
MAIN CASE

Reference No: 18/00549/FUL

Proposal: Proposed outbuilding (gym/pool room)

Site Address: 63 High Street Wilburton Ely Cambridgeshire CB6 3RA

Applicant: Mr R Upton

Case Officer: Richard Fitzjohn, Senior Planning Officer

Parish: Wilburton

Ward: Stretham
Ward Councillor/s: Councillor Bill Hunt
Councillor Charles Roberts

Date Received: 23 April 2018 **Expiry Date:** 10th August 2018

[T81]

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 -FUL/FUM/LBC
- 3 External materials
- 4 Use restriction
- 5 Replacement boundary treatment

2.0 **SUMMARY OF APPLICATION**

2.1 Planning permission is being sought to demolish an existing brick and timber outbuilding and erect a replacement outbuilding comprising a pool room, gymnasium and bathroom. The proposed outbuilding would be constructed of a pitched roof design, measuring 6.5m wide and 12.7m deep, with a ridge height of 5.6m and an eaves height 2.4m. The proposed outbuilding would be finished externally with stained timber featheredge boarding and 'Farmhouse Red' Fenland pantiles.

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.eastcamb.gov.uk/online-applications/>.

Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.

2.3 This application has been called in to Planning Committee by Councillor Bill Hunt for the reasons set out in paragraph 5.3 of this report.

3.0 **PLANNING HISTORY**

3.1

16/01089/FUL	Resubmission of previously approved 15/01459/FUL .Proposed garage/gym to rear (existing derelict shed to be demolished)	Approved	10.10.2016
15/01459/FUL	Proposed garage/gym to rear (existing derelict shed to be demolished)	Approved	25.02.2016
05/01219/FUL	Replacing outbuildings for 2No. holiday cottages	Refused	18.01.2006
04/00189/FUL	Relocation of vehicular access from one side to the other	Approved	14.04.2004

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site is located on the south side of High Street, within the village development envelope and within the Wilburton Conservation Area. The site comprises a dwelling fronting the public highway with a driveway to the west side and garden to the rear screened by a high gate. There was an existing outbuilding sited immediately adjacent to, and forming part of the boundary with, the neighbouring property No.65 High Street. Construction has began on replacing this outbuilding with a new outbuilding approved by planning permissions 15/01459/FUL and 16/01089/FUL). The previous outbuilding was constructed primarily of timber on a brick plinth, served by a pitched roof with a ridge height of 3.8m and an eaves height of 2.4m. The approved outbuilding, if fully constructed, would be 6.5m wide and 12.7m deep, with a ridge height of 4.1m and an eaves height of 2.4m.

5.0 **RESPONSES FROM CONSULTEES**

5.1 Responses were received from the following consultees, as summarised below. The full responses are available on the Council's web site.

5.2 Wilburton Parish Council – Objection as follows:

- New drawing considerably higher building and no valid reason for it.
- New windows in the side of the building with no valid reason for them being there - original drawing had roof light. This side of the building is very close to

the neighbour and therefore would intrude on their privacy and is not suitable for windows on this side.

The Parish Council planning committee had serious reservations about the proposed use of this building as it is strongly looking like it could become a dwelling with the facilities and windows etc in it.

5.3 Ward Councillor Bill Hunt – Has the following concerns:

1. Is advised that the existing barn which formed part of the border between 65 High Street has already been demolished and that only some of the timber of the old building acts as a boundary marker between numbers 65 and 63.
2. Notes that the existing building was 3.8m high and the proposed building is a substantial 5.6m high. Calculates that the height difference is therefore 5.9 Feet [1.8 metres]. This is a large increase and of considerable concern as the new building is planned only 0.5m away from the boundary. This would in Councillor Hunt's view be overbearing.
3. Notes that two windows are planned in the west wall of the Gymnasium/Pool room. Unless preventative provision is made, these windows could cause loss of amenity to next door. Notes that no windows are proposed in the north gable end.

Councillor Hunt advises that, if a brick wall was erected by the applicant along the length of the new building at the gutter height of the new Gymnasium/Pool Room, there would be no overlooking (by the two suggested windows). Councillor Hunt suggests a "new build" with a maximum ridge height of under 4.5m would be much less overbearing and much less damaging to the amenity of number 65 and their enjoyment of their garden.

Councillor Hunt has stated that, since there has a variety of views expressed and after consideration, he believes that this is one of those cases best dealt with by the Planning Committee and the wider debate that is afforded. Must consider that this application is within the Conservation Area of Wilburton and this fact carries great weight.

5.4 Conservation Officer - The proposed new outbuilding is considered acceptable. Number 65 High Street which is identified as a building of local interest will not be affected. The proposed materials are considered in keeping with the character of the conservation area and will not have a detrimental impact. The new outbuilding should not be used as a separate dwelling and should only be used in association with 63 High Street. For the reasons state above the current proposal is acceptable and would not have a detrimental impact on the character and appearance of the conservation area or other nearby heritage assets. No objection is raised on that basis and the proposals would satisfy the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1900 and as support be the aims of Section 16 of the NPPF.

5.5 Enforcement Section - No Comments Received.

5.6 Neighbours – 2 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

5.6.1 Neighbour comments from the occupier of No.63 High Street

- Disappointed that planning permission was approved retrospectively for a separate garage built in the field at the rear of the application site. There will now be two substantial buildings at the rear of No.63 High Street.
- Do not have an issue with the old barn being re-built and used for a gym/garage/office/store or pool room, however does have issues with the building becoming any kind of residential property in the future.
- It has always been clear that you do not put a bathroom in a gym/garage or gym/pool room without the future intention of this becoming a residential property.
- The patio doors in the design of the previously approved planning application are now two single windows to each side of a door facing east, the patio doors have been moved to the gable end facing south, and now there are two high level windows proposed facing west. The design has the appearance of a bungalow.
- There is no requirement for additional windows on this side of the building for its proposed use, unless it is to allow changes to the building for residential use in the future. One of the windows is located in the proposed bathroom.
- It is quite clearly going to be a residential property which is not appropriate at this end of the village, where most of the properties along this section of High Street have long and large gardens which is an important characteristic of the village.
- The now demolished barn formed an integral boundary with No.63 High Street and there has never been any proposal for what the boundary would be replaced with. The applicant has currently left the side of the barn in situ, protecting the privacy of No.63 High Street. Occupant of No.63 is happy with this temporarily but not as a permanent solution. This is a temporary measure which will need to be replaced. Occupant of No.63 states that a wall would be the only satisfactory solution to protect their privacy and to provide a more maintenance free boundary since the building is only 0.5m from the boundary. Occupant of No.63 states a fence is not acceptable, particularly as the proposal includes windows facing this boundary.
- Any kind of residential property should not be built in this location, irrespective of whether it could be considered an annexe. An annexe is a building which is joined to a larger main building and this clearly is not.
- Do not see how the planning department is going to stop internal walls being erected to turn the outbuilding into a bungalow. Allowing the applicant to replace the window and patio door configuration proposed by this planning application would aid conversion to a residential property.
- The applicant will change the use to residential without planning permission, as no-one will be able to witness what is going on once the external walls are built.
- Cannot find information regarding the ridge height in the plans. Concerned that a further room, or rooms, could be built within the roof.
- Objects to the changes until assurances are given regarding the intended use of the building and objects particularly to the high level windows in the western elevation overlooking No.63 High Street.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

- ENV 1 Landscape and settlement character
- ENV 2 Design
- ENV 11 Conservation Areas
- ENV12 Listed buildings
- ENV 13 Local Register of buildings and structures

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2018

- 12 Achieving well-designed places
- 16 Conserving & enhancing the historic environment

6.4 Submitted Local Plan 2017

- LP22 Achieving Design Excellence
- LP27 Conserving and Enhancing Heritage Assets

7.0 PLANNING COMMENTS

7.1 The main issues to consider when determining this application relate to the impacts of the proposed development upon local heritage assets and residential amenity.

7.2 Impact upon local heritage assets, including the conservation area

7.2.1 The proposed outbuilding would be sited to the rear of the dwelling within the site, set back more than 20m from the public highway and partly screened by the side access gates to the rear garden. The proposed outbuilding would therefore not be read as part of the street scene and would not be prominently visible within the Conservation Area from most aspect, significantly screened by the dwellings fronting onto High Street. Although larger in height and scale than the demolished garage, the proposed outbuilding would be sited within a similar position to the previous garage and its scale would be proportionate to the overall plot. There are extant planning permissions for an outbuilding in this position and with the same footprint. Due to its significant separation distance from the public highway and nearby listed buildings, in addition to the significant screening of the proposed outbuilding which is provided by nearby dwellings, the increased height of the current proposed outbuilding would not create any significant harm to the character and appearance of the conservation area or the setting of any nearby listed buildings. The external materials are sympathetic to its location with a conservation area.

7.2.2 The Council's Conservation Officer has been consulted on the application and has commented that the current proposal is acceptable and would not have detrimental

impact on the character of the conservation area or other nearby heritage assets, including 65 High Street which has been identified as a building of local interest.

7.2.3 It is therefore considered that the proposed outbuilding would not create any significant detrimental impacts to the character and appearance of the conservation area and would not cause harm to the setting of the adjacent Building of Local Interest or nearby listed buildings, in accordance with policies ENV2, ENV11, ENV12 and ENV13 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP27 of the Submitted Local Plan 2017.

7.3 Residential amenity

7.3.1 The proposed outbuilding would have the same eaves height and a similar depth to the previous outbuilding which was sited directly on the neighbouring boundary with No.65 High Street. The proposed outbuilding would be set approximately 0.5m away from this boundary. The proposed outbuilding would be sited to the rear of the neighbouring dwelling, adjacent to the neighbouring garden. Although the proposed outbuilding would have a ridge height of 5.6m, which is taller than the previous outbuilding and previously approved outbuildings, the pitched roof of the proposed outbuilding would slope away from the neighbouring boundary with No.65 High Street and the ridge would be located 3.6m from the boundary. Given its modest eaves height of 2.4m located 0.5m from the boundary and its 5.6m ridge height 3.6m from the boundary, in addition to its distance of more than 10m to the neighbouring dwelling of No.65 High Street, it is considered that the proposed outbuilding would not create a significant overbearing impact, loss of outlook or loss of light to the neighbouring garden or dwelling of No.65 High Street or any other neighbouring dwellings.

7.3.2 The submitted site plan shows a 1.9m high wall located along the boundary between the application site and No.65 High Street. The proposed outbuilding would likely result in the removal of part of the existing boundary wall along this boundary which would result in a detrimental loss of privacy to No.65 High Street unless replaced with a solid screen boundary treatment of a similar height. The proposed outbuilding also includes 2 high level windows within the west elevation of the outbuilding, located 0.5m from the neighbouring boundary with No.65 High Street.

7.3.3 In order to protect the residential amenity of No.65 High Street, it is therefore considered reasonable to append a condition to any grant of planning permission requiring a solid screen boundary treatment with a minimum height of 1.8m to be erected along the western boundary of the property, in the gap left by any demolition of the existing garage/boundary wall, prior to first use of the proposed outbuilding. The purpose of a solid screen boundary treatment with a minimum height of 1.8m is to protect the existing privacy of No.65 High Street. As this section of the existing boundary treatment could be replaced without the requirement for planning permission, it is considered unreasonable for the materials of the replacement boundary treatment (i.e. fence or wall) to be conditioned.

7.3.4 Concerns have been raised regarding the applicants intentions for the use of the outbuilding. The application has been assessed based on the proposal submitted and, due to the nature of the proposal, it is considered appropriate that a planning

condition should be appended to the grant of permission restricting the use of the outbuilding to a manner that is incidental to the enjoyment of the residential use of the main dwelling within the application site.

7.3.5 It is therefore considered that the proposed outbuilding would not cause any significant detrimental impacts upon residential amenity of neighbouring properties, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017.

7.4 Other matters

7.4.1 A separate outbuilding was granted retrospective planning permission within the application site, however this building does not have any significant material impacts on the proposed outbuilding being considered by this application.

7.5 Summary

7.5.1 It is considered that the proposal accords with Policies ENV2, ENV11, ENV12 and ENV13 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP27 of the Submitted Local Plan 2017 and relevant guidance within the National Planning Policy Framework.

8.0 APPENDICES

8.1 Appendix 1 - Recommended conditions.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00549/FUL	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Senior Planning Officer
16/01089/FUL	Ely	01353 665555
15/01459/FUL		richard.fitzjohn@ea
05/01219/FUL		stcambs.gov.uk
04/00189/FUL		

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 - 18/00549/FUL Conditions

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

Plan Reference	Version No	Date Received
05/UPTON/15		23rd April 2018
04/UPTON/15		23rd April 2018
01/UPTON/15		23rd April 2018
02/UPTON/18		23rd April 2018
03/UPTON/18		23rd April 2018

- 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 shall be as specified on drawing no. 03/UPTON/18 and the application form. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the adjacent Building of Local Interest, in accordance with policies ENV2, ENV11 and ENV13 of the East Cambridgeshire Local Plan 2015 and LP22 and LP27 of the Submitted Local Plan 2017.
- 4 The outbuilding hereby permitted shall be used in a manner that is incidental to the enjoyment of the residential use of the main dwelling known as No.63 High Street and shall not be occupied as an independent unit of accommodation at any time.
- 4 Reason: The application has been assessed as acceptable and complying with policy on this basis.
- 5 Prior to first use of the outbuilding hereby approved, a solid screen boundary treatment with a minimum height of 1.8m from ground level shall be erected along the western boundary of the property in the gap left by any demolition of the existing garage/boundary wall.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.