

## EAST AREA COMMITTEE MEETING – 20<sup>th</sup> FEBRUARY 2014

### Amendment De-brief Note

### PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: **13/1465/FUL**

Location: 6 Hooper Street

Target Date: 5<sup>th</sup> December 2013

To Note:

Appendix 1 and 2 will be provided as hard copy in the meeting.

Appendix 3

Minutes from the Development Control Forum of Wednesday 11<sup>th</sup> December 2013

Development Control Forum DCF/1 Wednesday, 11 December 2013

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**DEVELOPMENT CONTROL FORUM 11 December 2013**

10.00 - 11.30 am

**Present:** Councillor Blencowe

**Officers:**

Principal Planning Officer (Chair): Tony Collins

Planning Officer: Amit Patel

Committee Manager: Claire Tunncliffe

**For Applicant:**

Applicant Representative: Peter McKeown, Januarys

Applicant Architect: Graham Handley

**For Petitioners:**

Lead Petitioner: Michael Mulvihill

Resident: Sophie Dubillot.

**FOR THE INFORMATION OF THE COUNCIL**

**13/7/DCF Introduction by the Chair**

The Chair outlined the role and purpose of the Development Control Forum.

Those present were informed that no decisions would be taken at the meeting.

**13/8/DCF Declarations of Interest**

No declarations were made.

**13/9/DCF 13/1465 FUL: 6 Hooper Street, Cambridge, CB1 2NZ**

**13/1465 FUL: 6 Hooper Street, Cambridge, CB1 2NZ**

Committee: East Area Committee

Date: 11 December 2013

Application No: 13/1465/FUL

Site Address: 6 Hooper Street Cambridge CB1 2NZ

Description: Erection of one 2 x bed dwelling, and conversion of No.6 Hooper Street into two 2 x bed flats together with cycle parking and associated hard and soft

landscaping (following the demolition of the existing garage building present on site and part of the single store rear addition to No 6).

Development Control Forum DCF/2 Wednesday, 11 December 2013

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Applicant: TBC

Committee: East Area Committee

Agent: Mr Peter McKeown, Januarys, York House,  
7 Dukes Court, 54-62 Newmarket Road Cambridge, CB5 8DZ

Telephone: 01223 326809

Lead Petitioner: Mr Michael Mulvihill

Address: 8 Hooper Street Cambridge CB1 2NZ

Case Officer: Mr Amit Patel

**Text of Petition:**

The proposed development, especially of the new house at the rear, is an overdevelopment of this tiny site. Its approval would result in a loss of privacy for existing residents (many of whom have not been notified of the plans) and the loss of a mature and important tree, which could not possibly survive the redevelopment. It would lead to an increase in noise and overlooking of neighbouring properties. The loss of two car parking spaces and the addition of a house and another dwelling would lead to increased pressure on on-street parking in an area where on-street parking is already inadequate for existing needs.

Presently adjoining owners and occupiers, many with small gardens and already in very close proximity with each other, enjoy an intimate relationship formed by the mature trees and lack of residential development on the site of the former workshop. Granting consent to this application would ruin this local environment and benefit only the developer and owner.

The conversion of the house into two dwellings with additional stairs fronting directly onto Hopper would adversely affect the appearance and visual impact of not only the house itself but also the central conservation area it is part of.

We request that this application be taken to development control forum or at least reviewed at committee, and that it is refused.

**Case by Applicants:**

1) Mr Peter McKeown (Agent) introduced himself and Mr Graham Handley (Architect), and began by outlining his understanding of the main concerns raised by the petitioners to call a Development Control Forum Meeting, which were as follows:

Development Control Forum DCF/3 Wednesday, 11 December 2013

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- Overdevelopment
- Loss of a mature and important tree
- Increase in noise and overlooking of neighbouring properties
- Increased pressure on on-street parking
- Visual impact on the Central Conservation Area

During the presentation Mr McKeown stated that he hoped to address those concerns and made the following points:

2) The site occupies a strategic location,  $\frac{3}{4}$  mile south east of Cambridge City Centre, located to the north of Hooper Street connected to Mill Road via Gwydir Street and Kingston Street.

3) The proposed development falls within the Central Conservation Area.

- 4) The site contained an end of terrace, Victorian two storey dwelling with an industrial car repair workshop building present at the rear that was unattractive in appearance.
  - 5) The site extends to 0.044 hectares with a predominantly square footprint to the rear.
  - 6) The proposed residential use of the land is compatible with the established residential properties present within the immediate area.
  - 7) The site occupies a sustainable location, a brownfield site and therefore represents a very high priority for future development.
  - 8) The site was suitable for development and the proposals would bring back into use previously developed and largely derelict land.
  - 9) Acknowledged there had been various planning applications to this site, two of which had previously been refused. However consent had been granted for the demolition of the workshop.
  - 10) The principle of providing residential development on this site was supported by national guidance, provided in the form of the National Planning Policy Framework and Policy 5/1 of the Cambridge Local Plan 2006.
  - 11) The new residential dwelling although on two floors, would not be a full two storey building.
  - 12) The proposed build was very similar in terms of its scale and form to adjacent housing found within the area, with a garden area to the front at the rear of No.7 Hooper Street.
  - 13) Occupies a smaller footprint than the existing garage building which will be removed from site and kept within the mass of the existing building.
  - 14) The new dwelling will be kept within volume and footprint of existing building, 66% of existing footprint & 71% of volume of existing.
- Development Control Forum DCF/4 Wednesday, 11 December 2013

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**Case by Petitioners:**

- 15) Did not object to the form and development of the building but to the location of where the building stands.
- 16) A change of use from a workshop to a dwelling would have a harmful impact on the small site.
- 17) With the conversion of No. 6 into two bed flats and the erection of a one two bed dwelling this would increase the density of the area, potentially up to nine additional people which would have create an increase in noise levels.
- 18) The two bed flats were too close in proximity and would have a negative impact on the privacy on the future occupiers.
- 19) There was an insufficient allocation of refuse bins to the dwellings due to inadequate amenity space.
- 20) The scale of the proposed development and proximity would have an adverse effect on neighbouring properties.
- 21) There have been a number of applications to develop this site which had been refused and the appeals dismissed.
- 22) Although this application had been scaled down from previous plans this proposal was still about maximising profit on the site.
- 23) This application was closer to No 8 Hopper Street than previous applications. The site only 8 metres from the rear window of the bedroom and kitchen window and 6 metres from the rear of No 7 Hooper Street.

- 24) The additional development would have a negative impact on this already high density area.
- 25) The development would not enhance the area.
- 26) There was a danger that the cherry tree which had become a focal point for residents would not survive, this would be a loss to habitat of local wildlife.
- 27) The external stair well on the development was not in keeping with the conservation area.
- 28) Two parking spaces would be lost.

**Case Officer's Comments:**

Mr Amit Patel began by giving a brief history of the planning applications that had been put before the Council.

29) Representations had been received from No 8 Hooper Street and 9 Gwydir Street which covered the following issues:

- 30) Principle of development.
- 31) Over development of the site.
- 32) Relationship of the site between neighbours.
- 33) Residential amenity.

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34) Noise.

Mr Patel gave details of the relevant departments that had been consulted on the application and no objections had been received, however the following had been highlighted.

35) Environmental Health had recommended the standard waste condition to ensure the correct receptacles were provided and sufficient storage space for the properties.

36) The Conservation Department had recommended a suggested condition that prior to the commencement of development, full details of all external materials shall be submitted to and approved in writing by the local planning authority, with the exception of ground works.

37) Highways stated that the residents of the dwelling units within the site would not qualify for Residents' Permits (other than visitor permits) and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal

**Questions and Comments to the Applicant:**

38) Could the applicant address the problem of close proximity and the loss of privacy that would be experienced by No 8 Hopper Street and the relationship of the site between neighbours?

39) It was highly probable that the roots of the cherry tree would be damaged during the build and that the tree would not survive, no matter what any reports stated.

40) Could the Applicant guarantee that the cherry tree would survive the build and the roots would not be damaged in any way?

41) Did the Applicant really think that enough refuse bins had been provided by not meeting the minimum standard?

42) Both owners of the two bed flats would have to share the bin and plastic bags could be left out when the bins were full.

43) If the workshop was not there would the proposal be considered?

44) Without the workshop a standard terraced Victorian dwelling stands on the site, if the proposal were approved, would this mean that anyone with a garden would be granted permission to build an additional property on their site?

- 45) Requested that the position of the Highways Authority be clarified?  
46) Requested confirmation that the new build would not exceed the ridge height of the workshop.

Development Control Forum DCF/6 Wednesday, 11 December 2013

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**Response by the Applicant:**

47) There could be an issue of privacy between the two gardens of No 7 & 6 Hooper Street but this is the same size garden for the current three bedroom property. The garden would become less intensively used as the property becomes 2 bed.

48) With regards to proximity, the City Council does not have any fixed standards defining acceptable distances between principal elevations of new dwellings. Due to the characteristics of the site on which the existing building stands the distances proposed are acceptable.

49) With respect to the privacy of future residents the development provides a high quality acceptable living environment. There would be no overlooking into bedrooms to buildings on Hooper Street or Sturton Street. The scheme had been designed to be predominately inward looking, and a light study undertaken shows that adequate levels of daylight would enter the new properties.

50) Based on a professional report undertaken concerning the cherry tree there was no indication that the tree could not remain in situ while the development took place. The matter had been discussed with the City Council Tree Officer who was not opposed to the removal of the tree.

51) A survey of the cherry tree reported a life expectancy of ten to twenty years. The applicant felt that the tree is not worthy of protection.

52) The City Council Environmental Health Officer had made comment on the space for refuse bins and it would be possible that this element could be conditioned. Adequate provision for the three dwellings has been provided but if required would look at the capacity of the size of the bins.

53) With regards to the external stairwell this would not have any negative impact on the conservation area. The stairwell is situated to the rear of the property behind the frontage of Hooper Street.

54) The development would be promoted as car free. No parking permits would be issued to residents by the Highways Authority

**Summing up by the Applicant:**

55) The development represents an attractive contemporary modern style which respects the established buildings in the surrounding residential area.

56) The scale of the building has been reduced and the design amended.

57) The site was large enough to accommodate the new dwelling to the rear and compliments the surrounding area.

58) The proposal would not appear over dominant within the locality and would not adversely impact any of the adjoining properties. Any concerns had been adequately addressed.

Development Control Forum DCF/7 Wednesday, 11 December 2013

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59) Extensive consultation had taken place with Council Officers which has resulted in a well-considered design solution for the site.

60) The development responds positively to the site's opportunities and

constraints. It would not have an adverse impact on the character and appearance of the area or the adjacent houses within Hooper Street and Sturton Street.

**Summing up by the Petitioners:**

61) The development was too close to No 8 Hooper Street and could not see how the issue of proximity could be resolved.

62) The development was too cramped and would not enhance the quality of life for local residents, particularly those in Hooper Street and Sturton Street in any way.

63) The view from No 8 Hooper Street would not be of the cherry tree but of the new development. It was highly unlikely that the tree would survive.

64) Replacing a three bedroom house with a two bedroom house would mean that there would be less people in the garden from that property.

However in addition there would be the addition of two extra dwellings.

65) The external stairwell was not to the rear of the property and was visible from the street scene as demonstrated by the Applicants own power point presentation.

66) The total size of the site, 0.44 of a hectare, was not a large amount of land to build on.

67) Extending the house to that of a four bedroom property would be the better option for both the Applicant and residents, which would also be financial beneficial.

**Final Comments of the Chair**

68) The Chair confirmed that the notes of the Development Control Forum would be made available to relevant parties and would be reported to Planning Committee when the application are reported to them.

Three late comments have been received from, full details can be found on the online Public Access system:

30 Lyndewode Road  
14 Hooper Street  
6 Sturton Street

The comments are as follows:

**30 Lyndewode Road**

- *Overdevelopment of site*
- *Poor quality housing*
- *Impact on adjoining neighbours*
- *Policy 5/2 is not adhered to but is accepted in previous report*

**14 Hooper Street**

- *Loss of family home and loss of character*

**6 Sturton Street**

- *No parking provision*
- *Less than 110 square metres*
- *Impact on character*

I note this comments and I do not consider that this alters my recommendation.

Amendments To Text:

Condition 4 should refer to plan number 06/552L/57C and not 06/552L/57B.

Condition 4 should be:

*Notwithstanding the plan reference 06/552L/57C floor plan details are required showing the position and size of the window.*

*Reason: To protect the character and setting of the Conservation Area. (Cambridge Local Plan (2006) policy 4/11).*

Pre-Committee Amendments to Recommendation:     None

**DECISION:**

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CIRCULATION:     First

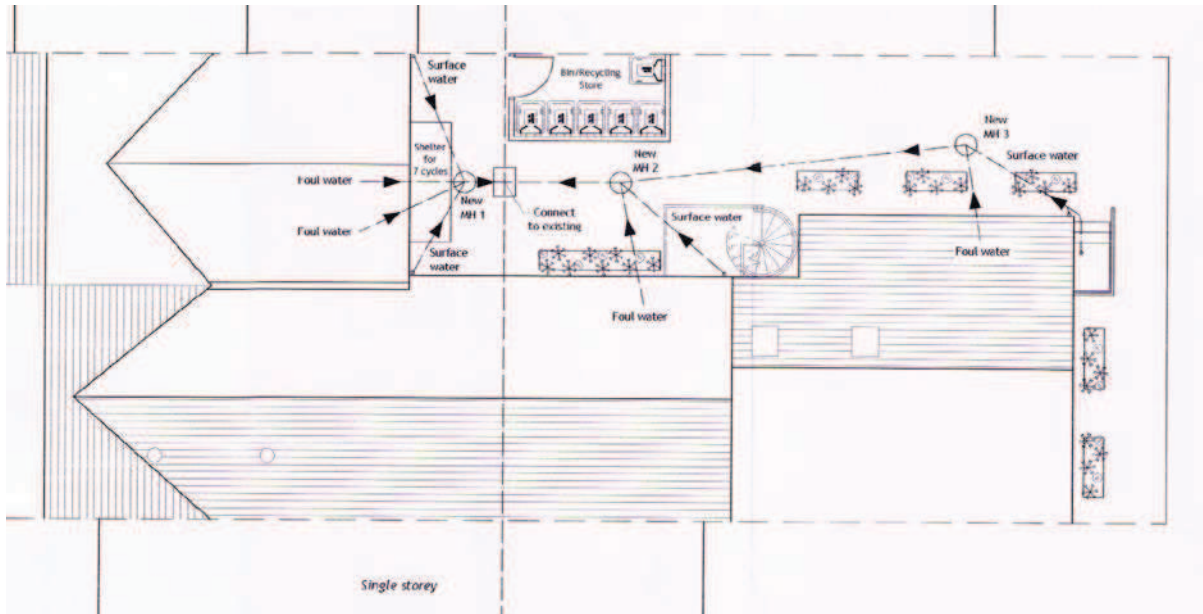
ITEM:                APPLICATION REF:        **13/1644/FUL**

Location:            56 And 56A Mill Road

Target Date:        14<sup>th</sup> January 2014

To Note:

An additional drawing has been submitted showing areas for waste and cycle storage. I have attached the relevant part of this drawing below. This drawing does not contain sufficient detail to be sure that either store is of an adequate size to be satisfactory. I am also concerned about whether the proposed positioning would obstruct residents coming in and out of the courtyard. However I consider that there is room on site to accommodate the number of bins and bikes required, although the stores may need to be larger than shown and one or more of them may need to be positioned further towards the south (rear) end of the site. For this reason, I have attached conditions to make sure appropriate provision is made, but I am confident that it will be possible to satisfy these conditions with an appropriate detailed design.



Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

CIRCULATION: First

ITEM: APPLICATION REF: **13/1814/FUL**

Location: Land To The Rear Of 76 Abbey Road

Target Date: 12<sup>th</sup> February 2014

To Note:

Details submitted to discharge previous condition relating to a raised walkway have been received. This information was acceptable to discharge this condition previously and therefore condition 9 is also acceptable now and is not required.

The Environment Agency has commented that they would require a

- full contemporary FRA
- preliminary risk assessment in respect of potentially contaminated land.

Prior to the determination of this application.



In light of the comments received I recommend refusal as there is lack of details with regards to flood risk and contamination which has the potential to impact upon future occupiers.

Amendments To Text:      None

Pre-Committee Amendments to Recommendation:

To refuse the application in light of the Environment Agency comments as there is a potential that there would be a risk to future occupiers until information can be provided to mitigate this.

**DECISION:**

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## CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

### REFUSAL OF PLANNING PERMISSION

Ref:11/0441/FUL

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Graham Handley Architects Ltd  
The Mill  
Free Church Passage  
St. Ives  
Cambridge  
CB2 8PQ

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The Council hereby refuse permission for

**Conversion of house to flats and demolition of workshop and replacement by one house.**

at

**6 Hooper Street Cambridge Cambridgeshire CB1 2NZ**

in accordance with your application received 20th April 2011 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The part single storey, part two storey flat roof house with the brick and timber finish proposed, is an atypical design which is not informed by the local, essentially late Victorian/Edwardian character which is its context, and has not drawn inspiration from key characteristics of its surroundings. It would not therefore have a positive impact on its setting and would not enhance the quality and distinctiveness of the historic built environment. Its tight-knit relationship with and proximity to neighbouring property, its access (shared with bicycle access for the flats), means that the proposal would not create good interrelations with its neighbours. The proposal would, instead, have an adverse impact on the character and appearance of the surrounding area, and would fail to preserve the character or appearance of the conservation area. For these reasons the proposal is in conflict with East of England Plan 2008 policies ENV6 and ENV7, Cambridge Local Plan 2006 policies 3/4, 3/7, 3/10, 3/12 and 4/11 and advice in Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development 2005 and in Planning Policy Statement 5 - Planning for the Historic Environment.

2. The confined site and close relationship of the proposed house with neighbours is such that it would adversely affect the amenity and privacy of neighbours by reason of overlooking in close proximity. Despite the design reducing the potential for overlooking, the first floor windows in the east elevation, at a distance of less than 6 metres from the common boundary with 7 and 9 Sturton Street, will overlook those properties and detract from the amenity and privacy that the occupiers of those dwellings should reasonably expect to enjoy. There is the potential for similar invasion of privacy of occupiers of rooms in the rear of houses and the first floor flat (here proposed) in Hooper Street, from windows as little as 10 metres away in the ground floor of the south elevation of the proposed house. It follows that the proposed house has not properly recognised the constraints of the site, related well to its surroundings and responded to its context. For these reasons the proposal constitutes poor design and is contrary to East of England Plan 2008 policy ENV7, Cambridge Local Plan 2006 policies 3/4, 3/7, 3/10 and 3/12 and to advice in Planning Policy Statement 1 - Delivering Sustainable Development 2005.
3. The siting, design and scale of the dwelling, the very enclosed area within which it is located and its very close relationship with nearby dwellings is such that the proposed house has: bedrooms with a very poor outlook; a front door that is not visible and is close to and only accessible by passing by the proposed bicycle storage provision for the two proposed flats; windows in the ground floor of the house that are overlooked at a distance of as little as 10 metres from neighbouring first floor windows; and a garden and ground floor windows that are dominated, overshadowed and enclosed by trees in the immediate area, to such a degree that if development in the form proposed is implemented there is likely to be pressure to remove the trees to the detriment of the character of the area and the environment enjoyed by neighbouring properties. For these reasons the proposed dwelling constitutes poor design and inappropriate development that will not have a positive impact, has not responded to its context and fails to provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and may prejudice the visual amenity of the wider area; it is not therefore compliant with East of England Plan 2008 policy ENV7, Cambridge Local Plan 2006 policies 3/4, 3/7, 3/10, 3/12 and 4/4 and to advice in Planning Policy Statement 1 - Delivering Sustainable Development 2005.
4. The proposed development does not make appropriate provision for public open space, community development facilities, waste storage or monitoring, in accordance with policies 3/8, 3/12, or 5/14 of the Cambridge Local Plan 2006 and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2010, and Guidance for Interpretation and Implementation of Open Space Standards 2010.

This decision notice relates to the following drawings: **06/552L/LOCATION, 07/552L/44, 07/551L/43, 07/552L/42A, 07/552L/41A, 07/552L/40, 06/552L/13**

A copy of the refused plan(s) is/are kept in the planning application file.

For further information please go to [www.cambridge.gov.uk/planning](http://www.cambridge.gov.uk/planning) to view the 'Your Decision Notice' leaflet. If you require a hard copy please contact the Application Support Team on (01223) 457200.

Dated: 21 July 2011

*P. Dew*

Guildhall, Cambridge, CB2 3QJ

Head of Planning *[Signature]*

SEE NOTES ATTACHED

## PLANNING PERMISSION

### 1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development' or to grant permission subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of this notice or within 12 weeks of the date of the decision notice against a refusal of any householder planning application that was valid on or after 6<sup>th</sup> April 2009, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

The Secretary of State can allow for a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### 2. Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be permitted. In these circumstances, the owner may serve a purchase notice on the council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.

## LISTED BUILDING CONSENT, CONSERVATION AREA CONSENT

### 3. Notification of Demolition

If listed building consent has been granted and any demolition is to take place, you must in accordance with Section 8(2)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 complete a Final Notice of Demolition Form and send it to English Heritage at least one month before demolition occurs.

### 4. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse listed building or conservation area consent, or to grant either subject to conditions then you may appeal to the Secretary of State for the Environment in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Appeals must be made within 6 months of the date of the decision (see notes under 1 above).

### 5. Purchase Notice

If listed building or conservation area consent is refused, or if either is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

### 6. Compensation

In certain circumstances a claim may be made against the local planning authority for compensation as provided for under Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

## CONSENT TO DISPLAY AN ADVERTISEMENT

### 7. Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse consent to display an advertisement, or to grant consent subject to conditions then you may appeal to the Secretary of State for the Environment under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. Appeals must be made within 8 weeks of the date of the decision (see notes under 1 above)



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: 11/0441/FUL  
Our Ref: APP/Q0505/A/11/2158250/NWF  
Date: 28 December 2011

Dear Ms Day

**Town and Country Planning Act 1990  
Appeal by Ashby Homes Ltd  
Site at 6 Hooper Street, Cambridge, CB1 2NZ**

I enclose a copy of our Inspector's decision on the above appeal together with a copy of the decision on an application for an award of costs.

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](http://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.

You should also note that there is no statutory provision for a challenge to a decision on an application for an award of costs. The procedure is to make an application for judicial review. This must be done promptly. Please contact the Administrative Court for further information.

Yours sincerely

Dianna Wride

COVERDL2

*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/pcsportal/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*



**Award of appeal costs:**

**Local Government Act 1972 – section 250(5)**

**How to apply for a detailed and independent assessment when the amount of an award of costs is disputed**

This note is for general guidance only. If you are in any doubt about how to proceed in a particular case, you should seek professional advice.

If the parties cannot agree on the amount of costs to be recovered, either party can refer the disputed costs to a Costs Officer or Costs Judge for detailed assessment<sup>1</sup>. This is handled by:

The Senior Court Costs Office<sup>2</sup>  
Clifford's Inn  
Fetter Lane  
London EC4A 1DQ  
(Tel: 020 7947 7124).

But before this can happen you must arrange to have the costs award made what is called an order of the High Court<sup>3</sup>. This is done by writing to:

The Administrative Court Office  
Royal Courts of Justice  
Strand  
London WC2A 2LL

You should refer to section 250(5) of the Local Government Act 1972, and enclose the original of the order of the Secretary of State, or their Inspector, awarding costs. A prepaid return envelope should be enclosed. The High Court order will be returned with guidance about the next steps to be taken in the detailed assessment process.

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<sup>1</sup> The detailed assessment process is governed by Part 47 of the Civil Procedure Rules that came into effect on 26 April 1999. These rules are available online at

[http://www.justice.gov.uk/civil/procrules\\_fin/menus/rules.htm](http://www.justice.gov.uk/civil/procrules_fin/menus/rules.htm)

You can buy these Rules from The Stationery Office bookshops or look at copies in your local library or council offices.

<sup>2</sup> Formally named the Supreme Court Costs Office

<sup>3</sup> Please note that no interest can be claimed on the costs claimed unless and until a High Court order has been made. Interest will only run from the date of that order.

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## Appeal Decision

Site visit made on 29 November 2011

by **Hilary Lock BA (Hons) DipTP MRTPI**

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

Decision date: 28 December 2011

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**Appeal Ref: APP/Q0505/A/11/2158250**

**6 Hooper Street, Cambridge, Cambs., CB1 2NZ**

- 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 Ashby Homes Ltd against the decision of Cambridge City Council.
  - The application Ref 11/0441/FUL, dated 18 April 2011, was refused by notice dated 21 July 2011.
  - The development proposed is conversion of house to flats and demolition of workshop and replacement by one house.
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### Application for Costs

1. An application for costs was made by Ashby Homes Ltd against Cambridge City Council. This application is the subject of a separate decision.

### Decision

2. The appeal is dismissed.

### Main Issues

3. The main issues are the effect of the proposed development on (1) the living conditions of neighbouring residents and future occupants of the new dwelling, with particular reference to privacy and outlook; (2) the character and appearance of the Central Conservation Area and the wider street scene; and (3) local infrastructure, and whether any effects would be addressed by the submission of a planning obligation.

### Reasons

#### *Living Conditions*

4. The appeal property contains an end-terrace two-storey house with a vacant commercial building behind. There is limited information supplied to indicate the lawful use of the rear building and when commercial activity ceased, but conservation area consent has been granted for its demolition. Although part of the building is tall, it does not contain an upper floor, and high level openings provide light only. Much of the appeal site is occupied by these buildings, although a small garden serves the existing house. The site is within a tight-knit urban area and is surrounded by dwellings, with the exception of commercial premises to the north. The vacant commercial building has limited
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visual impact from Hooper Street to the front, as views are restricted by the existing frontage buildings.

5. Dealing firstly with the proposed new building to the rear, it has been designed to minimise the impact on surrounding residents, and overall it would be smaller than the building it would replace. However, the proposal would introduce living accommodation at ground and first-floor levels, and due to the close proximity of the proposal to neighbouring properties there would be significant potential for loss of privacy. This would be for existing residents and future occupants of the new building, as there would be views into new ground floor rooms from the first-floor windows of the existing dwellings fronting Hooper Street, which for some are closer than indicated on the submitted plans. At such close range this mutual loss of privacy would not be resolved by fencing.
6. Although a degree of overlooking already occurs between properties in Hooper Street and Sturton Street, the proposed back-to-back relationship would not be comparable, and would result in diminished privacy levels greater than is to be expected in this urban setting. Whilst the appellant has cited other examples of development in the vicinity, dealing with this case on its merits I find the proposed interrelationships to be unacceptable.
7. It is proposed to angle the windows on the eastern elevation of the new building, but this would not reduce the perception of overlooking for existing residents in Sturton Street. Moreover, as proposed, the angled windows would not wholly prevent overlooking of 9 Sturton Street and its amenity space. For residents of the new dwelling, the contrived layout and angled windows would give a poor outlook towards the roofs of the building to the north. No eastern elevation and first-floor layout for the dismissed appeal scheme has been supplied, and therefore a comparison with that scheme cannot be made.
8. There is a mature tree in the appeal site that dominates much of the area to the rear of Hooper Street/Sturton Street. Its canopy would appear to be greater than indicated on the submitted plan and it would overhang much of the proposed garden area serving the new building. The tree is protected through its location in a conservation area, but it would dominate and diminish the outlook of occupants of the new dwelling, and this reinforces my assessment that the proposal would offer poor living conditions for future occupants. Works to the tree to address this issue would increase the potential for overlooking.
9. Whilst the conversion of the main building would not unduly impact upon existing residential properties, it would compound the limited privacy for occupants of the new building to the rear.
10. The appellant asserts that commercial use of the existing premises would be more harmful to surrounding residents than the appeal proposal. The 2007 appeal decision indicates that the building was not in use at that time, and there is limited information before me to indicate whether further permission would be required to recommence commercial use of the site. As such, I have given this limited weight as a fallback position.
11. I therefore conclude that the proposal would adversely affect the living conditions of residents surrounding the site and future residents of the

development to an unacceptable degree, contrary to the aims of Policy 3/10a of the Cambridge City Council Local Plan 2006 (LP), which seeks to prevent development that would have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, and LP Policy 3/7, through a failure to achieve good interrelations between buildings.

#### *Character and Appearance*

12. The site is located within the Central Conservation Area, which is included in the Mill Road and St Matthews Area Conservation Area Appraisal. Having regard to appeal decision APP/Q0505/A/07/2050245 for a larger contemporary building at this site, the previous Inspector concluded that the chosen design would be out of keeping with the much more traditional design of the other nearby buildings and would sit awkwardly alongside them. However, this proposal is materially different to that scheme, and the supporting text to LP Policy 3/12 indicates that new buildings can contribute to a sense of place in a number of ways, including contemporary design using traditional materials.
13. Whilst Planning Policy Statement 1, *Delivering Sustainable Development*, advises that it is proper to seek to promote or reinforce local distinctiveness, it also advises that local planning authorities should not attempt to impose architectural styles or particular tastes. In the consultation response on the application, the Council's Conservation Officer requested further information, but nonetheless gave an indication that the proposal was acceptable in principle. No objection was raised to the general design, form and size of the new building.
14. The existing building is already distinct from its surroundings, and in terms of scale and form, the proposal would respond to the local character in accordance with the LP Policies 3/4, 3/7, and 3/10c. Having regard to the form of the existing building and its limited visual impact on the wider street scene, and subject to conditions addressing the use of more traditional materials, I conclude that the proposal would preserve the character and appearance of the Central Conservation Area and the wider street scene, in accordance with the aims of Planning Policy Statement 5, *Planning for the Historic Environment*, EEP Policy ENV6 and LP Policy 4/11 and, but this does not override my conclusions on the first main issue.
15. The proposed external alterations to the frontage dwelling would be an enhancement to its setting, in accordance with the above policies, but again this does not override my conclusions on the first main issue.

#### *Infrastructure and Planning Obligation*

16. A Unilateral Undertaking has been submitted by the appellant, to address the effects of the introduction of further residential units at the site on infrastructure. The Council has adopted a Planning Obligations Supplementary Planning Document 2010 in line with the aims of LP Policies 5/14 and 3/8, and Policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003. Having regard to these policies, the adopted SPD and The Community Infrastructure Levy Regulations 2010, I conclude that the financial contributions are justified, but the document supplied appears to be a copy, and has not been certified as a true copy of the original undertaking. However,

whilst a certified undertaking would address this part of the reason for refusal, this does not alter my conclusions of harm above.

**Other Matters**

17. The site is in a sustainable location, partly on previously-developed land, and national and local planning policies, including Policy ENV7 of the East of England Plan (EEP), support the provision of housing in such areas. Consideration has also been given to The Plan for Growth and the thrust of national policy, but this does not outweigh my conclusions above.
18. I have considered whether the use of planning conditions could address the adverse impacts identified, but the proposed new dwelling raises fundamental issues of internal layout and proximity which could not be addressed in this way.

**Conclusion**

19. For the reasons given above I conclude that the appeal should be dismissed.

*Hilary Lock*

INSPECTOR

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