OFFICER REPORT

Case No: 24/02281/FUL Full Planning Application

Proposal: Erection of part single/part two storey rear extension to living accommodation.

Location: 28 Main Street Farcet PE7 3AN

Applicant: Mr Kugenthiran Kugathas

Grid Ref: 520397 294595

DESCRIPTION OF SITE AND APPLICATION

The application site relates to the residential section of a property in use as a hot food takeaway and is located on Main Street, Farcet. The commercial area is to the front ground floor section of the property with the rear and upper floor given over to residential use (though there is some storage at ground floor level and so it is unclear if this is wholly residential. However, a FUL application has been submitted as opposed to a HHFUL (householder) application and so this resolves any ambiguity regarding uses and ensures the correct assessment of the proposals.

The site is within Flood Zone 1 as per the most recent Environment Agency Flood Risk Maps and Data, there are no protected trees within the site, it lies outside of the Conservation Area but within the setting of a Grade ll Listed Building.

This application seeks permission for the erection of a part single and part two storey extension to the living accommodation.

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 May 2019

LP5: Flood Risk
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP17: Parking Provision and Vehicle Movement
LP30: Biodiversity and Geodiversity
LP34: Heritage Assets and their Settings

Supplementary Planning Documents (SPD) and Guidance:

*Huntingdonshire Design Guide Supplementary Planning Document (2017)
*Developer Contributions SPD (2011)
*Huntingdonshire Landscape and Townscape SPD (2022)
*Huntingdonshire Strategic Flood Risk Assessment (2024)
*Cambridgeshire Flood and Water SPD (2017)

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

RELEVANT PLANNING HISTORY

85/01595/FUL - Change of use to general store/off license (Permission)

CONSULTATIONS

Farcet Parish Council were consulted but no representations have been received prior to determination.

REPRESENTATIONS

One objection has been received and is available to view on HDC's Public Access Site. The content is broadly summarised below:

*Loss of privacy due to window location/room configuration
*Contamination from waste (already removed) and generated during the build
*Concerns about parking/highway safety
*General concerns re accuracy of submitted detail in relation to commercial unit, trade waste, trees, site visit etc.

Officer comments: Those matters which are material planning considerations are addressed in the proceeding sections of this report. General comments on the accuracy of the detail submitted are noted but it is considered that there is sufficient detail in order to determine the application. The proposed extensions relate to the living accommodation with the commercial elements already in place and unaffected by the development. This does not relate to a change of use or introduction of any new commercial floorspace. As such, matters relating to trade waste, commercial uses, parking related to the commercial use etc cannot be addressed under this application.

SUMMARY OF ISSUES

When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.

As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 48 of the NPPF (2024). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".

In Huntingdonshire the Development Plan consists of a number of adopted neighbourhood plans, however, as stated above, there is not an adopted neighbourhood plan in place for Farcet Therefore, in this case no neighbourhood plans are given weight in the determination of this application.

The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

The main issues to consider are:

*The principle of development
*Design, visual amenity, impact upon heritage assets
*Residential amenity
*Highway considerations
*Flood risk
*Impact on trees
*Biodiversity

*The principle of the development

Given that the building is already in place and both the residential and commercial use established, there is no reason to further ascertain the principle of development. The proposal relates to a minor extension to the pre-existing residential section of the building. Such minor additions are accepted to an existing residential building and as such, the principle is established and can be supported subject to compliance with all other material planning considerations and conditions.

*Design, visual amenity, impact upon heritage assets

The building in question is a detached, two storey building located on Main Street and to the west of the junction of Main Street and Field Terrace. It has a single storey projection to the front and to the rear (which is visible from the direction of Field Terrace) there is a mixture of two-storey and single storey rear projections and ancillary buildings.

This section of Main Street is varied in terms of age, scale and design and the rear of these buildings are visible from Field Terrace with many of the properties having two-storey rear projections. The proposed works are relatively minor in scale and would result in the provision of a first-floor section directly adjacent to the existing two-storey projection. Each will have catslide roof and be linked with a small flat roof section. It remains subservient to the main building (having a reduced ridge height). Whilst flat roofs are not generally supported at first floor level, in this case, given that it would be a minor section of the roof with the dominant sections having a more traditional form this is not considered overly harmful particularly when the varying roof forms to the rear of these properties is considered (there is an example of at least one mono-pitched roof at first floor level in the dwellings to the west). At ground floor the extended section will be adjacent to the existing projection with a small flat roof projection beyond the two-storey element but not at the

depth of the full extent of the existing single storey store area. Again, this remains subservient to the main building, a generous gap to the boundary with Field Terrace is retained and it does not overwhelm the site in any way. Its integration is further supported by the proposed use of materials to match which will be recured by condition.

Overall, it is considered that for the reasons given above, the proposal will not result in a prominent or incongruous structure in this location and will be assimilated with the surrounding buildings. It therefore accords with Policies LP11 and LP12 of the Local Plan to 2036.

As detailed above, the site lies within the setting of a Grade II Listed Building (1 Middle Street) which lies approx. 41 metres north-east of the site.

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, whilst technically speaking the application should be accompanied by a Heritage Statement, it is not considered that in this instance it would offer any further detail than the LPA is able to ascertain already. Whilst the proposed development will be visible in context with the Listed Building it will not dominate the view. The Listed Building lies within the setting of some modern development with associated modern features. Buildings on the east of the Field Terrace junction have large, two-storey projections which are much closer to the Field Terrace boundary than is proposed here. Overall, it is not considered that (given the earlier assessment and matters which can be controlled by condition) that the resultant development would appear incongruous or dominant in the setting of the Listed Building and it therefore accords with Policy LP34 of the Local Plan to 2036, the provisions of the NPPF (2024) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

*Residential amenity

As the proposed two storey element is directly adjacent to an existing two-storey projection (which is adjacent to the common boundary with number 26) and an existing single storey at ground floor there are no concerns with regard to overbearing impacts, overshadowing or loss of light.

In terms of overlooking and loss of privacy. The concerns raised in the objection are noted. However, the proposed extension is located off the boundary and as such, the proposed first-floor window will be set-off the common boundary. Some views of the lower section of the rear garden area of number 26 will be possible but this is not dissimilar to the existing arrangement given the placement of windows in the rear elevations of the dwellings on this section of Main Street. It is noted that there is reference to the existing window (detailed in the objection as obscure glazed) but this was not obvious from a site visit. However, notwithstanding this consideration, it is acknowledged that the room is detailed as a bathroom at present and will be altered to a bedroom. Such re-configuration could be undertaken with no prior engagement with the Local Planning

Authority.Further, by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), had this property remained a dwelling (as with the immediate neighbours) it would benefit from these permitted development rights.

Whilst it is not suggested that this is permitted development, the above is purely to demonstrate that a dwelling in this location could, (subject to certain restrictions) make such alterations/additions to the fenestration under permitted development rights and there would be no requirement for such a window to be obscure glazed where a similar impact would be realised.

Officers have taken this assessment further and have been able to locate photographs from an online listing for sales particulars for number 26 and can see that there is a patio area adjacent to the rear wall of the single storey projection to number 28. The existing first-floor window is partially visible in this image though is partly obscured by the mono-pitched roof of the single-storey projection. Therefore, in practice, it is likely that this will offer some degree of protection from increased views. Indeed, the first-floor side window of number 2 Field Terrace to the south-west is likely to provide more direct views in practice. Overall, it would not be justified to refuse the application solely on grounds of overlooking to number 26.

In terms of impacts on other properties, there is a first-floor window in the side elevation of number 2 Field Terrace and patio doors at ground floor. The plans reflect that there would be a separation distance of approx. 24m between the new and amended first-floor window of number 28 which is greater than the recognised 21m separation for back-to-back development. There is approx. 15m to the common boundary with number 2 and this area of land does appear to be the main area of defensible space associated with this property. However, this separation is considered to be acceptable and in practice there will be no significantly increased views when compared with the existing situation and views afforded from the rear of other properties to its north-east. The windows in the side (south-east) elevation look towards Field Terrace and the side (blank - aside from two doors and some minor scale high level windows) elevation of the Post Office and associated accommodation and will not be harmful. It is not considered that any other properties would be unduly affected by these changes.

Concerns regarding contamination from dust and asbestos is also noted. There is a suggestion that a structure has already been removed and concerns regarding disposal of asbestos waste. This is not a matter which can be addressed through the planning process but this does not absolve an applicant or contractor of their responsibilities in disposing of such waste. If it is suspected that there has been a breach of regulations this may be raised with the Council's Environmental Health Team.

It is considered that some dust and disruption through such development is unavoidable and the scale of that proposed would not warrant further methods to control it. As above, the onus is on the applicant or their contractors to act responsibly.

Overall, having regard to the above, the development is acceptable in terms of residential amenity and therefore accords with Policy LP14 of the Local Plan to 2036.

*Highway safety and parking

The proposal does not impact the existing garage or driveway and so off-street parking is still available. It is not considered that the addition of one further bedroom will put pressure on this provision. Further, on street parking is available and is not uncharacteristic of the area. As stated, the commercial use of the site is not under consideration. The development is therefore considered to be acceptable with regard to highway safety and accords with Policy LP17 of the Local Plan to 2036.

*Flood risk

The site lies within Flood Zone 1 as per the most recent Environment Agency Flood Risk Maps and Data. Development of this nature is acceptable within Flood Zone 1 and its scale and the scale of the site does not require the submission of a Flood Risk Assessment or the application of the Sequential or Exception Tests as per the NPPF (2024).

Overall, the development is considered to be acceptable with regard to its approach to flooding and therefore accords with Policy LP5 of the Local Plan to 2036.

*Biodiversity

Policy LP30 if the Local Plan requires a development to ensure no net loss of biodiversity and achieve a net gain where possible. In terms of Biodiversity Net Gain legislation (BNG), the application form suggests that this will be de-minimis (development below the threshold) and the LPA are in agreement with this. The area of land proposed for development is already developed and is largely within the footprint of the existing single storey rear projection. As such, it will not impact more than 25m² of priority habitat and so BNG does not apply.

No measures for a net gain have been provided but the LPA are satisfied that given the location and use of the site achieving this would be challenging. Further, it is considered that for the reasons assessed above there would be no net loss and so the development can proceed in broad accordance with Policy LP30 of the Local Plan.

*Conclusion

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed building is acceptable in principle, and there would be no harm to the character or appearance of the area, heritage assets, on residential amenity, highway safety, increased flood risk or biodiversity and it can therefore be supported.

Having regard to all relevant material considerations the proposed development is considered to comply with Policies LP5, LP11, LP12, LP14, LP17, LP30 and LP34 of Huntingdonshire's Local Plan to 2036 and consequently, 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**