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**MAIN CASE**

**Reference No:** 16/00392/FUL

**Proposal:** Proposed new 3 bedroom house

**Site Address:** Site Adjacent 30 And 32 Roswell View Ely Cambridgeshire

**Applicant:** Mr Graham Harvey

**Case Officer:** Lesley Westcott Planning Officer

**Parish:** Ely

**Ward:** Ely East

Ward Councillor/s: Councillor Richard Hobbs  
Councillor Lis Every

**Date Received:** 19 April 2016 **Expiry Date:** 28 July 2016

[R53]

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**1.0 RECOMMENDATION**

1.1 Members are requested to **REFUSE** the application for the following reasons:

- 1.2
1. The proposed dwelling by reason of its height, orientation and scale in relation to the an existing first floor balcony and French doors which serve a living area on the side elevation of No. 30 Roswell View will have an unacceptable relationship and detrimental impact on the residential amenity of the occupant(s) of No. 30 Roswell View in terms of overshadowing, sunlight and daylight, outlook and overbearing impact, with a minimum distance of 4.4 metres between the proposed dwelling and the balcony. The proposal is therefore contrary to Policy ENV2 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework 2012.
  2. By reason of the prominent location in the street scene, the contrived and incongruous siting of the proposed dwelling in relation with the existing layout of Roswell View as a consequence of the constrained nature of the site, the proposed development would fail to preserve or enhance the character and appearance of the conservation area. The proposed dwelling is set forward of the existing flats and would relate poorly to the existing layout and buildings of Roswell View and the pressure for the severe pruning and removal of the existing Willow trees would neither preserve nor enhance the character or appearance of the conservation area and street scene when viewed from Lisle Lane. The proposal would therefore be contrary to Policies ENV2, ENV7 and ENV11 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework 2012.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 This is a full planning application for the erection of a detached three bedroom house. The proposed dwelling will be three storeys, incorporating accommodation in the roof. The scheme includes the provision of 2 no. parking spaces adjacent an existing parking area and realignment of an existing footpath (to accommodate the additional parking). A preliminary Ecological Appraisal and Arboricultural Impact Assessment have been submitted as part of the planning application.
- 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.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 This application has been called to Planning Committee by Cllr Ian Bovingdon

## **3.0 PLANNING HISTORY**

### **3.1**

15/00694/FUL	Erection of three bedroom house	Refused	23.07.2015
	Planning Appeal	Dismissed	29.01.2016
15/01004/FUL	Erection of 3 bedroom house	Refused	07.10.2015

Planning Application 15/00694/FUL, reasons for refusal:

- 1 By reason of the siting and appearance of the proposed dwelling, the development would fail to preserve or enhance the character and appearance of the conservation area. The proposed dwelling is set forward of the existing flats that it is to be attached to and does little to integrate with the fenestration of the existing building. The proposal would therefore be contrary to Policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework 2012.
- 2 The proposed dwelling by reason of its height, orientation and scale in relation to the an existing first floor balcony and French doors which serve a living area on

the side elevation of No. 30 Roswell View will have an unacceptable relationship and detrimental impact on the residential amenity of the occupant(s) of No. 30 Roswell View in terms of loss of light, overshadowing and overbearing impact. The proposal is therefore contrary to Policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 3 In line with Policy ENV7 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework, insufficient information on the existing storm water pond adjacent to the siting of the proposed dwelling has been submitted as part of the planning application to allow the Local Planning Authority to assess potential impacts and possible mitigation measures to be assessed fully.

The appeal was dismissed by the Planning Inspector against the refusal of planning application 15/00694/FUL was dismissed on the harmful impact on the living conditions of No.30 Roswell View for planning application 15/00694/FUL (as set out in reason 3).

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

- 4.1 The site is located on the corner of Prickwillow Road and Lisle Lane, within the development envelope and conservation area of Ely. A public footpath runs along the western boundary of the site. The site forms part of a modern development of flats with communal open space. It is located adjacent to a 3 storey block of four flats incorporating accommodation within the roof space. It is also located adjacent to a storm water pond and trees located on the boundary on the corner of Prickwillow Road and Lisle Lane and a group of trees within the storm water pond area.

#### **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.

City Of Ely Council – Recommend refusal of this application on the grounds that the proposed dwelling will sit on the existing pond, which will cause issues regarding surface water drainage of the site. The site is already prone to flooding in this area. The development will also cause loss of light and privacy to the adjoining neighbours.

Ward Councillors – Cllr Ian Bovingdon confirms that he wishes the application to be considered at Committee as it is felt that all the previous concerns relating to the application have been addressed. Cllr Lis Every and Cllr Richard Hobbs have both expressed an interest in the application and have followed its progress closely.

**Conservation Officer – Objects to the application. The application affects a site located within Ely conservation area and is a resubmission of a previous**

scheme albeit for a detached dwelling rather than an addition to the existing terrace. From a conservation viewpoint, no significant change has been made which would make this proposal acceptable. The proposal is situated to the east of the existing flats and is located forward of the existing buildings on the site making it visually prominent when viewed from Lisle Lane. Still have concerns over the principle of trying to squeeze an extra dwelling onto this site. Whilst the proposal still matches the architectural style and appearance of the existing buildings, it appears overly large in size and is of no architectural quality. The building will neither preserve nor enhance the character or appearance of the conservation area. Consent should not be granted from a conservation viewpoint.

Senior Trees Officer - Objects to this application. The site is within the Ely Conservation Area and therefore the trees at the site are currently protected. Strong reservations about the long term viability of the retention of trees at the site with the plan as proposed. The Tree Protection Plan submitted does demonstrate that a build can be achieved to within guidance set by *BS5837:Trees in relation to design, demolition and construction – Recommendations* however this is only achieved with the removal of trees without replacement, incursion within the Root Protection Area of the remaining trees and pruning of the canopies. If the application is approved it is expected that there would be a perceived nuisance to develop for the housed residents from the retained trees, as Willow trees are fast growing and produce frequent debris which would soon fall within the living space of an occupant. Subsequently there would be demands from the residents to heavily prune or fell the trees as a result of nuisance. The Willows affected are currently of value as they provide screening and shelter from a busy highway and pressure to remove the trees would be objectionable. Object to the scheme produces a foreseeable, significant conflict to the retention of the landscape asset currently in place.

Internal Drainage Board – Site doesn't fall within a Drainage Board District.

Ely Society – No comments received

Senior Definitive Map Officer – No objections. The development will not directly affect the public footpath. Recommend standard informative attached to any approval.

Local Highways Authority – No objections. It should be noted that the vehicle access to the proposed parking bays will be over private property and not public highway. Recommend the parking spaces are a minimum of 2.5 metres by 2.5 metres.

CCC Growth & Development - No Comments Received

Waste Strategy (ECDC) – No objection subject to standard informative relating to waste and recycling being attached to any approval.

Environmental Health – No objection subject to standard contamination conditions being attached to any approval.

## Cambridge Ramblers Association - No Comments Received

5.2 Neighbours – A site notice was posted and an advertisement placed in the Cambridge Evening News. 16 neighbouring properties were notified and the 12 responses received are summarised below.

- To be built on top of a buried water course
- The size of the existing storm water pond will be reduced
- In consistency of the tree survey, Willow trees not accurately plotted.
- Access to dwelling is also access to existing bin storage for nos. 30 and 32 Roswell View
- No bin storage shown.
- Loss of trees an impact on Willow trees
- Structural impact on existing neighbouring dwellings
- Will impact neighbouring dwellings ( not just 30 and 32 Roswell View)
- Trying to squeeze in an extra dwelling will not preserve or enhance the conservation area
- Pressure on retained trees
- Area is a natural drainage area
- Parking spaces already allocated to properties
- No place to store materials for construction
- Noise and disturbance from development
- Impact on trees and pond that contribute to the character of the area
- British Geological Survey indicate potential for natural ground movement
- To be built on land that is quite often flooded
- Plot very small
- Overlooking
- Loss of privacy
- Loss of light and sunlight
- Over shadowing
- Detrimental impact on wildlife
- Potential fencing would be detrimental to the character of the area
- Incompatible with the existing architecture and 2 no. blocks of flats
- Loss of informal garden area
- Tree report state shade is good, do not consider this to be a positive
- Proposal doesn't meet the planning criteria
- Detrimental impact on biodiversity and natural habitat.
- Doesn't address the reasons the previous applications refused (including planning appeal)
- Loss of amenity
- Impact on balcony and French doors to no. 30 Roswell View
- Parking encroaching into communal green open space
- Incongruous the setting of the 2 no. letters
- Contravenes 'Site Layout for Daylight and Sunlight: A Guide to good practice' published by the Building Research Establishment
- Very similar to the previous applications that have been refused.

## **6.0      The Planning Policy Context**

### **6.1      East Cambridgeshire Local Plan 2015**

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 11	Conservation Areas
COM 7	Transport impact
COM 8	Parking provision

### **6.2      Supplementary Planning Documents**

Developer Contributions and Planning Obligations  
Design Guide

### **6.3      National Planning Policy Framework 2012**

- 6    Delivering a wide choice of high quality homes
- 7    Requiring good design

## **7.0      PLANNING COMMENTS**

7.1      The main issues to be considered in determining this application are the principle of development, impact on the character of the conservation area, residential amenity, Ecology, trees, storm water drainage, highways and other issues.

### **7.2      Principle of Development**

The application site is located within the development envelope and conservation area of Ely. The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF).

It is considered that this application would go some way to address the five year housing supply shortfall. The benefit of this development is therefore the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses.

The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development, as set out above, when assessed against the policies in the NPPF taken as a whole and against the policies within the Local Plan which do not

specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted. The main considerations in the determination of this planning application are highways, ecology, trees, impact on the character of the conservation area and residential amenity.

It should be noted that planning applications 15/00694/ FUL and 15/01004/FUL were for the erection of a 3 storey dwellings to be attached to the existing block of flats and the current application is for a detached 3 storey dwelling to be located to the east of the block of flats.

### 7.3 Residential Amenity

It is considered that the proposed development would have a detrimental impact on the residential amenity of the adjacent dwelling, No.30 Roswell View. There is an existing first floor balcony and glazed French doors (which serve a living area) on the side elevation of No. 30 Roswell View. The proposed dwelling will be detached and located forward and to the south-east of the balcony and as a consequence will have an unacceptable relationship and detrimental impact on the residential amenity of the occupant(s) of No. 30 Roswell View in terms of loss of light, overshadowing and overbearing impact. The adverse effect is exacerbated by the fact that the proposed dwelling will be located to the south of the existing French doors, which will therefore only benefit from light in the early morning during the mid summer months with the development restricting light for the rest of the day. There would be a minimum distance of 4.4 metres between the balcony and the proposed dwelling and the development will encroach within the 45 degree line from a habitable room. The Planning Inspector in respect of the appeal against refusal of 15/00694/FUL dismissed the appeal on the grounds '*that the proposal would be harmful to the living conditions of No. 30 with particular reference to sunlight, daylight, overshadowing and outlook and harm significantly and demonstrably outweighs the benefits associated with the scheme*'. It is considered that although the proposed development is for a detached, these issues have not been addressed and the scheme would still be harmful to the living conditions of No. 30 Roswell View.

The proposed development to ensure there are no issues of unacceptable overlooking and loss of privacy has designed the proposed dwelling with its main outlook from windows in the north-east elevation directly facing Lisle Lane and existing boundary landscaping and trees. The other elevations comprise windows to a hall, landing area, ensuite and toilet which may be obscure glazed and a part window to proposed bedroom 1 on the second floor which will be fixed and obscure glazed. However, it is considered that the proximity of the existing Willow trees and boundary landscaping will have a detrimental impact and restrict the sunlight and daylight enjoyed by the principle windows, including the principle windows to the proposed ground floor kitchen/diner and sitting room.

In terms of the relationship with the adjacent block of flats Nos. 22 to 28 Roswell View, it is considered that the proposed dwelling would be located to the north-east of this block of flats and there would be a minimum distance of 8 metres between the proposed dwelling, which on balance is considered to be an acceptable relationship and would not have an overbearing impact or result in a detrimental

impact on sunlight or daylight. It is considered that the proposal is therefore contrary to Policy ENV2 Design of the East Cambridgeshire Local Plan 2015.

#### 7.4 Impact on the Character of the Conservation Area

While the Planning Inspector in the appeal against the refusal of planning application 15/00694/FUL considered that the proposed development for the erection of a three bedroom, 3 storey house attached to the existing block of flats would have a neutral impact on the Ely Conservation Area. It is considered that the proposed development for a detached 3 storey house located to the east of the existing block of flats has raised different issues and should be considered on its own merits.

The site is located within the development envelope and conservation area of Ely where development is required, under policies ENV2 and ENV11 of the Local Plan, to be of a particularly high standard of design in order to preserve or enhance the character or appearance of the conservation area. The Conservation Officer has raised concerns regarding the proposed development. The proposal is situated to the east of the existing flats and is located forward of the existing buildings on the site making it visually prominent when viewed from Lisle Lane. There are concerns over the principle of trying to squeeze an extra dwelling onto this site. It is considered that the siting of the proposed dwelling would be incongruous and jarring appearance in respect of the layout and relationship of the existing 2 no. blocks of flats. Whilst the proposal still matches the architectural style and appearance of the existing buildings, it appears overly large in size and is of no architectural quality. The building will neither preserve nor enhance the character or appearance of the conservation area, thus the proposed development fails to accord with policies ENV2 and ENV11 of the Local Plan.

#### 7.5 Ecology

The preliminary Ecological Appraisal found no evidence of protected species within the application site area, but has set out a number of recommendations for appropriate working methods and recommendations in respect of commuting/foraging protected species such as bats. It is considered that further ecology surveys are not required provided that development is commenced within 18 months of the initial survey. In addition biodiversity enhancement could be secured by condition in accordance with Policy ENV7 of the East Cambridgeshire Local Plan.

#### 7.6 Trees

An Arboricultural Impact Assessment has been submitted in respect of the trees located on the boundary of the site adjacent Prickwillow Road and Lisle Lane. While the Tree Protection Plan demonstrates that a build can be achieved with the removal of minor trees, the Tree Officer believes that there will be a perceived nuisance from occupant(s) of the proposed dwelling from the retained trees, as Willow trees are fast growing and produce frequent debris, as a consequence it is likely that there would be demands from the occupants to heavily prune or fell the trees as a result of this nuisance. The Tree Officer objects to the scheme which



produces a foreseeable, significant conflict to the retention of the landscape asset currently in place.

7.7 Storm water drainage

While no detailed surface water drainage scheme and assessment of the impact of the development on the existing storm water pond have been formally submitted for consideration as part of the current planning application, the lack of information could not form a justifiable reason for refusal. The lack of a surface water drainage scheme and details of the impact on the storm water pond formed the 3<sup>rd</sup> reason for refusal for planning application 15/00694/FUL, however this did not form a reason by the Planning Inspector to dismiss the appeal against refusal of planning application 15/00694/FUL and therefore such a reason for refusal would not be justifiable with the current application. However a condition requiring details of surface water drainage to include: details and mitigation measures to ensure that the proposed development did not increase on or off site flood risk and that surface water in up to the 1 in 100 annual probability critical storm event (including an appropriate allowance for climate change) can be contained on site without the risk of flood elsewhere, could be attached to an approval. It is considered that subject to the submission of an appropriate surface water drainage scheme and supporting evidence the proposed development accords with Policy ENV7 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework.

7.8 Highways

The proposed development will make provision for 2 no. parking bays, which will require a modification to an existing footpath within the site. It is considered that the proposed development accords with highway standards and Policies COM7 and COM8 of the East Cambridgeshire Local Plan. The Highway Engineer raises no objections to the scheme subject to a standard condition relating to the minimum dimensions of the proposed parking bays being attached to any approval.

7.9 Other material issues

The issue of devaluation has been raised by the occupant of the adjoining dwelling, devaluation to property is not a planning issue. The issue of access to an existing shed which is located within the application site, is a private matter between the occupants of the neighbouring dwelling and the applicant.

With regard to the issue of loss of communal garden/open space, it is considered that given the large area of informal garden/open space within the Roswell View development, the loss of this small amount of informal garden/open space adjacent would not detract from the overall level of informal garden/open space provision and would not be a justifiable reason for refusal.

With regard to the issue of loss of view and potential noise and disturbance during development is not considered to be a planning matter. However a condition could be attached to an approval to restrict the hours of construction and deliveries to minimise the impact on the amenity of neighbouring residential dwellings.

Although the scheme does not include any details of a bin storage area, a condition could be attached to an approval, requiring bin storage details and provision. A

condition could also be attached an approval regarding details of the on-site storage of any materials or machinery during the construction of the proposed dwelling.

With regards to the issue of potential natural ground movement, this would be a matter that would be addressed at the Building Regulations stage.

#### 7.10 Planning Balance

The proposal provides for an additional dwelling contributing to the Council's housing provision, construction would provide some short term economic benefits and there is no harm to highway safety.

However this is outweighed by the harm caused to the residential amenity of the occupiers of the adjacent flat No. 30 Roswell View, the detrimental impact on the character of the conservation area.

### 8.0 **APPENDICES**

#### 8.1 Appendix 1: Appeal APP/V0510/W/15/3137211/ 15/00694/FUL

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
16/00392/FUL	Lesley Westcott Room No. 011 The Grange	Lesley Westcott Planning Officer 01353 665555 lesley.westcott@ea
15/00694/FUL and appeal 15/01004/FUL	Ely	stcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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>