the District Council.



Dated: 22nd June 1999

Planning Manager

See separate sheet for information concerning rights of appeal.