

PLANNING COMMITTEE MEETING – 7th March 2018

Amendment/De-brief Sheet

MAJOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 16/2012/S73

Location: Station Area Redevelopment (Blocks C1, C2, D1 and F1)

Target Date: 15.02.2017

To Note:

Additional Third Party Representations:

Additional third party representations have been received from nos. 34, 93, 95, 105, 113, 115 and 117 Great Northern Road.

The comments received are summarised as follows:

- Cannot relax/ use the balcony during the day due to high noise caused by cars going up and down the street continuously;
- No communal open space can be described as a substitute for private balconies;
- Concerned at the way the developer has not contacted directly affected residents and householders regarding this;
- Negative impact on property values of owners if trying to sell;
- The developer has not made sufficient effort to exhaust the many possibilities for resolving the noise issues, for example further street tree planting;
- Air pollution;
- It is understood that a traffic amelioration plan may be under consideration that would route more traffic down Station Road. It would be sensible to revisit the issue of noise once this has been explored/ implemented and not before.;
- Noise/ disturbance when balcony door/ window open during summer months for ventilation;
- Dust from road traffic is significant;
- The street is busy from 5am when the trains run, until well past midnight (1AM), when the trains stop returning from London;
- The weighted noise at point of measure is 66dB during the day and 61dB;
- At night the noise is at least 80dB which is the equivalent of a freight train at 15m. 70dB is the typical noise of a vacuum cleaner;
- World Health Organisation recommended that night time noise levels should be limited to 40dB and 55Db as an interim target;
- The developer has ignored early warnings of adding attenuating features to

balconies at design phase, applied to add an additional storey to one of the buildings (thus increasing the tunnelling effect, and, applied to remove the condition using incomplete surveys and misleading data.;

- The flats are not equipped with air conditioners to cool down the air as the planning permission suggest as an alternative to not open the windows. They are only equipped with heat recovery units to help circulate and avoid losing too much heat.
- Reducing the source of noise – Measures to decrease sound could be; alternative asphalt, remove the rough pavement stones used on the speed bumps, or, limited access to the station to taxis with quieter motors such as petrol hybrid;
- Noise attenuation – Attenuating elements on the street furniture and landscaping

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/1550/FUL

Location: Jupiter and Leda House, 10 and 20 Station Road

Target Date: 16.05.2018 tbc

To Note:

- Third party representation regarding transport contributions

A representation was received from the owner/occupier of 30 Lyndwode Road regarding contributions towards highways improvements. In summary, this queried whether the deferred contributions towards the guided bus and the Southern Corridor Transport Plan in the outline consent were being sought on the current application, noting that this application identifies contributions towards an information centre and towards Tenison Road traffic calming.

The City Development Manager has reviewed the issues raised with the Highways Authority. The CIL regulations that came into force following the outline consent mean that the Council can no longer ask for the area-wide development payments. The Council can only seek contributions towards identified projects and, accordingly, specific mitigation measures have been identified towards an information centre and towards Tenison Road traffic calming, for which sums have been sought.

- Comments on condition 14 (obscure glazing) from agent

The applicant has requested that the need for window screening is removed and has provided reasons comparing the current proposal with the previous consents. The recommended condition seeks obscuring of the windows along the west, south west and south elevations. The previous consents included conditions for such treatment on the western elevation only. The applicant is concerned about the impact of this on the external appearance and the quality of the internal accommodation, as well as consistency with other developments within CB1.

The current application is further from the southern and western boundaries than the consented schemes, however is a storey higher and includes a glazed link element. Other than this, the size and arrangement of windows would be similar to the consented scheme. In order to ensure consistency with the previous consents, I have amended the condition which is reworded below to require obscure glazed treatments for the south western elevation facing towards the hotel and the south floor of the western element of the southern elevation. I am satisfied that the distance from the glazed link is sufficient to avoid any significantly harmful overlooking and does not need to be obscured.

- Comments on other conditions from agent

The applicant's agent has reviewed the recommended conditions and has made comments regarding conditions 9 and 10 which have been updated below.

The applicant's agent commented that condition 6 appears to be a duplication of condition 8. These conditions were recommended by the Environmental Health team. While I accept there is some duplication in the purpose of the conditions, condition 6 is a compliance condition which requires no information to be submitted and I do not consider it to be unreasonable.

Amendments To Text: None

Pre-Committee Amendments to Recommendation:

- Condition 15 (obscure glazing)

Prior to the commencement of use of the building hereby permitted, a scheme for the treatment of the windows on the south-western elevation facing towards the hotel and the fourth floor of the southern elevation of the western element shall be fully completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority, to prevent overlooking to the properties to the south west of the site. The scheme may include measures such as Brise Solei or other obscuring methods (film etc.) and should include views showing the effect of the screening proposed from the office windows. Development shall be carried out in accordance with the agreed details and retained as such thereafter.

Reason: To ensure that the offices do not give rise to overlooking issues in the interest of amenity Cambridge Local Plan (2006) Policies 3/7 and 3/4.

- Conditions 9 and 10

Amendments to wording of conditions 9 (construction and demolition hours) and 10 (collections and deliveries during construction and demolition) to include wording at the end 'unless otherwise agreed in writing by the local planning authority in advance'.

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/2258/S73

Location: AstraZeneca, 1 Francis Crick Avenue

Target Date: 28.03.18

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/2192/FUL

Location: Mill Road Depot

Target Date: 23.03.18

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

MINOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 17/1019/FUL

Location: 560 Newmarket Road

Target Date: 15.03.18

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 18/0031/FUL

Location: 51 George Street

Target Date: 14.03.18

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/2090/FUL

Location: Moghul Tandoori, 182 Sturton Street

Target Date:

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/1926/FUL

Location: 8 & 8A Oak Tree Avenue

Target Date: 14.03.18

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/2211/FUL

Location: 42 Birdwood Road

Target Date: 09.03.18

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/1518/FUL

Location: 15 Fontwell Avenue

Target Date: 14.03.18

To Note:

Clarification that Councillor Sheil – who called in the application - is a local resident. The most recent comments from Councillor Sheil clarify his position that ‘there is no significant impingement for my property’. Officers are satisfied that the call in request has been made on the grounds of the concerns of the wider community.

Amendments To Text:

Correction – Councillor Sheil is a City Councillor and not a County Councillor, as stated in paragraph 7.1. Councillor Sheil is also a local resident and his address has been given.

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/2093/FUL

Location: 190-192 Mill Road

Target Date: 14.03.18

To Note:

Since the publication of the committee report, an appeal at No. 34 Mill Road (APP/Q0505/W/17/3183954) has been dismissed. The appeal decision is a material consideration and is relevant to the assessment of the internal environment. I attach a copy of the appeal decision to the amendment sheet.

The appeal scheme (16/0163/FUL) was originally refused due to the cramped living environment and subsequent unsatisfactory level of amenity provided for future occupants of the development. The Inspector refers to the government’s ‘Technical housing standards – Nationally described space standards (THS)’. These standards, the Inspector states, are an indication of the amount of internal space required within dwellings to avoid harmful living conditions for the occupants.

The Inspector on this appeal concludes that the all five of the units that are proposed in the converted building and the two units proposed within a standalone building fell 'significantly short' of the minimum space standards set out in the THS. Since no substantive evidence was been presented to provide justification to not comply with these standards, the Inspector concluded that the units would not provide acceptable living conditions for future occupants, with particular regard to the provision of space.

The units proposed in the appeal scheme range from approximately 24.1 to 52sqm. I have reproduced the floor spaces from the table in paragraph 8.7 from my report below which compares the current scheme and previous scheme on this site, and included the appeal scheme at No. 34 for comparison.

	No. 190-192 Mill Road		No. 34 Mill Road
Unit type (THS standard)	Proposed sqm	Previous scheme (17/0957/FUL) sqm	Appeal scheme sqm
Studios (37sqm)	S3 – 32.3	S1 – 32.7	
	S4 – 38	S2 – 26.6	
	S5 – 35.5	S3 – 30.1	
	S6 – 32.3	S4 – 32.4	
	S8 – 45.5	S5 - 39	
	S9 – 35.2	S6 – 34.4	
	S10 – 50.1	S7 – 30.8	
		S8 – 30.8	
		S9 - 27	
		S10 – 45.3	
		S11 – 40.1	
		S12 – 52.3	
1-bed (37sqm)	S1 – 47.2		No. 1 – 32.4
	S2 – 41.8		No. 2 – 27.26
	S7 – 55.1		No. 4 – 27.36
			No. 6 – 24.1
			No. 7 – 24.1
2-bed (61sqm)			No. 3 – 52
			No. 5 – 52

The Inspector notes unit No. 1 which has a floor space of approximately 32.4sqm as being 'materially below' the THS of 37sqm. The smallest units (S3 and S6) within the current application have a similar floor space of 32.3sqm and therefore I consider these also to be 'materially below' the THS. However, this is significantly larger than the smallest units on the appeal scheme (24.1sqm). Unlike the appeal scheme in which all units were below the THS, the current application has six units that exceed the standards. Moreover, the appeal scheme has 1-bed and 2-bed units that are over 10sqm short of the standards which the Inspector describes as 'a sizeable amount' below the standards.

Taking the units altogether as a whole, the units within the current application are significantly larger than those subject to the appeal at No. 34. The current scheme has units that are over 10sqm above the standards.

In summary, the appeal decision is a material consideration and provides a reference point for assessing the quality of internal living spaces using the national space standards in the absence of adopted local standards. The current application is closer to the standards than the appeal scheme and, while four units fall short of the standards, this difference is not as significant as for the appeal scheme. Therefore, having taken account of the appeal decision, I remain satisfied that it would provide an acceptable living environment for the future occupants and meets policies of the Cambridge Local Plan (2006).

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

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Appeal Decision

Site visit made on 6 February 2018

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2018

Appeal Ref: APP/Q0505/W/17/3183954

34 Mill Road, Cambridge, Cambridgeshire CB1 2AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chhotu Chhaya against the decision of Cambridge City Council.
 - The application Ref 16/0163/FUL, dated 29 January 2016, was refused by notice dated 26 April 2017.
 - The development proposed is the partial retention of an existing ground floor retail unit and the alteration/extension of the ground, first and second floors to provide independent apartments. The construction of a new semi-detached unit containing two additional studios. All to give 7 new residential units (nett gain 6).
-

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matter

2. The appellant contends that in this appeal consideration with regard to living conditions should be limited to the external amenity space and not internal living space. It is clear that the reason for refusal refers to a 'cramped living environment' which encompasses both internal and external space. The appellant has had the opportunity to respond to both aspects and consequently no prejudice would arise by my consideration of both elements of the living environment and I have determined this appeal on this basis.

Main Issues

3. The main issues in this appeal are:
 - whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to the provision of space and sufficient protection from noise and odour; and
 - the effect of the proposal on the living conditions of existing occupiers of neighbouring properties, with particular reference to refuse storage.

Reasons

4. The appeal site is located within the Central Conservation Area of Cambridge (CA). Hughes Hall, a Grade II Listed Building, is sited to the south. No 34 Mill Road is identified as a 'Building of Local Interest' (BLI). No 34 is a 2½ storey terraced building. At the time of my site visit there was vacant retail space at the ground floor level with basement storage. The first and second floors were

providing residential accommodation in the form of a 5-bedroom house in multiple occupation (HMO).

5. The appeal proposal seeks to change the use of the existing 5-bedroom HMO to provide 5 self-contained apartments. There would be some general internal alterations and a second floor extension. Two further apartments (Nos 6 and 7) would be located in a 2-storey semi-detached annex within the rear garden of No 34. The proposed annex would be attached to the consented¹, but not yet constructed, 2-storey annex to the rear of No 32 Mill Road as part of the redevelopment scheme of No 32 for 9 residential and 1 retail units.

Living conditions for future occupiers

Internal space

6. The appeal proposal presents a mixture of 1-bed and 2-bed apartments. The Council's reason for refusal indicates a concern regarding the internal living environment for the future occupiers of the apartments.
7. The adopted development plan has no specific policy regarding internal space standards. The nearest relevant policy is Policy 5/2 of the Cambridge Local Plan (CLP), adopted 2006, which states that the conversion of single residential properties into self-contained dwellings will be permitted except where, the residential property has a floorspace of less than 110 square metres criterion (A). The existing HMO, according to the Council, exceeds this figure. Consequently, against this space standard there is compliance in principle. However, the policy is seeking to ensure that when properties are sub-divided that there is an adequate level of space to protect living conditions of the occupiers. The policy does not however define any minimum space standards per unit.
8. Since the adoption of Policy 5/2 of the CLP the government has published the Technical housing standards – Nationally described space standards (THS)². These standards are an indication of the amount of internal space required within dwellings to avoid harmful living conditions for the occupants. Irrespective of whether the Council has formally adopted these standards, they are a material planning consideration in decision-making and are relevant to my determination of this appeal.
9. The Council makes reference in paragraph 2.3 of its appeal statement to Policy 50 of the emerging Local Plan³ which does put forward internal space standards. The emerging standards are similar to those contained within the THS. Consequently, together they indicate a direction of travel for the establishment of internal space standards for new residential development. However as the emerging plan has not yet reached adoption, it limits the weight that I can attach to it in decision making.
10. The Council has referred to the THS in its appeal submission in support of its argument regarding cramped living environment. According to the THS, a one-bedroom-one-person apartment with shower room requires a minimum of 37 square metres of gross internal area. If occupied by 2 people this minimum requirement is increased to 50 square metres. For two-bedroom-three-person

¹ Planning application 12/1132/FUL, approved 28.03.2013

² First published in March 2015 by the former Department for Communities and Local Government.

³ Cambridge Local Plan 2014: Proposed Submission July 2013

apartments the minimum requirement is 61 square metres, increasing to 70 square metres if occupied by 4 people. I have no specific information regarding proposed occupancy, other than the illustration of double and single beds on the submitted plans. I have however, used the minimum of the range contained within the THS to consider the proposed internal space.

11. The table contained in paragraph 2.4 of the Council's Committee Report sets out the approximate floorspace each of the proposed apartments. The space ranges from approximately 24.1 to 52 square metres. These figures have not been disputed.
12. The existing building with the proposed second floor extension would accommodate 5 apartments with shower rooms. Nos 1, 2 and 4 would be one-bedroom and Nos 3 and 5 would have 2-bedrooms. Of the one-bedroom apartments, No 1 has approximately 32.4 square metres of internal floorspace which is materially below the THS of 37 square metres. Nos 2 and 4 would have approximately 27.4 square metres which is just over 10 square metres below the THS. For the 2-bedroom apartments, Nos 3 and 5, they are proposed to have approximately 52 square metres of internal space, which again is a sizable amount under the minimum requirement of 61 square metres.
13. In all 5 of the self-contained apartments within the existing building, the proposed internal space falls significantly short of the minimum space standards set out in the THS. No substantive evidence has been presented to me in this appeal to demonstrate why, in this case, there is justification to not comply with these standards. Even where the THS have not been formally adopted by the Council, or yet incorporated into relevant development plan policy, they provide an important indication of the minimum space which should be provided in order to allow an acceptable modern living environment. Consequently, I find that the proposed 5 self-contained apartments in the existing building fail to provide acceptable living conditions for future occupiers.
14. The 2 one-bedroom self-contained apartments, Nos 6 and 7 would be provided in a separate 2-storey building within the rear garden area of No 34. The proposed internal space for each apartment is indicated to be approximately 24.1 square metres. This is significantly below the THS standard of 37 square metres indicated for a 1 bedroom, 1 person apartment. When taking the 37 square metres, the proposed 24.1 square metres is almost 13 square metres below the minimum requirements.
15. I have been referred to the planning permission 12/1132/FUL⁴ at No 32 Mill Road. This consent provides for a similar 2-storey building which would be constructed at the same time as the proposed 2-storey building. I note that this consent pre-dated the publication of the THS. However, I am mindful of the physical and operational relationship of Nos 32 and 34 in that there is a shared outdoor amenity space and the proposed 2-storey building at No 34 would be attached to the consented 2-storey building at No 32. There would be a semi-detached building across the rear of both properties. This would provide a consistency of design and development form.

⁴ "The retention of the existing CB1 Internet Café and the provision of 9 new studio flats by conversion and new build"

16. Whilst I recognise the practicality and design benefits of creating the 2-storey building, it does not in itself justify the creation of 2 self-contained apartments which contain insufficient internal space. I note that in permitting the building at No 32, the Council had previously accepted the creation of 2 apartments with the same internal space as proposed at No 34. However, since the approval at No 32 in March 2013, the publication of the THS represents a material change of circumstances. Consequently I find that the 2 apartments in the proposed 2-storey building would provide inadequate internal space.
17. I conclude that the proposed development would not provide acceptable living conditions for future occupants, with particular regard to the provision of space. Accordingly, in relation to the internal space, the appeal proposal would not comply with Policy 5/2 (c) of the CLP, which seeks, amongst other things, that the living accommodation would be satisfactory.

External space

18. The appeal proposal would provide approximately 103 square metres of external amenity space to serve 7 residential units and 1 retail unit. The appellant has referred me to a number of other consented schemes on Mill Road. In particular, the external space consented for the 9 residential units and 1 retail unit at neighbouring 32 Mill Road is around 79 square metres. This is less than the appeal proposal. However, I note that the rear of Nos 32 and 34 would become a shared area and as such the external amenity space would total some 183 square metres for the total of 16 apartments and 2 retail uses.
19. I have had regard to appeal site's accessible location and in particular that it is within easy walking distance of the large public open space of Parkers Piece. Consequently, I find that there would be no harm to the living conditions of future occupants, with particular regard to the provision of space. The appeal proposal would, in relation to external space, comply with Policy 5/2 (c) of the CLP, which seeks, amongst other things, that the living accommodation would be satisfactory.

Noise

20. The site lies adjacent to a takeaway to the east which has an extraction flue and associated plant attached to the rear wall. No 34 fronts onto Mill Road which, as I observed on my site visit, is a busy thoroughfare. The Council's concern is that the plant and traffic noise would be a potential source of noise for future occupiers. From my site visit it was apparent that the appeal site is no more susceptible to traffic noise than other properties on Mill Road. Consequently, in this case the primary consideration is the potential for noise from the neighbouring plant.
21. I note that there is no unresolved objection to the proposal in relation to noise from the Council's Environmental Protection Officer. From the evidence before me a technical solution was agreed during the determination of the application in order to address the potential concerns regarding noise. The use of non-opening windows together with Sonair F+ units to provide ventilation has been presented as the proposed solution. This is an approach which can be secured by condition. I find that it would maintain satisfactory living conditions for the future occupiers with regard noise.

22. From my observations on site the noise of the existing plant was not particularly noticeable against the general background hum of traffic noise. I am satisfied that there would be no unacceptable harm to the future users of the external amenity area.
23. Consequently, the appeal proposal represents acceptable living conditions for future occupants, with particular regard to sufficient protection from noise. It complies with Policy 4/13 of the CLP which seeks, amongst other things, to ensure that development does not lead to significant adverse effects on amenity from pollution, including noise, which can be minimised through appropriate mitigation measures.

Odour

24. The submitted plans indicate a specific on site location for refuse and recycling receptacles within a timber fenced enclosure. The provision of wheeled refuse bins with hinged tops is a standard solution for refuse receptacles. I note that interested parties refer to the impact of fumes from the dry cleaners. However, I have no cogent evidence before me to indicate that either of these would generate any degree of odour which would be unacceptable and therefore detrimental to the users of the external amenity space.
25. The appeal proposal therefore represents acceptable living conditions for future occupants, with particular regard to sufficient protection from odour. It complies with Policy 4/13 of the CLP which seeks, amongst other things, to ensure that development does not lead to significant adverse effects on amenity from pollution, including odour.

Living conditions for existing occupiers of neighbouring properties

26. The Council, together with interested parties, are concerned that the appeal proposal would increase the number of refuse receptacles on Covent Garden to the detriment of users of the highway.
27. The appeal proposal would use the pedestrian access to Covent Garden to present the refuse receptacles to the highway on the designated collection day. I understand that this is already the designated collection point for the trade waste receptacles from units on Mill Road.
28. Covent Garden is a narrow highway incorporating a narrow footway and cycleway. At the time of my site visit, which I accept is only a snapshot in time; Covent Garden was a quiet street with occasional vehicles passing through. I note that the Council's Waste Team had no objections to the proposed increase in the number of receptacles to be collected from Covent Garden. Furthermore, the Highway Authority did not consider that the increase in use would result in any form of harm to highway safety.
29. I appreciate that on the collection day there would be a number of refuse receptacles on Covent Garden. However from the dense pattern of urban development in this area I note that other side streets, off Mill Road, similar to Covent Garden, would experience similar situations. No specific evidence as to why this proposal would result in a harmful problem has been presented to me. Consequently, I do not find that the increase in the number of receptacles on Covent Garden would be significant enough to withhold permission were I minded to allow this appeal. Whilst this is a regular occurrence, it is temporary and not in any way unusual in dense urban environments.

30. I note that the suggestion from interested parties that there may be legal issues associated with the positioning of refuse receptacles on the highway. These are not planning considerations relevant to this appeal. A planning condition would be appropriate to establish the precise collection point and number of receptacles on the highway for clarity.
31. Consequently, I am not persuaded that there would be unacceptable harm to the living conditions of existing occupiers of neighbouring properties, with particular reference to refuse storage. Accordingly, the appeal proposal would comply with Policy 3/10 of the CLP which seeks, amongst other things, that there would not be a significant adverse impact on the amenities of neighbouring properties.

Other matters

32. A range of other matters have been raised by interested parties at both the application and appeal stage. In addition to those covered under the main issues they include the timing of the appeal; the scale of the proposal; lack of car parking; overlooking of Nos 2 and 4 Covent Garden; loss of existing trees and potential damage to the pedestrian access and No 2 Covent Garden.
33. Comments have been made regarding the timing of the appeal. This is a matter for the appellant and as such is not a matter relevant to this appeal.
34. The scale of the proposal has been raised. No 34 already operates as a small 5-bedroom HMO, the appeal proposal would increase the number of bedrooms to 9 divided between 7 self-contained apartments. However, this is an urban environment and in principle the scale of a proposal of this nature may be appropriate in this location subject to compliance with the main issues which I have already addressed in detail. Whilst the proposal does not incorporate any car parking, I note that there is no existing car parking for the existing HMO. The site lies within an urban location within a controlled parking zone with good access to other forms of transport. As such the provision of dedicated car parking in this case is not necessary. Furthermore I note that the Council has no concerns in this regard and neither does the Highway Authority.
35. Reference has been made to the potential for overlooking to Nos 2 and 4 Covent Garden. Appropriate planning conditions could secure obscure glazing and degree of opening to windows in the appeal proposal; consequently, I do not consider that any unacceptable overlooking resulting in harm would occur in this case. Concerns have been raised regarding the clearance of trees on the site. However, I have no cogent evidence regarding this matter which limits the weight that I can give it in my decision making.
36. The potential for damage to the pedestrian access to Covent Garden has been raised. I note that the Covent Garden pedestrian access is in addition to the proposed pedestrian access from Mill Road, which could in any event be secured in perpetuity by a planning condition. I have no substantive evidence to indicate that damage to passageway would occur. If damage were to occur then it would be a private matter to be resolved outside of the planning process.
37. The appeal site is located within the CA and the Grade II Listed Building, Hughes Hall, lies to the rear of the appeal site. No 34 is also a BLI which is a non-statutory heritage asset. The proposed second floor extension would

mirror and adjoin the existing two-storey wing of No 32 immediately to the west. As this would provide balance to the rear of the terraced building. The proposed 2-storey semi-detached annex within the rear would not harm the character or appearance of No 34. I have had regard to the statutory duties set out in s72 and s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council had no concerns regarding the impact of the appeal proposal on the designated and non-designated heritage assets. I see no reason to disagree.

Conclusion

38. Having regard to all matters raised, it is concluded that the appeal should be dismissed.

Rachael A Bust

INSPECTOR

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