OFFICER REPORT

Case No: 25/00318/FUL Full Planning Application

Proposal: Erection of 3-bedroom chalet style dwelling with associated parking including demolition of existing double garage.

Location: Land West Of 1 Hammond Way Somersham

Applicant: Mr Rob Millward

Grid Ref: 536102 277693

DESCRIPTION OF SITE AND APPLICATION

The application site is land west of 1 Hammond Way, Somersham. It is a parcel of land which previously formed amenity space associated with number 1. It hosts a detached pitched roof double garage with block paving and a dropped kerb providing access to Hammond Way. It is separated from number 1 Hammond Way and has a valid permission (until 4th of October 2025) for the erection of a bungalow approved under reference numbers 21/02043/PIP & 22/01210/FULTDC. An electrical substation lies to the south-west of the site.

There are no constraints associated with the site which is within Flood Zone 1 and has a very low risk of flooding from all sources as per the most recent Environment Agency Flood Risk Maps and Data. There are some trees subject to Preservation Orders on land to the north-east and west.

This application seeks permission for the erection of a 3-bedroom detached chalet style dwelling and associated parking following the demolition of the existing garage.

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

LP1: Amount of Development
LP2: Strategy for Development
LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP6: Waste Water Management
LP8: Key Service Centres
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP25: Housing Mix
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP37: Ground Contamination and Groundwater Pollution

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Design Guide (2017)
Developer Contributions SPD (2011)
Huntingdonshire Landscape and Townscape SPD (2022)
Huntingdonshire Strategic Flood Risk Assessment (2024)
Cambridgeshire Flood and Water SPD (2024)
Annual Monitoring Review regarding housing land supply (2024)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

The National Design Guide (2021)

* C1 - Understand and relate well to the site, its local and wider context
* I1 - Respond to existing local character and identity
* I2 - Well-designed, high quality and attractive
* B2 - Appropriate building types and forms
*M3 - Well-considered parking, servicing and utilities infrastructure for all users
* N3 - Support rich and varied biodiversity
* H1 - Healthy, comfortable and safe internal and external environment
* H2 - Well-related to external amenity and public spaces
* H3 - Attention to detail: storage, waste, servicing and utilities
Local policies are viewable at https://www.huntingdonshire.gov.uk

RELEVANT PLANNING HISTORY

21/02043/PIP - Permission in Principle application for the minimum of 1 no and maximum of 1 no dwellinghouse following demolition of a garage (Permission)

22/01210/FULTDC - Proposed erection of detached 2-bedroom bungalow and associated parking following permission in principle approval ref 21/02043/PIP (Permission)

22/80324/COND - Discharge of condition 3 (Materials) for 22/01210/FULTDC (Condition Reply)

CONSULTATIONS

Somersham Parish Council recommend approval.

HDC Environmental Health Team - No objections.

CCC Highways - No objections subject to conditions.

HDC Ecology (informal consultation) - No objections.

HDC Arboricultural Officer - No representations received at the time of determination.

REPRESENTATIONS

Two objections have been received and these are available to view on HDC's Public Access Site but are broadly summarised below:

*Overlooking/loss of privacy.
*Plot too small for development - originally approved bungalow more in keeping.
*Creation of more traffic/accident risk in Hammond Way.
*Loss of light and suggestion that the property could be re-located to reduce this.
*Impact on property value.

Officer comments: Matters regarding property value are not a material consideration in the determination of an application. The other matters raised will be addressed in the proceeding sections of this report.

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, there is not an adopted neighbourhood plan in place for Somersham. 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:

o Principle of Development
o Design, Visual Amenity and the Impact upon the Character of the Area
o Residential Amenity
o Highway Safety, Parking Provision and Access

o Biodiversity
o Impact on Trees
o Flood Risk and Surface Water
o Other issues

*The principle of the development

Somersham is defined as a Key Service Centre under Policy LP8 of the Local Plan and is considered capable of accommodating some development sustainably due to the level of services, facilities and infrastructure that it contains. It is not considered that the provision of a single dwelling within the built-up area of the settlement would place unmanageable pressure on these facilities/infrastructure. Further, the principle of the use of the site for a single residential dwelling has already been established in the earlier approvals.

Therefore, having regard to the above matters, the development is considered to be acceptable in principle subject to compliance with other material planning considerations and conditions.

*Design and visual amenity

Hammond Way appears typical of a later 20th Century housing development and hosts dwellings of varying scale and design. There is no uniform theme evident, typically the character is of large, two-storey detached dwellinghouses but there is at least one single storey dwelling (number 1 Hammond Way) evident. Materials also vary with use of brick, render, timber detailing, and red and brown pantiles all forming the streetscene.

The application site is located to the north of Hammond Way and, as referenced above is a plot which was originally amenity space associated with number 1 Hammond Way. The earlier permission granted approval for a single storey, two-bedroom dwelling which was orientated such that its side elevation faced the road with the main door to the east. Its depth therefore extended south-north. Its side (north) elevation was almost linear (set slightly further south) to the rear elevation of number 1 but, given the layout it extended beyond the front elevation. Parking was to the south-west of the site and hard and soft landscaping was proposed.

Under this scheme the applicant seeks to achieve a three-bedroom chalet style bungalow with two pitched roof dormers to the front and a mono-pitched dormer to the rear. Crucially, the layout differs in that the principal elevation now facing south (toward Hammond Way) and so the breadth extends east-west rather than extending at depth within the site. It is also sited much further forward in the plot with its north-east corner level with the south-west corner of number 1 and a large part of the gable end adjacent to the side (east) elevation of Kingfisher House. It provides approx. 105m² floor space in comparison with approx. 95m² under the extant permission. Parking provision (discussed in further detail in the proceeding sections of this report) is now tandem parking to the east which is welcomed in design terms.

It is acknowledged that this will result in a taller and more prominent form of development than that previously approved and the concern raised in the comments are noted. However, the character of Hammond Way is mainly substantial, detached, two-storey dwellings. Whilst number 1 Hammond Way (to the east) is single storey, the dwelling to the west (Kingfisher House) is 1.5 storey and features similar detailing (the pitched dormers) as proposed here. Whilst the plot is smaller in scale it is not tight to all boundaries and there is generally some separation between it and adjacent dwellings. Hammond Way is also not linear and so the dwelling being set forward is not an interruption to an established character.

In terms of materials, there are amendments to those proposed under the FULTDC application (later discharged by condition reference 22/80324/COND) in that that scheme intended the use of render and cladding on some elements whereas this scheme is mainly brick, slate with grey cladding to the dormer cheeks and grey UPVC windows and doors. However, there are similarities

in that where brick was intended on the approved scheme (and later agreed by condition discharge) these have been replicated. Details are provided within the application form and shown on plans. Given the previously referred to variance in the area, the LPA has no objection to these materials and these shall be secured by condition.

Turning attention to the exterior, there is a mixture of hard and soft landscaping, the details of which are considered broadly acceptable and will not be out of character with the surroundings. It is noted that it is intended to retain the existing boundary treatments in most instances (and the sub station to the south-west dictates this to some extent). A 1m high wooden picket fence is proposed to a section of the eastern elevation with the site frontage remaining open. Cycle and bin storage is welcomed and acceptable in design terms.

Overall, having regard to the above assessment, the scheme is considered acceptable in relation to design and visual amenity and would not have an unacceptable impact on the character or appearance of the area. It therefore accords with Policies LP2, LP11 and LP12 of the Local Plan to 2036 in this regard.

*Residential amenity

Given the increased scale of the dwelling and the amended location and site layout, the LPA have given careful regard to potential residential amenity impacts arising from this and have considered the comments received. It is considered that one of the main concerns could be potential for overbearing impacts and loss of light to Kingfisher House to the west. A site visit has been carried out and Officers have reviewed a layout plan of Kingfisher House. Whilst it is acknowledged that it cannot be guaranteed that the layout remains the same, from photos taken from within the site (in which the rear of Kingfisher House can be seen) the arrangement of windows to the rear ground floor (the main concern) appears to be the same.

As detailed above, the arrangement of Hammond Way is not linear and so the proposed dwelling is set back from Kingfisher House and so the massing of the new dwelling is partially opposite the side (east) elevation and then extends adjacent to the common boundary for approx. 6.2m. There is separation (approx. 3.5m) dwelling to dwelling (taken from the north-east corner of Kingfisher House) and gradually reducing to (new dwelling to common boundary) 1.2m. The depth of the garden (taken from the rear of the house) associated with Kingfisher House (as per LPA mapping) appears to be approx. 13.3m. As such, approx. 6m of the lower end of the garden will not be screened by development.

The plan viewed shows 5 windows/doors to the rear (ground floor) of Kingfisher House. There is no need to assess the upper floor windows due to their height and the height and relationship with the proposed dwelling. The rooms (as per the plan) have a variety of uses. Those of most concern (given their closeness to the boundary) are those serving the kitchen/breakfast room. A utility room(not classed as a habitable room) is at the edge of the house (to the rear of the garage) and a site visit reveals that the garage is still in place and so there is no reason to consider that this is not the case.

In determining impact on light to habitable rooms (in this case the kitchen/breakfast room) the LPA use the 45-degree test as detailed within the Huntingdonshire Design Guide (2017) where a measurement at 45-degrees is taken from the centre point of a protected window (on both plan and elevation) to assess if there is a failure and if further daylight/sunlight assessment is required. In this case, there is no failure of the 45-degree test on either plan or elevation and so it cannot be reasonably considered that there would be a significant impact on light available to these windows which would justify a request for further surveys, amendments or to refuse the application. It is acknowledged that the ridge height is increased but the dwelling has a steep pitch with eaves height of approx. 2.4m. As such, the mass of built development would not present the same issues as a full, two-storey dwelling by virtue of the decreased massing towards the ridge. It is recognised that the development is relatively close to the common boundary at some points but, given the

limited scale (to eaves), the design features mentioned (with regard to the steep pitch) and the length of garden retained that this will not be significantly harmful.

It is noted that there are other factors which impact the light available to the rear of this property (trees for example) but this is not a matter which can be dealt with under this application where a proposal is meant to only manage its own impacts.

Assessment has been completed on other dwellings/land in the vicinity but, given the separation to the boundaries and relationship with dwellings (particularly with number 1) there is no reason to consider that the scheme would be harmful in terms of overbearing impacts, overshadowing or loss of light.

In terms of overlooking and loss of privacy, the ground floor doors/windows given their location and the boundary treatments in place/proposed will prevent any overlooking. The rear dormer serves a bathroom, is detailed as obscure glazed on the plans and this alongside its means of opening shall be secured by condition.

A concern has been raised regarding potential for overlooking from the front (south facing) dormers. However, a measurement from the back edge of the footpath (based upon LPA mapping) reveals there to be a separation distance of approx. 32m to Cranbrook Lodge and approx. 25m to number 4 Hammond Way which arguably are the dwellings which have the greatest potential to be impacted. The Design Guide recommends a window-to-window separation distance of 21m for rear facing windows in order to prevent undue overlooking. It is generally accepted that (given the defensible space to the frontage of dwellings is uncommon) this can be reduced for front facing development. However, in this instance there is greater separation than that recommended and so it is not considered that this will cause harm. The frontage of these dwellings is visible from the street and so it will also not impact any defensible space.

Views will be available to the frontages of other dwellings opposite and there are some reduced separation distances than those assessed above. However, these would be oblique views and again do not impact on any defensible space.

However, notwithstanding the above assessment, given the limited scale of the plot (in terms of width) it is considered prudent to remove permitted development rights provided under Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Such rights would allow for rear extensions or additions to the roof of the dwelling which could result in development which would be detrimental to occupiers of adjacent dwellings and land through privacy, overbearing and loss of light impacts. This shall be dealt with by condition.

In terms of impacts on the future occupants of the dwelling, the LPA are satisfied that the amenity space provided is acceptable given its scale and the options for recreation available within the settlement. The floorspace and bedroom sizes accord with the guidance contained within the technical housing standards - nationally described space standard document and should secure a high degree of amenity for future occupants. HDC's Environmental Health Team have also been consulted and raise no objections in terms of noise, odour or contamination.

Overall, whilst the concerns raised in the objections at noted, having regard to the above assessment it is concluded that on balance, the proposal is considered acceptable in terms of residential amenity impacts and broadly accords with Policies LP14 and LP37 of the Local Plan.

*Highway safety and parking

The site hosts a detached double garage which was previously associated with number 1 Hammond Way and as such, access is already available from Hammond Way. The proposal will require the extension of the dropped kerb (not included in this application - the red line does not

extend beyond the curtilage) which is a matter which will need to be addressed separately by the applicant in conjunction with the LPA and the Local Highways Authority. There are no in principle objections to this being provided however.

Parking is tandem parking to the east of the site and provision for cycle storage is included. However, it is noted that the scale of this provides for only two cycle spaces. In accordance with Policy LP17 of the Local Plan space should be provided allowing for one cycle space per bedroom. This matter shall be secured by condition.

It is noted that concerns have been raised by neighbours regarding the potential for increased vehicle movements and potential highway safety impacts as a result but it cannot reasonably be considered that a development of this scale (particularly having regard to the extant permission for the re-development of the site) would be significantly harmful. Cambridgeshire County Council as the Local Highways Authority have also been consulted and raise no objections subject to condition.

Overall, having regard to the above, subject to conditions, the development is acceptable in terms of highway safety and sustainable travel and therefore accords with Policies LP16 and LP17 of the Local Plan to 2036.

*Biodiversity

Policy LP30 of the Local Plan requires a development to ensure no net loss of biodiversity and achieve a net gain where possible.

As well as the above (and separate from the requirements of LP30) qualifying new development is subject to Biodiversity Net Gain legislation pursuant to the Environment Act 2021. This means that a 10% statutory Biodiversity Net Gain (BNG) would be required with any future application, following the hierarchy of onsite provision; mixture of on-site and off-site provision; and the last resort of statutory biodiversity credits unless it can be demonstrated that the development would be exempt.

In this case the application is accompanied by a Preliminary Ecological Appraisal dated February 2025. This concludes that the site does not present with any ecological constraints for development and no protected or important species would be impacted by it. The appraisal makes some recommendations for mitigation and enhancement (some of which have been transferred to the plans). These measures are considered acceptable and will be secured by condition.

In terms of BNG the submitted details confirm that there will be a loss in habitat units but will provide a greater than 10% net gain in hedgerow units. The deficit of habitat units will be purchased from an off-site provider (and will be secured by condition).

HDC's Ecology Officer has reviewed the application and was broadly satisfied aside from a query as to why two smaller tress within the garden were not assessed, however the appraisal at section 4.6.1.4 expands on this and as such, the LPA are satisfied with the findings and the BNG which is required and can be achieved.

Overall, having regard to the above matters, the development is considered to be acceptable with regard to biodiversity impacts and broadly accords with Policy LP30 of the Local Plan to 2036 in this regard.

*Impact on Trees

The application is accompanied by an Arboricultural Assessment and Tree Protection Plan. It is noted that it is intended to retain trees in the existing garden and provide protection for these. These trees are not afforded formal protection and it is noted that under the approved (and valid)

permission 22/01210/FULTDC these trees were to be removed. No objections were raised within that application on impact on trees (including those subject to Tree Preservation Orders on the adjacent land). Given that under this scheme the trees are retained and protected and there is greater separation between the built development and protected trees than was previously intended, the LPA are satisfied that the development is acceptable with regard to its impact on trees and therefore accords with Policy LP31 of the Local Plan to 2036 in this regard.

*Flood risk

The site lies within Flood Zone 1 and has an overall very low risk of flooding from all sources now and in the future. Development of this nature is appropriate in Flood Zone 1 and does not require the application of the Sequential or Exception Tests as per the NPPF (2024). The scale of the site also does not require the submission of a Flood Risk Assessment.

In terms of surface water, it is not considered that given the existing condition of the site (a building with hard surfacing) alongside the minor scale of development and very low risk of flooding that there would be significant surface water run off impacts. Further, the intricacies of disposal of surface water will be dealt with in more detail at the building regulations stages. The same applies to waste water disposal but the quantum of development is unlikely to place undue pressure on the network (especially having regard to the extant permission).

Overall, having regard to all of the above matters it is not considered that the development will result in increased risk of flooding nor the displacement of surface water. It therefore broadly accords with Policies LP5 and LP15 of the Local Plan to 2036.

*Accessible and Adaptable Homes

Policy LP25 of the Local Plan to 2036 requires proposals that include housing to meet the optional Building Regulation requirement M4(2)" Accessible and adaptable dwellings" unless it can be demonstrated that site specific factors make this unachievable. The Design and Access Statement details that the scheme will accord with this and this shall be secured by condition.

*Water Efficiency Policy

LP12 of the Local Plan to 2036 requires proposals that include housing to comply with the optional building regulation for water efficiency, as set out in Approved Document G. The proposed development will be conditioned to be in accordance with and will be built in accordance with the LP12 (j) standards.

*Other matters

Developer contributions (Wheeled Bins)

A signed Unilateral Undertaking to secure the provision of wheeled bins has been submitted as part of the application process. The development is therefore considered to be in accordance with Policy LP4 of Huntingdonshire's Local Plan to 2036 in this regard. The proposal is therefore considered to accord with the requirements of Policy LP4 of the Local Plan to 2036 and the Developer Contribution SPD in this regard.

Developer contributions (CIL)

The development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education. No CIL forms have been provided with the application but this is a matter which shall be pursued by the Council's Implementation Team and is therefore not a reason for refusal.

The proposal is considered to accord with the requirements of Policy LP4 of the Local Plan to 2036 and the Developer Contribution SPD in this regard.

*Conclusion

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

The proposed development is acceptable in principle, and there would be no harm to the character or appearance of the area, the countryside, 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 LP2, LP4, LP5, LP6, LP8, LP11, LP12, LP14, LP15, LP16, LP17, LP25, LP30, LP31 and LP37 of Huntingdonshire's Local Plan to 2036 and consequently, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

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