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**MAIN CASE**

**Reference No:** 15/01071/OUT

**Proposal:** Proposed Detached Chalet Bungalow

**Site Address:** Land Rear Of 90 West Fen Road Ely Cambridgeshire CB6 3AA

**Applicant:** Mr & Mrs T Garner

**Case Officer:** Julie Barrow Planning Officer

**Parish:** Ely

**Ward:** Ely West  
**Ward Councillor/s:** Councillor Sue Austen  
Councillor Neil Hitchin

**Date Received:** 10 September 2015    **Expiry Date:** 5 November 2015  
[Q104]

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**1.0 RECOMMENDATION**

1.1 Members are requested to REFUSE the application for the following reason:

1. The proposal to erect a one-and-a-half storey dwelling on this site would, when taken in conjunction with the modern dwelling to the north of the site and the built form of the host dwelling, appear cramped and contrived and incongruous in the streetscene. The proposed dwelling would have a poor relationship with the existing dwellings to either side and in general with the built form along the length of Mayfield Close. The reduction in the height of the conservatory attached to the side of the host dwelling cannot be controlled by this application and the hedge that currently partially screens the conservatory could be removed at any time. The area is generally characterised by large plots with space between rows of dwellings and the reduction in the height of the conservatory does not introduce a feeling of spaciousness in the streetscene. The size of the plot is well below the guideline set out in the East Cambridgeshire Design Guide SPD and is out of keeping with the general character and appearance of the area. The proposal therefore fails to comply with policy ENV2 of the East Cambridgeshire Local Plan 2015, which requires proposals to make efficient use of land whilst respecting the density and character of the surrounding area and ensure that the location, layout, scale, form and massing of buildings relates sympathetically to the surrounding area.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline consent, with all matters reserved, for a detached dwelling on garden land to the rear of 90 West Fen Road. The plan submitted with the application shows an indicative layout and design for a one-and-a-half storey dwelling with dormer windows to the front and rear. The indicative footprint is for a dwelling 8.2 metres in width, with a depth of 6 metres and a height of 6.8 metres to the ridge of the pitched roof. The plan indicates that the proposed dwelling would be located approximately 1.2 metres from the northern boundary with 1a Mayfield Close, and approximately 1.6 metres from the southern boundary with the host dwelling. The applicant proposes to demolish one of the two conservatories located to the rear of the host dwelling in order to increase the amount of amenity space that will be available. A new parking area is proposed to the front of the dwelling, accessed off West Fen Road.
- 2.2 The proposal is the same as that submitted earlier this year under application reference 15/00073/OUT with the exception that the applicants now propose to lower the height of the sun room attached to the side of the host dwelling by 600mm.
- 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 to Planning Committee by Cllr Neil Hitchin.

## 3.0 PLANNING HISTORY

- 3.1
- |              |                                   |          |            |
|--------------|-----------------------------------|----------|------------|
| 98/00606/FUL | Conservatory to side of property  | Approved | 02.09.1998 |
| 15/00073/OUT | Proposed Detached Chalet Bungalow | Refused  | 01.04.2015 |

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located within the development envelope and currently comprises a parking area within the curtilage of 90 West Fen Road. The site is accessed via Mayfield Close. The site is located in a residential area made up of ex-local authority stock housing with interspersed infill and new dwellings. The dwelling immediately to the north of the site is a modern one-and-a-half storey dwelling constructed within the curtilage of 1 Mayfield Close. A close boarded fence separates the parking area from the rear garden serving the host dwelling. The remainder of the garden to the host dwelling is screened from Mayfield Close and West Fen Road by a low level brick wall with mature hedge over. The host dwelling has been extended in the past with a conservatory to the rear and a separate conservatory to the side.

## 5.0 RESPONSES FROM CONSULTEES

5.1 The full responses are available on the Council's web site.

**City of Ely Council** – No concerns.

**Ward Councillor, Cllr N Hitchin** – Despite obvious willingness to negotiate on both sides, it seems that the Council and the owner are unable to reach an agreement about the proposal. It therefore seems best for the issue to be resolved by the committee.

**Local Highway Authority** – The proposal should have no significant impact on the public highway, subject to the incorporation of conditions in relation to the construction of the access, the provision of visibility splays, the restriction of gates and the provision of a construction traffic management plan.

**ECDC Waste Strategy** – East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway on the relevant collection day. ECDC as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles. This contribution is currently set at £43 per property.

5.2 Neighbours – Site notice posted and 5 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Representations received from 1 Mayfield Close and 1A Mayfield Close, raising the following points:

- A second property would be very close to 1A in an area where homes are well spaced.
- Concerns in relation to parking on the entrance to the close.
- The footprint is of concern. 1A blocks light and any further buildings beyond it would make it darker.
- Problems with postal deliveries.
- Light to kitchen window of 1A would be reduced and its back garden will have no sunshine for many hours.
- The proposed development is too small and not in the current guidelines of a minimum of 300 square metres.

## 6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 8	Flood risk
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 application is for outline planning permission with access, appearance, landscaping, layout and scale all reserved. The main issues to consider in the determination of this application are therefore the principle of development, the impact of the proposal on visual amenity and residential amenity and highway safety.

### 7.2 **Principle of development**

7.2.1 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

7.2.2 The benefits of this application are considered to be: the provision of a residential dwelling built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.

7.2.3 The site is located within the established development framework of Ely, in a built-up residential area close to the facilities and services on offer in the settlement. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site is therefore considered to be in a sustainable location.

7.2.4 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

### 7.3 **Visual amenity**

7.3.1 The site is located within a predominately residential area, generally characterised by pairs of ex-local authority housing stock set within generous plots. There are examples of extensions to dwellings and the occasional infill development such as 1A Mayfield Close which has been relatively recently constructed on land formerly part of 1 Mayfield Close. This one-and-a-half storey dwelling sits comfortably within

the streetscene with the north facing side elevation some 7 metres from the rear of 1 Mayfield Close. No. 1A spans the width of its plot with approximately 1 metre either side to its boundaries.

- 7.3.2 Whilst the layout and scale of the proposed dwelling to the rear of 90 West Fen Road are to be reserved matters, the indicative layout indicates that this dwelling will also span the width of the plot and be situated approximately 1 metre from the boundary on either side. The dwellings fronting onto West Fen Road, including the host dwelling, all feature a rear projecting feature that possibly formed an outbuilding and which has been incorporated into the living space. In addition, the host dwelling has a conservatory attached to the west facing side elevation of this rear extension/outbuilding which features in the streetscene.
- 7.3.3 In response to the refusal of planning permission issued earlier this year, the applicants now propose to reduce the height of the side conservatory by 600mm to take it below the existing dense and mature evergreen hedge that marks the boundary of the host dwelling with Mayfield Close. This Design and Access Statement presents this amendment as being required 'in order to take away its [the conservatory's] present 'jarring' on the street scene'.
- 7.3.4 No other changes have been made to the proposal and the indicative layout suggests that proposed dwelling will still be located the same distance from the new boundary with the host dwelling and from the rear wall of the extension/outbuilding and conservatory.
- 7.3.5 The intention of the applicants is clear in that they have attempted to reduce the scale of the side conservatory on the host dwelling and thus, allow the insertion of a new dwelling into the street scene without causing harm to the character and appearance of the area. However, the footprint of the built form along the length of Mayfield Close will remain the same and the mature hedge could be removed at any time, exposing the side conservatory to the street scene. It is therefore considered that the cumulative effect of a further dwelling fronting onto Mayfield Close, situated approximately 2.6 metres from the rear of the extension/outbuilding and conservatory on the host dwelling and 2.2 metres from No. 1A, is that it will appear cramped and incongruous in the streetscene, with a poor relationship between the built form along the length of Mayfield Close.
- 7.3.6 It should also be noted that the host dwelling is not within the application site and the local planning authority would therefore be unable to control the works being suggested to the existing conservatory by condition. The weight that can be given to this suggestion is therefore limited.
- 7.3.7 The cramped nature of the proposal is further evidenced by the fact that the site area of approximately 187 square metres is well below the guideline set out in the East Cambridgeshire Design Guide SPD which states that, in most cases, building plots should be approximately 300 square metres. It is accepted that sites close to town centres may fall below this requirement, however, this area is characterised by its generous plots and openness between rows of dwellings and a plot size significantly below the guideline in this location would not be considered acceptable. It is noted that the indicative layout provides for a footprint of no more than one third of the plot size and for rear private amenity space in accordance with the guidelines,

however, this does not outweigh the harm caused by the addition of a further dwelling on a cramped site.

7.3.8 The proposal is therefore considered to be contrary to policy ENV2 of the Local Plan, which requires development proposals to make efficient use of land while respecting the density and character of the surrounding area and ensure that the layout, scale, form and massing of buildings relates sympathetically to the surrounding area.

#### 7.4 **Residential amenity**

7.4.1 Policy ENV2 also requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers of new buildings enjoy high standards of amenity.

7.4.2 The applicant has responded to concerns raised at pre-application stage that the host dwelling, due to past extensions and alterations, would not retain sufficient private amenity space to the rear following the loss of the application site. The applicant proposes to demolish a conservatory attached to the rear of the dwelling in order to provide additional amenity space. The indicative layout suggests that sufficient amenity space can be provided at the rear of the proposed dwelling for future occupiers.

7.4.3 The indicative layout shows that the footprint proposed dwelling is within the footprint of 1A Mayfield Close. The proposed dwelling would not therefore have any impact on the amenity of the occupiers of No. 1 Mayfield Close and would not reduce sunlight reaching their rear garden. Similarly, due to the orientation of the dwellings, a dwelling occupying the indicative footprint would not significantly reduce sunlight available to the rear garden of No. 1A.

7.4.4 No. 1A has a kitchen window in the side elevation facing towards the application site. Views from this window are currently obscured by an existing 1.8 metre close boarded fence and the presence of a dwelling on the application site, approximately 2.2 metres from No. 1A would not therefore be considered to be overbearing. Plans held on record for No.1A indicate that the kitchen is also served by a set of doors on the rear elevation that would provide light into the room.

7.4.5 The indicative layout indicates that the windows proposed at first floor level in the rear elevation are to serve a bathroom and dressing area, both of which are not considered to be habitable rooms and would not lead to an unacceptable level of overlooking. There are two dormer windows on the rear of No. 1A, with obscure views of the rear amenity space serving the proposed dwelling possible from one of the dormers. This is not considered to give rise to an unacceptable level of overlooking or loss of privacy. The first floor windows on the rear of the host dwelling will face towards the garden area to the rear of the proposed dwelling, however, these would be located approximately 7 metres from the boundary of the site and would not be considered to introduce an unacceptable level of overlooking. Any future occupiers of the proposed dwelling would be aware of the proximity of the neighbouring dwellings prior to purchase.

7.4.6 The proposal is not considered to have a significantly detrimental impact on the residential amenity of the occupiers of nearby dwellings. Whilst the amenity of future occupiers of the proposed dwelling will be affected by neighbouring development, it is considered that on balance the proposal complies with policy ENV2 of the Local Plan in respect of residential amenity.

## 7.5 **Highway safety**

7.5.1 A number of concerns have been raised by local residents regarding the impact of the proposal on highway safety and vehicles being parked on the highway. The Local Highway Authority is satisfied that the proposal would not have a significant adverse effect on the public highway and on this basis the proposal complies with policy COM7 in relation to the provision of safe and convenient access to the public highway.

7.5.2 The proposal includes the provision of two car parking spaces to the front of the proposed dwelling, in accordance with policy COM8 of the Local Plan. The plans submitted also indicate that there is sufficient space to park two vehicles to the front of the host dwelling, to replace the parking area being lost by this development. This would be subject to appropriate works being carried out to the existing verge and as this element of the proposal is not shown within the application site, it would need to be the subject of a separate application.

## 7.6 **Other material matters**

7.6.1 The site is not located within a flood risk area, however, the local planning authority is responsible for ensuring that suitable surface water drainage measures are implemented on all new development and this can be secured by condition. The requirement to submit a contaminated land assessment can also be secured by way of a condition, as can the provision of energy efficiency measures.

7.6.2 Any difficulties encountered by nearby residents in relation to postal deliveries is not a material planning consideration.

## 7.7 **Planning balance**

7.7.1 The proposal would give rise to an important benefit in the provision of an additional dwelling to the district's housing stock, which should be afforded significant weight in the planning balance. The proposal would also give rise to direct and indirect economic benefits, which should also be given weight. These benefits have to be set against the harm that would arise if the proposal was to go ahead. The proposal is considered to detrimentally harm the character and appearance of the area, with the proposed dwelling appearing cramped and contrived in the street scene. Such harm attracts significant weight in the planning balance, such that it outweighs the benefits of the proposal. The proposal is therefore recommended for refusal for the reason set out at the beginning of this report.

## 8.0 **APPENDICES**

8.1 None attached

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
Application File 15/01071/OUT	Julie Barrow Room No. 011 The Grange Ely	Julie Barrow Planning Officer 01353 665555 julie.barrow@eastcambs.gov.uk