

MAIN CASE

Reference No: 19/01030/FUL

Proposal: Construction of 4 bedroom detached dwelling with new vehicular access and associated works

Site Address: Land Adjacent To 58 West Street Isleham Ely
Cambridgeshire CB7 5RA

Applicant: Mr D Clarke

Case Officer: Rachael Forbes, Planning Officer

Parish: Isleham

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

Date Received: 18 July 2019 **Expiry Date:** 6th December 2019

[U107]

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE this application for the following reasons:

- 1) The application site is located in the residential garden of 58 West Street. 58 West Street and the adjacent dwelling 58a West Street are similarly designed dwellings in large spacious plots. It is considered that the proposed dwelling would erode the symmetry of the existing two plots and would result in an unbalanced appearance. The proposed dwelling is poorly orientated and fails to relate well to the existing built form; the principal elevation does not face either the private road or West Street and therefore does not benefit from a proper street frontage which reflects other similar developments in the locality. The proposal is therefore contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 as it does not provide a complementary relationship with the existing development or relate sympathetically to the surrounding area.
- 2) The adopted Design Guide SPD sets out that there should be 20 metres between rear inter visible windows. The proposed window on the south elevation is a side window, however it is directly facing the windows on the rear elevation of number 56 West Street, with a distance of 10.2 metres between the windows, which would result in a direct overlooking impact to number 56 West Street. The

proposal is therefore contrary to policy ENV 2 of the East Cambridgeshire Local Plan, 2015 in respect of residential amenity.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks planning permission for a four bedroom detached dwelling with new vehicular access and associated works. The application site forms part of the existing residential garden area at 58 West Street. The site would be accessed from West Street through an existing private drive between numbers 54 and 56 West Street.
- 2.2 The planning history at the site consists of four applications and are a material consideration of this application. The first application is 14/00309/FUL for the construction of a detached dwelling. This was recommended for refusal on highways grounds but was approved at Planning Committee. 15/01367/FUL sought the erection of a 1 ½ storey dwelling, garage and new access to the north of the site. Both of these applications originally proposed two dwellings, but were amended to one due to the sensitivity of the location. 17/00099/FUL sought to enlarge the dwelling approved under 14/00309/FUL and was approved. 17/00896/OUT sought outline permission for a dwelling, double carport and access and was refused on highway grounds and was dismissed at appeal. This appeal decision is attached as appendix 1.
- 2.3 The application has been called in to Planning Committee by Cllr Julia Huffer as she considers the application is worthy of a wider discussion.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1
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|--------------|---|----------|------------|
| 14/00309/FUL | Construction of one detached dwelling. | Approved | 19.11.2014 |
| 15/01367/FUL | Proposed one 1 & 1/2 Storey dwelling, garage and new access drive | Approved | 29.07.2016 |
| 17/00099/FUL | Construction of four bed detached dwelling and garage | Approved | 03.04.2017 |

17/00896/OUT	Outline application for proposed dwelling, double carport, parking, access & associated site works	Refused Appeal dismissed	26.07.2017 29.08.2018
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is part of the residential garden of number 58 West Street. To the south east of the site are single storey bungalows in modest plots which front West Street. To the north west of the site are numbers 58 and 58a West Street, which were approved under applications 14/00309/FUL (re-applied for under 17/00099/FUL) and 15/01367/FUL. To the east of the site is a private drive, which is the access for 58 and 58a West Street as well as further dwellings to the north west. To the east of the site, there has been approval for three dwellings (19/00366/FUL), two of which will sit behind the existing bungalow at 72 West Street and one is a conversion of the existing barn to the front of the site. The private road is lined with TPO trees and at the end of the road are two Listed Buildings; Isleham Hall – 60, 62, 64, 66, 68 West Street (Grade II, LEN 1331733), which is now divided into separate dwellings and Barn and Warehouse, West Street (Grade II, LEN 1160729).

5.0 RESPONSES FROM CONSULTEES

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

Parish - 12 August 2019

Isleham Parish Council has no concerns about the application.

Ward Councillors – Cllr Huffer has called the application into Planning Committee as she considers it worthy of wider discussion.

Local Highways Authority - 6 August 2019

'The Highways Authority has no objection in principle to this application. The development benefits from an existing access with the highway and the shown width of 5m for 15m is adequate to accommodate this additional dwelling'.

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

ECDC Trees Team - 26 September 2019

'Details of tree protection for the TPO tree adjacent the site are required, along with a soft landscaping plan, these can be by condition'.

Waste Strategy (ECDC) - 7 August 2019

No objections.

Cambridgeshire Archaeology - 17 September 2019

'Our records indicate that the wider site has been subject to archaeological investigation carried out against the conditions imposed on prior adjacent applications ref 15/01367/FUL and 14/00309/FUL for development of the wider site.

This investigation identified significant archaeological remains in the southern half of the development area, comprising a circular structure which is thought to represent the foundations of a post-mill and for which a report of results on the subsequent open-area investigation of the archaeological remains is pending. It is unfortunate that the preliminary evaluation, for which trial trenches were inevitably positioned to target the build footprints of 15/01367/FUL and 14/00309/FUL, did not therefore include trenching across the southern part of the site in the zone of impact for 19/01030/FUL. It should be noted however that the subsequent open-area excavation partially overlapped the northernmost part of the build footprint for the proposed new dwelling and, as such, it is considered that there may be limited additional information to be gained by additional evaluation trenching of the remaining area when weighed against the viability of the proposals, and the potential for ancillary structures relating to the probable post-mill is unknown until the analysis of the remains is completed and a report of results is available.

Reluctantly, therefore, it must be acknowledged that it is debatable whether such an evaluation could be considered justifiable under the terms of the NPPF, however we would request to be consulted again if the scale of the proposals changes, or if the proposed dwelling is re-positioned within the plot as this could represent a materially different balance of impact'.

Environmental Health - 25 July 2019

'Under section 6 of the Application Form the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is classed as vulnerable to the presence of contamination I advise that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted'.

5.2 **Neighbours** – nine neighbouring properties were notified and no responses were received.

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 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations in the determination of this application are the principle of development, visual amenity, residential amenity, highway safety and parking, impact on the heritage assets and historic environment, ecology and trees, flood risk and contamination.

7.2 Principle of Development

7.3 The site is located outside of but adjacent to the development framework boundary of Isleham and the proposal to erect a dwelling would therefore be contrary to Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015. However, in the absence of a five year supply of land for housing, Paragraph 11 of the NPPF applies, which states that relevant policies for the supply of housing should not be considered up-to-date and housing applications should be considered in the context of the presumption in favour of sustainable development. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

7.4 The site is adjacent to the development framework boundary and will be sited between existing residential development. The site is located within an approximate 10 minute walk of the post office, the closest shop, the closest public house, the

closest church and the primary school. It is therefore considered that the residential development in this location is acceptable in principle, subject to all other material planning considerations.

8.0 Visual Amenity

- 8.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 8.2 West Street contains a mix of architectural styles of dwellings of varying ages and sizes. The streetscene close to the application site predominantly consists of modest single storey dwellings fronting the highway. The frontage has been punctuated with some backland development, including 48a, 50a, 58 and 58a West Street and the recently approved dwellings to the rear of 72 West Street.
- 8.3 As noted above, there were two applications, 14/00309/FUL for the construction of a detached dwelling and 15/01367/FUL for the erection of a 1 ½ storey dwelling, garage and new access to the north of the site; both of these applications originally proposed two dwellings, but were amended to one due to the sensitivity of the location. The officer report for 15/01367/FUL stated:
- 8.4 *'Given the sensitivity of the location, the original proposal for two 1 ½ storey dwellings on the site would have been at odds with the existing character, with a resulting adverse effect on the visual amenity of the area. The area in the vicinity of the site has an open spacious character with views of the Listed Hall beyond the attractive boundary wall which is an important feature of the site and the backdrop to the Listed Building. This spacious character would have been harmed by two dwellings on this plot, similar to the original proposal for two plots on the site immediately to the south. That application was likewise amended to reduce the number of dwellings to one'.*
- 8.5 Application 17/00896/OUT sought outline permission for a dwelling, double carport and access on the north of the two plots. It was considered by the Local Planning Authority that the proposal would not have a detrimental impact on the character and appearance of the area or streetscene but was refused on highway safety grounds. The decision was appealed and dismissed with the inspector noting in Paragraphs 20 and 21 of the appeal decision:
- 8.6 *'Although the appellant states that the dwelling would merely complete new development within the walled area, there is nothing before me to suggest that there is any imperative to have a line of three dwellings along this section of the access track.*
- 8.7 *Moreover, it appears that the two recently approved dwellings have been designed to form a pair of similarly sized dwellings on generous plots. This impression was confirmed by my observations on site. If the appeal was allowed, the garden of the*

host dwellings would be significantly smaller than that of its neighbour, and the line of dwellings would appear unbalanced’.

- 8.8 Given the presence of the existing two dwellings between the proposed development and the Listed Buildings to the North West it is considered that the proposed dwelling would not result in harm to the significance of the Listed Buildings. However, it is considered that it would be contrary to the character and appearance of the existing plots.
- 8.9 The character of the existing plots are of two similar sized dwellings in large spacious plots. The introduction of a third dwelling in these plots would result in an unbalanced appearance and erode the existing symmetry of the two plots. As a further dwelling cannot be achieved on the northern plot due to the private road not being suitable for intensification of use, there would be no opportunity to achieve that balance. Furthermore, the Local Planning Authority have already concluded that the cumulative impact of further dwellings in this location would be harmful to the character and appearance of the area.
- 8.10 Further to this, the dwelling does not relate well to its surroundings due to its orientation. The principal elevation of the dwelling faces into its garden and does not face the private road, as the two adjacent dwellings do, nor does it face West Street as the dwellings to the south at 52, 54 and 56 West Street do.
- 8.11 The proposal is therefore considered to result in harm to the character and appearance of the area as it would erode the existing symmetry and spacious character of the existing two dwellings. Furthermore, the proposal relates poorly to its surroundings due to its orientation and is therefore considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

9.0 Residential Amenity

- 9.1 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 9.2 The proposed dwelling has four adjacent neighbours; 52, 54, 56 and 58 West Street.
- 9.3 The Design Guide SPD states that the distance between rear inter-visible windows should be a minimum of 20 metres which will require the rear elevation of a dwelling to be located at least 10 metres from the boundary. The proposed dwelling has a two windows on the side elevation which will be directly opposite the rear windows of the adjacent dwelling, 56 West Street. The first floor window serves an en-suite and drawing number P-6145-01 states that this window would be obscure glazed to avoid overlooking. The ground floor window serves a kitchen and this is approximately 10.2 metres from the rear elevation of 56 West Street. It is considered that the distance between these windows falls short of the distance set out in the Design Guide SPD and would result in a significant overlooking impact.

- 9.4 The proposed dwelling would be situated approximately 4.4 metres from the south elevation of 58 West Street. There are two windows on the elevation facing 58 West Street; one will serve a WC, which could be obscure glazed and the other is a rooflight to serve a boot room. It is considered that the proposal would not result in a significant overlooking impact to 58 West Street.
- 9.5 Given that the proposed dwelling is to the south 58 West Street, it is considered that the proposal could result in an overshadowing impact to the side elevation of 58 West Street; there are two windows on this elevation which both serve a sitting room. There are also three other windows serving this room and it is therefore considered that any overshadowing impact would not be significant enough to warrant refusal of the application on this basis.
- 9.6 It is considered that the proposal would not result in an adverse impact to numbers 52 and 54 West Street in respect of residential amenity given the separation distance between them.
- 9.7 It is considered that the dwelling would provide a good level of amenity to future occupiers; the plot is in excess of the 300sqm set out in the Design Guide SPD and the built form does not take up more than a third of the plot. The garden area provided is in excess of the 50sqm recommended in the Design Guide SPD.
- 9.8 The proposal is considered contrary to ENV 2 in respect of residential amenity as it would result in a significant overlooking impact to number 56 West Street due to insufficient distance being provided between direct facing windows as set out in the Design Guide SPD.

10.0 Historic Environment

- 10.1 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Listed Buildings.
- 10.2 Policy ENV12 of the East Cambridgeshire Local Plan, 2015 states that proposals that affect the setting of a Listed Building will only be permitted where they would:
- Preserve or enhance those elements that make a positive contribution or better reveal the significance of the heritage asset
 - Not materially harm the immediate or wider setting of the Listed Building
 - Facilitate the long term preservation of the building.
- 10.3 Policy ENV14 states that development proposals at or affecting all sites of known or potential archaeological interest will have regards to their impacts upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains, heritage assets and their settings.
- 10.4 To the north west of the site there are two Listed Buildings; Isleham Hall – 60, 62, 64, 66, 68 West Street (Grade II, LEN 1331733), which is now divided into separate dwellings and Barn and Warehouse, West Street (Grade II, LEN 1160729). As

noted in the 'Visual Amenity' section of this report, it is considered that given the presence of the two dwellings to the north and the separation distance between the proposed dwelling and the Listed Building, that the proposed dwelling would not result in harm to the setting of the Listed Building and would therefore comply with policy ENV 12 of the East Cambridgeshire Local Plan, 2015.

- 10.5 The County Council Archaeology Team have been consulted as part of the application and have commented that the wider site has been subject to archaeological investigation carried out against the conditions imposed on prior adjacent applications 15/01367/FUL and 14/00309/FUL and that this investigation identified significant archaeological remains in the southern half of the development area, comprising a circular structure which is thought to represent the foundations of a post-mill and for which a report of results on the subsequent open-area investigation of the archaeological remains is pending. They noted that the subsequent open-area excavation partially overlapped the northernmost part of the build footprint for the proposed new dwelling and therefore they considered that there may be limited additional information to be gained by additional evaluation trenching of the remaining area when weighed against the viability of the proposals.
- 10.6 They concluded by acknowledging that it is debateable whether such an evaluation could be considered justifiable under the terms of the NPPF but requested to be consulted again if the scale of the proposal changed, or if the proposed dwelling was re-positioned within the plot as this could represent a materially different balance of impact. It is considered that when taking the above consultation response in account that it would not be reasonable to impose a condition for archaeological investigation.
- 10.7 The proposal is therefore considered to comply with policies ENV 12 and ENV 14 of the East Cambridgeshire Local Plan, 2015.

11.0 Highway Safety and Parking

- 11.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. The Local Highway Authority has been consulted as part of the application and have no objection in principle as the development benefits from an existing access with the highway and the width shown on drawing number P-6145-02 is adequate to accommodate the additional dwelling.
- 11.2 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The plans show provision of a double garage to provide two parking spaces along with a parking and turning area, which would comply with the requirement for two parking spaces per dwelling.
- 11.3 The proposal is therefore considered to comply with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

12.0 Ecology and Trees

- 12.1 Policy ENV7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
- 12.2 It was considered under 14/000309/FUL that the proposal was unlikely to result in any adverse impact on biodiversity or protected species given the location of the site and the fact that no trees and hedges would be removed. The TPO trees are being retained and the plans show that new planting of native trees and hedgerow is proposed to provide biodiversity enhancements. Further enhancement could be secured by a suitably worded condition.
- 12.3 There are TPO trees adjacent to the site on the private road. The Trees Officer has commented that details of tree protection for the TPO trees adjacent to the site are required, along with a soft landscaping plan but that these could be secured by condition.
- 12.4 The proposal is therefore considered to comply with policy ENV 7 of the East Cambridgeshire Local Plan, 2015.

13.0 Flood Risk and Drainage

- 13.1 The site is entirely located within floodzone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The application form states that surface water will be disposed of via soakaways, however, this has not been shown on the plan. It is therefore considered reasonable and necessary that a scheme for the provision of surface water drainage should be secured via condition, if the application is approved.
- 13.2 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.

14.0 Planning Balance

- 14.1 The planning history and appeal decision form a material planning consideration for this application and it was considered that more than two dwellings in this location have been considered unacceptable on the grounds of harm to the character of the area, harm to the setting of the Listed Buildings to the North West and on highway safety grounds.
- 14.2 It is considered that the proposal would result in harm to the character and appearance of the area by virtue of the introduction of a third dwelling into the two existing plots and would result in an unbalanced appearance and erode the symmetry of the two plots. The dwelling relates poorly to its surroundings by virtue

of its orientation as the principal elevation faces into the garden and does not address a proper road frontage in accordance with the other dwellings in the locality.

- 14.3 The proposal is also considered contrary to policy ENV 2 in respect of residential amenity due to the insufficient distance between direct facing windows on the proposed dwelling and at number 56 West Street which would result in a direct overlooking impact.
- 14.4 The proposal is therefore considered to result in harm to the character and appearance of the area as it would erode the existing symmetry and spacious character of the existing two dwellings. It does not relate well to its surroundings due to its orientation. The proposal would result in significant harm to residential amenity due to a direct overlooking impact and is therefore considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

The application is therefore recommended for REFUSAL.

15.0 **APPENDICES**

- 15.1 Appendix 1 - Appeal Decision for 17/00896/OUT.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01030/FUL	Rachael Forbes Room No. 011 The Grange	Rachael Forbes Planning Officer 01353 665555
14/00309/FUL 15/01367/FUL 17/00896/OUT	Ely	rachael.forbes@eastcambs.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>