



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE
ELY, CAMBRIDGESHIRE CB7 4PL

Telephone: Ely (01353) 665555 (switchboard)
DX41001 ELY Fax: (01353) 665240

Mr & Mrs Kolwinders Atwal
C/o Len Dawkins
Dove Cottage
6 Crown Gardens
Little Downham
Ely
Cambs
CB6 2WT

This matter is being dealt with by:

Direct Dial: [REDACTED]
E-mail: [REDACTED]
My Ref: [REDACTED]@eastcambs.gov.uk
Your Ref: 04/01317/FUL

Dear Sir/Madam

14th December 2004

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following development:

Proposal: Five bedroom detached dwelling.
Location: Land Rear Of 91 Main Street Little Downham Ely Cambridgeshire CB6 2SX
Applicant: Mr & Mrs Kolwinders Atwal

This consent for planning permission is granted in accordance with your application reference **04/01317/FUL** registered 01.11.2004 and the plans, drawings and documents, which form part of the application subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990.
- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension/building hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that visually the development accords with neighbouring buildings to safeguard the character of the area.

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- 3 Prior to the commencement of development detailed drawings, at a scale of 1:20, of all external joinery shall be submitted for the prior, written approval of the Local Planning Authority. Such details shall show sections, opening arrangements and glazing bar patterns. All joinery shall be of timber construction. No work shall be carried out other than in accordance with the agreed details.

Reason : To ensure appropriate fenestration in the Conservation Area.

- 4 All rainwater goods shall be in cast iron or cast aluminium.

Reason : To ensure the use of appropriate materials to enhance the character of the conservation area.

- 5 Prior to the occupation of the development or commencement of the use hereby permitted the space indicated on the approved plan, shall be laid out for two cars to be parked, and for the loading/unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear, such space shall not thereafter be used for any purpose other than as described above.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway.

- 6 Adequate temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during construction.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway.

- 7 Prior to the commencement of development, visibility splays shall be provided on both sides of the access and shall be thereafter maintained free from any obstruction over a height of 600mm within an area of 2.0 x 2.0 metres measured from along respectively the back of the footway.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway.

- 8 If gates are to be provided to the vehicular access they should be set back 5.0 metres from the edge of the carriageway and made to open inwards only.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway.

- 9 Except as detailed on the approved plans no trees shall be topped, lopped or felled and no shrubs or hedges shall be removed without the approval of the Local Planning Authority.

Reason: To ensure that the existing landscaping features included on the site are retained and protected from damage during the course of construction works.

- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained. The boundary treatment shall be completed before occupation of the buildings, or commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority. Any existing boundary treatment shall not be uprooted or removed except where in accordance with the approved plan and shall be protected from building operations during the course of development.

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents.

- 11 Prior to any development, site works or clearance all the existing trees to be retained (as indicated by the approved plans) shall be protected by fences, of a type and position to be approved by the Local Planning Authority, erected around each tree or group of trees. Within the areas so fenced, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 50mm or more shall be left unsevered. (See British Standard BS 5837:1991 entitled "Trees in relation to construction").

Reason: To ensure that the existing landscaping features included on the site are retained and protected from damage during the course of construction works.

- 12 On occupation of the dwelling hereby approved, the access drive shall not be used for deliveries and service to the convenience store.

Reason: In the interests of residential amenity.

- 13 Notwithstanding the provisions of Classes A-E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking and re-enacting that Order), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to ensure that sufficient space is retained around the dwelling in the interests of neighbourliness and amenity.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking or re-enacting that Order), the garage accommodation shall not be adapted or used as living accommodation or trade/business use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the continued provision of off-street parking in accordance with the Local Planning Authority's standards in the interests of highway safety and the amenities of local residents.

- 15 Notwithstanding the provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that Order) no additional windows, doors or openings of any kind shall be formed in any part of the approved development without the permission of the Local Planning Authority.

Reason: To safeguard the reasonable residential amenities of adjoining properties.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 Approval has been granted because the proposal is broadly in accord with the policies of the current Development Plan. It is considered that it would not raise any adverse issues of either visual or residential amenity, or introduce any elements detrimental to highway safety that cannot be addressed by the imposition of suitable conditions. The design, siting and materials have been assessed as being in accord with the character and appearance of the locality.

- 2 The approved plans for this application are as submitted and the development should be completed strictly in accordance with these plans. Any amendments to the approved plans must be first agreed in writing by the Local Planning Authority.

- 3 The applicant/developers attention is drawn to the attached guidance notes issued by the Council on potential nuisance during development. All reasonable measures should be taken to prevent nuisance during demolition and construction works, with reference to those notes.
- 4 This decision has been made in accordance with Policies 1, 2, 34, 58, 59, 60 and 66 of the East Cambridgeshire Local Plan June 2000.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES **NOT** CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER

Dated: 14th December 2004



Executive Director Development Services

04/01317/ful – land rear of 91 Main Street, Little Downham

Five bedroomed detached dwelling

Site and surroundings

Site comprising the existing rear yard of 91 Main Street which is a two storey building comprising a shop at ground floor with accommodation over.

Proposal

The proposal comprises a two storey detached dwelling which, it is understood will be occupied by the occupier of the shop. It would have a maximum footprint of 11.2 by 10.2 metres with a flank wall of approximately 8.5 metres to the boundary with No 95. The maximum height would be 7.7 metres with a varying eaves height. Whilst materials have been specified these are not entirely to the satisfaction of the Conservation Officer who has requested certain conditions.

Consultations

Letters sent to 15 nearby addresses on 3 and 4 November 2004. No responses to date.

Parish council recommend approval as no objections were raised.

Policies

- 1 guiding principles of Plan
- 2 sustainability
- 34 sustainability
- 58 integration of development
- 59 appropriate design
- 60 appropriate design
- 66 parking standards

Relevant Planning History

99/0027/rm – erection of dwelling – approved March 1999.

04/00031/rma – renewal of above – approved March 2004

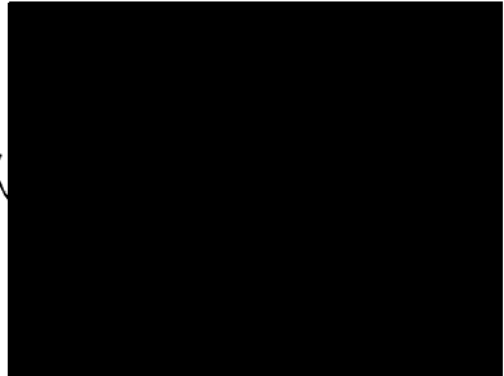
04/00832/ful – five bedroom detached dwelling – withdrawn September 2004

Analysis

The current scheme has been the subject of much negotiation and is described by the Conservation Officer as being acceptable as it does not have a detrimental effect on the adjacent Listed building or Conservation Area. It

is, however, a poor job from a very bad one. Several conditions relating to materials are recommended.

Given the previous history of the site it is considered difficult to resist the current application accordingly approval is recommended.





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DX41001 ELY Fax: (01353) 665240

Mr & Mrs Kolwinders Atwal
C/O Len Dawkins
6 Crown Gardens
Little Downham
Ely
Cambs
CB6 2WT

This matter is being dealt with by:

Direct Dial: [REDACTED]
E-mail: [REDACTED]
My Ref: [REDACTED]@eastcambs.gov.uk
Your Ref: 06/00298/FUL

Dear Sir/Madam

20th June 2006

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following development:

Proposal: Modification to position of five bedroom detached dwelling originally approved under 04/01317/FUL (retrospective)
Location: Land Rear Of 91 Main Street Little Downham Ely Cambridgeshire CB6 2SX
Applicant: Mr & Mrs Kolwinders Atwal

This consent for planning permission is granted in accordance with your application reference 06/00298/FUL registered 25.04.2006 and the plans, drawings and documents, which form part of the application subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990, as amended.
- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved plans.

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Reason: To ensure that the development visually accords with neighbouring buildings to safeguard the character and appearance of the area.

- 3 Prior to the commencement of development detailed drawings, at a scale of 1:20, of all external joinery shall be submitted for the prior, written approval of the Local Planning Authority. Such details shall show sections, opening arrangements and glazing bar patterns. All joinery shall be of timber construction. No work shall be carried out other than in accordance with the approved details.

Reason : To ensure appropriate fenestration in the Conservation Area.

- 4 All rainwater goods shall be in cast iron or cast aluminium.

Reason : To ensure the use of appropriate materials to enhance the character and appearance of the conservation area.

- 5 Prior to the occupation of the development or commencement of the use hereby permitted, the space indicated on the approved plans shall be laid out for two cars to be parked, and for the loading/unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in forward gear, such space shall not thereafter be used for any purpose other than as described above and retained in this way in perpetuity.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway and to ensure the required standard of on-site parking and turning is provided and maintained.

- 6 Adequate temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during construction.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway.

- 7 Prior to the commencement of development, pedestrian visibility splays shall be provided on both sides of the access and shall be thereafter maintained free from any obstruction over a height of 600mm within an area of 2.0 x 2.0 metres measured from along respectively the back of the footway.

Reason: To ensure the safety of users of the pedestrian footway at its juncture with the access to the site.

- 8 If gates are to be provided to the vehicular access they should be set back 5.0 metres from the edge of the carriageway and made to open inwards only.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway.

- 9 Except as detailed on the approved plans, no trees shall be topped, lopped or felled and no shrubs or hedges shall be removed without the approval of the Local Planning Authority. The development shall be carried out in strict accordance with the approved plans.

Reason: To ensure that the existing landscaping features included on the site are retained and protected from damage during the course of construction works.

- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained. The boundary treatment shall be completed before occupation of the buildings, or commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority. Any existing boundary treatment shall not be uprooted or removed except where in accordance with the approved plan and shall be protected from building operations during the course of development. The development shall be carried out in strict accordance with the approved scheme.

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents.

- 11 Prior to any development, site works or clearance all the existing trees to be retained (as indicated by the approved plans) shall be protected by fences, of a type and position to be approved by the Local Planning Authority, erected around each tree or group of trees. Within the areas so fenced, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 50mm or more shall be left unsevered. (See British Standard BS 5837:1991 entitled "Trees in relation to construction").

Reason: To ensure that the existing landscaping features included on the site are retained and protected from damage during the course of construction works.

- 12 On occupation of the dwelling hereby approved, the access drive shall not be used for deliveries and service to the convenience store.

Reason: In the interests of residential amenity.

- 13 Notwithstanding the provisions of Classes A-E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking and re-enacting that Order), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to ensure that sufficient space is retained around the dwelling in the interests of neighbourliness and amenity.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking or re-enacting that Order), the garage accommodation shall not be adapted or used as living accommodation or trade/business use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the continued provision of off-street parking in accordance with the Local Planning Authority's standards in the interests of highway safety and the amenities of local residents.

- 15 Notwithstanding the provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that Order) no additional windows, doors or openings of any kind shall be formed in any part of the approved development without the permission of the Local Planning Authority on a specific planning application.

Reason: To safeguard the reasonable residential amenities of adjoining properties.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 The approved plans for this application are those originally submitted, all stamped 'Approved Plan', and the development shall be completed strictly in accordance with these plans. Any amendments to the approved plans must be first agreed in writing by the Local Planning Authority.
- 2 This decision has been made in accordance with Policies 1, 2, 34, 58, 59, 60 and 66 of the East Cambridgeshire Local Plan June 2000.
- 3 This decision has also been made in accordance with Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003.
- 4 The applicant/developers attention is drawn to the attached guidance notes issued by the Council on potential nuisance during development. All reasonable measures should be taken to prevent nuisance during demolition and construction works, with reference to those notes.
- 5 Approval has been granted because the proposal is broadly in accord with the policies of the current Development Plan. It is considered that it would not raise any adverse issues of either visual or residential amenity, or introduce any elements detrimental to highway safety that cannot be addressed by the imposition of suitable conditions. The design, siting and materials have been assessed as being in accord with the character and appearance of the locality.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES NOT CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER

Dated: 20th June 2006



Executive Director Development Services

Officer Report

E/06/00298/FUL – Land R/O 91 Main Street, Little Downham – Modification to position of 5 bedroom detached dwelling originally approved under pp ref E/04/01317/FUL (retrospective)

Proposal: The proposal seeks planning permission for a modification to the position of the 5 bedroom detached dwelling originally approved under planning permission ref E/04/01317/FUL (retrospective).

Consultations:

- PC – No concerns;
- Neighbouring properties – 2 letters of representation received from the occupiers of No. 97 Main Street regarding the inaccuracies of the original plans, the proximity of the chimney, the reduction in distance of the dwelling 1.5 metres nearer to No. 97, the proximity and overbearing nature of the development;
- Ward Councillor – No comments received;
- Conservation Officer – No comment.

Analysis:

The proposed scheme is for the retrospective re-siting of the dwelling from that approved under the previous planning permission reference E/04/01317/FUL. This scheme is identical in terms of its overall design, massing, height and appearance, the principle of these issues being considered acceptable under the previous consent.

It was noted that the building was being erected at variance to the approved plans in terms of siting, moving 1 metre to the West. The dwelling is now 1.5 metres (not the previously approved 1 metre) from the East boundary, and 4 metres and 3.6 metres (not 5 metres and 4.5 metres as previously approved) from the Western boundary.

Given the previous consent, the lack of windows at first floor level in the Western elevation, the relationship, angles and distance of habitable windows in the proposed dwelling to the rear of neighbouring properties and their private amenity areas, this scheme does not significantly and adversely introduce any additional overlooking or lack of privacy over the previous consent. Equally, the massing is identical, and given the dwelling has migrated around 1 metre, the visual, amenity and overbearing impacts are not considered to be significantly harmful such as to warrant refusal.

The application, therefore, is recommended for approval.

Signed & dated – **Case Officer**

[Redacted Signature]

20/06/06

Signed & dated – **Team Leader DC**

[Redacted Signature]

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EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE
ELY, CAMBRIDGESHIRE CB7 4PL

Telephone: Ely (01353) 665555 (switchboard)
DX41001 ELY Fax: (01353) 665240

██████████
6 Crown Gardens
Little Downham
Ely
Cambs
CB6 2WT

This matter is being dealt with by:

██████████
Direct Dial: ██████████
E-mail: ██████████@eastcamb.gov.uk
My Ref: E/06/00298/FUL
Your Ref:

29th January 2007

Dear ██████████

Re: Land rear of 91 Main Street, Little Downham – detached dwelling

I refer to the above planning application which has been approved.

I note from the file that there are a few planning conditions which are still outstanding. I am also aware that the dwelling is near enough complete. The planning conditions required details/samples of materials to be submitted prior to the commencement of any development. Given the current situation, however, I would confirm the following:

The boundary treatment (existing boundary walls as shown on the approved plan), and the softwood joinery details, as specified on the application form, are acceptable to the Local Planning Authority. Providing that the works are carried out in accordance with these specified details, conditions 3 and 10 of the planning approval dated 20th June 2006 will have been satisfied.

With regard to the external materials used in the construction of the dwelling, I note that these have also been specified on the application form. The materials you have proposed for the above development are:

WALLS: Terca Old Ely Cream Multi
ROOF: Blue/Black Contessa Natural slate.

Provided that the development is carried out using the above materials, the requirements of condition 2 of the planning approval will have been complied with. If these materials have not been used, I would be grateful if you could let me know.

Yours faithfully



Senior Planning Officer

A copy of this letter will be attached to the public Planning Register

Mr K Atwal
C/O AJT Planning And Property Consultants Ltd
FAO: [REDACTED]
2a Chewells Lane
Haddenham
Ely
Cambridgeshire
CB6 3SS

This matter is being dealt with by

[REDACTED]

Telephone: 01353 665555
E-mail: [REDACTED]@eastcambs.gov.uk
My Ref: 10/00341/FUL
Your Ref:

Dear Sir/Madam

15th July 2010

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** for the following:

Proposal: Construction of single garage, garden shed and carport - retrospective.
Location: 93 Main Street Little Downham Ely Cambridgeshire CB6 2SX
Applicant: Mr K Atwal

This consent for planning permission is granted in accordance with the application reference **10/00341/FUL** registered 20th May 2010 and the plans, drawings and documents as listed,

Plan Reference	Version No	Date Received
LOCATION PLAN		20th May 2010
CH10/LBA/159/FP100		20th May 2010

Subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

- 1 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 1 REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on Drawing No. CH10/LBA/159/FP100. No additional or alternative materials shall be used unless otherwise agreed in writing by the Local Planning Authority.
- 2 REASON: To safeguard the character and appearance of the area, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 3 No development shall take place until a sample of the colour of render to be used in the construction of the external walls of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 3 REASON: To safeguard the character and appearance of the area, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 This decision has been made in accordance with the following policies CS1, EN2, EN5, of the East Cambridgeshire Core Strategy 2009

PPS1,PPS5, (National Planning Policy Guidance/Statements)
- 2 Approval has been granted because the proposal is broadly in accord with the policies of the current Development Plan. It is considered that it would not raise any adverse issues of either visual or residential amenity that cannot be addressed by the imposition of suitable conditions. The design, siting and materials have been assessed as being in accord with the character and appearance of the locality and Conservation Area.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES **NOT** CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER



Dated : 15th July 2010

Head of Planning & Sustainable Development Services

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



OFFICER REPORT

Application Number: 10/00341/FUL

Proposal: Construction of single garage, garden shed and carport - retrospective.

Location: 93 Main Street Little Downham Ely Cambridgeshire CB6 2SX

Applicant: Mr K Atwal

Agent: AJT Planning And Property Consultants Ltd

Case Officer: [REDACTED]

The Application:

The applicant constructed a garage, shed and carport without planning permission and the dwellings permitted development rights were removed when the original dwelling was approved. A previous retrospective application for the garage, shed and carport was refused in October 2009. This application reduces the overall length of the proposed building by 3.5 metres, reducing the length to 6.7 metres. The applicant proposes a pitched, tiled roof with slate tiles, with a maximum ridge height of 3.7 metres. The exposed block work would be rendered and the render would be painted a darker, earthy shade.

Relevant Plans:

Plan Reference	Version No	Date Received
LOCATION PLAN		20th May 2010
CH10/LBA/159/FP100		20th May 2010

The Site and its Environment:

The site comprises a detached, brick built, two-storey dwelling and its curtilage, situated within the development envelope and Conservation Area of Little Downham. The dwelling is set back from the road, situated to the rear of the village shop and sharing the same access. To the north of the dwelling is the village shop and post office and to the east, west and south of the dwelling are residential properties.

Planning History:

09/00593/FUL	Construction of single garage, garden shed and car port - Retrospective	Refused	15.10.2009
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Replies to consultations:

8 nearby addresses notified, site notice posted and advert placed in Cambridge Evening News – 2 letters of support received from 81 and 95 Main Street:

- Proposal is in keeping with the area;
- Proposal of a similar scale and design to other garages/carports within local area and makes considerable improvements to existing structure;
- Development is set back from Main Street by some 25+ metres and cannot easily be seen;
- No impact on residential amenity;
- No objection to the garage as it stands at the moment – I am next door and it is not visible and it is set well back from the road;
- No more than any property would have to house a family car, in fact smaller than most people would expect for a house of this size.

2 letters of objection received from 8 Oak Farm Drive and Taylor Vinters Solicitors on behalf of 97 Main Street:

- Building is unsightly when viewed from my home;
- Fear of undesirable use in the future and potential loss of privacy
- Further flouting of planning constraints since building has already been declined permission (after construction);
- Enforcement procedures to demolish building have not been followed through;
- Relative of mine just been refused permission, should they conduct in same manor;
- Extremely concerned and confused by new application following previous refusal;
- Amended proposal does nothing to overcome previous objections;
- The act of increasing the garage by adding a pitched roof increases impact on my clients' property, rather than improving;
- Council's objection to the unauthorised development clearly based on unacceptability of all the elements and fail to see how minor changes can have altered the situation, particularly when no change to the carport;
- Remains overbearing, inappropriate and unattractive, detracting seriously from character of Conservation Area and our clients' amenities;
- Clients are dismayed at apparent "volte face" of your conservation officer who has decided to ignore the car port;
- The cumulative impact of the developments as discussed is not supported by the wording of your refusal notice, to retain credibility decisions must be consistent and in this case when no changes proposed for the carport, then surely application must be refused and enforcement action taken to secure its removal.

Conservation officer – This is a retrospective application to make amendments to a previously unsympathetic and unacceptable design for a garage and storage area. The previous flat roof, large construction did not relate to existing building. Proposal sought to improve overall visual appearance of building, the addition of a dual pitched roof has provided shape to the structure and makes it more in keeping with the dwelling house. Removal of storage area and subsequent shortening of the building also helps create a much less bulky structure that is more in keeping with the size of the garage. Proposed change to render to a rough render (not pebbledash) finished in an earthy shade will help the building to blend into its surroundings and create a much less stark structure. Consent should be granted from a conservation perspective.

Parish Council – No concerns about this application

The Planning Policy Context:

East Cambridgeshire Core Strategy 2009

- CS1 Spatial Strategy
- EN2 Design
- EN5 Historic conservation

National Planning Policy

- PPS1 Delivering Sustainable Development
- PPS5 Planning for the Historic Environment

Planning Comments:

This proposal affects a property located within Little Downham Conservation Area and as such any development must take care to preserve or enhance the character or appearance of the Conservation Area. This application is partially retrospective as it seeks to make amendments to a previously refused retrospective application. The previous design of the garage and shed was of flat roof construction and did not relate to the existing building. This proposal has sought to improve the overall visual appearance of the building in accordance with the conservation officer's comments.

The main considerations in determining this application are the impacts of the proposal on residential amenity, visual amenity and on the character and appearance of the Conservation Area.

The previous application was refused due to the impact of the proposal on residential amenity, in particular on 8 Oak Farm Drive. Although the structures did not introduce any overlooking, the size combined with its position on the boundary was considered to be overbearing and the cumulative affect of all the proposals considered to be to the detriment of the character and appearance of the Conservation Area.

This application removes the shed, which was situated to the rear of the site and pulls the structure away from the rear boundary by 3.5 metres. It is therefore considered that although the roof would be changed from a flat roof to a pitched roof, the reduction in the length of the building away from the rear boundary would greatly reduce any impact on the residential amenity of the dwelling to the rear. It was not considered that the previous application or this current application had any detrimental impact on the residential amenity of 97 Main Street, which is some 36 metres from the proposed carport. Sections of the pitched roof would be visible from the extended rear garden of 97 Main Street, however, the proposal is single storey and it is considered that there is no adverse impact on residential amenity.

The proposed carport is attached to the side elevation of the dwelling and the garage is situated to the rear, approximately 25 metres back from the road. The front elevation of the garage and carport would only be visible within the streetscene when viewed head on. The

proposed changes to the roof of the garage and the materials would improve the overall visual appearance of the proposal.

The addition of a dual pitched roof has provided shape to the structure and makes it more in keeping with the dwelling. The removal of the storage area and subsequent shortening of the building also helps create a much less bulky structure. The proposed change to a rough render, finished in an earthy shade will help the building to blend into its surroundings. The exact colour of the render would be secured by condition. The carport is constructed with wood.

The conservation officer has recommended that consent should be granted from a conservation perspective.


If the applicant wished to use the garage for another use, which was not ancillary to the main dwelling then a change of use application, would be required. Comments have been received in relation to the applicant constructing the garage and the carport without planning permission and the lack of enforcement action. The enforcement officer has spoken with the applicant on a number of occasions and have monitored the situation to ensure a new application or an appeal was submitted.

It is considered that it would not raise any adverse issues of either visual or residential amenity that cannot be addressed by the imposition of suitable conditions. The design, siting and materials have been assessed as being in accord with the character and appearance of the locality and Conservation Area. This application is therefore recommended for approval.

RECOMMENDATION: Approve

- 1 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 1 REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on Drawing No. CH10/LBA/159/FP100. No additional or alternative materials shall be used unless otherwise agreed in writing by the Local Planning Authority.
- 2 REASON: To safeguard the character and appearance of the area, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 3 No development shall take place until a sample of the colour of render to be used in the construction of the external walls of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 3 REASON: To safeguard the character and appearance of the area, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.

Signed and dated:

 14/7/10

Case Officer

 14/7/10

Principal Development Control Officer