

**Applicant: Mr S Necker**

**Agent : Mrs Shanna Jackson  
Swann Edwards Architecture Limited**

**42 Tavistock Road, Wisbech, Cambridgeshire, PE13 2ER**

**Erect 2 x 2-storey 4-bed dwellings each with associated single garage, involving the demolition of garage**

**Officer recommendation: Grant**

**Reason for Committee: Number of representations contrary to Officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application is for the construction of two two-storey dwellings on the land at the rear of the existing dwelling. The site is located within the market town of Wisbech, and is on land within Flood Zone 1, the lowest flood risk.
- 1.2. An application for 2 pairs of semi-detached houses (4 dwellings) was refused in September 2021 on the basis of overdevelopment of the site and harm to neighbouring residential amenity. The current application has been amended from three dwellings to the two detached dwellings now presented to Committee.
- 1.3 It is considered that this application overcomes the previous reasons for refusal having reduced the number of dwellings and also increasing separation to neighbouring dwellings.
- 1.4 The application is therefore considered to be acceptable in terms of the relevant policies of the Fenland Local Plan (2014) and it is recommended to grant planning permission accordingly.

## **2 SITE DESCRIPTION**

- 2.1. The application site forms the majority of the garden land associated with the host property (No42). A garage building located within the site was to be removed to facilitate the development. However, this has recently been demolished owing to a car hitting it and it needing to be removed for safety reasons. At the time of the site visit the host property (No 42) had laid out new parking to the front of the dwelling.
- 2.2 The proposed dwellings would be located on land that was formerly the lawned area of the property. The site would be accessed from Tavistock Road.
- 2.3 The application site adjoins the rear gardens of nine properties along Colvile Road, whilst 5 and 8 Trafford Park adjoin the site to the north.
- 2.4 The site lies within Flood Zone 1 (Low Risk).

### 3 PROPOSAL

- 3.1 The application seeks full planning permission to erect 2 x 2-storey 4-bed detached dwellings each with associated single garage, involving the demolition of an existing garage.
- 3.2 The 2 detached dwellings would be of similar scale and appearance. Both properties would have ridged roofs with a 2-storey rear projecting gable element. The properties would both have an open porch to front, however plot 1 would have an attached single garage and plot 2 would have a detached single garage to the front of the dwelling.
- 3.3 The dwellings would be accessed down a private shared access driveway. To the front of plot 2 would be a detached single garage with additional space for 2 car parking spaces. Along the southern elevation of the proposed dwelling for plot 1 would be an attached single garage with two additional parking spaces to the front. Therefore, each plot is proposed to have 3 car parking spaces.
- 3.4 Each plot would have a reasonable sized garden to the rear enclosed by approximately 1.8-metre-high fencing. A 1.8-metre-high acoustic fence is proposed along the entire southwestern boundary of the site. A bin storage area is also proposed to be to the front of the site to the south of the access driveway and close to the entrance to the site from Tavistock Road.
- 3.5 The materials proposed for both dwellings are:
- Walls – Hoskins Flemish Antique
  - Roof – Redland Landmark Double Pantile in Terracotta Brindle
  - Windows – White UPVC
- 3.6 Full plans and associated documents for this application can be found at: [F/YR21/1392/F | Erect 2 x 2-storey 4-bed dwellings each with associated single garage, involving the demolition of garage | 42 Tavistock Road Wisbech Cambridgeshire PE13 2ER \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-and-building-control/planning-applications/F/YR21/1392/F%20Erect%202%20storey%204-bed%20dwellings%20each%20with%20associated%20single%20garage,%20involving%20the%20demolition%20of%20garage%2042%20Tavistock%20Road%20Wisbech%20Cambridgeshire%20PE13%202ER)

### 4 SITE PLANNING HISTORY

Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR21/0603/F	Erect 4 x 3-bed 2-storey dwellings; 1.8 metre high timber fence and parking for No. 42 involving demolition of existing double garage including formation of a new vehicular access	Refused	23 Sep 2021

### 5 CONSULTATIONS

#### 5.1 Wisbech Town Council

*That the application be supported, subject to the proposal according with any matters specified, or planning conditions required, by the Local Planning Authority*

#### 5.2 Environment & Health Services (FDC)

*The Environmental Health Team have 'No Objections' to the newly submitted information, and therefore any previous comments and/or requested conditions from this service are still relevant.*

### **5.3 Highways**

*The proposals will move the access to the opposite side of the pole that fronts the site. This is acceptable and I have no objections to planning permission being granted subject to the following conditions:*

*1. Within three months of the new access being brought into use the existing access shall be permanently closed by raising the dropped kerb and reinstating the footway to the same line, level and detail as the adjacent footway.*

*Reason: In the interests of highway safety.*

*2. Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.*

*Reason: In the interests of highway safety and to ensure satisfactory access into the site.*

*3. Prior to the first occupation of the development the proposed on-site parking / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.*

*Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.*

### **5.4 Local Residents/Interested Parties**

#### **Objectors**

8 Objections received through first consultation for 1 pair of semi-detached dwellings and 1 detached dwelling. Objections received from Trafford Park, Tavistock Road h and Colvile Road (all Wisbech).

10 Objections received through re-consultation for 2 detached dwellings. Objections received from Trafford Park, Tavistock Road and Colvile Road.

Objections for both consultations regarding:

- Overlooking/Loss of privacy
- Devaluation of properties
- Loss of View/Outlook
- Noise
- Visual Impact
- Access
- Backfill
- Density/Over development
- Drainage
- Environmental Concerns
- Out of Character
- Proximity to property
- Overshadowing/loss of light
- Against Policy
- Light pollution
- Smell

- Set a precedent
- Parking
- Traffic and Highways
- Design and Appearance

## **6 STATUTORY DUTY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

Para 2: NPPF is a material consideration in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 11: Presumption in favour of sustainable development

Para 12: Conflict with an up-to-date plan should not usually be granted

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 119: Promote effective use of land

Para 120: Opportunities and benefits of the reuse of land

Para 124: Making efficient use of land (density - need & character)

Para 125: Where land is limited, avoid building at low densities

Para 126: Creation of high-quality, beautiful and sustainable buildings and places

Para 130: Well-designed development

Para 131: Incorporation of trees into development proposals

Para 134: Development that is not well-designed should be refused, especially where it fails to reflect local design policies.

Para 159: Development should be directed away from areas at highest risk of flooding.

Para 174: Contribution to and enhancement of the natural and local environment.

Para 180: Harm to habitats and biodiversity should result in refusal.

### **7.2 National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **7.3 National Design Guide 2019**

C1 – Context –How well does the proposal relate to the site and its wider context

I1, 2 & 3 – Identity Well-designed, high-quality places that fit with local character

H1 & H2 – Homes and Buildings healthy, comfortable and safe places well related to external amenity space

### **7.4 Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP8 – Wisbech

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

## **7.5 FDC Delivering and Protecting High Quality Environments in Fenland SPD (2014)**

### **8 KEY ISSUES**

- **Principle of Development**
- **Character and Street Scene**
- **Residential Amenity**
- **Highways and Parking**
- **Other matters**

### **9 BACKGROUND**

- 9.1 The application has been through a number of re-drafts. An application for 2 pairs of semidetached houses (4 dwellings) was refused in September 2021. This was considered to be overdevelopment of the site. The current application was then submitted for 3 dwellings, (1 detached dwelling and 1 pair of semi-detached dwellings), which was still considered over development of the site. The application was subsequently amended to the current scheme for 2 detached dwellings.

### **10 ASSESSMENT**

#### **Principle of Development**

- 10.1 Local Plan Policy LP3 defines a settlement hierarchy for the district and seeks to steer development to the most sustainable locations. The settlement hierarchy specifies that the majority of new housing should take place in the four market towns.
- 10.2 Residential development within an established residential area within a Primary Market Town, such as Wisbech is considered to accord with the settlement hierarchy.
- 10.3 The principle of the development in this location is therefore broadly acceptable subject to detailed policy considerations being assessed and found acceptable.

#### **Character and Street Scene**

- 10.4 Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate that they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.5 The application proposes the construction of two detached dwellings within the garden of the host property, which is a backland form of development, with a shared drive and parking area to its front. The wider area within which the development is located has not been a location for backland development previously, and its character is comprised of the regimented, more orderly development along the geometric pattern of streets that is formed from Colville Road, Clarkson Avenue, Tavistock Road and Trafford Road and the considerably less dense, more organic pattern of development off Trafford Park and York Gardens. The current application has reduced the density of backland

development proposed and on balance this is considered acceptable as it bridges the gap between the more organic form of development and the more regimented development.

- 10.6 The application site would be visible across the existing land associated with the host dwelling due to the removal of the former boundary landscaping, and the proposed dwellings would as a result be visible from and form part of the street scene of Tavistock Road from which they are proposed to gain access.
- 10.7 The properties along Tavistock Road are mixed in character and scale. The properties are 2-storey either detached or semi-detached. Therefore, the scale of the proposed development is not considered out of character for the area.
- 10.8 The 2 proposed dwellings are considered of simple conventional design and generally in keeping with the area. There is evidence of brick facings, small amounts of render and small amounts of white/cream cladding on the properties surrounding the site. The proposed materials are Hoskins Flemish Antique brick walls and Redland Landmark Double Pantile in Terracotta Brindle tiles. Therefore, the design and appearance of the proposed development is not considered out of character for the area.
- 10.9 Therefore on balance no significant demonstrable harm is anticipated on the character of the area, or the street scene and the proposal is considered acceptable in terms of Policies LP16 (d) of the Fenland Local Plan 2014.

### **Residential Amenity**

- 10.10 Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.11 Residential amenity extends to a wide range of considerations, including privacy impacts, harm arising from noise generation, proximity of buildings resulting in overshadowing or overbearing impact etc. It is necessary to consider not just the amenity of the properties and residents of the dwellings adjoining the site, but also of the likely levels of residential amenity within the dwellings proposed to be located on an application site.
- 10.12 Each of the dwellings proposed meets the required minimum one third private garden area, as does the existing host dwelling.
- 10.13 With regard to the current application, there are several residential amenity matters that are relevant to the proposals. Matters such as construction noise are not a residential amenity consideration however, nor are any impacts that would not ordinarily be considered as part of the normal usage of the development proposed
- 10.14 The potential impacts of the proposed dwellings in residential amenity terms are considered to be as follows:
- Potential for overlooking of neighbouring dwelling
  - Potential overbearing impact on use of the neighbouring gardens
  - Potential for overshadowing of neighbouring gardens
  - Noise generation impacts as a result of use of the dwellings and the driveway/parking area

#### Overbearing impact

- 10.15 This matter relates to the impact that a scheme has on the enjoyment and use of neighbouring property, mainly gardens, from the proximity of a proposal to a shared boundary and the overall scale of the built form given that proximity.
- 10.16 The application in this instance proposes that the dwellings are located between approximately 2 metres and 3.9 metres from the southwestern boundary fence adjacent to the dwellings on Colville Road (Plot 1) (Previously 0.85m and 2.9m), and between 3.9 metres and 1.4 metres from the boundary to the northeast with 8 Trafford Park (Plot 2) (previously 1.25m and 1.4m). The proposed dwellings are approximately 5.2 metres high to the eaves (previously 5.3m), 8.3 metres to the ridge (previously 8.8m), and are max 12.7 metres deep from front to back (previously 9.6m). The element closest to the boundary with Colville Road would be the single storey garage.
- 10.17 One of the reasons given for the refusal of application F/YR21/0603/F was the anticipated harm to neighbouring amenity posed by the erection of 2 sets of semi-detached dwellings so close to the boundary of the site. The agent and applicant have overcome this reason for refusal by reducing the footprint of the proposed dwellings on site and moving the dwellings in from the side boundaries of the site as well as introducing a single storey element.
- 10.18 Therefore the impact on the residential amenity within the gardens of those properties would not be considered to be significantly demonstrably harmed and the scheme is considered acceptable to policy LP2 and LP16 in this regard.

#### Overlooking

- 10.19 Four windows are proposed on the north-eastern elevation of the Proposed dwelling on Plot 2. Three of these windows would be obscure glazed as they would service bathrooms and 1 would be for the stair way. The dwelling proposed to plot 1 does not propose to have any windows on its southwestern elevation. There are no properties directly beyond the rear of the site (southwest).
- 10.20 The dwelling proposed at plot 2 would be approximately 4 metres away from the boundary of the site to the northeast and approximately 18 metres away from the property to the northeast (No 8 Trafford Park). It would be approximately 10 metres away from the rear boundary of the site (south-eastern boundary).
- 10.21 The dwelling proposed at plot 1 would be approximately 2 metres away from the boundary to the southwest of the site and more than 14 metres away from the properties along the north-eastern side of Colville Road.
- 10.22 Therefore it is considered that owing to the position of windows and distance between the proposed dwellings and the existing properties surrounding the site, that the proposal would not cause significant demonstrable harm in terms of overlooking.

#### Overshadowing

- 10.23 As previously stated the distance between the proposed dwellings and the surrounding dwellings is sufficient at more than 14 metres in all directions, so that it is considered that no significant harm would be caused in terms of overshadowing of the existing dwellings neighbouring the site.

- 10.24 The proposed property at Plot 2 would be approximately 4 metres from the boundary of the site to the northeast therefore no considerable harm in terms of overshadowing of the garden to the northeast is anticipated.
- 10.25 The proposed property at Plot 1 would have an attached single storey garage attached to the southwest. Therefore the 2-storey section of the property would be approximately 5 metres away from the boundary of the site and therefore would not significantly overshadow the neighbouring property gardens to the southwest along Colville Road.

#### Noise

- 10.26 The proposal includes the creation of a private driveway serving the development and also providing access to parking spaces for the existing dwelling on the land. The application details show that this is proposed to be a permeable surface and that the parking provision is also permeable, however no specific materials have been indicated. An acoustic fence is detailed along the length of the southwestern boundary of the site. A standard close boarded fencing is to provide the boundary treatment along the south-eastern and north-eastern boundary of the site. No acoustic fence is indicated along the north-eastern boundary. It is also noted that the existing host dwelling is not indicated as having acoustic fencing surrounding its new garden area.
- 10.27 The use of the driveway and parking adjacent to neighbouring garden amenity land has the potential to result in disturbance to amenity and enjoyment of garden space that would not generally be the case. This is mitigated by the fact that the existing garage associated with the host property is located resulting in similar movements, however these would be at lesser intensity than would be the case for serving two dwellings and would not have extended as far into the site as is now proposed.
- 10.28 The potential for noise from the everyday occupation of the dwellings is not a material consideration given such 'normal' occupation of a dwelling would not result in unacceptable noise from an amenity perspective. Should abnormal normal result, then other controls exist under separate legislation.

#### **Highways and Parking**

- 10.29 Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 10.30 Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of four bedrooms or more, three parking spaces are required.
- 10.31 It is proposed to create a new access onto Tavistock Road, the other side of the existing telephone pole to the northwest of the site. A private driveway is suitable to serve the number of properties being proposed. It is noted that the Highways Authority have stated no objection to the scheme in terms of the access, and there is ample room within the application site for turning of vehicles in order to access the proposed parking spaces. The proposed garages internally would measure approximately 2.8 metres in width and 5.8 metres in length. Whilst this is not the recognised 3 metres by 7 metres required by the Local Planning parking standards there is sufficient space on site for 3 sufficiently sized parking spaces.



10.32 The external spaces are shown as being 2.4m x 4.8m, which is a common proposed size, however spaces should ideally be 2.7-2.9m wide (depending on if they are obstructed on one or both sides) and 5m long. There is sufficient space within the site to accommodate these standards, and a condition could be imposed to require a plan to detail this should permission be granted.

### **Other considerations**

10.33 Several other matters have been identified in relation to the proposal as part of the consultation process, including the impact on views from and value of neighbouring properties, the impact of construction works and the historic actions that have already taken place on the site in relation to demolition of the garages. These are not matters that are material to consideration of the proposal in terms of the use of the land for the construction of two dwellings and should not therefore affect the outcome of the application.

## **11 CONCLUSIONS**

11.1 The proposal is for the construction of four dwellings on the land, which currently serves as the garden land associated with the host dwelling.

11.2 The proposal has overcome previous reasons for refusal in terms of overbearing, high density over development and posing harm to residential amenity. By reducing the number of dwellings on site and moving them away from the site boundary.

11.3 Therefore, the proposed development is considered to be acceptable as it is considered that the proposal accords with policy in terms of principle of development and will not cause significant demonstrable harm in respect of character and street scene, residential amenity, highways and parking. As such, the proposed development complies with policies LP1, LP3, LP14, LP15 and LP16 of the Fenland Local Plan 2014.

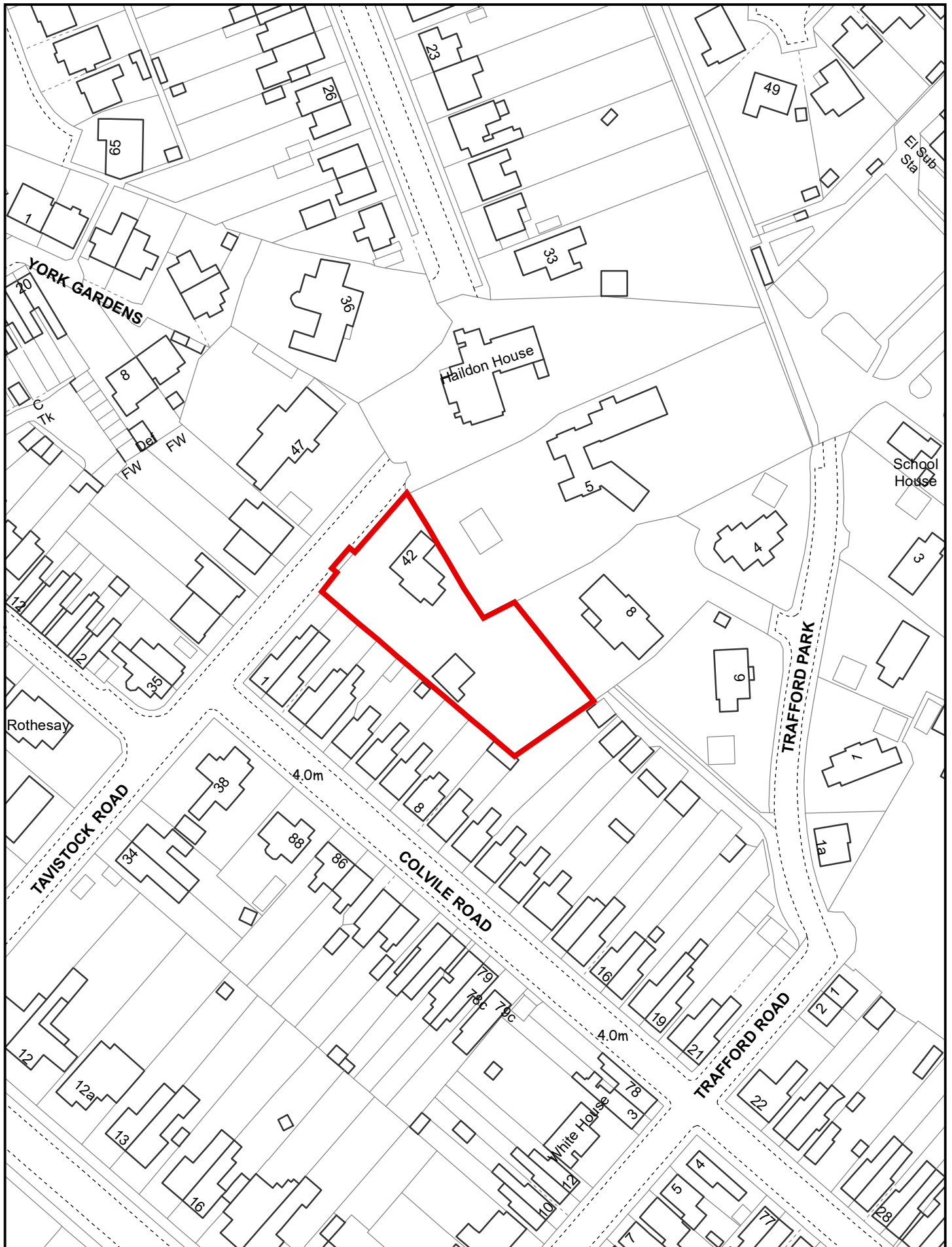
## **12 RECOMMENDATION**

GRANT; subject to the following conditions:

The proposed conditions are as follows;

- |   |
|---|
| <p>1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p>   |
| <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>   |
| <p>2. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.</p> |
| <p>REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with policy LP16 of the Fenland Local Plan 2014</p>   |

<p>3. Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.</p> <p>Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
<p>4. Notwithstanding the approved plans, prior to the first occupation of the development a scheme showing the proposed on-site parking / turning area shall be submitted to and approved by the local planning authority and the agreed details carried out and thereafter maintained in perpetuity.</p> <p>Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
<p>5. The 1.8-metre-high approved acoustic barrier fence shall be erected along the southwestern boundary of the development site prior to the first occupation of any part of the development hereby permitted. The fence/barrier shall be retained as such thereafter (notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason: To safeguard the noise environment of the surrounding locality, in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
<p>6. Before the development hereby approved is first occupied, the proposed 4 window(s) in the north-eastern elevation of the plot 2 property shall be glazed with obscure glass and fixed shut to a height of no less than 1.7 metres above the floor level of the room within which it is installed and so maintained in perpetuity thereafter.</p> <p>Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
<p>7. Approved Plans</p>



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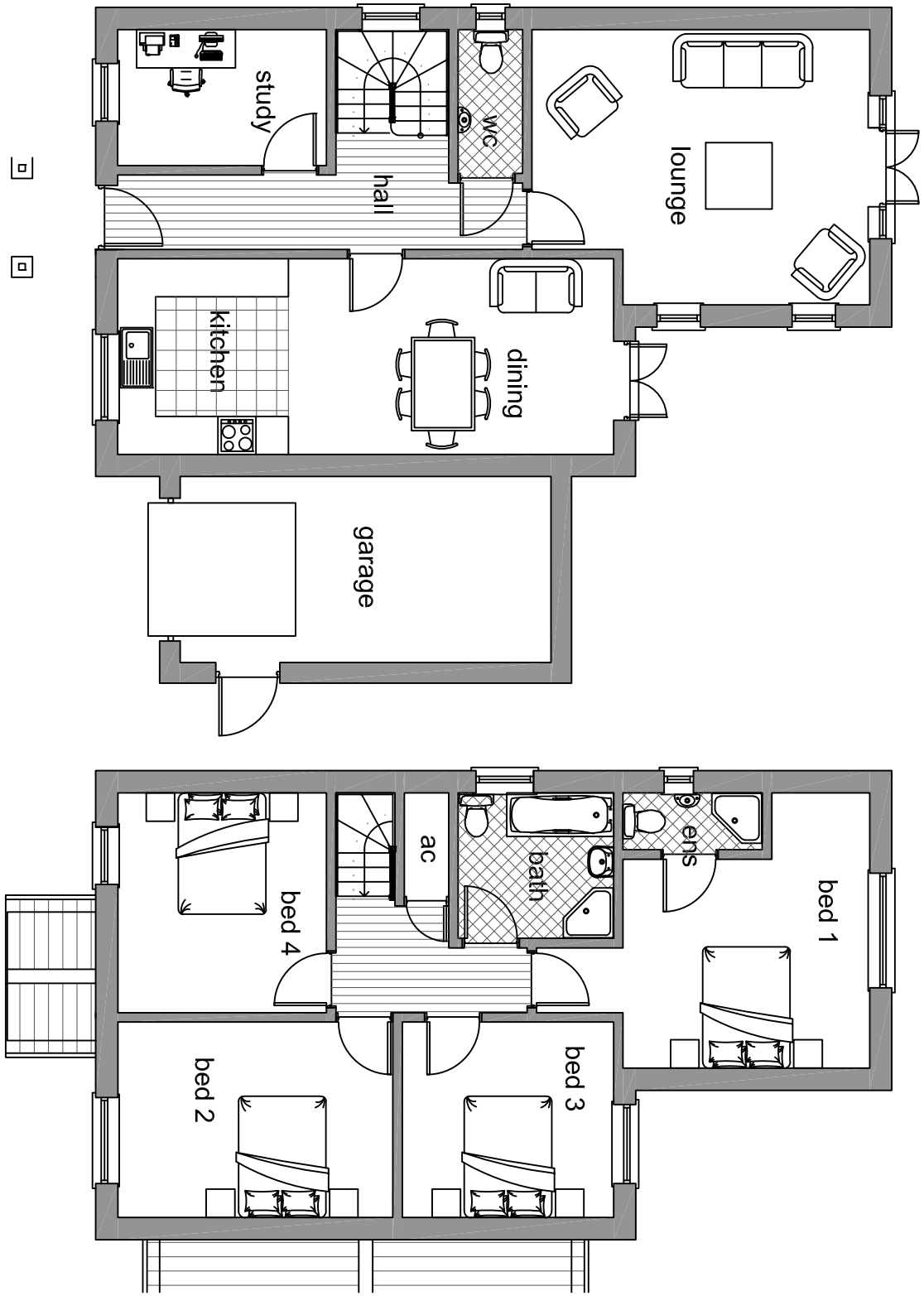
**F/YR21/1392/F**

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Fenland District Council





North West Elevation



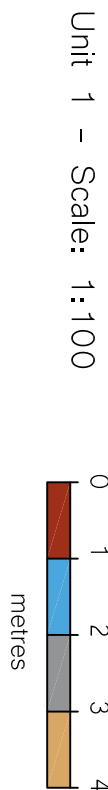
South West Elevation



South East Elevation



North East Elevation



Location Plan



ELEVATION KEY

1. Hatch indicates roof  
2. The contractor sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractor drawings and specifications.  
4. Any discrepancies are to be brought to the designers attention.
- Hatch indicates roof  
brickwork - headers  
Flemish Antique facing  
bricks
- Hatch indicates roof  
tiles - Redland  
Landmark Double  
Brickline in Terracotta  
Brickline
- White UPVC casement  
with brick soldier course  
above
- Redwater goods, black half round  
gutters and black round downpipes

AREA SCHEDULE

PROPOSED APPLICATION SITE AREA = 1811m<sup>2</sup> (0.44 Acres)

PLOT 1.2	
Ground Floor	= 70m <sup>2</sup>
First Floor	= 70m <sup>2</sup>
Total	= 140m <sup>2</sup>

SITE PLAN KEY

- Un-surveyed buildings  
taken from OS map
- Indicates Surveyed  
Structures
- Proposed development
- Existing vegetation
- Proposed paths
- Proposed trees and  
vegetation
- Proposed grass
- Proposed permeable  
shared drive
- Proposed permeable  
parking area
- Proposed crossover to Cambridgeshire  
County Council standards, 5k wide x 10m  
deep sealed and drained to ensure no  
land and view a vista
- Indicates tree protection

FOR APPROVAL

Revisions

F	Feb	Reduced Number of Units & Updated
	2022	Site Plan

SWANN  
EDWARDS  
ARCHITECTURE

A R C H I T E C T U R E

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Job Title

Proposed Residential Development  
4.2 Tavistock Road  
Wisbech

For: Mr. S. Necker

Drawn by  
JB

Checked by  
SJ

Job No.  
SE-1597

Drawn by  
AT

Revision  
F

Plans, Elevations, Site and  
Location Plans

Sheet Size  
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Revision  
F