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**F/YR23/0451/VOC**

**Applicant: Mr P Cornwell**

**Agent : Mr R Papworth  
Morton & Hall Consulting Ltd**

**27 Linden Drive, Chatteris, Cambridgeshire, PE16 6DZ**

**Variation of condition 6 (list of approved drawings) relating to planning permission F/YR21/0060/F (Erect a single-storey 3-bed dwelling with detached garage) relating to the on-site parking/turning area**

**Officer recommendation: Grant**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 This application seeks to vary condition 6, list of approved drawings, to allow for an amendment to the on-site parking/turning area at 27 Linden Drive.
- 1.2 A number of letters of objection have been received with regard to visual and residential amenity impacts should the scheme be approved. Permitted development rights were not removed as part of the original approval and if the treatment of the frontage of the dwelling were to be carried out in accordance with the original plans, considerable hard standing could subsequently be laid to the frontage as permitted development. This 'fall back' position is considered to carry significant weight in determining the application.
- 1.3 As such, a refusal of the scheme would be unjustified given that the works proposed fall within permitted development. As such, this application is recommended for approval.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated to the south of Linden Drive, Chatteris, a late 20th century estate of bungalows. The dwelling on site is a single-storey, 3-bed dwelling with detached garage, recently built and occupied. At the time of officer site visit in mid June, the front garden was semi paved.
- 2.2 There is also an existing turning head within the highway in front of the site and further vehicular access to both No.25 and 26 Linden Drive. The site is within Flood Zone 1. Part of the rear boundary abuts the Chatteris Conservation Area.
- 2.3 Neighbouring properties are situated to the east and west of the application site.

## **3 PROPOSAL**

- 3.1 This application seeks to vary condition 6, list of approved drawings, to allow for amendment to the on-site parking/turning area. The amendment proposes to increase the area of paved parking/turning to the front of the site, which was

originally proposed to be a grassed and planted front garden area. The parking and turning area will be constructed with Marshalls Charcoal Permeable paving, with gravel set around the dwelling and edges.

Full plans and associated documents for this application can be found at: [F/YR23/0451/VOC | Variation of condition 6 \(list of approved drawings\) relating to planning permission F/YR21/0060/F \(Erect a single-storey 3-bed dwelling with detached garage\) relating to the on-site parking/turning area | 27 Linden Drive Chatteris Cambridgeshire PE16 6DZ \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0451/VOC)

#### 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR21/3143/COND	Details reserved by Condition 2 (Materials) of planning permission F/YR21/0060/F (Erect a single-storey 3-bed dwelling with detached garage)	Approve 24/01/2022
F/YR21/0060/F	Erect a single-storey 3-bed dwelling with detached garage	Granted 20/05/2021
F/YR18/0115/O	Erection of 2no dwellings (outline application with matters committed in respect of access and layout)	Refused 27/03/2018
F/YR14/0189/F	Erection of a single-storey 3-bed dwelling with attached garage	Refused 30/05/2014
F/YR14/0040/F	Erection of a single-storey 3-bed dwelling with attached garage	Withdrawn 28/02/2014
F/YR03/0531/F	Erection of 2 x 2-bed detached bungalows with garages on previously approved Public Open Space	Withdrawn 19/02/2004

#### 5 CONSULTATIONS

##### 5.1 Chatteris Town Council

*Support.*

##### 5.2 Local Residents/Interested Parties

7 letters of objection were received with regard to the above development, 6 of these were from residents of Linden Drive, Chatteris and 1 of these was from a resident within St Stephens Drive, Chatteris.

1 letter of objection was received with regard to the above development from a resident situated within Devon, albeit the letter noted that the objector is a trustee owner of a property within Linden Drive.

The reasons for objection are as follows:

- Area now occupied was originally a green area
- Out of character
- Would form a car park which is not in keeping
- Colour of the blockwork is unsightly
- Application does not state a reason for the wish to extend the parking area
- Concerns regarding a business use/parking of commercial vehicles on site
- Nuisance of headlights and noise to neighbouring properties
- F/YR14/0189/F raised concerns over extensive block paving
- New bungalow dominates the road and detracts from the attractive appearance of the frontages of the original dwellings
- Devalue property
- Linden Drive cannot cope with an increase in traffic
- Residents agreed that half of the front and the left hand side of the bungalow would be garden or grass and did not agree to additional parking
- Already existing parking for 4/5 vehicles
- Not good for the environment and could create excessive run off
- Difficult for any visitors to park on the road
- No justification to vary or remove the condition
- Loss of privacy
- Previous applications rejected due to lack of green space
- The applicants can extend their existing drive by 5sqm without planning
- Car parking would cause neighbouring properties stress due to noise and fumes
- Believe bungalow not built in accordance with original drawing
- Safety issue from lack of parking for other residents

## **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).
- 6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7 POLICY FRAMEWORK**

- 7.1 **National Planning Policy Framework (NPPF)**
- 7.2 **National Planning Practice Guidance (NPPG)**
- 7.3 **National Design Guide 2021**

#### 7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

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

LP16 – Delivering and Protecting High Quality Environments across the District

#### 7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan.

Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP5 – Health and Wellbeing

LP7 – Design

LP22 – Parking Provision

### 8 KEY ISSUES

- Principle of Development
- Character of the Area/Conservation Area/Residential Amenity
- Other Matters

### 9 BACKGROUND

9.1 The original application F/YR21/0060/F was heard at planning committee on the 5<sup>th</sup> May 2021. The officer recommendation was for refusal for the following reasons:

*1. Policy LP16 seeks to deliver a high quality environment and for development to make a positive contribution to the street scene The proposal would result in the unacceptable redevelopment of an area of green space. The siting of the dwelling does not assimilate into the area by virtue of its forward position resulting in development that will be prominent in the streetscene. The contrived parking and turning area will impact on the amenity of both No.24 and No.26 Linden Drive due to the close proximity of the turning area. The proposal is therefore contrary to the provisions of Policy LP16 of the Fenland Local Plan 2014.*

*2. Policies LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and future occupiers. The proposal by way of its orientation and siting in relation to No 25 Linden Drive has the potential to adversely impact of the amenity of the occupiers of this property due to potential loss of light to habitable rooms. This would be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014.*

9.2 Permission was granted against recommendation and the Committee in their consideration of the scheme considered that the proposal would make a positive contribution to the street scene and enhance the area. Furthermore, it would not impact on the amenity of the adjoining residents and therefore complied with Policy LP16 of the Fenland Local Plan 2014.

## 10 ASSESSMENT

### Principle of Development

- 10.1 The principle of development has already been established under planning application F/YR21/0060/F. It is solely the implications of the provisions of the amendments proposed which may be revisited as part of the consideration of this proposal.

### Character of the Area/Conservation Area/Residential Amenity

- 10.2 Policy LP16 of the Fenland Local Plan 2014 seeks to deliver and protect high quality environments which should make a positive contribution to the local distinctiveness and character of the area. Development should not adversely impact, either in design or scale, on the street scene, settlement pattern or landscape character of the surrounding area. Policies LP16 and LP18 also seek to protect and enhance heritage assets. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant. Policies LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and future occupiers.
- 10.3 The provision of an extensive area of block paving to the front of the dwelling will introduce a visual change within the street scene from the approved scheme. Notwithstanding this, there is the inclusion of a number of dwellings which are almost entirely block paved/gravelled to the front of the dwelling such as Nos. 1, 3, 4, 6, 8, 10, 14, 16, 20, 22 and 32. Whilst the increase in block paving may be visually different, it is unlikely to introduce significant impacts upon the character of the surrounding area given the existing character along Linden Drive.
- 10.4 Part of the rear boundary of the site abuts Chatteris Conservation Area. The FDC Conservation Officer raised no objection to the original application on site and the introduction of the bungalow was not considered to impact upon then character of appearance of the Conservation Area. As such, it is not considered that the extended area of hardstanding to the front of the site would introduce any adverse character impacts upon the Conservation Area as it will not be visible from the Conservation Area.
- 10.5 The provision of a larger area of block paving could also result in vehicles being parked in close proximity to the existing close-boarded fence, which ultimately would result in vehicles parking in closer proximity to neighbouring property. Given that the parking will be used for residential purposes, it is unlikely that utilising this area for residential parking space would significantly impact upon neighbouring properties by way of noise or light disturbance. In addition to this, the existing close-boarded fence will partially obscure the view of parked vehicles from the existing windows to neighbouring property.
- 10.6 Notwithstanding this, Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – hard surfaces incidental to the enjoyment of a dwellinghouse states that development consisting of the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such is permitted development.

- 10.7 These permitted development rights were not removed as part of the original approval and if the treatment of the frontage of the dwelling were to be carried out in accordance with the original plans, considerable hard standing could subsequently be laid to the frontage as permitted development. This 'fall back' position is considered to carry significant weight in determining the application.

### **Other Matters**

- 10.8 A number of letters of objection were received with regard to the above development. Whilst some of these objections relating to visual and residential amenity have been addressed in the assessment above, the remainder will be addressed below.
- 10.9 Concerns were raised with regard to the application form not stating a reason for the wish to extend the parking area. This application is for a Variation of Condition to a previously approved application for a residential dwelling. As such, the parking/turning area will be used in connection with the dwelling. In addition to this, concerns were also raised regarding the potential business use on site. This application is not for a business use and therefore this cannot be considered as part of the assessment of this application.
- 10.10 The devaluation of property is not a material planning consideration and therefore cannot be considered as part of the assessment of an application and cannot constitute a reason for refusal.
- 10.11 Concerns were also raised regarding environmental impacts and the creation of excessive run off. The parking and turning area will be constructed with Marshalls Charcoal Permeable paving, with gravel set around the dwelling and edges to aid run-off. As aforementioned, the development could be carried out within permitted development rights given that the surface will be made up of porous materials. As such, the development could not be refused on this basis.
- 10.12 The application does not include any amendments to existing dropped kerbs or the provision of new dropped kerbs. As such, there should be no safety issues or impacts upon visitors parking on the road.

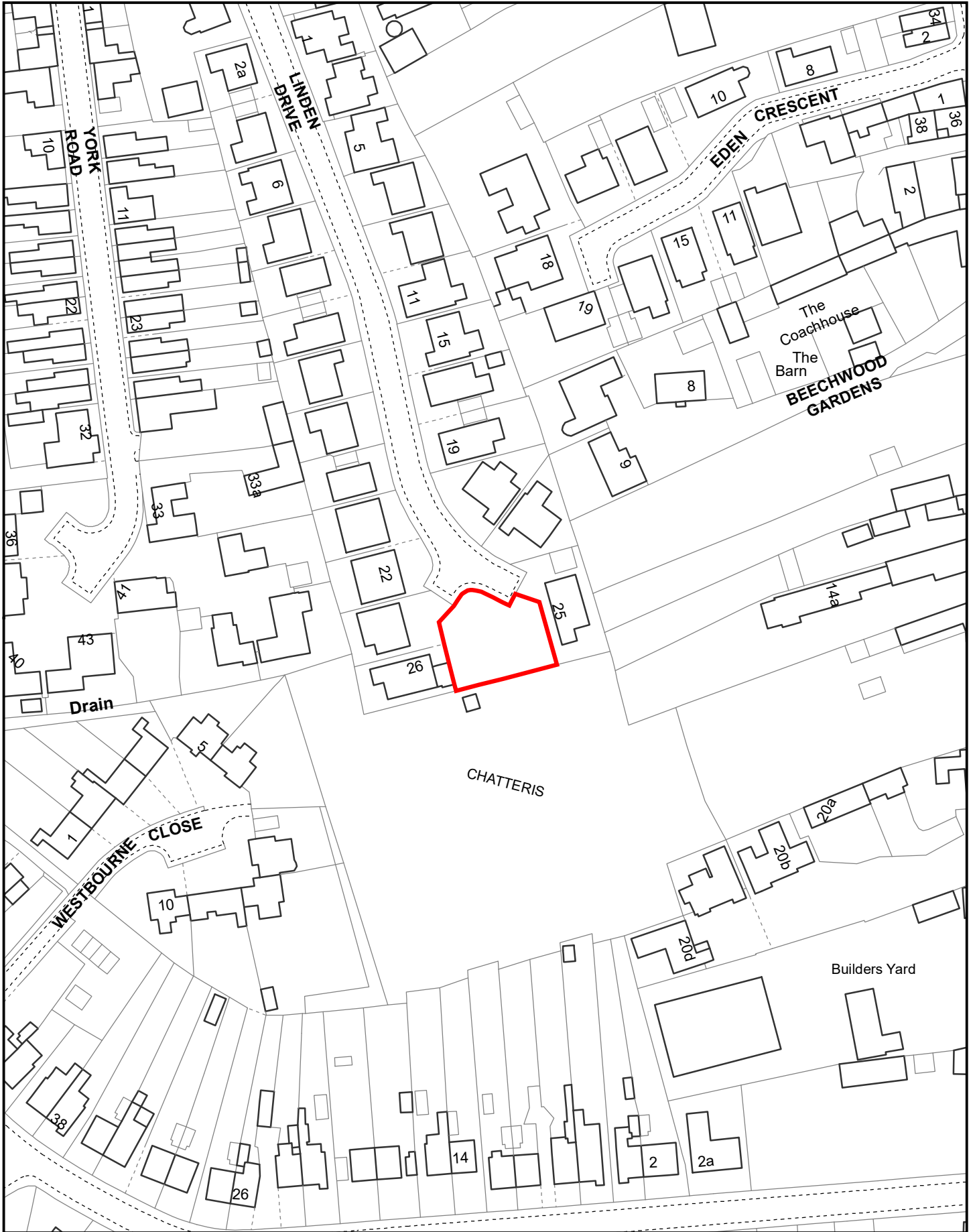
## **11 CONCLUSIONS**

- 11.1 The amendments proposed are not considered to introduce any significant impacts upon the character of the surrounding area, nor are they considered to significantly impact upon surrounding residential amenity. Schedule 2, Part 1, Class F permitted development rights were not removed as part of the original approval and if the treatment of the frontage of the dwelling were to be carried out in accordance with the original plans, considerable hard standing could subsequently be laid to the frontage as permitted development. This 'fall back' position is considered to carry significant weight in determining the application. As such, the scheme is considered to be compliant with Policies LP1, LP2, LP14, LP15 and LP16 of the Fenland Local Plan 2014.

## 12 RECOMMENDATION

**Grant**, subject to the following conditions:

1	<p>Notwithstanding the provisions of the Town &amp; Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:</p> <ul style="list-style-type: none"><li>i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);</li><li>ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and E);</li><li>iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);</li><li>iv) alterations to the roof of the dwelling house (as detailed in Schedule 2, Part 1, Class C);</li></ul> <p>Reasons –</p> <ol style="list-style-type: none"><li>1. To ensure that the Local Planning Authority retains control over the future extension, alteration and enclosure of the development, in the interests of protecting visual amenity and the character of this part of the area in which it is set.</li><li>2. To prevent overlooking of and/or loss of outlook from the neighbouring properties, in the interest of the protection of residential amenity.</li></ol>
2	<p>Approved Plans H7337/02D Existing and Proposed Site Plan, Garage Elevations and Floor Plans, Fence Details</p>



Created on: 01/06/2023

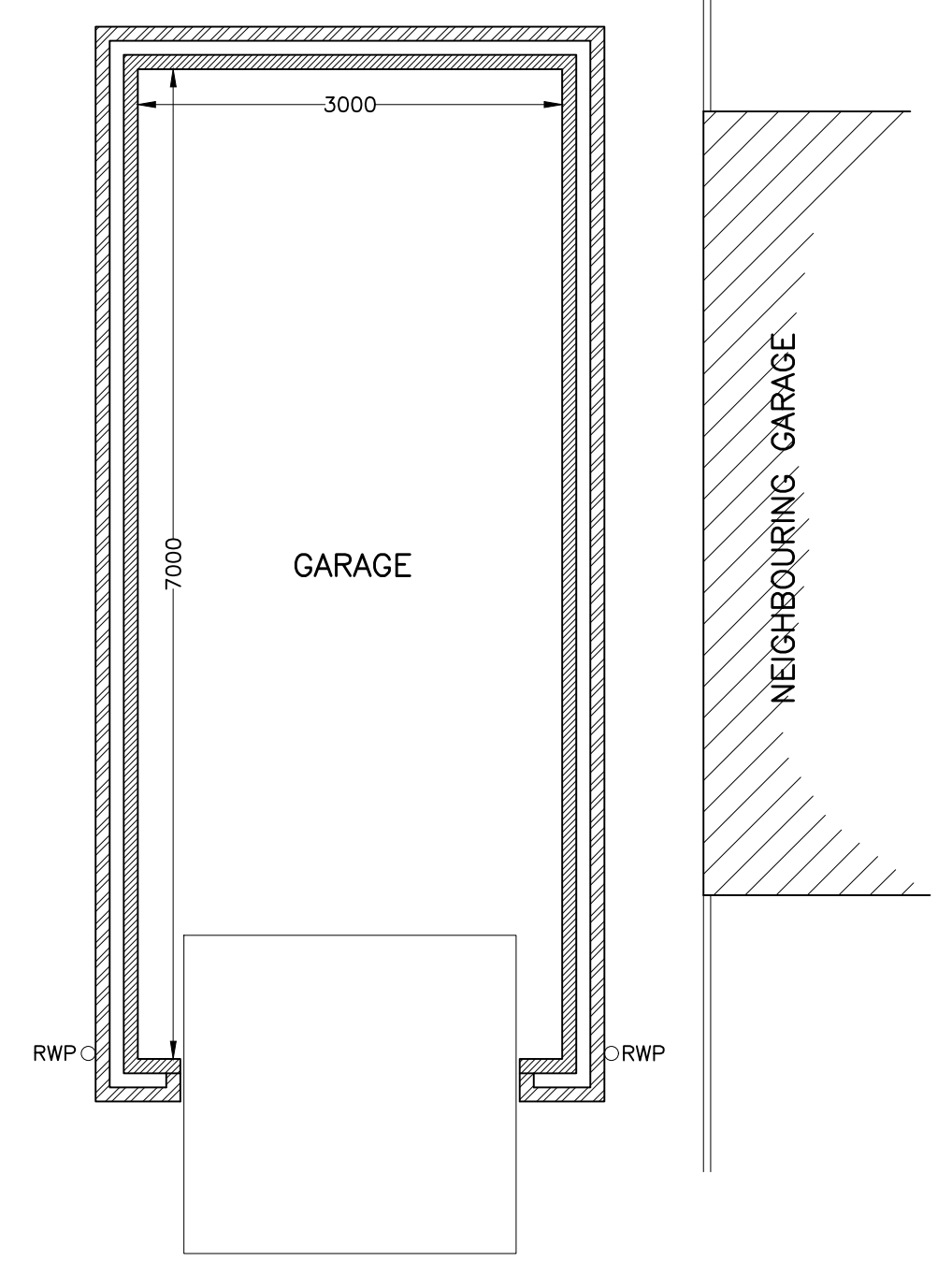
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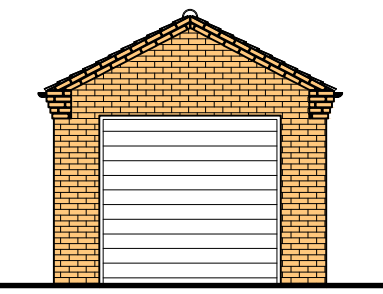
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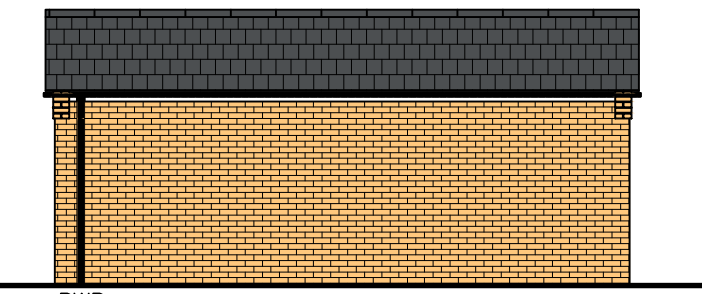




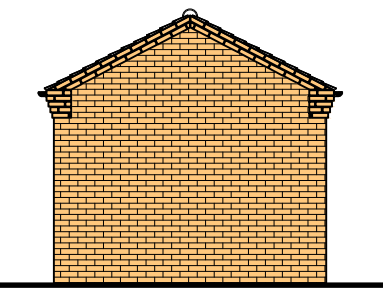
PROPOSED GROUND FLOOR PLAN (GARAGE) (1:50)



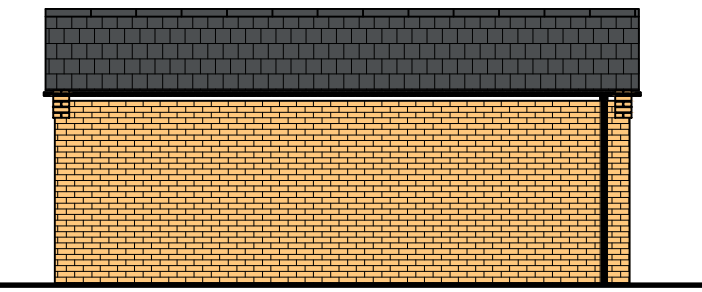
PROPOSED FRONT ELEVATION (1:100)



PROPOSED RHS ELEVATION (1:100)



PROPOSED REAR ELEVATION (1:100)



PROPOSED LHS ELEVATION (1:100)

ALONG THIS SIDE BOUNDARY ENSURE THERE ARE NO STRUCTURES/GREEN HOUSE/SHED ETC

ALONG THE REAR BOUNDARY ENSURE THERE ARE NO TREES GREATER THAN 2m HIGH

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Please read, if in doubt ask. Change nothing without consulting the Engineers.  
Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

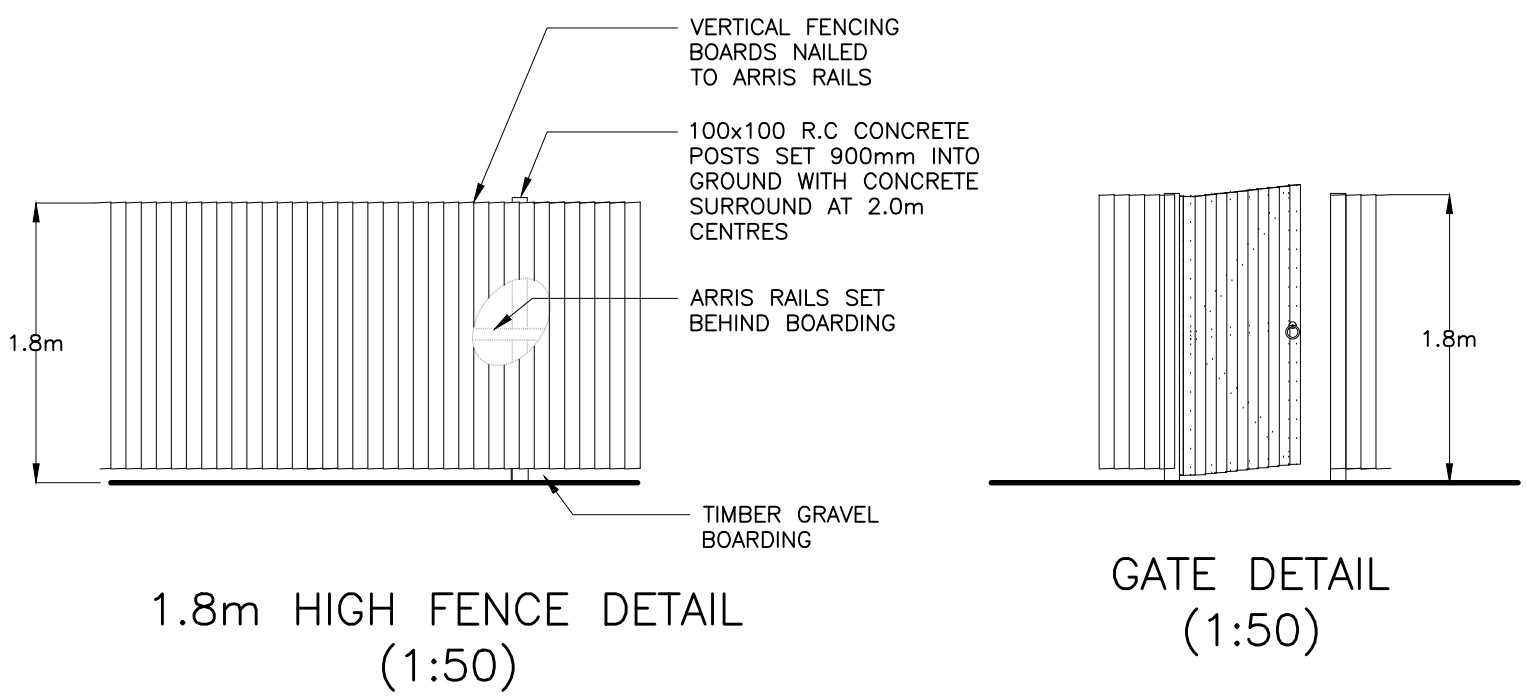
LEGEND

- CONCRETE SLABS (NON SLIP)
- PERMEABLE BLOCK PAVING (NON SLIP)
- WASTE BINS
- GRASS
- VEGETATION
- GRAVEL

PROPOSED SITE PLAN (1:200)



EXISTING SITE PLAN (1:200)



1.8m HIGH FENCE DETAIL (1:50)

GATE DETAIL (1:50)

D	DRAWING UPDATED	JUN 23
C	CLIENTS COMMENTS	JAN 21
B	CLIENTS COMMENTS	JAN 21
A	CLIENTS COMMENTS	DEC 20
	REVISIONS	DATE

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LAB Fenland District Council Building Design Awards winner Building Excellence in Fenland

CLIENT  
Mr P Cornwell

PROJECT  
Proposed Bungalow Adj 25 & 26 Linden Drive Chatteris Cambs, PE16 6DZ

TITLE  
Existing and Proposed Site Plans

DRAWN	R.Papworth	DATE OF ISSUE	
CHECKED		DRAWING NUMBER	H7337/02b
DATE	Dec 2020	SCALE	1:200