
MAIN CASE

Reference No: 17/01395/FUL

Proposal: Loft conversion, dormer window and rear extension

Site Address: 33 Cambridge Road Ely Cambridgeshire CB7 4HJ

Applicant: Mr S Paragon

Case Officer: Catherine Looper Planning Officer

Parish: Ely

Ward: Ely East
Ward Councillor/s: Councillor Richard Hobbs
Councillor Lis Every

Date Received: 2 August 2017 **Expiry Date:** 08/06/2018

[T15]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the 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
 4. PD- Restriction – Windows
 5. PD- Restriction - Extensions

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application was previously brought to Planning Committee on 3rd January 2018, where members agreed with officer recommendations to approve the application subject to specific conditions. Following this decision the application was the subject of a Judicial Review application as a result of which the decision was quashed by consent for two reasons: first because the Council failed to accord considerable importance and weight to the harm the development would cause to the conservation area and failed to identify any public benefits that could or would outweigh that harm and, second, by concluding that views to the Claimant's property from the ground floor windows in the south elevation of the proposed extension would be 'blocked' by the boundary fence between the dwellings, the

Council made an error of fact amounting to an error of law. The application has therefore been re-assessed as a new application and is brought back to Planning Committee on that basis. In considering the application members should ignore the previous decision and disregard anything which was said, considered or taken into account in making that decision.

2.2 The application seeks consent for a single storey rear extension and loft conversion, including a dormer window to the rear aspect of the roof. The application also seeks an alteration to the pitch of the roof at the rear of the dwelling, which will extend the side elevation of the rear element of the dwelling by 1.3m. The proposed single storey rear extension would bring the side elevation of the dwelling closer to the south boundary of the site, and would extend the ground floor level by 4m further into the garden area.

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.**

2.4 The application has been called into Planning Committee by Councillor Richard Hobbs.

3.0 PLANNING HISTORY

3.1

00/00613/FUL	Extension to rear forming utility room	Approved	01.09.2000
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within the Conservation Area of Ely and comprises a two storey detached dwelling constructed from red brickwork with a large bay window and recessed porch to the front aspect. The dwelling has white arches and cills around the windows, and a white archway above the recessed porch. The property is under an Article 4 Direction which restricts development permitted under Classes A, C, D, F(a) of Schedule 2 Part 1, and Classes A and C of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Cambridge Road is characterised by large dwellings which are positioned closely together. The dwellings are generally set back from the public highway with a small amenity space to the front.

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.

Consultee For Other Wards In Parish - No Comments Received

Senior Trees Officer - I have no concerns regarding this application as I do not perceive any tree impacts.

Parish (22/05/2018)– The City of Ely Council recommends refusal of this application as the number of large windows to the rear of the property which will overlook the neighbouring properties and cause a loss of privacy. Another piece of land is identified as a parking area, but members believe that this was refused planning permission to be used as off-street parking.

Ward Councillors (20/11/2017)- As ward member for Ely east I wish to call in above planning application to committee. My Reasons are over development and impact on neighbours properties, and support findings of Mr A Turton, resident of 35 Cambridge Road.

Conservation Officer (11/11/1207)– The amendments have gone further still to address the concerns raised previously in regards to the scale, visibility, design of the proposed extension.

The removal of the hipped roof and reduction in the length of the 2 storey element is welcomed.

I would still have some concerns over the extent of the extensions and their visibility within the street scene (along the side elevation). However, the proposal in its current form has tried to reduce this visual impact by reducing the height and the length of the proposed two storey element of the scheme.

It is likely that the proposal would still result in harm to the character and appearance of the conservation area but it is considered that this harm would be less than substantial and therefore this harm should be weighed against the public benefit of the scheme.

Conservation Officer (25/05/2018)- Comments on the proposal single storey rear extension to 33 Cambridge Road Ely.

The conservation area appraisal has described Cambridge Road as a residential street with mainly large and imposing dwellings running the whole length of the road. The number of substantial buildings give this part of the city a dignified and welcoming entrance to the historic city. There is no predominant materials found in this part of Cambridge Road other than a variety of gault and red brick as walling materials and slate and tile for roofing materials. The character of the area therefore is given over to large villas if no particular style but dating from 19th and 20th century.

The proposed single storey rear extension is considered to be designed to have minimal impact on the character of the conservation area given its flat roof profile which will cause no harm to the character and appearance of the conservation area. However, there could be scope for upstand on the roof light to be reduced.

The extension will hardly be visible from the public domain between number 33 and 35 given the view is at an oblique angle from the public roadway.

The view from the opposite direction walking down Cambridge Road from numbers 27 towards 31a, are considered not to cause harm to the character and appearance of the conservation area especially set against the current soft landscaping.

Arguably the current car parking to the side of 31a and to the front of 31 has more impact on the character and appearance of the conservation area than the proposed single storey rear extension.

In summary the proposal is considered not to cause harm to the character and appearance of the conservation area for the reason stated above and therefore comply with policy ENV11, adopted Design Guidance and Central Government advice contained within section 12 of National Planning Policy Framework.

5.2 A site notice was posted on 8th May 2018 and an advert was placed in the Cambridge News on 10th May 2018.

5.3 Neighbours – Six neighbouring properties were notified on 30th April 2018 and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Residential Amenity

- The extension is substantial and will affect those living nearby.
- The next door neighbours will be affected by loss of light.
- The two storey extension will block out a great deal of light.
- The two storey extension will increase the length of what is already an ugly wall along the neighbouring boundary.
- The two storey extension will take away a lot of natural light and will result in the loss of the present green outlook.
- The large glass windows at first floor level will overlook garden areas, and will be occupied by tenants who will spend a lot of time in these rooms.
- Unsure what licence the property has but two additional rooms will cause more noise pollution due to tenants coming and going at all times of the day and night.
- The generally young adult occupancy of number 33 creates a regular low level noise nuisance. The increase in occupancy will make this more frequent and troublesome.
- The two storey extension takes the full width and height of the house, all the way to the back of the house and beyond. It is as if someone had built a whole new house on the boundary. Such a structure is almost the planner's dictionary definition of overbearing.

- With such a huge, massive, close and imposing structure there are additional rear and side-facing windows and a balcony which will completely overlook neighbouring gardens.
- High levels of occupancy, the overbearing nature and high degree of overlooking will mean neighbouring gardens entirely lose privacy and enjoyment.
- The majority of rooms in number 35 access daylight from and have an outlook from the rear side elevation of the property facing towards number 33. This is the main rear elevation.
- The proposals include extensions to the width and length of the second storey which adversely impact on neighbours daylight.
- The existing daylighting to number 35 is poor and a further reduction is unacceptable resulting in light access almost half of that deemed necessary. The proposals do not prevent any further impact on existing poor levels of daylight. The eaves are the critical feature and therefore the roof height reduction in the revision does not mitigate this impact.
- The scale of the ground floor extension is very significant and will result in a new 13m long façade approximately 1m from the neighbouring boundary.
- The proposed extension is very dominant and will increase the feeling of enclosure in the neighbouring property and garden. This would dominate the outlook from neighbouring ground floor windows due to the close proximity to the boundary.
- The proposed extension will increasingly impact on the outlook from downstairs and upstairs windows in neighbouring properties.
- Ground floor windows along the boundary will create overlooking into neighbouring gardens.
- The Juliet balcony proposed directly overlooks neighbouring gardens and is likely to be used as a living room due to the multiple occupancy nature of the property.
- Neighbours will be able to look into the property through the roof lights in the single storey element of the extension.
- The reduction in the first floor area reduces the visibility from the street and the sense of being overlooked and encroached, but the impacts on neighbours remain unchanged.
- The latest plans still have an excessively large single storey extension which results in a 13m long new façade, approximately 1m from the boundary. This would be dominant over neighbouring properties. The primary outlook from number 35 faces number 33.
- The side elevation of the ground floor extension should be set back from the boundary by a further 1.5m to be similar to neighbouring properties and prevent privacy issues raised by the dominance of the extension.
- The rooflights in the ground floor extension should be removed or obscure glazed for privacy reasons.
- Any further reduction in light availability to number 35 should be minimised as the levels of daylighting currently available are already poor/inadequate.

- Daylighting to number 35 is likely to be seriously affected as a result of the new extension, having a significant impact on the house and will result in an increased need to use artificial lighting. This will have an adverse impact on neighbours quality of life.
- The property already has a rear extension at two storey scale which extends by approximately 4m from the rear of the property. This is an old extension, but the 2 storey extent of the property is already greater than neighbouring properties.
- Concerns regarding the neighbours children to access safe and private outdoor space. Concerns that this will become increasingly enclosed and overlooked, and potentially less secure.
- The outlook from bedrooms and playrooms in the neighbouring property will be significantly impacted by the extension with a reduction in daylight and a worsened outlook onto the new extension. Neighbours comment that the Public Sector Equality Duty is a consideration in planning application to ensure the quality of life of people with additional needs is maintained and improved.
- The proposals will dominate the outlook from the majority of rear windows by removing any distance outlook and leaving a short distance view.
- Boundary treatments would require a fence of around 2.4m and would increase the feeling of enclosure in neighbouring gardens.
- The proposals include a balcony-type window arrangement at the rear of the first floor. Concerns raised regarding the use of the flat roof as a balcony and amenity space for tenants which would overlook the neighbouring gardens. Also concerns regarding this providing access to neighbouring gardens.

Visual Amenity

- The applicant seeks to occupy or let the house as a single family dwelling, but the development makes the property less attractive to single-family occupancy.
- It is overbearing in form and disruptive in character.
- The proposal would feel crowded and is out of scale in the setting of the neighbouring properties.
- The application claims that the side elevation of the house is unchanged, however the application shows the extension encroaching several metres lengthways into the existing garden over three floors.
- General central and local government policy has turned away from such “garden grabbing” developments, and there is nothing to merit going against this policy.
- The applicant is mistaken in claiming that the site cannot be seen from the public road. There is at least a 2m gap between numbers 33 and 35 through which the works will be clearly visible from the street.
- All similar properties have been extended at single storey level, which has maintained spacing and openness for neighbours.

- The existing house at 33 Cambridge Road is the only house to have already been extended beyond the others at 2 storeys and is dominant over neighbouring properties.
- The ground floor proposals are excessive and out of context with family house use.
- The size and nature of the extension appear to be maximising the available floor area.

Highway Safety

- This will negatively impact on the availability of parking in the area.
- The parking area shown on the plan is only suitable for one large vehicle and will be accessed from the main road.
- The area allocated for parking is actually garden.
- Parking is a problem on Cambridge Road and extra rooms being rented out will cause more congestion.
- Parking in this area is on-street only and is already overloaded.
- The additional parking load created by the greater occupancy would have significant negative public amenity impact on the area.
- The parking shown on the plans is not suitable for parking and was previously refused permission for change of use to parking. It does not appear to be in the applicant's ownership.
- The parking shown exists onto Cambridge Road in a dangerous location. There is no turning provision.
- An increase in tenants will increase the demand for parking.

Conservation Area

- The property is part of a group of houses in the Conservation Area which contribute to the distinctive character of settled peace, with sufficient outdoor space for the private enjoyment of gardens by families and their children.
- The properties have a distinctive form and character for residents, neighbours and passers-by. The development removes a significant fraction of the house's garden and prevents the garden being used as an outdoor amenity, undermining the character of the whole group

Other Matters

- The property is used as an HMO and extending the property will significantly increase the number of occupants.
- The present level of occupancy is approximately 10, sometimes 13, and is broadly peaceful. The plans show an increase from 6 rooms over two floors to 8 rooms over three floors, not including kitchen and bathrooms. The increase will practically double

the dwelling area. There could be 20 or more adults living in what is supposed to be a single family home.

- The submitted material has very little detail and no block plan. There is no reference to neighbouring properties or the boundary of 33 Cambridge Road.
- The use of the house is not compliant with its permitted use and this should be addressed as part of the application.
- The proposals facilitate the potential subdivision of the property to increase tenant rooms and occupancy.
- The higher room utilisation compounds other objections.
- The proposals are out of context with a conventional C3 or C4 home.
- The close proximity of the property to the boundary would create an increased fire risk to neighbouring properties.
- The proposal creates a 21m narrow dark alleyway which creates a security risk.
- The reduction in the scale of the extension does not overcome the objections raised.
- The changes made to the application are aimed solely at making a cheaper construction.
- The planning application does not contain the required information to allow the application to be assessed.
- The use of the building is an important factor in determining the application, as the number of people living at the property will create issues which affect neighbouring occupiers.
- A condition should be applied which limits the use of the building to a permitted C3 or C4 use with a maximum of 6 unrelated people for C4 HMO use.
- There is an unlawful separate dwelling unit converted from a conservatory.
- The very high level of occupancy and use of inappropriate areas (the conservatory in use as a flat) clearly demonstrates a conscious flouting of planning rules designed to protect residents from unscrupulous landlords.
- Occupancy levels dropped when the application was submitted in August 2017 and before the decision to approve the now quashed consent determined in January 2018. This suggests a very plain and deliberate effort to reduce tenant numbers when the application was before the council to give an impression the property is being managed in accordance with the planning laws when the contrary has been the case since 2011.
- Occupancy levels increased immediately following the decision to approve the application. Neighbours have detailed records showing between 10-12 people living in the house in the period Jan- end of March 2018.
- There is a large disparity between the clear evidential and circumstantial use of the property and the applicant's description of the property in the committee meeting.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 2 Design
ENV 11 Conservation Areas

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2012

12 Conserving and enhancing the historic environment
7 Requiring good design

6.4 Submitted Local Plan 2017

LP27 Conserving and Enhancing Heritage Assets
LP22 Achieving Design Excellence

7.0 PLANNING COMMENTS

7.1 This application was originally determined at Planning Committee on 3rd January 2018 where members agreed with officer recommendations to approve the application subject to specific conditions. Following this decision the application was the subject of a Judicial Review application as a result of which the decision was quashed by consent for two reasons: first because the Council failed to accord considerable importance and weight to the harm the development would cause to the conservation area and failed to identify any public benefits that could or would outweigh that harm and, second, by concluding that views to the Claimant's property from the ground floor windows in the south elevation of the proposed extension would be 'blocked' by the boundary fence between the dwellings, the Council made an error of fact amounting to an error of law. The application has therefore been re-assessed as a new application and is brought back to Planning Committee on that basis. In considering the application members should ignore the previous decision and disregard anything which was said, considered or taken into account in making that decision.

7.2 The main considerations are the impact the proposal may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance and character of the Conservation Area.

7.3 It should be noted that the application has been subject to amendments since it was first received. The original application featured a full height two-storey rear extension which would increase the length of the rear element by 4m and bring the side elevation in line with the main dwelling. This was considered to be significantly detrimental to residential amenity, and also be highly visible from certain aspects of

Cambridge Road. The Design Guide SPD requires that extensions are not dictated by a desire for additional floor space. The agent was informed of these concerns and subsequent amendments sought to reduce the impacts on neighbouring occupiers. The proposals were reduced in scale.

7.4 Residential Amenity

7.5 Policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 require that proposals should ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

7.6 The proposed ground floor extension would protrude into the garden by 4 metres from the rear elevation and increase the width of the ground floor of the rear protruding element to be level with the side elevation of the existing dwelling. This would feature a flat roof, with a maximum height of 2.9m. Windows are proposed in the south elevation at ground floor level, which face Number 35. At first floor level, the rear extension widens the existing first floor element by approximately 1.3m, and the pitch of the roof has changed accordingly. This is to provide larger bathroom areas and a wider bedroom area. The applicant proposes velux rooflights with a vertical element, in the south elevation at first floor level. The plans show that the vertical element will be obscurely glazed and fixed shut and a condition can be imposed to ensure that this is not changed in the future. This will prevent significant overlooking to neighbouring occupiers. The proposed alterations to the first floor will reduce the space between the dwelling and the neighbouring occupier to the south, however this will be by approximately 1.3m and is not considered sufficiently harmful to residential amenity to warrant refusal of the application. The extension has been designed to continue the slope of the roof, and does not involve the erection of a full height wall at first floor level. The application also includes the introduction of a box dormer window to the rear roof slope. This measures 4.7m in width and features three panes. This will create an increased level of overlooking, but this is not considered to be significantly detrimental to residential amenity due to the existing presence of windows at the rear of the dwelling which already allow views into neighbouring gardens. The potential for additional windows in the future can be controlled by condition, to prevent overlooking impacts on neighbouring residential dwellings.

7.7 Concerns have been raised during the neighbour consultation that the proposed extension would be substantial and affect those living nearby. Neighbours are concerned that the proposals would affect them through a loss of light. Additional concerns include that the majority of windows at the rear of Number 35 face northwards towards Number 33, and that the majority of rooms in Number 35 access daylight from these windows. The concerns raised discuss that the existing daylighting to Number 35 is poor and inadequate, and a further reduction is unacceptable, resulting in light access almost half of that which is deemed necessary. Concerns state that the proposals do not prevent further impacts on existing poor levels of daylight and that as the eaves are the critical feature, the reduction in the roof height of the proposed two storey element does not mitigate this impact. Further, these concerns say that daylighting to Number 35 is likely to be seriously affected and result in an increased need to use artificial lighting, which will have an adverse impact on this occupiers quality of life.

- 7.8 The single storey element of the proposed extension features a flat roof with a maximum height of 2.9m. This is set back from the boundary line by approximately 1m. While the uppermost part of the proposed extension would be visible above the boundary fencing, this is not considered to be significantly overbearing or create a loss of light to the adjacent neighbour, due to its position north of the neighbouring dwelling at Number 35. The proposed extension at first floor level increases the width of the proposed extension by approximately 1.3m. The existing pitch of the roof would be extended down to cover the short extension to the side, and would finish approximately 2.7m from the boundary line. The small extension to the first floor section of the property will be visible from the neighbouring dwelling of Number 35 but is not considered to be significantly overbearing or create a loss of light which is detrimental to neighbouring occupiers' quality of life. It should be noted that under permitted development a boundary fence could be erected up to 2m in height.
- 7.9 Concerns have also been raised about the level of overlooking created by the proposal, and the amount of overbearing and sense of enclosure. Neighbours are concerned that adjacent gardens will be overlooked, resulting in a loss of privacy and enjoyment. There are also concerns that the side-facing windows will completely overlook neighbouring gardens. There are two existing side-facing windows, one of which is inter-visible glass, and it is proposed to replace these with three velux rooflights which are partially vertical and partially in the roof slope. The plans show these windows are to serve bathrooms and a bedroom, and that that the vertical elements of these rooflights will be obscure glazed and fixed shut something which can be controlled by condition, which is considered sufficient to prevent significant levels of overlooking. There are concerns that the ground floor extension is significant and will result in a new 13m long façade approximately 1m from the neighbouring boundary. Comments have been received to say that the extension is very dominant and will increase the feeling of enclosure to neighbouring properties. There are also concerns that the extensions would dominate the outlook from neighbouring windows due to the proximity to the boundary. As set out in paragraph 7.8, the single storey element of the proposed extension features a flat roof with a maximum height of 2.9m, which is set back from the boundary by approximately 1m. While the uppermost part of the proposed extension would be visible above the boundary fencing, this is not considered to be significant enough to cause overbearing or contribute to an increased sense of enclosure to neighbouring properties. When measured on the submitted plans the existing height of the glazing in the conservatory is 2.1m from the ground and the height of the proposed glazing in the extension measures 2.2 metres on the submitted plan, therefore a difference of 0.1m from the existing glazing height. In addition, the proposed windows would be positioned behind the boundary fencing, and while some of the glazing will be visible above the boundary fencing, direct views of the neighbouring property would be limited by this boundary treatment. It should also be noted that ground floor side elevation windows can be inserted under permitted development. The extension at first floor level would increase the width of the first floor element by 1.3m, and the existing roof pitch would be lengthened accordingly to accommodate this increase. This extension is not of a scale that would significantly increase the level of overbearing or sense of enclosure created by the existing house. Neighbours are concerned that the proposals would remove any distance outlook from their properties, and leave only short distance outlooks. Due to the existing two-storey element of the dwelling,

certain views from neighbouring properties are restricted at present. The proposed extension to the first floor element is small in scale and is not considered to worsen the relationship between the dwelling and neighbouring properties. There are existing windows at first floor level which overlook neighbouring gardens, not only in the host dwelling but also other dwellings within the vicinity, and therefore the addition of a dormer window to the roof slope is not considered to significantly increase this level of overlooking. Likewise, concerns have been received regarding the new larger window to the rear elevation at first floor level, however this replaces an existing window and is not considered to increase the level of overlooking already present. The Supplementary Planning Document, Design Guide, recommends that rear inter-visible windows should be a minimum of 20m in distance apart. The rear elevation of the proposed extensions is approximately 25m from the rear boundary of the property and therefore this accords with the Design Guide SPD.

- 7.10 Neighbours have raised concerns regarding the installation of rooflights in the single storey element of the proposals. These concerns are that neighbouring occupiers will be able to look down into the property. These rooflights serve a kitchen, dining room and living room, and in any event, this is the choice of the applicant whether they wish to utilise this style of lighting. Further concerns have been raised that in order to prevent overlooking, boundary fences would need to be approximately 2.4m in height and would increase the feeling of enclosure in neighbouring gardens. It should be noted that no changes to the boundary treatments are being proposed. Neighbours are also concerned that the flat roof element of the extension will be used as amenity space for residents and used as a balcony, and that this will also allow access to neighbouring properties. The proposals do not propose a balcony, and therefore any granting of planning permission does not authorise the use of the flat roof extension as a balcony which, if it happened, could be the subject of enforcement action.
- 7.11 Visual Amenity
- 7.12 The proposed alterations to the dwelling will not be highly visible from the public highway of Cambridge Road as only the northern elevations of the dwelling are visible. The length of the rear element at first floor level is not being increased, and views of the ground floor extension would be limited by the boundary treatments of the property and the neighbouring property at Number 31a. The application form states that materials will be used which match the original dwelling, and therefore the proposal will not appear uncoordinated.
- 7.13 Concerns have been raised during the neighbour consultation regarding the visual impact of the proposal. These concerns include that the properties in the vicinity have a distinctive form and character, and the proposals would remove a significant fraction of the house's garden, preventing this from being used as an outdoor amenity and undermining the character of the whole group of properties. The concerns state that proposed extensions would feel crowded and out of scale in the setting of the neighbouring properties, and that the proposals are out of context with a conventional C3 or C4 home. Neighbours have commented that all similar properties have been extended at single storey level, but not the full width of the house, which has maintained the spacing and openness for neighbours. It was noted by neighbours that Number 33 is the only house to have already been

extended beyond the others at 2 storey scale, and is dominant over neighbouring properties. While the design of the extension to the rear of Number 33 is slightly different to other dwellings in the vicinity, the layout of the proposed works at first floor would not be significantly dissimilar to neighbouring properties. Neighbours dispute that the proposed works would not be seen from the public highway, and say that these would be clearly visible in the 2m gap between the Numbers 33 and 35. The proposed extension at ground floor level would be set in the from the side elevation of the existing dwelling by 0.4m and while this may be partially visible from certain aspects when viewed from Cambridge Road, these views are minimal and would not significantly alter the appearance of the dwelling within the street scene.

7.14 Historic Environment

- 7.15 Policy ENV11 of the Local Plan and policy LP28 of the Submitted Local Plan 2017 require that development proposals within Conservation Areas be of a particularly high standard of design and materials. When assessing the impact of a proposed development on a heritage asset, the more important the asset, the greater weight should be. For example, a Grade I, Grade II*, or a Grade II listed building should be afforded greater weight than a conservation area. The NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 7.16 The Conservation Officer was consulted on this application following amendments to reduce the size of the extension and comments dated 11th November 2017 were received. The Conservation Officer commented that the amendments had gone further to address the concerns which had previously been raised in regards to scale, visibility and the design of the proposed extension and welcomed the removal of the 2 storey element. Concerns were raised by the Conservation Officer in relation to the extent of the extensions and their visibility within the street scene (along the side elevation) and the Conservation Officer concluded that in their view the proposal results in less than substantial harm to the conservation area, and that such harm that there may be should be weighed against the public benefits.
- 7.17 The application has been re-assessed as part of the determination process and comments have been received from the Council’s new Conservation Officer. These comments, received 25th May 2018 state that “the Conservation Area Appraisal has described Cambridge Road as a residential street with mainly large and imposing dwellings running the whole length of the road. The number of substantial buildings give this part of the city a dignified and welcoming entrance to the historic city. There is no predominant materials found in this part of Cambridge Road other than a variety of gault and red brick as walling materials and slate and tile for roofing materials. The character of the area therefore is given over to large villas of no particular style but dating from 19th and 20th century”.
- 7.18 The heritage asset in relation to this application is the Ely Conservation Area. It is considered that the proposed extensions would not impact on the significance of this heritage asset (Ely Conservation Area) and this is concurred with by the Conservation Officers comments of 25th May 2018, who in their view states that the single storey rear extension is designed to have minimal impact on the character of

the conservation area given its flat roof profile which will cause no harm to the character and appearance of the conservation area. The Conservation Officer has confirmed that the rear extension will hardly be visible from the public domain between numbers 33 and 35 as the view is at an oblique angle from the public roadway. The Conservation Officer goes on to advise that when viewed from the direction of 27 and 31A Cambridge Road, the views to the rear of Number 33 are not considered to cause harm to the character and appearance of the Conservation Area, especially set against the current soft landscaping.

- 7.19 The proposal would be sympathetic to the surrounding area and the street scene in terms of the materials proposed and will not be highly visible from the street scene of Cambridge Road. Officers consider that the proposal will not lead to substantial harm or the loss of significance of the heritage asset. The proposed demolition of the conservatory is considered acceptable and a benefit as it has no architectural, historic or visual significance. In contrast, the proposal comprises a high standard of design and materials in order to preserve the character of the conservation area as stated within policy ENV11 of the Local Plan, 2015 which is a further benefit. Views of the proposed works from the heritage asset will not be evident or will only be limited, due to the location of the extensions, and the existing 2 storey element in situ, boundary treatments and the positioning/location of the dwelling in the conservation area. In view of this it is considered that there would no harm to the conservation area so there is no requirement to weigh the public benefits against any harm.
- 7.20 Highway Safety
- 7.21 Concerns have been raised during the neighbour consultation regarding the parking arrangements for the property. The proposal is for extensions to the property and therefore is not required to provide additional parking provision. Concerns have been raised that the area of land outlined in red to the north of the dwelling is not a parking area owned by the applicant, however the applicant has stated that they own the land. Further concerns have been raised regarding the use of the property and that this may be used as an HMO. Neighbours have objected to the extension of the property as an increase to the living space provided may increase the number of tenants and have a negative impact on the demand for parking in the area. The use of the property is for a C3/C4 dwellinghouse, and this has not been changed under a planning application. The proposals considered by this application are to an existing C3/C4 dwellinghouse, and additional parking provision would not be requested as part of an application such as this due to the existing parking situation. The use of the property has been raised with the Planning Enforcement Team as a separate matter and this is being investigated.
- 7.22 Neighbours have raised concerns that the parking shown on the plans exits onto Cambridge Road in a dangerous location and has no turning provision. Additional comments received state that the parking shown is only suitable for one large vehicle, and that parking on Cambridge Road is already a problem as it is on-street only. Further comments indicate that this area is actually garden land, and that the additional pressures on parking would have a significant negative public amenity impact. In any event, land ownership issues are not a material planning consideration and would not affect the determination of an application. The application does not propose parking or provide the necessary details for this to be

considered, and therefore any grant of permission does not include permission for a new parking area.

7.23 Other Matters

- 7.24 A number of concerns have been raised by neighbours regarding the use of the property. These state that the property is used as an HMO and that by extending the property there is potential for subdivision of the property to increase tenants rooms and occupancy. Neighbour comments state that there is a separate dwelling unit in the form of the conservatory to the rear. Neighbours anticipate that the number of occupants will significantly increase. Neighbours are also concerned that additional accommodation will cause more noise pollution due to tenants coming and going at all time of the day and night. Neighbours have commented that the present level of occupancy is approximately 10, sometimes 13, and is broadly peaceful, but that the increase in accommodation mean that there could be 20 or more adults living in what is supposed to be a family home. In addition, it is noted that the occupants create a regular low level noise nuisance, but that the increase in occupancy will make this more frequent and troublesome. Neighbours have also commented that the impacts on the residential amenity of neighbouring occupiers is exacerbated by the manner in which the property is used, as rooms are used as bedsits, and that the use should be addressed as part of the application.
- 7.25 It should be noted that, as set out in paragraph 7.21, the lawful use of the property is for a C3/C4 dwellinghouse, and this has not been changed under a planning application. Therefore the proposals considered by this application are to an existing C3/C4 dwellinghouse which can accommodate not more than 6 residents as a HMO. The use of the property has been investigated previously and is currently being investigated again following comments received.
- 7.26 Concerns have been raised that the applicant seeks to occupy or let the house as a single family dwelling, but that the development makes the property less attractive to a single family occupancy. The proposed works would provide additional living space at the dwelling, and whether this is more or less attractive to a single family is a personal matter which would not impact the determination of a planning application.
- 7.27 Other concerns raised by neighbours include the level of information contained in the application and the relationship between the proposal and the neighbouring dwellings. The agent has supplied a block plan showing the position of the proposed extension in relation to the site boundaries and neighbouring properties. Concerns have also been raised regarding the close proximity of the proposed works to the neighbouring properties, and that this poses an increased fire risk. The proposed extensions do not sit any closer to the neighbouring dwellings than the existing main body of the house. Neighbours have requested that evidence that the proposed openings comply with the Space Separation requirements under building regulations. This is a matter that would be assessed at building control stage, and would not impact the determination of this planning application.
- 7.28 Neighbours are also concerned that the proposal creates a 21m narrow dark alleyway which creates a security risk due to the number of visitors to the property.

Neighbours note that there is currently a side gate but that this is not locked. Security is a private matter between residents and would not influence the determination of a planning application.

7.29 Neighbours have commented that the Public Sector Equality Duty is a consideration in planning applications to ensure the quality of life of people with additional needs is maintained. That duty, in section 149 of the Equality Act 2010, is to have due regard to the need to (i) eliminate discrimination and other prohibited conduct under the Act; (ii) to advance equality of opportunity between persons who share relevant protected characteristics and those who do not; and (iii) to foster good relations between such persons. The duty is to have due regard to these three aims. The impacts on the residential amenity of neighbouring occupiers, including at least one who may share relevant protected characteristics, has been considered at length in section 7.4 - 7.10 of this report and the Council has demonstrated due regard for the impacts of this proposal on such persons. In addition, it has been suggested that at least some of the current occupiers of the application property may also be persons who share relevant protected characteristics as defined in s149. However, given that the application, if approved, is likely to result in some improvements to the property with little or no identified detriment to such persons, it is considered that due regard has been had to the impact of the proposal on such persons.

7.30 Planning Balance

7.31 On balance, the proposal is considered to comply with both local and national planning policy and does not cause harm to the heritage asset which is Ely Conservation Area. The lack of parking weighs against the proposal, however this remains unchanged from the current arrangement. The proposal is not considered to create significantly harmful impacts to the neighbouring dwellings or on the visual amenity and character and appearance of the conservation area. On balance, this application is therefore recommended for approval.

8.0 APPENDICES

8.1 Appendix 1 – Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01395/FUL	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555
00/00613/FUL	Ely	catherine.looper@e astcambs.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>

APPENDIX 1 - 17/01395/FUL Conditions

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

Plan Reference	Version No	Date Received
EDG/15/40/1D		2nd November 2017
EDG/15/40/2	A	11th December 2017

- 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 walls, doors, windows and the roof, 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 special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015, and policies LP22 and LP27 of the Proposed Submission Local Plan 2017.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in any elevations.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Proposed Submission Local Plan 2017.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Proposed Submission Local Plan 2017.
- 6 The first floor windows in the south elevation shall be glazed using obscured glass and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.

- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Proposed Submission Local Plan 2017.