

MAIN CASE

Reference No: 15/00683/PDR

Proposal: Construction of extension to rear of property, positioning of Solar Panels of roof of garage, installation of Solar Tube and Flue pipe on rear roof slope.

Site Address: 47 Cardinals Way Ely Cambridgeshire CB7 4GF

Applicant: Mrs M Nettleton

Case Officer: Jon Pavey-Smith, Planning Officer

Parish: Ely

Ward: Ely East

Ward Councillors: Councillor Richard Hobbs
Councillor Lis Every

Date Received: 25 June 2015 **Expiry Date:**

[Q85]

1.0 **RECOMMENDATION**

- 1.1 Members are requested to Approve this application subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1.
1. Approved plans
 2. Time limit
 3. Materials

2.0 **SUMMARY OF APPLICATION**

- 2.1 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.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.2 Planning permission is being sought to erect a single storey extension to the rear of the property, positioning of Solar Panels on the roof of the garage, installation of a Solar Tube and Flue pipe on the rear roof slope of the dwelling. The proposed extension measures 5.2m x 3.0m with a ridge height of 3.8m sloping to 2.4m at the eaves. The extension will provide a kitchen/dining area. It is proposed to finish the extension in brick and roof tiles to match the existing dwelling with white UPVC or

German hardwood bi folding doors.

3.0 PLANNING HISTORY

3.1

E/99/0955/FUL Erection of 48 houses and Approved 27-04-01.
29 Flats

This permission removed the permitted development rights of the properties within the Cardinal Way development.

4.0 THE SITE

4.1

The site comprises a mid-terrace dwelling in a residential area within Ely Conservation Area. The dwelling is within a modern development which is of a relevantly high density. The boundary treatments to the garden are a 1.8m (approx) fence to both side boundaries with a 2m high wall to the rear boundary. Residential dwellings surround the site.

5.0 RESPONSES FROM CONSULTEES

5.1

Responses were received from the following consultees Ely Parish Council and East Cambridgeshire's Conservation Officer and these are summarised below. The full responses are available on the Council's web site.

Ely Parish Council - No Objections.

Conservation Officer - From a conservation viewpoint the extension is not visible in the public domain as there is a 2.0m (approx) high fence along the rear boundary to the site which limits views into the site from Back Lane. As the proposed extension is single storey, it would not be seen to be having a detrimental impact on the character or appearance of the conservation area. The introduction of solar panels on the garage and the flue to the rear roof slope would also not cause harm to the character or appearance of the conservation area.

5.2

Neighbours – 13 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Comments received from the following addresses:

- 45 Cardinals Way
 - 49 Cardinals Way
 - 15 Cardinals Way
 - 53 Cardinals Way
 - 41 Cardinals Way
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- The Points raised relate mainly to overall design and appearance and impact on neighbouring dwellings.

- The extension would be overly large and over bearing for its site in a sensitive Conservation Area. Therefore, this over development would compromise the prestigious design concept of which East Cambridgeshire District Council can be justifiably proud.
- Great care and thought has obviously been given to the overall design of the estate which received a CABA silver 'Building for Life' award in 2004. Therefore, it is especially important that the integrity of this prestigious development with its distinctive cohesive design is maintained.
- The planned extension is a straight forward regular rectangular shape showing no attempt to link harmoniously with the main dwelling. Overall the proposal would compromise the carefully planned estate. This overlarge extension would be the first unfortunate example in 15 years, of over-development in such pleasing and successful surroundings that make up Cardinals Way.
- It could also set an unwelcome precedent for any future applications for extensions, compromising the very 'excellent example of sensitive development' which CABA especially commended.
- The extension would restrict our sunlight and aspect to an unacceptably low level.
- The major building works intended for the interior ground floor No.47, to be carried out at the same time as the extension, would involve a serious risk of structural damage to our home as well to No.49.
- The parking arrangements between neighbours will be exacerbated if the proposal were to be approved
- The use of uPVC materials in the Conservation Area.
- The only access for the extension would be through the front doors blocking six residents vehicles access.
- There are no facilities to house a skip for removal of excavated soil, etc. from the site without causing major disruption and parking problems for neighbours.
- There would also be issues concerning Emergency Service Access.
- No.47 has a central rainwater pipe which comes down on the centre line of the new proposed roof ridge and will require diverting, most probably into shared rain pipe of neighbouring properties, thus doubling the capacity of water from the main roof into it.
- The solar panels will cause reflections from the sun into No41 Cardinals Way

- The applicant should be aware that No41 Cardinals Way will not permit access into No41's garden to install the panels.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2 Locational strategy
 ENV 2 Design
 ENV 11 Conservation Areas
 ENV 6 Renewable energy development

6.2 Supplementary Planning Documents

Design Guide
 Ely Conservation Area

6.3 National Planning Policy Framework 2012

7 Requiring good design
 12 Conserving and enhancing the historic environment
 10 Meeting the challenge of climate change, flooding and coastal change

7.0 PLANNING COMMENTS

7.1 The main considerations in the determination of this application are the impacts of the proposal on residential amenity, visual appearance and on the character and appearance of the conservation area.

7.2 **Residential Amenity**

7.3 Taking into consideration the height and proximity of the extension with the adjoining neighbours No49 Cardinals Way and No45 Cardinals Way, the location of habitable room windows and patio doors serving the rear elevations of both properties and the open aspect that both neighbours enjoy from their rear elevations; it is considered that the proposal will have some impact on the level of light and some impact on the level of oppressiveness felt to each adjoining properties rear garden. However, officers must also take into account the fact that this application is only required due to permitted development rights being removed for the property as part of the approval for the entire Cardinal's Way development. This condition was attached because of the high density of the development and to retain the quality of the design in the interest of protecting the character and appearance of the conservation area and the development as a whole. It has been suggested to both the agent and applicant to reduce the width of the extension to reduce the impact on the neighbouring properties. However, this suggestion was not taken forward, as it would create a very narrow kitchen and it would not be able to fit in the proposed kitchen units. Officers have taken into account the neighbour

letters from No 45 Cardinals Way and No 49 Cardinals Way regarding loss of light. Whilst it is acknowledged that the extension will reduce the light into No 45 Cardinals Way and No 49 Cardinals Way and will have an impact on the outlook from both kitchen's; due to the eaves of the extension being only 0.6m over the existing 1.8m high boundary fence and the positioning of the property, the loss of light is not considered significant enough to warrant the refusal of the planning application for the reasons of unacceptable impact to the residential amenity of neighbouring dwellings.

- 7.4 Officers have also taken into consideration concerns from neighbours that the extension will lead to the over development of the property which would lead to the host dwelling having a small amount of rear amenity space. The remaining garden will be approximately 45-50m², which is similar in size to the recommended amount of rear amenity space for new dwellings specified within the East Cambridgeshire Design Guide SPD. However, it must be noted that this is only guidance.
- 7.5 Concerns have been raised by No 41 Cardinals Way in relation to the impact of the solar panels reflecting into their rear elevation. The solar panels are 8m from the rear elevation of No 41 Cardinals Way and there are a small number of trees obscuring the solar panels from the rear elevation, it is therefore considered that the residential amenity of No 41 Cardinals Way will be retained to an acceptable level as the solar panels will not reflect into the rear elevation. In addition, the solar panels only cover a small proportion of the garage roof reducing their overall impact on the residential amenity of No 41 Cardinals Way.
- 7.6 On balance, the proposed extension is considered to comply with Policy ENV2 of the East Cambridgeshire Local Plan 2015 as whilst there would be some impact on the residential amenity of neighbouring properties, this impact is not sufficient to warrant a reason for refusal.
- 7.7 Impact on the Historic Environment**
- 7.8 From a Conservation Area viewpoint the extension will not be visible in the public domain as there is a 2m high wall along the rear boundary to the site which limits the views into the site from Back Lane. As the proposed extension is single storey, it would not have a detrimental impact on the character or appearance of the Conservation Area. It is considered that the rear elevations of Cardinals Way in this location is less sensitive to change than the front elevations due to the front being the public face of the dwellings in this location.
- 7.9 Regarding the introduction of the solar panels on the garage and the flue to the rear roof slope; it is considered the solar panels would not cause harm to the character or appearance of the conservation area. It should be noted that the installation of solar panels can be done under permitted development and these only need permission as permitted development rights have been removed.
- 7.10 It is considered that the proposed solar tube and flue pipe to the rear slope of the dwelling will not cause harm to the character or appearance of the conservation area. It should be noted that the Conservation Officer has no objections to the scheme.

- 7.11 The proposed plan states that materials to be used for the bi folding doors would be uPVC, however the applicant has advised the materials would be German Hardwood in a subsequent letter. It is recommended to add a condition requesting samples of materials to be agreed by the Local Planning Authority before the development commences. This is to stop any confusion and to ensure that the most appropriate materials are used in the proposed extension. This will also help to further protect the character and appearance of the conservation area by stopping any unattractive materials being used in the proposed extension.
- 7.12 As such, on balance the proposal is considered to be acceptable in design/visual amenity terms complying with Policy ENV11 of the East Cambridgeshire Local Plan 2015.
- 7.13 Other matters**
- 7.14 The removing of the permitted development rights on the original planning application (E/99/0955/FUL) is not considered to be unlawful and the condition is reasonable in all respects. A separate application has now been received by the applicant to remove the condition and this will be assessed as a separate issue.
- 7.15 Any issues with access to land or potential damage to third party property is not a material planning consideration and is a civil issue.
- 7.16 Pre-application is given to guide an applicant and concerns were raised at pre - application stage. It is made clear that other factors may come to light during the application process.
- 7.17 The private parking arrangement between neighbours is not a material planning consideration. The Emergency Service Access is not a material planning consideration. It is the applicant and builders responsibility not to block or hinder any of the car parking spaces of neighbouring dwellings.
- 7.18 Summary**
- 7.19 Whilst the matter is finely balanced and there would be some impacts in terms of residential amenity to neighbouring properties this impact is not deemed sufficient enough to warrant a reason for refusal. The proposed is considered to comply with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and the application is recommended for approval.

8.0 APPENDICES

8.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/00683/PDR	Jon Pavey-Smith Room No. 011	Jon Pavey-Smith Planning Officer

The Grange
Ely

01353 665555
[jon.pavey-
smith@eastcambs.gov.uk](mailto:jon.pavey-smith@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>