

Agenda Item 7

EAST AREA COMMITTEE MEETING – 25TH APRIL 2013

Amendment De-brief Note

PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 12/1613/FUL

Location: Land to the r/o 289-293 Cherry Hinton Road

Target Date: 18th February 2013

To Note:

A letter has been sent to the Councillors from the agent January's. This letter is attached to the amendment sheet. In response to this letter, it is accepted that the footprint of the building was reduced following pre-application advice. However, the building is still considered excessive in size as it covers most of the site width when viewed from the road. In my opinion, the proposed houses dominate the site and fail to relate well to the surrounding area.

The houses referred to in the appeal decision (reference 10/0739/FUL) were set back further from the street than what is proposed in the current planning application. The appeal decision and site plan are attached to the amendment sheet. I therefore consider there to be no direct comparison between the current planning application and the previous planning application, in reference to its impact on the street scene.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 12/1621/FUL

Location: 117 Vinery Road

Target Date: 24th February 2013

To Note:

The residents of 46, 44, 42 and 40 Vinery Park have submitted comments following the wider neighbour consultation process. Their comments relate mainly to

insufficient car parking for the proposed scheme and the impact this would have on existing on-street car parking provision. An issue has also been raised regarding the provision of the refuse storage area.

I have already addressed the car parking issue in my report. The additional representations do not raise any new issues beyond those I have addressed already.

I have recommended a waste condition, which will address any concerns with the practicality of the refuse storage area and provide details of the types of bins proposed to be used.

The applicant has carried out and submitted a car parking survey of the roads surrounding (Vinery Road north; Vinery Road south; and Vinery Park) the application site. The survey was carried between 3 March to 11 March at 7am. The survey purports to show that there were the following number of on street car parking spaces on each day:

Sunday 3rd: 25 spaces
Monday 4th: 22 spaces
Tuesday 5th: 21 spaces
Wednesday 6th: 19 spaces
Thursday 7th: 20 spaces
Friday 8th: 22 spaces
Saturday 9th: 22 spaces
Sunday: 10th: 20 spaces
Monday 11th: 21 spaces

(The survey excludes driveways and double yellow lines)

I understand from the applicant that this survey has been circulated to all members for consideration.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 13/0102/FUL

Location: Garages to r/o 76 Abbey Road and 12 Riverside

Target Date: 27th March 2013

To Note:

Amendments To Text: There has been comments received from the Environment Agency who do not support the application due to Health and Safety of future occupiers in the even of flooding as this could hamper ingress/egress of people and an adequate finish floor level in the event of flooding.

The applicants and the Environment Agency are in process of resolving the concerns raised and will be reported on the amendment sheet or verbally at committee.

Pre-Committee Amendments to Recommendation: None

DECISION:

PLANNING

To All Members of the Cambridge City East Area Committee

† +44 (0) 1223 326809
f +44 (0) 1223 329402
e peter@januarys.co.uk
w januarys.co.uk

22 April 2013

Our ref: PMcK/106549
Your ref:

Dear Councillor

S/0366/12/FL – PROPOSED ERECTION OF TWO SEMI-DETACHED DWELLINGS ON LAND TO THE REAR OF NOS. 289-293 CHERRY HINTON ROAD, CAMBRIDGE

I am writing to you in advance of the forthcoming East Area Committee Meeting on Thursday 25th April 2013, when the above-mentioned planning application is to be considered with a recommendation of refusal. I am the applicant's agent and I hope that you will be able to take a moment or two to read through this letter.

Two reasons for refusal have been recommended with one of these referring to the applicant's failure to complete a Section 106 Legal Agreement. However, the principal refusal reason refers to the scale, mass and position of the proposed building with your Officers taking the view that the proposed semi-detached houses "would appear bulky and cramped, protruding into the street scene in an unacceptably dominant manner, eroding openness and detracting from the character of the area".

This amended proposal is submitted in response to application 10/0739/09/FUL that was refused planning permission on the site in March 2011 under delegated powers and subsequently dismissed at appeal in December 2011. The site was, however, deemed to be suitable to accommodate development by both the local Planning Authority and the Planning Inspectorate. The principle of development on the site is therefore considered acceptable and we believe that this fresh application has successfully addressed the design shortcomings considered to exist with the previous application.

Our view is that the appeal decision is a significant material consideration and should be the starting point for considering this application. It is also relevant to note that the central objective of the NPPF is that of achieving sustainable development and that local planning authorities should positively seek opportunities to meet the development needs of their area when assessing and determining applications.

A pre-application discussion was held with your Officers in September 2012 and following on from this meeting, amendments were made to the scheme. The building proposed within this application is 20% smaller than the original application. It is felt that this is a considerable reduction. The footprint of the building is much squarer now and this is characteristic and more consistent with surrounding development. Importantly the Inspector in determining the appeal did not make any reference to the scale or massing of the proposal. This was considered to be acceptable. Moreover, as noted above, this latest scheme is notably smaller.

With regard to the comments raised within the Committee Report it is felt that an appropriate scale and form of development has now been proposed for the site. The frontage width of the building is considered to be entirely acceptable and the steepened roof pitch is more in keeping with the established street scene along Lichfield Road. The building will also relate well to the existing development on the opposite side of Lichfield Road. An appropriate setback of seven metres has been provided from Lichfield Road and this is considered to be more than adequate to ensure that the building will not appear prominent. The addition of new landscaping along the frontage and the addition of new trees will also further help to assimilate the building form into the landscape at this location. This also helps to break up the frontage and ensure that the building make a positive contribution to the overall street scene.

The other design issues of concern that related to the appeal scheme have now all been effectively addressed and both dwellings now relate to Lichfield Road in a positive manner with attractive and legible front entrances now being provided. Utilitarian structures are now situated to the rear and will not disrupt the setting of the main elevation.

The development will not adversely affect the amenity of any of the adjoining residents, and the generous levels of separation provided will ensure that no harmful overbearing or overlooking will result. This view is supported within the committee report which states **"the proposal adequately respects its neighbours"**.

A number of changes have been made to the scheme and we believe that this latest application has successfully addressed the reasons for refusal of the previous application and the design shortcomings considered to exist by the Planning Inspector. The development responds positively to the site's opportunities and constraints and will not have an adverse impact on the character and appearance of the area or the adjacent houses within Cherry Hinton Road and Lichfield Road. We believe that the proposal respects the established pattern of buildings within the locality and as a result we respectfully request that you resolve to approve this application subject to appropriate conditions and the completion of a Section 106 Agreement.

For all of the above reasons, we would invite you to support this planning application, and we very much hope you will feel able to do so.

Yours sincerely

Peter McKeown MSc, BSc (Hons)
Planning Consultant

cc: Lorna Gilbert, Planning Officer, Cambridge City Council



The Planning
Inspectorate

Quality Assurance Unit
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0117 372 8252
Customer Services: 0117 372 6372

Joely Day
Cambridge City Council
PO Box 700
Cambridge
CB1 0JH

Your Ref: 10/0739/FUL
Our Ref: APP/Q0505/A/11/2160919/NWF
Date: 21 December 2011

Dear Ms Day

Town and Country Planning Act 1990
Appeal by Mr Robert Dickson
Site at 293 Cherry Hinton Road, Cambridge, CB1 7DB

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Erin Lindell
COVERDL1



You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcportal/casesearch.asp>. You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



Appeal Decision

Site visit made on 29 November 2011

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **21 December 2011**

Appeal Ref: APP/Q0505/A/11/2160919
293 Cherry Hinton Road, Cambridge, Cambridgeshire, CB1 7DB.

- 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 Robert Dickson against the decision of Cambridge City Council.
- The application Ref 10/0739/FUL, dated 23 July 2010, was refused by notice dated 25 March 2011.
- The development proposed is described as *proposed pair of semi-detached houses to gardens at the rear of 289-293 Cherry Hinton Road with access from Lichfield Road.*

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this case to be the effect of the proposed development on:
 - (a) the local townscape and thus the character and appearance of the area;
 - (b) the living conditions of neighbouring and future residential occupiers; and
 - (c) finally, whether a planning obligation to secure provision for open space, waste and community facilities is necessary.

Reasons

3. The site the subject of this appeal is an 'L' shaped plot to the rear of numbers 289, 291 and 293 Cherry Hinton Road, with number 293 being on the corner of the main road, Cherry Hinton Road, and the side road, Lichfield Road, from which access would be taken to the appeal site. Number 293 is currently a guest house with the rear garden laid out for guest parking.
4. The properties in Lichfield Road, behind those which face on to Cherry Hinton Road, are generally relatively modern two storey blocks of flats. They are laid out as 'L' shaped blocks, some address the street with communal courtyards behind while others, such as the block directly to the north of the appeal site,

are set back from the road and face onto an open green communal quadrangle in front.

5. The appellant proposes a semi-detached pair of two storey, two bedroom houses. They would be built to the rear of numbers 289 and 291 with the area behind 293 providing vehicular access, parking, refuse recycling and cycle storage as well as a garden area to unit 2 in addition to that shown to the south. The building, which would be of a simple contemporary gable ended design, would be built gable end onto the road. Although the front door of unit 2 would face the road, that to unit 1 would be in the rear elevation.

Townscape/character and appearance

6. Having regard to the wider context of the area, I do not consider that in itself the setting back of the building from the road frontage as proposed would necessarily be inappropriate. However, because of the limited width of the frontage and the introduction of what would be prominent ancillary structures including a carport, cycle and recycling storage in front of the street facade, rather than more appropriately sited out of public view, the principal elevation of the property would, I believe, fail to address the street in a positive manner.
7. Indeed what would otherwise be a well mannered facade would be greatly diminished by the introduction of utilitarian structures and screening. Further, the opportunity to read the entrance to unit 2 from the kerbside, a characteristic of neighbouring development in the area, would also be greatly reduced.
8. The entrance to unit 1 would be located at the rear of the property. Unfortunately, as both street side gates are marked 'Entrance to Unit 1' on the drawings, the designer's intended route from the street to the door of unit 1 is unclear. Nevertheless, whichever route it is to be, either to the north or south of the properties, they would both be equally torturous. The illegibility of the design in terms of defining the access to entrance doors would, I am sure, result in the need to introduce some form of signage. In my judgement this would indicate a failure in the design.
9. Further, if the northern route were to be used it would result in occupiers and visitors to unit 1 passing the French doors serving the studies/dining rooms of both units 1 and 2. If the southern route were chosen, then they would pass through private gardens and in front of the full height folding screens proposed to the lounges of both units. To my mind, therefore, the design would be further compromised because, depending on the route chosen, either the benefits of opening out the French doors would be diminished or those that would otherwise be attributed to the full height folding screens to the south/east or west elevations of the lounges of units 1 and 2 and the proposed private garden spaces would be appreciably reduced. To my mind, these considerations further indicate incumbent design deficiencies in the proposal in relation to the poor interrelationship between buildings, routes and spaces and thereby a failure to recognise the constraints of the site and the need for the design to respond to its context.

10. The appellant has drawn to my attention an assessment undertaken of the area around the appeal site in terms of architectural styles and the way in which some of the existing built environment addresses the street. Whatever the circumstances surrounding those earlier developments, I have considered this proposal on its individual planning merits and in the context of the appeal site.
11. I conclude, in respect of the first main issue, that on balance the proposed development by reason of its design and layout would relate poorly to the surrounding development and erode the visual quality of the street and thereby detract from the prevailing character and appearance of the area and local townscape. The proposal would therefore be contrary to the objectives of Policy ENV7 of the East of England Plan 2008 (EEP) and Policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006 (LP) as they relate to, amongst other things, the quality of design and protection of the prevailing character and appearance of the area.

Living conditions

12. The present outlook of the occupiers of numbers 289 and 291, over their rear gardens across the quadrangle in front of the flats, would be foreshortened by the introduction of the new houses here. However, by reference to the application drawings, I note that the separation distance between the rear facades of numbers 289 and 291 and the south elevation of the new houses would be some 18.0 metres or so. In my opinion, therefore, and while having regard to this urban location, I do not consider that the new dwellings would be either so dominant or overbearing or create such a feeling of enclosure as to cause significant harm to the living conditions of the occupiers of the existing houses.
13. As identified above, the pedestrian access to the entry door of unit 1 would either pass over a relatively narrow footpath to the north of the property or, and this is possibly less likely, that to the south. Assuming the northern route then occupiers of, and visitors to, unit 1 would pass by the French doors serving the studies/dining rooms of both units 1 and 2. In my judgement, and while the path is to a certain extent private and pedestrians may pass by quickly, this arrangement would, nevertheless, result in a loss of privacy by reason of inward looking by those using the footway.
14. The appellant has acknowledged this potential by indicating that both sets of doors should be glazed with laminated 'Optilan' glass with a white interlayer that, while allowing daylight in, would provide only one way viewing, outwards. In my opinion, however effective the 'Optilan' glass is at stopping inward looking, future occupiers would nevertheless have the sense of being visible. Further, by reason of the glazed doors, the occupants would be aware that people were passing or congregating immediately outside their property which, even if they could not see in, may well lead to a further sense of anxiety for the occupiers. Finally, being French doors, occupiers may well like, from time to time, to have them open. However, for reasons of both security and safe access along the narrow footway this would not be practicable.
15. If the southern route were used as an alternative entry to unit 1, then this would result in an even greater loss of privacy and potential for inter-looking as

well as mitigating against the benefits of the provision of private amenity space and full height clear glazed folding doors.

16. Having regard to all these matters, I consider that in respect of this element of the design the proposed development would be harmful to the living conditions of future residential occupiers.

17. I have found that the proposal would not prejudice the living conditions of the occupiers of numbers 289 and 291 Cherry Hinton Road but it would result in unacceptable harm to the future occupiers of the proposed development. I therefore conclude, in respect of the second main issue, that the proposal would be harmful to the amenity of future residential occupiers, contrary to the aims of EEP Policy ENV7 and LP Policies 3/4, 3/7, 3/10 and 3/12 as they relate to the protection of residential amenity.

Planning obligation

18. The Council's fourth reason for refusal relates to the lack of a unilateral undertaking to make appropriate provision for open space, waste and community facilities. I am aware, from the appellant's statement, that he has sent an obligation to the Council. I have not, however, been provided with a signed and dated copy.

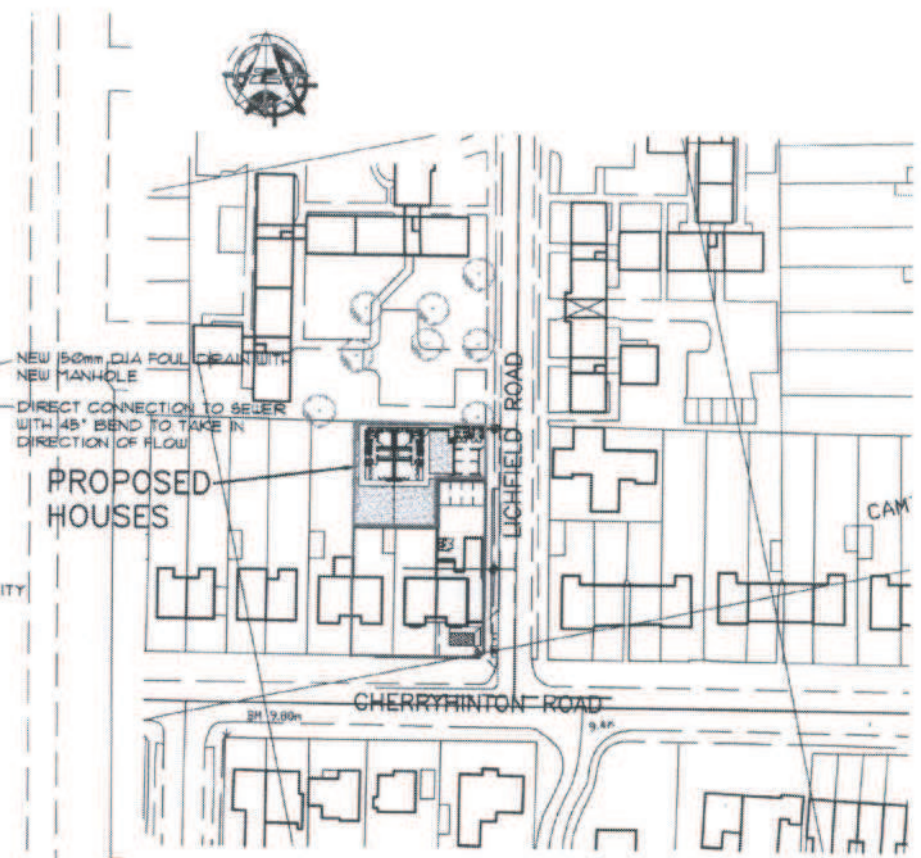
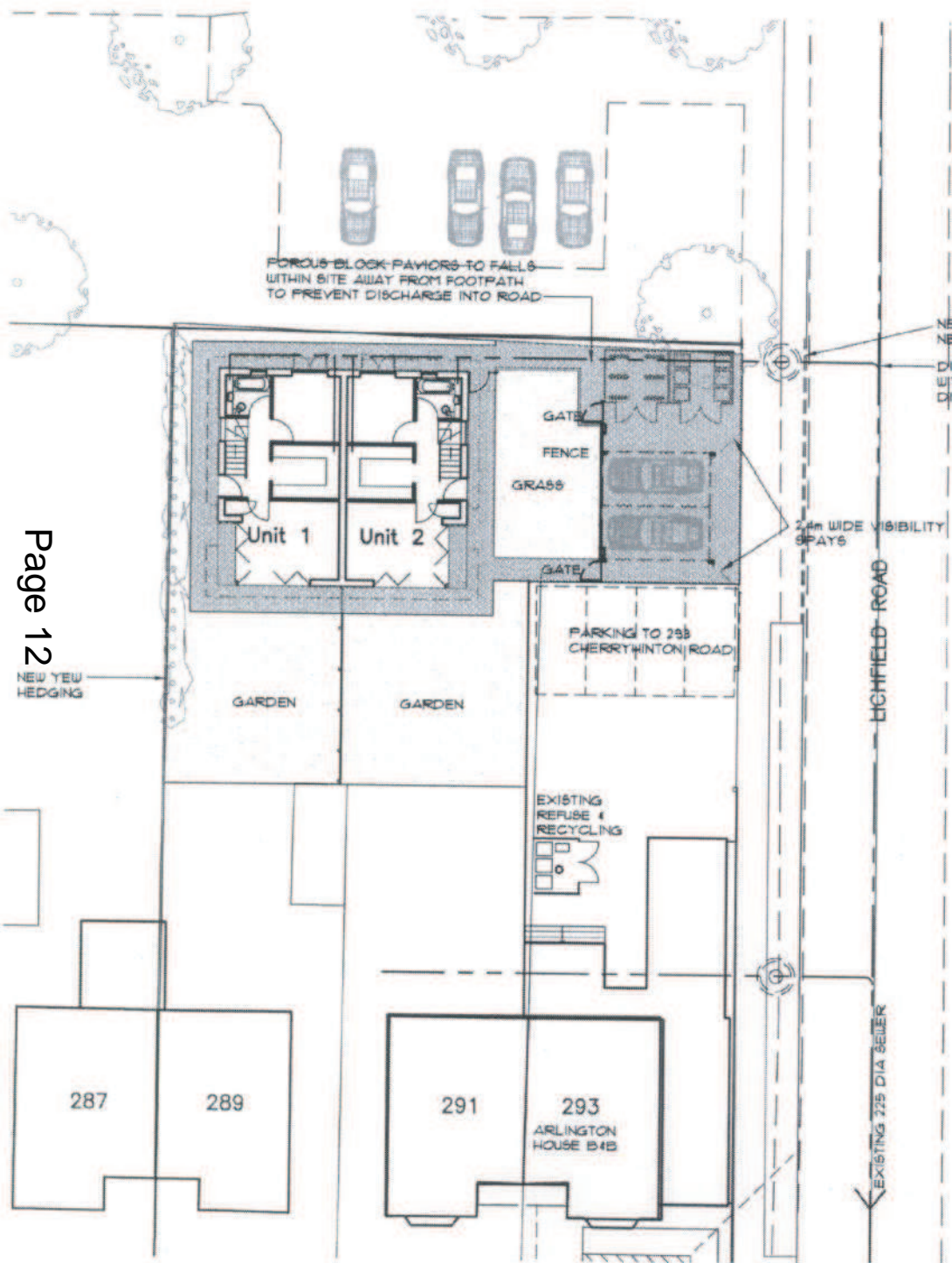
19. The Council is silent on what it requires or how any such contributions would be directly related to the proposed development or necessary to make it acceptable in planning terms. Based on the lack of evidence, I am unable to conclude that an obligation addressing the above provisions, even if it were before me, would outweigh the fundamental planning objections to the proposal that I have identified.

Conclusions

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR



SITE LOCATION PLAN scale 1:1000

R.J.D ROBERT JOHN DICKSON
 E.M.H. ELIZABETH MARY HILLS

REV 4 ENTRANCE GATES ADDED TO GARDEN 23.02.10	
No	Revision
Date	
ARGYLE DESIGN	
12 STRATFIELD CLOSE, CAMBRIDGE, CB4 3NA Tel: 01223 504645 web: www.argyledesign.co.uk	
Project PROPOSED HOUSES TO LICHFIELD ROAD REAR 293 CHERRY HINTON ROAD CAMBRIDGE CLIENT: Mr R. DICKSON & Ms E. HILLS	
Drawing SITE LOCATION PLAN	
Scale 1:1000 & 1:200	Date AUGUST 2009
JOB No. 0619/100	REVISION A

SITE PLAN scale 1:200

THIS DRAWING IS COPYRIGHT
 AND NOT SCALE FROM THIS DRAWING.
 ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO
 CONSTRUCTION.