OFFICER REPORT

Case No: 24/02242/HHFUL Householder (Full)

Proposal: Single/two storey rear extension and loft conversion

Location: 5 Bridge Terrace London Road St Ives

Applicant: Mr David Harrocks

Grid Ref: 531118 270850

DESCRIPTION OF SITE AND APPLICATION

5 Bridge Terrace is a two-storey dwelling located in St Ives and within the St Ives Conservation Area. There are Grade II Listed Buildings within the same terrace (to the south-west) and a Grade II* Listed wall to the north-east (though neither are directly attached to the dwelling). The site is within Flood Zones 2 and 3.

This application seeks permission for the erection of a two and single storey extension to the rear of the dwelling as well as the conversion of the roofspace including addition of rooflight to front elevation and dormers to the rear.

This is a revision to the earlier withdrawn application 24/01366/HHFUL. The main changes are that the design of the rooflight to the front has been amended as has the design of the rear extensions and dormer. The depth of the rear extension has also been reduced.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):

* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed, beautiful and safe places;
* conserving and enhancing the natural, built and historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

LP5: Flood Risk
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP17: Parking Provision and Vehicle Movement
LP31: Trees, Woodland, Hedges and Hedgerows
LP34 Heritage Assets and their Settings

Huntingdonshire Design Guide Supplementary Planning Document (2017):

* Place Making Principles parts 3.7 Building Form and 3.8 Building Detailing

St Ives Conservation Area Character Assessment (2007)

Local policies are viewable at https://www.huntingdonshire.gov.uk

RELEVANT PLANNING HISTORY

24/01366/HHFUL - Erection of single/two storey rear extension and loft conversion to include roof lights to front pitched roof and dormer windows to rear (Withdrawn)

CONSULTATIONS

St Ives Town Council recommend approval.
HDC Arboricultural Officer - No representations received at the time of determination.
HDC Conservation Team - No representations received at the time of determination.
Historic England - No advice to offer, seek views of internal heritage advisers.

REPRESENTATIONS

Six objections have been received and these are available to view on HDC's Public Access Site but are broadly summarised below. Of these six, three originate from or are on behalf of number 4 Bridge Terrace.

*Concerns about competence of consultants and feels applicants have not been given advice of facts
*Concerns about details submitted as part of application/clarity on plans
*Impacts upon health of occupants of number 4
*Consider that consultation hasn't happened correctly
*Applicants discussed with number 6 but they did not understand scope of works
*Loss of light/shadowing of living areas of both adjacent properties and neglect of 'right to light'
*Concerns about impact on structure of adjacent properties/boundary walls
*Need Party Wall Agreement (and associated considerations)
*Concerns about structural/general impacts on adjacent properties
*Concerns about dust, potential asbestos exposure and disruption during development phases
*Concerns about installation of roof window and impact on Listed Buildings within terrace
*Concerns that loft conversion does not meet space standards
*Location of rear extension close to the boundaries/location of extension close to the boundaries
*Access onto other people's properties/access area to the rear
*Concerns about parking
*Works has already begun on boundary wall to rear by applicant
*Informal comments provided by case officer under earlier application
*Concern about increased mass of property
*Concern about lack of understanding of planning by interested parties

*Detailed Design & Access Statement required
*Impact on health and wellbeing
*Impact on Conservation Area
*Increase in utility bills due to the need for artificial light
*Maintenance of property (glass/plastic sheeting etc)
*Flood Risk
*No letter from Council to notify of development
*Scheme is worse than previous proposals

It should be noted that the applicants have submitted a response to these objections which is also published on the Public Access Site but broadly covers the following matters:

*Adjacent properties have larger extensions than proposed here
*Discussions have been held with neighbours and were notified upon submission
*Unsympathetic materials in place on each property
*Amendments made to one of the properties worsen issues raised (light etc)

All of the matters raised within the objections which are material planning consideration are addressed in the proceeding sections of this report. The Local Planning Authority (LPA) cannot however consider matters relating to matters surrounding health and wellbeing concerns, legal and boundary disputes, Party Wall Agreements (and any other legalities surrounding these), civil matters surrounding damage to land or property (structural or otherwise), enforce correspondence/consultation between parties, deal with added costs (utility bills etc), disruption or aspects arising from the development or access issues.

It is further noted that concerns are raised that the applicants may not be fully furnished with facts which has led to incorrect details being provided. The LPA are satisfied that there is sufficient detail to determine the application. Any advice provided to the applicants under the earlier withdrawn application was informal and made without prejudice. All applications are assessed upon their own merits and this application has been reviewed as such regardless of third-party views in comparison of the earlier and current plans. The LPA is also satisfied that all notifications have been completed in accordance with legislation and a site notice has been displayed since the 6th of December 2024. A press notice was also published in the Hunts Post in the 11th of December 2024 edition. Concerns have been raised that all interested parties may not understand procedure or planning laws, but this is unfortunately not a matter which the LPA can control. It has exercised its duty in advertising and notification and, on some occasions it may be necessary for interested parties to engage a professional for advice where required.

Any matters referred to which are considered civil matters can be dealt with via legal processes (separate to planning) and an informative note regarding the Party Wall Act shall be added to the permission. If, as suggested, any works have been undertaken (which would be in breach of any planning regulations having regard to permitted development rights) the Council has a mechanism for reporting such matters. It is unclear if any breach has occurred based upon the comments provided. Any works undertaken in breach of planning regulations could leave the applicant exposed to enforcement action.

SUMMARY OF ISSUES

The main issues to consider in the determination of this application are:

- Design, Visual Amenity and Impact on Heritage Assets
- Residential Amenity
- Flood Risk
- Parking and Highway Safety
- Impact on Trees

* Design, Visual Amenity and Impact on Heritage Assets

5 Bridge Terrace is the central property of three similar dwellings. The Terrace itself extends further but those dwellings to the north-east and south-west are elevated and have higher ridges than number 5 and its immediate neighbours. The area has a traditional, historical character, and, whilst there have been changes to the properties over time (addition of render, UPVC double glazing etc) some original features are evident (solider courses, substantial chimneys etc). That said, the referred to amendments that have happened does alter the appearance and as such this is not uniform. To the rear of the properties there are examples of various additions (both single and two-storey) which are typical examples of additions to what were once modest terraced dwellings. These additions vary in their scale and design.

This application seeks permission to make various alterations to the property including the conversion of the loft (which includes front rooflight and rear dormers), and the addition of a single and two-storey rear extension.

To the front, the changes are limited to the addition of a single rooflight set high in the plane of the roof and close to the ridge. Concerns regarding this addition are noted and it is recognised that this will be an interruption of the roof profile of this section of the terrace. However, it should be noted that by virtue of Schedule 1, Part 2, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which is a material consideration in the determination of a planning application a householder is permitted to make such an alteration/addition without the prior engagement of the LPA, subject to adherence to certain conditions. There is no further restriction for properties within a Conservation Area.

From the information submitted on the plans, it is considered that this addition would fall within the remit of permitted development. Therefore, whilst it is being assessed as part of this application, given this 'fallback position' the LPA cannot object to this addition and a refusal on this basis cannot be justified.

In terms of the rear extension and works. The pitched roof dormers do not overwhelm the design or scale of the existing roof and the interconnecting flat roof section blends in with the surroundings given the careful use of sympathetic materials. This addition (albeit not including the link) means that these are not dissimilar to those on the adjacent property (number 6).

The rear extensions again appear subservient to the host dwelling, they do not overwhelm the site or the dwelling. The ridge height of the two-storey element is much reduced in comparison with the main house, is set back from the boundaries and has a limited projection. The single storey element does project further but its design mirrors that of the two-storey element, it is not dissimilar to other projections (historic or otherwise) in terms of its appearance and, as stated in the preceding sections of this report is typical of extensions to the rear of such properties. The use of materials to match (which will be secured by condition) is beneficial and will ensure that the design blends in with the surroundings and avoids the appearance of massing.

Overall, having regard to the above assessment it is considered that the scheme does respond positively to context and successfully integrates with its surroundings and therefore broadly accords with the aims of Policies LP11 and LP12 of the Local Plan to 2036.

As detailed above, the site is located within the St Ives Conservation Area. There are also some Grade ll Listed Buildings in the terrace (to the south-west) and the Grade ll* Listed bridge to the north-east.

Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Para. 212 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Para. 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

In this case, the application is accompanied by a Heritage Statement and both Historic England and HDC's Conservation Team (informal consultation) have been consulted. Historic England did not wish to make any comments on the proposals and recommended that advice be sought from specialist heritage advisers (Conservation). Conservation Officers raised no objections to the works to the rear of the property given their limited impact on the publicly visible section of the Conservation Area and the design features (as set out above). They agree that the rooflight does impact the appearance of the roof of the terrace, but, given the previously referred to permitted development rights the LPA is not in a position to object on these grounds regardless of the heritage status of the site. As the building itself is not listed there is also no requirement for Listed Building Consent to be obtained.

Therefore, whilst the concerns are noted, having regard to the above considerations and the advice of specialists, the development is considered to be acceptable with regard to its impact on the designed heritage assets and therefore accords with Policy LP34 of the Local Plan, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF (2024).

*Residential Amenity

The majority of the concerns raised relate to matters of loss of light and overshadowing impacts and such matters have been carefully considered for each of the dwellings which have the potential to be most affected (those immediately adjoining number 5). It should be noted that the LPA conducted a visit to the site and to numbers 4 and 5 under the withdrawn application (and so within the six months preceding determination) and that photographs were obtained and remain on the LPA file.

Addressing each property in turn:

Number 4 Bridge Terrace has a two-storey pitched roof extension to the rear which is set-off the common boundary with number 5. A single storey flat roof extension projects beyond this. At some stage, a UPVC addition has been added (lower roof height) to the side of the rear projections such that some of the windows of number 4 are enclosed by it. Obscure glazing has been added to this structure which is on the boundary line and central to the dividing wall. Beyond this structure a further addition which is 'temporary' in appearance has been added with obscure corrugated plastic affixed to a timber frame and with a plastic roof forming an open fronted but covered seating area has been added. It should be noted that as per the plans, the proposed extension does not project beyond the full length of these structures.

The single storey element has an overall eaves height of approx. 2.78m and ridge (pitched roof) of approx. 3.65m. There is a separation distance of approx. 1.25m to the windows (not the conservatory) in the side (south-west) elevation of the rear extension of number 4. (The 'conservatory' is a lean-to on the side or covered walkway (as in some of the comments) and is not a habitable room (and so this has not been assessed as such). Based upon comments submitted it is understood that this is the kitchen and that the single storey extension would result in a failure (although not significant failure) of the 25-degree test as detailed in the Huntingdoshire Design Guide Supplementary Planning Document (2017). However, there are several factors that the LPA must consider in reaching a determination and 'on balance' decision in terms of harm as set out below:

*Some restrictions to the light available to the kitchen must already be occurring voluntarily due to the 'conservatory' structure and obscure glazing.

*If the applicant wished, they could erect a two-metre high fence, wall or other boundary in this location by exercising permitted development rights available to them by virtue of Schedule 2, Part 2, Class a of the GPDO.

*Permitted development rights under Schedule 2, Part 1, Class A permits a householder to erect a single storey extension to a property of this type at a depth of three metres without needing planning permission. Maximum height may be four metres with an eaves height of three metres (where within two metres of the boundary). The depth may be extended to six metres where the dwelling is not within a Conservation Area. Therefore, whilst it is not suggested that this is permitted development, this guidance sets out that by virtue of the layout of the properties and arrangement of windows, an extension with increased eaves and ridge height (and so with a similar impact) and of greater depth (were it not within a Conservation Area) could be constructed opposite this window with no requirement for planning permission.

It should be noted that an applicant is permitted to build up to their boundary line. The LPA are required only to be satisfied that the applicant owns the land within the red line submitted with an application or that appropriate notice has been served (where the applicant does not own all land required for the development). The LPA do not become involved in boundary disputes nor consideration as to if access will be required to the property of a third party in order to complete the works. This is a civil matter which must be addressed outside of the planning process.

In terms of 'Right to Light' guidance, it is often assumed that ‘Right to Light’ is part of the planning process. Unfortunately, this is incorrect. Planners will sometimes consider it, but it remains that this is an entirely separate legal issue (i.e. Common Law rather than Planning Law). A planning decision has no legal standing in this area. It means that legal action can be taken even if the building work already has planning permission or is covered by permitted development rights.

Further, As established above, a boundary wall could be erected with much the same impacts as could an extension. Such matters need to be considered and agreed by both parties. It is recommended that advice is sought in terms of the Party Wall Act and an informative note will be added to the permission.

As well as the side facing windows it is also noted that there is a window in the ground floor rear elevation of the original house (number 4) which (from the comments) serves a living area. Again, this is covered by the UPVC and plastic/glazing. Owing to the height of the two-storey element this would fail the 45-degree test in terms of elevation but would (given its limited projection and off-set from the boundary) be acceptable on plan form. However, due to the depth of the rear extension this does mean that it would fail on 'plan' as well as elevation. That said, because of the limited height of the single storey element, were the two-storey section omitted there would be no failure (in terms of elevation). Again, the LPA must make an 'on-balance' decision on this failure. The two-storey element projects only 1.9 metres from the rear of the property and, arguably, light to this window is already restricted owing to the glazing surrounding it, the existing single storey rear

extension of number 5 and the two-storey extension to the rear of number 4 itself. It is acknowledged that there will be some impact, however, given the existing arrangement to the rear of the properties it is concluded that the resultant harm would not be to a degree which would justify refusal.

There is a further (first floor) window to the rear of number 4 (which from the comments serves a bedroom and which is adjacent to the south-west facing roof plane of the rear extension of number 4. However, given the limited projection of the two-storey element, its set-back from the boundary and its position at first floor level there would be no failure of the 45-degree test and light to this window will not be significantly impacted.

Turning attention to number 6 Bridge Terrace which has a single rear window at ground floor level in the rear of the main house and then a substantial single storey rear projections (with windows in the north-east elevation facing the development site).

In terms of the ground floor window, it appears that this serves a habitable room and is likely to be the sole light source (though unconfirmed). There appears to be a variance in levels between the two sites and both the single and two-storey element is set in from the boundary slightly. Thus, there is approx. 2.1 metres between the centre point of this window and the side elevations of the extensions. Much the same as with number 4, there would be similar impacts (though it is recognised that this property does not have the same voluntarily added restrictions as number 4). Based upon the detail submitted there would be a partial (though not significant failure) of the 45-degree test to the eaves of the two-storey element in terms of elevation but again, given the limited projection of this alongside the limited height of the single storey element and the permitted development guidelines (referenced above) this would not be significantly harmful. It should also be acknowledged that as the rear of the dwellings are south-east facing, given solar orientation the impact is lessened on number 6 in comparison with number 4 (which would be due north-east of the extensions). In terms of the windows in the rear projection of number 6 (opposite the development site) it is unclear what this section of the property is used for (and so which rooms these windows serve). However, notwithstanding this consideration, there would be no failure of the 25-degree test due to the separation and scale of the single storey element (which would be the section opposite these windows). There would be no harm to the first floor or dormer windows in terms of loss of light or overshadowing.

There are no other properties which have the potential to be impacted by the development and therefore, such a detailed assessment of the relationship with other dwellings and land in the locality is not required and the LPA are satisfied that no significant harm would be caused in accordance with Policy LP14 of the Local Plan to 2036 and the NPPF (2024).

In terms of overlooking and loss of privacy. The front rooflight is set approx. 1.7m in the plane of the roof (though it is unclear what the finished floor level would be). In any event, this does not offer increased views towards any property or land and is considered acceptable. The same consideration applies to the rooflights to the rear single storey element given their locations. There is the potential for some increased views as a result of the two-storey rear projection and dormer windows. However, given the close relationship of the dwellings there is already some degree of overlooking and so this will not be worsened by these additions. Further, views afforded by these would be similar to those available from the rear extension of number 4 and the dormers of number 6. There are no doors or windows proposed in any of the side elevations of the extensions and the installation of doors in the rear elevation (despite the variance in levels) does not offer any increased views which would not be available to a user of the rear garden of the application site.

Overall, there are considered to be no concerns with regard to overlooking and loss of privacy as a result of the development.

It is noted that concern have been raised regarding the space allowance within the loft conversion. Based upon the plans, this would provide a bedroom space of approx. 11.5m in accordance with

the Technical Housing Standards. A single bedroom can be smaller than this. It should be noted that whilst adherence to these standards is preferred in conversions/extensions this guidance is for new dwellings and not existing. In practice, a homeowner may amend the internal layout of their dwelling (in many cases with no need for planning consent) and so this is not a matter for consideration under this application. Building regulations are a separate matter to planning and this consideration does not absolve the need for the works to comply with relevant building regulations.

In terms of concern regarding disturbance (including from noise/dust etc) and parking/use of the rear access it is considered that any development will be accompanied by some form of disturbance. It would be irregular to consult Environmental Health on such small-scale development and the addition of a condition in regard to such matters would not be considered to meet the tests required for planning conditions (necessary, reasonable in all other respects etc). Further, such issues could arise from works which do not require any planning consent (replacement kitchens, bathrooms, works under permitted development etc). Again, there is no justifiable reason to refuse an application on this basis. This however does not absolve the applicant or their contractors of their responsibilities in disposal of hazardous materials such as asbestos.

Overall, it is considered that the development as presented is acceptable in terms of its impact on residential amenity and therefore accords with Policy LP14 of the Local Plan to 2036 in this regard.

*Flood Risk

The land that the application site forms part of is liable to flood. The proposed development is considered 'minor development' and therefore is not subject to the Sequential or Exception Tests as detailed in the NPPF. The application should however still meet the requirements for site specific flood risk assessments. The application includes the Environment Agency's flood risk assessment matrix, the measures proposed in the matrix are considered appropriate and confirmation has been received from the agent regarding the measures that will be incorporated.

It is acknowledged that this will result in the increase of built development in the locality but, given the grading of the development (as per the NPPF) and the details provided, the proposal is considered to be acceptable with regard to its approach to flooding and therefore accords with Policy LP5 of Huntingdonshire's Local Plan to 2036 in this regard.

*Parking and Highway Safety

As alluded to above, some of the comments relate to concerns as to the use of the access to the rear of the properties and potential for improper use. As this area is private this is a matter for the landowners to resolve via civil means. Again, the LPA draws attention to the fact that the homeowners could permit access to persons for carrying out any form of works to their property which could involve visits by tradespeople/deliveries and so on. It is not considered that the enlargement of the property would result in undue pressure on parking or access not does it result in the loss of any parking attributed to the property.

Overall, the development is considered to be acceptable with regard to parking provision and its impact on highway safety and therefore accords with Policy LP17 of the Local Plan to 2036.

*Impact on Trees

There is some small-scale domestic planting within the application site which is not of notable condition or value and therefore its loss will not be harmful. There are some trees in adjacent sites but from site visits these are well separated from the development site and those which are closest are of smaller scale. Those more notable and larger species are very well separated to the south-east of the site (separated from the access/parking area. For that reason, it isn't considered

necessary to impose any further restrictions/conditions in relation to trees and the development accords with Policy LP31 of the Local Plan to 2036.

*Conclusion

The proposed development is considered to be compliant with the relevant national and local policy as it:

* Is of an appropriate scale and design
* Would not have a harmful impact upon the character and appearance of the area;
* Is acceptable with regard to its impact on the designated heritage assets;
* Would not have a significantly detrimental impact upon the amenity of neighbours;
* Would not result in an increased risk of flooding;
*Will not result in negative highway safety impacts and is acceptable in terms of parking;
*Is acceptable with regard to its impact on trees.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:
Enquiries about this report to **Kevin Simpson**