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**MAIN CASE**

**Reference No:** 18/00531/FUL

**Proposal:** Part two storey and part single storey extension with access to roof terrace

**Site Address:** Witcham Lodge Headleys Lane Witcham Ely  
Cambridgeshire CB6 2LH

**Applicant:** Mr & Mrs Freestone

**Case Officer:** Chris Hancox, Planning Officer

**Parish:** Witcham

**Ward:** Downham Villages  
Ward Councillor/s: Councillor Anna Bailey  
Councillor Mike Bradley

**Date Received:** 19 April 2018      **Expiry Date:** 1<sup>st</sup> October 2018

[T101]

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1.0 **RECOMMENDATION**

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

1 – The proposal is for a two storey side (northern) extension with a single storey garage and workshop behind, using external black featheredge timber cladding and slate roof tiles. Overall the proposal is considered to have a detrimental impact on the character of the conservation area by virtue of its inappropriate use of black featheredge boarding, which is a material associated with barns not historical houses, plus the large scale and massing of the extension. The proposal makes an attempt to be subservient to the host building, but the overall scale and massing (especially at 1<sup>st</sup> floor level) will have a detrimental dominant impact on the streetscene of the conservation area. It would introduce additional built form with a visibly dominant side elevation to the detriment of the conservation area, especially if the current vegetation screening is not in leaf or needs to be removed. The introduction of this additional built form is considered to make a negative contribution to the conservation area with no public benefit. Therefore, for the reasons given above, the proposal would fail to comply with Section 16 of the National Planning Policy Framework (2018), contrary to Policies ENV1, ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and Policies LP22, LP27 and LP28 of the Submitted Local Plan 2017.

2 – The proposal is for a two storey side (northern) extension with a single storey garage and workshop behind with a large 1<sup>st</sup> floor roof terrace on top. The proposed

large terrace at first floor level causes detrimental overlooking to the neighbour's (Witcham House) private amenity space (garden), as the front of the terrace (eastern elevation) will be immediately adjacent to the neighbours boundary (less than 10m) and in close proximity (under 20m) to the private rear garden, which is contrary to the East Cambridgeshire Design Guide. An attempt has been made to resolve this overlooking concern, with the addition of privacy screening (Mobilane Green Screen) attached to the northern elevation railings, added by the amendments dated 21st July 2018, but this does not go far enough to resolve the overlooking concerns. The neighbour (Witcham House) has a 2m high conifer hedge that provides a level of privacy screening to their private rear garden area, but this cannot be relied upon to be retained. As such, if this hedge is removed the proposed 1<sup>st</sup> floor terrace area will have unacceptable overlooking to the private garden space of Witcham House. This will cause a detrimental impact to the neighbour's privacy, so the proposal is contrary to Policy ENV2 of the adopted East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017, due to the significant harm to residential amenity.

3 – An Arboricultural Impact Assessment was submitted to the Authority on the 3<sup>rd</sup> July 2018. The Tree Officer has examined the submitted Arboricultural Impact Assessment and raised concerns with regards to the validity of the report, due to Root Protect Area (RPA) circle map errors (off centre). The applicant has not submitted a sufficiently accurate Arboricultural Impact Assessment to demonstrate that the proposal will not adversely affect the protected neighbouring trees, so is contrary to Policy ENV7 of the East Cambridgeshire Local Plan and Policy LP30 of the Submitted Local Plan 2017, which requires proposals not to adversely affect the treescape and preserve biodiversity.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the creation of a two storey side extension, plus a single storey extension behind, with a roof terrace. The two storey element of the proposal will facilitate a ground floor utility room, a vehicle entrance to the rear garage parking area (including recessed garage doors) and a workshop. The 1<sup>st</sup> floor will facilitate a bedroom, which will have double doors leading onto the garage/workshop roof large terrace area, with parapet wall and fixed wrought iron railings. The proposed exterior materials are black featheredge timber cladding, slate roof tiles (to match existing), white UPVC windows and doors to match existing.
- 2.2 The proposal originally included proposed additional circular portal windows into the approved sun-lounge room front elevation (facing the highway), approved under 16/01202/FUL, which has not yet been built. However, the amendment of the 21<sup>st</sup> July 2018 removed these windows from the application.
- 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.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.4 The application was called-in to Planning Committee by Councillor Anna Bailey as she is of the opinion that the “application would benefit from being heard by the Planning Committee”, so the applicant’s agent can be heard to address points raised.

### 3.0 PLANNING HISTORY

3.1

16/00397/FUL	Proposed sun-lounge and works to boundary wall	Approved	31.05.2016
16/00545/FUL	Proposed ground and first floor side extension	Approved	27.07.2016
16/01201/FUL	Proposed extensions revised design to previous application 16/00545/FUL	Approved	22.12.2016
16/01202/FUL	Proposed sun-lounge and works to boundary wall (amended design)	Approved	23.11.2016
16/01374/TRE	T1 SYCAMORE: Fell T2 HORSE CHESTNUT: Fell T3 HORSE CHESTNUT: Fell T4 HORSE CHESTNUT: Fell T5, T6, T7 YEWS x3: Fell	Approved	03.11.2016

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located to the east of Headleys Lane, just outside the development envelope of Witcham. The conservation area of Witcham wraps around the existing dwelling with a rear garden and long side garden (south) abutting the highway, which is located just outside of the conservation area boundary. The site comprises a historic detached two-storey dwelling, with an existing vehicle access leading directly to a side (northern) gravelled driveway area, which has enough parking for at least two cars, plus some manoeuvring space. The site backs onto fields in use as agricultural and horse grazing. Directly to the north west of the site is Witcham House, which has a large rear garden and a number of mature trees within its grounds, some of which are within close proximity to the application site boundary. Although Witcham House is not officially listed, it is an important building of local interest within the Witcham Conservation Area.

## 5.0 **RESPONSES FROM CONSULTEES**

5.1 Various responses were received which are summarised below. The full responses are available on the Council's web site.

Witcham Parish Council – Raises no concerns.

Ward Councillors (Councillor Anna Bailey) - requested the application be called into planning committee as she is of the opinion that the application would benefit from being heard by the Planning Committee, so the applicant's agent can be heard to address points raised.

Conservation Officer – Comments dated 12<sup>th</sup> July 2018:

*“Witcham Lodge is located in the Witcham Conservation area. The front elevation of the property fronts Headley Lane. The proposal seeks to add a two storey side extension in addition to the consented single storey extension on the east elevation. Headleys Lane consists of detached properties situated on generous plots with open vistas to the countryside beyond. The area is pleasantly characterised by trees, boundary walls giving a tranquil, sylvan appearance. The proposal looks to erect a two storey extension to the west elevation with a garage entrance with the single storey element stretching deep into the rear garden. The size of the proposal is considered to be excessive. Although the design of the proposal makes an attempt to be sympathetic in terms of roof profile and window details, materials, the overall impact of the proposal is considered to have a detrimental effect on the character of the conservation by virtue of its scale and massing and would reduce vistas beyond by introducing additional built form. The depth of the single storey extension to the rear will become visible from the public domain if the present trees screening this elevation are not in leaf or need to be felled. This will erode to the detriment of the conservation area the green and sylvan character that is currently in place. The introduction of additional built form is not considered to make a positive contribution. New development in conservation areas should seek to preserve or enhance the character and appearance which this present proposal fails to achieve. For the reasons given above the proposal is not supportable as it would fail to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as support by section 12 of the NPPF.”*

Local Highways Authority – Comments dated 24<sup>th</sup> May 2018: *“The highways authority objects to this application for the following reasons:*

1. *The proposed plans show that part of the building is to be constructed on the adopted highway. Unless or until this section of highway is stopped up consent cannot be granted for this area of highway to be built upon.*

*The area of highway in question is the proposed utility room. Our records indicate that part of this is shown to be on adopted highway. I would also note that there is currently a gate constructed on this section of highway. I would recommend that the applicant contact the CCC Definitive Mapping team to resolve this issue.*

2. *The access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore likely result in parking of vehicles on the highway and also the stopping and manoeuvring of vehicles on the highway to the detriment of highway safety.*

*The proposed gates leading to the parking area is not wide enough for vehicles to use practically and the parking area shown is not large enough to complete the required manoeuvres to leave this area in either a forward or reverse gear.”*

Local Highways Authority – Comments dated 10<sup>th</sup> Sept 2018 following amended plans – “I have no further objection or comment”

Trees Officer – Initial comments dated 31/05/2018:

*“I recommend we seek an Arboricultural Impact Assessment to provide information upon the trees and the root protection areas, to ensure that the development can be successfully achieved without damage to the trees to be retained.”*

Trees Officer – Comments dated 16/07/2018 following submission of the Arboricultural Impact Assessment: *“Having seen the Arboricultural report dated 21st July 2018, I can confirm that the Root Protection Area circles within the Tree Constraints Plan do not appear to align with the center of the tree plot points. This raises concerns regarding the validity of the report.”*

5.2 Neighbours – 3 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council’s website.

1 MARKET WAY – Supports the application. Stating that the proposal is visually appealing and the roof terrace is a good idea.

WITCHAM HOUSE – Raises following concerns with regards to:

- Overlooking from the proposed balcony and windows in the rear of the garage.
- Building near to their mature Lime Trees needs to be carefully considered.
- Location of proposal does not follow legal boundary
- Building right up to the boundary isn’t ideal and will require a party wall agreement.

5.3 A site notice was displayed on a telegraph pole on the High Street on 3<sup>rd</sup> May 2018. A further site notice was displayed on 17 August 2018 and the proposal was advertised in the Cambridge Evening News on the 23<sup>rd</sup> August 2018.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

ENV 1 Landscape and settlement character  
ENV 2 Design  
ENV 7 Biodiversity and geology  
ENV 11 Conservation Areas  
COM7 Transport Impact  
COM 8 Parking provision  
GROWTH 2 Locational strategy

### 6.2 Supplementary Planning Documents

Design Guide

### 6.3 National Planning Policy Framework 2018

- 2 Achieving Sustainable Development
- 12 Requiring good design
- 16 Conserving and enhancing the historic environment

#### 6.4 Submitted Local Plan 2017

- LP3 The Settlement Hierarchy and the Countryside
- LP22 Achieving Design Excellence
- LP17 Creating a Sustainable, Efficient and Resilient Transport
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

### 7.0 **PLANNING COMMENTS**

#### 7.1 The key issues to be considered in the determination of the application are:

- The principle of development
- Impact on the character and appearance of the conservation area
- Impact on residential amenity
- Highways
- Trees/Ecology

#### 7.2 **The Principle of Development**

7.2.1 The site is located outside the development envelope of Witcham and inside the Conservation Area of Witcham. The principle of the erection of a side extension has been established with planning approvals 16/00545/FUL & 16/01201/FUL, for a smaller scheme at 1<sup>st</sup> floor. The proposed application is for a similar development, but larger 1<sup>st</sup> floor, various internal alterations and inclusion of a large 1st floor balcony area.

7.2.2 A southern single storey side extension/sun lounge room has already been established under planning application 16/01202/FUL approved on 24th November 2016, which will increase the width of the building to the southern side elevation.

#### 7.3 **Impact on the character & appearance of the Conservation Area**

##### 7.3.1 Policy

Policies ENV1, ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and Policies LP22, LP27 and LP28 of the Submitted Local Plan 2017 requires that any development should take care to preserve or enhance the character and appearance of the Conservation Area and not have a detrimental impact. Also Section 16 of the National Planning Policy Framework (2018) requires that if there is any harm caused, it must be outweighed by public benefit.

### 7.3.2 Proposal

The proposal is to erect a two storey side (northern) extension with a single storey garage and workshop behind, using external black featheredge timber cladding and slate roof tiles. The front and side elevation of the proposed development will be visible from the streetscene of Witcham Conservation Area, especially during the winter months, when vegetation is not in leaf.

7.3.3 The site is located outside the development envelope of Witcham and inside the Conservation Area of Witcham. The principle of the erection of a side extension and garage plus workshop has been established under planning approvals 16/00545/FUL & 16/01201/FUL. The current application is for a similar side extension, but with a larger 1<sup>st</sup> floor, various internal alterations and the inclusion of a large 1st floor balcony area.

### 7.3.4 Northern Side Two Storey Extension

The Conservation Officer has objected to the proposed development stating that the Headleys Lane consists of detached properties situated on generous plots with open vistas to the countryside beyond. The area is pleasantly characterised by trees, boundary walls giving a tranquil, sylvan appearance. The size of the proposal is considered to be excessive. Although the design of the proposal makes an attempt to be sympathetic in terms of roof profile and window details, the overall impact of the proposal is considered to have a detrimental effect on the character of the conservation by virtue of its scale and massing and would reduce vistas beyond by introducing additional built form. The depth of the single storey extension to the rear will become visible from the public domain if the present trees screening this elevation are not in leaf or need to be felled. This will be to the detriment of the conservation area, which has green and sylvan character that is currently in place. The introduction of additional built form is not considered to make a positive contribution. New development in conservation areas should seek to preserve or enhance the character and appearance which this present proposal fails to achieve. For the reasons given above the proposal is not supportable as it would fail to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as support by section 16 of the NPPF. The case officer accepts and agrees with the majority of the conservation officer comments, however, it is noted that a similar ground floor and smaller 1<sup>st</sup> floor has already been approved under planning permission 16/00545/FUL & 16/01201/FUL, so the vista beyond has already been partially removed. With the current application the proposed 1<sup>st</sup> floor level is much greater in terms of scale and mass and previous approvals, which is causing less than substantial harm to the character of the conservation area, with no public benefit. Both local and national policy is clear that this application should be refused.

### 7.3.5 Materials

The current approved northern side extension under 16/00545/FUL & 16/01201/FUL proposes materials (including brickwork) to match the host building. Also the approved southern side extension/sun lounge room, also proposes brick work to match the existing dwelling. However, the current application proposes black timber featheredge boarding for the external surfaces rather than brickwork to match existing, as per previous approved applications, which will be out of keeping with the existing building, and local area. Especially as black timber featheredge

boarding is more associated with barns, rather than dwelling construction, which will erode the positive contribute that the current building has in the conservation area. As such the use of black timber featheredge boarding would be out-of-keeping with the host building and have less than substantial harm on the conservation area.

#### 7.3.6 Summary

Therefore over all the proposed northern side extension would have a negative impact to the conservation area with no public benefit, so fail to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as support by section 16 of the NPPF and contrary to Policies ENV1, ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and Policies LP22, LP27 and LP28 of the Submitted Local Plan 2017.

7.3.7 If the application is to be approved, the case officer recommends that a condition be added to require further details of external materials.

### 7.4 Residential Amenity

#### 7.4.1 Policy

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

#### 7.4.2 Northern Side Extension - balcony

Concern has been raised by the neighbour that the proposed 1<sup>st</sup> floor balcony area and rear windows of the garage and workshop will cause overlooking concerns. The ground floor windows will provide a certain amount of overlooking to the neighbour, but considering the low level of the windows and that they only facilitate light to the garage and workshop area, will not have a detrimental residential amenity impact.

7.4.3 However, the proposed large terrace at first floor level raises detrimental overlooking concerns to the neighbour's (Witcham House) private amenity space, as the front (eastern elevation) of the terrace will be immediately adjacent to the neighbours boundary (within 1m) and in close proximity (approx. 9m) to the private rear garden, which is contrary to the East Cambridgeshire Design Guide. An attempt has been made to resolve this overlooking concern, with the addition of privacy screening (Mobilane Green Screen) attached to the north elevation railings added on amendment dated 21st July 2018, but this does not go far enough to resolve the overlooking concerns at the eastern side of the terrace. The neighbour (Witcham House) has a 2m high conifer hedge that provides a level of privacy screening to their private rear garden area, but this cannot be relied upon to be retained. As such, if this hedge is removed the proposed 1st floor terrace area will be within close proximity and have unacceptable overlooking to the private garden space of Witcham House. This will cause a detrimental impact to the neighbour's privacy. Even though the proposed extension is within close proximity to the neighbouring boundary, the single storey flat roofed nature does not cause a detrimental overbearing impact. Therefore on balance the proposal is contrary to Policy ENV2 of the adopted East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017, due to the significant harm to residential amenity.

## 7.5 Highways/Parking

### 7.5.1 Policy

Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and Policies LP17 and LP22 of the Submitted Local Plan 2017, require proposals to supply adequate parking and seek to protect highway safety, including access to the highway.

### 7.5.2 Proposal

The proposal has a recessed vehicle entrance (3.3m wide), which leads to garage doors (3m wide) that open inwards to the ground floor garage area with parking for two cars. The existing driveway current provides a large parking area with enough parking space for two vehicles and some manoeuvring room. The original proposal was for a 2.5m wide garage entrance, which was increased to 3m on the amended plans of the 21<sup>st</sup> July 2018.

### 7.5.3 The Highways Authority objected to the original proposal on the following grounds:

- part of the proposal is on the adopted highway and as such this issue will need to be resolved.

- the access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore likely result in parking of vehicles on the highway and also the stopping and manoeuvring of vehicles on the highway to the detriment of highway safety.

- The proposed gates leading to the parking area is not wide enough for vehicles to use practically and the parking area shown is not large enough to complete the required manoeuvres to leave this area in either a forward or reverse gear.

### 7.5.4 The applicant has applied for 'stopping up' of the section of public highway that part of this proposal would be constructed on, which will remove the obstruction of public highway concern. Highways are not objecting any more, but the progression of the 'stopping up' application is not known at this time. There may be an update of this application for members at the time of the committee.

### 7.5.5 The case officer accepts the Highways Authority comments and notes that the revised plans (21<sup>st</sup> July 2018) resolve the garage width concern, providing more room for manoeuvring. It is also noted that the revised plans now provide similar ground floor parking, manoeuvring and visibility to the already approved planning applications 16/00545/FUL & 16/01201/FUL, which have a similar ground floor scheme, but without a garage door. Two car parking spaces will be retained as part of the current proposal and the revised plans show a more acceptable manoeuvring and entrance width. Therefore the proposal accords with Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and Policies LP17 and LP22 of the Submitted Local Plan 2017.

### 7.5.6 If the application is to be approved, the case officer recommends that a condition be added that retains the garage doors distance from the highway is maintained and a

condition to remove permitted development rights to construct gates across the entrance adjacent to the highway.

## **7.6 Impact on the Trees**

- 7.6.1 There are mature trees in the neighbouring grounds of Witcham House located in close proximity to the proposed development. The neighbour at Witcham House has raised concern that the trees might be effected by the proposed development and the Tree Officer has also raised similar concerns, so requested an Arboricultural Impact Assessment. An Arboricultural Impact Assessment was submitted as part of the application on the 3rd July 2018, which states that the proposal will have an incursion onto the route protection zone of the nearest large tree (approx. 2.7m), but as long as no root severance is involved, the roots within the encroached section should decline gradually and may cause only some crown die back.
- 7.6.2 The case officer notes that an application 16/01374/TRE was granted on 3<sup>rd</sup> November 2016 for the felling of various trees in close proximity to the boundary with the application site, which is due to expire on the 3<sup>rd</sup> November 2018. It has therefore been established that the loss of these trees is acceptable, even though some of the works may not yet have been performed. The nearest Lime tree (marked T1 on the Tree Constraints Plan from the Arboricultural Impact Assessment) was still in place during the site visit and the owner of the tree has raised concern regarding the proposal impact on this tree. Therefore whilst the Lime tree has permission to be felled, this is not in the control or ownership of the applicant, so the developer can't cause damage to trees that are not in the applicants control.
- 7.6.3 A concern has been raised by the neighbour that the proposed development should not have an adverse impact on the adjacent trees. The Tree Officer's initial comments were that due to the close proximity of the trees (all within the conservation area) an Arboricultural Impact Assessment, should be submitted. Following these comments the agent submitted an Arboricultural Impact Assessment on the 3<sup>rd</sup> July 2018. The Tree Officer has examined the submitted Arboricultural Impact Assessment and has raised concerns with regards to the validity of the report due to Root Protect Area (RPA) circle map errors (off centre). This concern was raised with the agent who has received confirmation from the report creators that they are satisfied the RPAs are accurate.
- 7.6.4 Summary  
The case officer accepts and agrees with the Tree Officer comments that the applicant has not submitted a sufficiently accurate Arboricultural Impact Assessment to demonstrate that the proposal will not adversely affect the neighbouring trees, so is contrary to Policy ENV7 of the East Cambridgeshire Local Plan and Policy LP30 of the Submitted Local Plan 2017, which requires proposals not to adversely affect the treescape and preserve biodiversity.
- 7.6.5 If the application is to be granted the case officer recommends a condition to be added that protects the roots of the nearby trees.

## 7.7 Other Material Matters

7.7.1 If Members are minded to approve the application, a materials condition, highways safety conditions and tree protection conditions should be applied to the decision.

## 7.8 Planning Balance

7.8.1 The proposed two storey side extension with single storey garage and workshop behind, plus a 1<sup>st</sup> floor balcony does provide two car parking spaces, meets highway safety standards and is considered possible to construct. However, this is out-weighted by the significant and demonstrable harm to the residential amenity of the neighbour (Witcham House), and the harm to the visual amenity of the host building, which will cause less than substantial harm to the character of the surrounding conservation area, with no public benefit. Additionally the applicant has not sufficiently demonstrated that the proposal will not adversely affect the neighbouring trees. The proposal is therefore contrary to Section 16 of the National Planning Policy Framework (2018), Policies ENV1, ENV2, COM7, COM8 and ENV11 of the East Cambridgeshire Local Plan 2015 and Policies LP17, LP22, LP27 and LP28 of the Submitted Local Plan 2017. It is therefore recommended that the members REFUSE the proposal, as defined in paragraph 1.1 of this report.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00531/FUL	Chris Hancox Room No. 011 The Grange	Chris Hancox Planning Officer 01353 665555 chris.hancox@eastc amb.s.gov.uk
16/00397/FUL	Ely	
16/00545/FUL		
16/01201/FUL		
16/01202/FUL		

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.eastcamb.s.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>