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<b>Application Number</b>	12/0028/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th February 2012	<b>Officer</b>	Mr Tony Collins
<b>Target Date</b>	5th April 2012		
<b>Ward</b>	Abbey		
<b>Site</b>	1 Ferndale Rise Cambridge CB5 8QG		
<b>Proposal</b>	Demolition of existing garage and single storey extension and erection of 2 bedroom dwelling.		
<b>Applicant</b>	Mr Matt Beeke 146 Gwydir Street Cambridge Cambs CB1 2LW UK		

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SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The principle of an additional dwelling hard up against the Ditton Walk footway has been established as acceptable by an earlier appeal.</p> <p>The inclusion of a dormer window fronting Ditton Walk has been established as acceptable by an earlier appeal.</p> <p>An earlier appeal has established that planning obligation contributions are required only for open space and waste storage in connection with this scheme.</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION AND AREA CONTEXT

- 1.1 The site is a corner plot on the north-east side of the junction between Ditton Walk and Ferndale Rise. 1 Ferndale Rise is one

of a pair of semi-detached dwellings dating from the mid-twentieth century. It has a hipped tiled roof and is faced at the front with red brick. The house has had a substantial two-storey rear extension, and it has a large single-storey lean-to garage on the north-west side.

- 1.2 The surrounding area is largely residential, but there are extensive industrial premises nearby on the far (west) side of Ditton Walk. Building types are very mixed. The remainder of the north-east side of Ferndale Rise consists of pairs of semi-detached houses of similar design, most of which have been extended. On the south-west side of Ferndale Rise is a terrace of houses from the turn of the twentieth century. This terrace faces Ditton Walk, and the gable end of the last house, No. 96, faces the application site, with its blank gable close to the street, a consequence of the creation of Ferndale Rise. A similar short terrace faces this row on the north-west side of Ditton Walk. All these houses, like those in Ferndale Rise, have small front gardens.
- 1.3 To the rear of the site is Century Close. A bungalow (98 Ditton Walk) formerly stood on this site, but a development of seven dwellings has now replaced it. Two of these (1 and 2 Century Close) are small two-storey houses in a flat-roofed building slightly drawn back from the Ditton Walk frontage of the site, which stand to the rear of the existing house at 1 Ferndale Rise. The stretch of Ditton Walk immediately opposite No. 98, to the north of the application site, is also characterised by bungalows, although some detached houses are interspersed with them. This row of dwellings have rather larger front gardens, with front elevations set back about 12m from the footway.
- 1.4 The site is not within any conservation area, and is not within the Controlled Parking Zone. There are trees at the rear end of the garden of 1 Ferndale Rise, but they are not subject to a Tree Preservation Order.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks permission for a new dwelling to be attached to the existing house at this address. The new house would adjoin the north-west side of the existing house, occupying the site of the existing garage, which would be demolished.

- 2.2 The new house would measure 11.6m x 3.6m, and would span the whole width of its new curtilage, from the wall of 1 Ferndale Rise to the rear of the footway on Ditton Walk. It would be the same height as the existing house, the hipped roof of No. 1 being extended to terminate, still in a hipped form, at the north-west side of the site. The new house would contain a living room and kitchen / dining room on the ground floor, with two bedrooms and two shower rooms on the first floor, and a study within the roof space. The front elevation to Ferndale Rise would have a single first floor window, with a smaller ground floor window below, and a front door on the north-west side. A side door at ground floor level and two small first-floor windows would face Ditton Walk. The second-floor study would be served by a dormer window within the hipped roof, also facing Ditton Walk.
- 2.3 Cycle and waste bin storage for the new house and the existing house would be in sheds accessed via two separate gates on the Ditton Walk footway.

### 3.0 SITE HISTORY

#### 3.1

Reference	Description		Outcome
85/1088	Two-storey extension	rear	Approved with conditions
08/0787	Two-bedroom dwelling		Refused
09/0293	Two-bedroom dwelling		Refused; appeal dismissed
10/0551	Two-bedroom dwelling		Refused; appeal dismissed
10/1113	Two-bedroom dwelling		Approved

- 3.2 The decision of the Planning Inspector in the appeals on the earlier applications 09/0293/FUL and 10/0551/FUL are attached to this report as Appendices A and B.

### 4.0 PUBLICITY

Advertisement:	No
Site notice:	No
Adjoining occupiers:	Yes

## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 ENV7 WM6
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8
Cambridge Local Plan 2006	3/1 3/4 3/7 3/8 3/10 3/12 10/1

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide Planning Obligation Strategy

Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Strategic Flood Risk Assessment (2005) Cambridge and Milton Surface Water Management Plan Open Space and Recreation Strategy Cycle Parking Guide for New Residential Developments

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering):

- 6.1 Front garden space shown is inadequate to park cars; development must be regarded as being without on-site car parking space. The absence of on-site car parking would put additional pressure on on-street spaces in the locality.

### Head of Environmental Services

- 6.2 No objection. Conditions sought on construction hours.
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations:

- 2 Ferndale Rise

- 14 Sutton Park, Sutton-in-the-Isle, Ely (Developer of adjacent Century Close)

7.2 The representations reiterate concerns raised by the parties at the time of earlier applications. They can be summarised as follows:

- Insufficient car parking
- Creation of terraced form is inappropriate
- Cumulative impact of recent developments oppressive to neighbours
- Design responds poorly to context
- Loss of amenity space for 1 Ferndale Rise
- Diminished residential amenity for occupiers of 1 Ferndale Rise.
- Insufficient residential amenity for future occupiers
- Inappropriately-placed cycle and bin storage
- Access to Ditton Walk from side door will obstruct footway.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Highways issues
7. Third party representations
8. Planning Obligation Strategy

### **Principle of development**

8.2 This is a windfall site, and the principle of residential use, divorced from the practical constraints of site and building design, does not present a conflict with policy 5/1 of the Cambridge Local Plan (2006).

- 8.3 The changes to the definition of ‘previously developed land’ made by central government mean that although a large part of the footprint of the proposed house is within the present garage this site cannot be wholly regarded as previously developed land. However, the proposal does not represent any significant loss of what is currently open garden space, nor does it, in my view, change the character of the area. Any loss of presently ‘undeveloped’ land is technical rather than real, and I do not consider this a reason for refusal.

### **Context of site, design and external spaces**

- 8.4 The Inspector’s decision on the appeal on 09/0923/FUL has made it clear that both the extension of this semi-detached pair to form a third house, and the taking of two-storey development hard up against the Ditton Walk footway, are acceptable in design terms.
- 8.5 A second Inspector’s decision, on the appeal on 10/0551/FUL, has made it clear that the proposal for a dormer window facing Ditton Walk should not be seen as significantly detracting from the roofscape of Ferndale rise or harming the character of the area. In the light of these decisions, it is clear that the mass and detailing of the building proposed are acceptable, and in accordance with East of England Plan (2008) policy ENV7, Cambridge Local Plan (2006) policies 3/4, and 3/12, and government guidance in the NPPF.

### **Residential amenity**

#### Amenity for neighbours

- 8.6 The proposed building would be screened from other houses in Ferndale Rise by the existing house. It would face the largely blank gable of 96 Ditton Walk, and would lie some 11m to the west of the new dwellings in Century Close (which have been designed largely without outlook in this direction). In my view, these spatial relationships, taken with the building’s height and configuration, mean that its impact on neighbouring occupiers in terms of sunlight, privacy and outlook would be minimal. The proposed bin and cycle stores are positioned relatively close to 1 and 2 Century Close, but, notwithstanding the views expressed in representations, I do not think the level of rubbish

accumulation or the number of cycles being parked is likely to lead to significant harm to neighbour amenity. Similarly, I do not consider that entrance and exit through the side gate by residents of 1 Ferndale Rise or the proposed new house would cause undue noise or disruption to neighbours in Century Close.

#### Amenity for future occupiers

- 8.7 Although representations suggest that the erection of the proposed new dwelling would provide inadequate private amenity space for future residents, previous appeal decisions have already established that this is not the case.
- 8.8 In my opinion the proposal both adequately respects the residential amenity of its neighbours and also provides an acceptable level of residential amenity for future occupiers. In these respects, I consider that it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/14.

#### **Refuse arrangements**

- 8.9 In my opinion the proposal includes appropriate waste storage space for the proposed new dwelling, but I share the view of the environmental health officer that the storage provided for the existing dwelling may not be adequate. A condition is necessary to ensure that in this respect the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

#### **Car and cycle parking**

- 8.10 The application proposes three cycle parking spaces in the rear shed. This is in accordance with the City Council's Cycle Parking Standards. The application proposes a single car parking space in the front garden. This corresponds with the maximum permitted by the City Council's Car Parking Standards, which permit one space for a two-bedroom house in a location outside the Controlled Parking Zone, and is in accordance with the aim of both local plan policy and government guidance to reduce dependence on travel by private car. I note the view of the highway authority that the space is insufficient to park a car without overhanging the footway, and I am aware of local concern about pressure on on-



street car parking. However, even if no car parking space is available, the Standards permit levels lower than the maximum where alternative means of transport are available. This site is particularly well situated for cycle travel to the city centre and is within reasonable distance of bus routes on Newmarket Road. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Highways issues**

- 8.11 I do not consider that the additional movements arising from the proposed small house would have any detrimental impact on the highway network. The highway authority has raised no concerns about this, nor about the impact of the proposed side door and rear gates on the use of the footway. It is not proposed that any doors or windows open outwards over the highway, and in my view, a condition to control this is not necessary, because it is controlled by highway legislation. Construction traffic could also be controlled by conditions, but in my view, the impact of such a modest development does not justify this. In my view, the proposal would not have any negative highway impact, and is in accordance with policy 8/2 of the Cambridge Local Plan (2006).

### **Third party representations**

- 8.12 I have addressed the issues raised regarding neighbour amenity in paragraph 8.5, those regarding car parking in paragraph 8.7, and those regarding highway impact in paragraph 8.8. Two issues remain: amenity space for residents of the existing house, and the creation of a terraced form.
- 8.13 The outdoor amenity space proposed for both the new house and the existing house at 1 Ferndale Rise would be limited. I do not consider it to be so small as to warrant refusal of the application.
- 8.14 The Inspector's decision on the earlier application 09/0293/FUL confirms that the principle of an additional dwelling is acceptable on this site, notwithstanding that it would create a terraced form and might be intensively occupied. Any future subdivision into two or more flats, or occupancy by more than six individuals as a house-in-multiple-occupation, would require

a new planning application, at which stage any further issues raised could be considered.

### **Planning Obligation Strategy**

- 8.15 The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to complete a S106 planning obligation in accordance with the requirements of the Strategy. The proposed development triggers the requirement for the following community infrastructure:

#### Open Space

- 8.16 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development, or through a financial contribution for use across the city, because all new residential developments, no matter how small, will result in a larger number of people needing to use public open space within the city.
- 8.17 The Recreation Services Manager (RSM) has identified projects in the Abbey area of the city, including work on Coldham's Common, the Peverel Road play area, Jack Warren Green, the Ditton Fields play area, and behind Abbey Pool as being either in the large-scale procurement project currently being undertaken which is dependent on pooled planning obligation contributions from the surrounding area, or identified priorities for development based on such funding in the immediate future.
- 8.18 Future residents of the house here proposed will expect to be able to make use of facilities such as these in the area near to their home, and it is therefore necessary to seek contributions from the proposed development to support such recreational developments. For the purposes of this assessment, a house is assumed to accommodate one person for each bedroom. The contributions required for the new building are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	1	476
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>476</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	1	538
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>538</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484		484
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>484</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		
1 bed	1.5	0	0		
2-bed	2	316	632	1	632
3-bed	3	316	948		
4-bed	4	316	1264		
<b>Total</b>					<b>632</b>

8.19 An S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004) has been submitted, but it contained a technical error, and therefore a correct version has been requested. Provided that the correct version is submitted, the proposal is in accordance with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

#### Community Development

8.20 The Planning Obligation Strategy (2004) requires that all new residential developments contribute to community development facilities, programmes and projects, because all new residential developments, no matter how small, will result in a larger number of people needing to use community facilities within the city.

8.21 However, in connection with the appeal against refusal of permission for 10/0551/FUL, the Council submitted evidence about the community development projects towards which contributions from this site would be used. The Inspector's subsequent decision makes it clear that these details do not constitute adequate evidence to support a requirement for contributions under this head, and hence none are sought with respect to this application.

#### Waste storage

8.22 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	1	75
Flat	150		
<b>Total</b>			<b>75</b>

8.23 In the appeal decision on 10/0551/FUL, the Inspector appeared to suggest that contributions for waste storage were not necessary. In my view, however, the Inspector's comments in that decision were based on a misunderstanding of the Council's reasons for seeking such contributions, and I consider that the above contribution is required. An S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) has been submitted, but it contained a technical error, and therefore a correct version has been requested. Provided that the correct version is submitted, the proposal is in accordance with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1.

#### Monitoring

8.24 The Planning Obligation Strategy (2010) requires that all new developments carrying planning obligations contribute to the costs of monitoring the implementation of the obligation. The contribution for a single dwelling of this scale is £150. This will be covered provided the correct Section 106 agreement is completed.

#### Conclusion

8.25 It is my view that the planning obligation is necessary; the Planning Obligation Strategy 2010 and the report considered by East Area Committee on 19<sup>th</sup> August 2010 both make clear that existing open space facilities are not adequate to cope with the additional demand from new residents, that new waste storage receptacles are necessary for new dwellings, and that the Council bears a cost in monitoring the implementation of planning obligations.

8.26 In my view, the obligation is also directly related to the development; in creating a new house, probably to be occupied by two people, the proposal would directly contribute to the additional demand referred to in the previous paragraph.

8.27 Furthermore, I also consider that the obligation is fairly and reasonably related in scale to the development; the cost basis of the contribution calculations in the Planning Obligation Strategy 2010, the details of necessary projects shown in the

19<sup>th</sup> August 2010 report to East Area Committee, and an examination of the number of such obligations required in this ward in 2010 all indicate that the scale of contributions required here is reasonable. It is my view, therefore, that the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 RECOMMENDATION**

**APPROVE, subject to the completion of a Section 106 agreement by 31<sup>st</sup> August 2012 and subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The new dwelling hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. The unit hereby permitted shall not be occupied until details of waste storage for the existing house at 1 Ferndale Rise have been submitted to and approved in writing by the local planning authority, and the agreed provision has been implemented on site.

Reason: To ensure adequate waste storage facilities. (Cambridge Local Plan 2006 policy 3/10)

**INFORMATIVE:** This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

## **Reasons for Approval**

1. This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: policies SS1, ENV7 and WM6

Cambridgeshire and Peterborough Structure Plan 2003: policies P6/1 and P9/8

Cambridge Local Plan (2006): policies 3/1, 3/4, 3/7, 3/8, 3/10, 3/12, 8/6 and 8/10

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:

[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)

or by visiting the Customer Service Centre at Mandela House.





# Appeal Decision

Site visit made on 25 January 2010

by **Peter J Golder** Dip TP MRTPI

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

The Planning Inspectorate  
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Decision date:  
17 February 2010

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**Appeal Ref: APP/Q0505/A/09/2113264**

**1 Ferndale Rise, Cambridge CB5 8QG**

- 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 Matt Beeke against the decision of Cambridge City Council.
- The application Ref 09/0293/FUL, dated 30 March 2009, was refused by notice dated 3 June 2009.
- The development proposed is demolition of existing garage and single-storey extension and erection of a two bedroom dwelling.

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## Decision

1. I dismiss the appeal.

## Main issue

2. The main issue in this case is the effect of the proposal upon the character and appearance of the locality.

## Preliminary matter

3. I note the confusion regarding plans and drawing numbers. I have determined this appeal on the basis of the scheme shown on drawing (size A1) 07.491.006. This shows a front dormer window and from the officer's report which refers to a "front dormer" appears to be the scheme determined by the Council.

## Reasons

4. The locality is largely residential with the continuing redevelopment of land for housing purposes both in the area generally and in close proximity of the appeal premises a notable feature. This ongoing activity adds to the eclectic mix of house types, styles, sizes and ages in the vicinity of the site. While there is little if any overall continuity in character or appearance, small pockets of housing retain some of their broad distinctive features. Examples of this are the terraced properties on the southern part of Ditton Walk, the mansard-roofed properties to the north and, as the Council notes, the two-storey semi-detached properties on the north eastern side of Ferndale Rise, of which the appeal property forms the end one.
  5. The Council's concerns about the overall design of the appeal proposal relate both to its location and appearance and I take these matters in turn. Dealing firstly with location I do not agree that as a matter of principle building up to
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the back edge of the footpath in this instance would be harmful to the quality of the area. To my mind Ferndale Rise marks a point of physical and visual transition in Ditton Walk. To the north the street scene is more spacious with properties set back in longer front gardens, road side parking bays, a generous grass verge and a wide cycle way/footpath. This contrasts with the much closer juxtaposition of buildings and the highway to the south. In my judgement, within this context, replacing the poor quality single storey structures which are hard upon the site boundary with a full height extension would not materially reduce the overall spaciousness or create an oppressive or dominant feature on the main road in the area. From the north the extension would be seen against the flank elevation of No 96, which projects well forward of No 1, while from the south views are restricted by the close proximity of the terraced properties to the road. The gradual stepping back of building form from Ferndale Rise in a northerly direction would be retained and the more open nature of this part of the street maintained.

6. I acknowledge what the Council says about there being no other examples of gable walls close to the footway along Ditton Walk, the "main" route in the locality. However that in itself is a reflection of the particular circumstances at the appeal site and it is these circumstances, rather than the cited examples on the flank elevations at junctions, which persuade me that this aspect of the proposal would not cause harm to the street scene along Ditton Walk or be likely to result in similar schemes which might have a cumulative impact.
7. Turning to the matter of the appearance of the proposed structure I agree with the Council that Ferndale Rise should be the main reference point for the design of a building on this site, especially one which seeks the horizontal extension of a semi-detached pair displaying similar characteristics to the other pairs in the road. While I do not consider that increasing the width of the pair, as has been carried out elsewhere in Ferndale Rise, would be inappropriate even allowing for the result being three as opposed to two dwellings, to do this without regard to other of the remaining consistent design features in the road would be unacceptable, especially as the extension would increase the prominence of the building in the street scene both in the Rise and Ditton Walk. Simply formed and unadorned hipped roofs are a principal and prominent feature of the houses fronting Ferndale Rise. The full height gable together with the long rear roof slope proposed takes no reference from this context and the proposed addition of substantial dormers only serves to emphasise the incongruity of the design in this respect. It seems to me that the design has evolved with a greater focus upon maximising the amount of accommodation which could be achieved rather than upon having full and careful regard to its context.
8. For this reason I consider the scheme, which I regard acceptable in part, has failed to take the opportunity to improve the character and quality of the area. In my view that failure is of sufficient weight to place the proposal at odds with national and regional policy which seek high quality development and in conflict with policies 3/4 and 3/12 of the Cambridge City Council Local Plan 2006 which require new buildings to respond to their context and have a positive impact through design and detailing. It is for this reason that I have decided that appeal should be dismissed.

**Other matters**

9. The Council's third reason for refusal relates to the lack of appropriate provision, by way of a financial contribution, for public open space or community development facilities. The appellant questions the need for such a contribution arising from the development. While the Council's broad approach to seeking contributions is supported by saved policies in the Local Plan and through its adopted Planning Obligation Strategy 2004, as well as being in line with the guidance in Circular 05/2005 about the adoption of formulae, standard charges and straightforward undertakings, I have some sympathy with the appellant's view in this instance.
10. The evidence before me provides little by way of explanation as to the nature and extent of any inadequacies in the existing provision in meeting the needs of prospective occupiers, and how and when the Council would use any contributions to remedy any inadequacies or make new provision to meet needs arising from additional development. In the absence of any specific appraisal demonstrating the requirements of policies 3/8 and 5/14 in this case I do not believe it possible to conclude that the five tests for planning obligations set out in Circular 5/2005 have been properly satisfied. Without such a demonstration I believe little weight could have been attached to the absence of an obligation or undertaking had my determination of this appeal turned on this point.

*Peter J Golder*

INSPECTOR



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## Appeal Decision

Site visit made on 25 October 2011

**by J.P. Watson BSc MICE FCIHT MCMI**

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

Decision date: 11 November 2011

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**Appeal Ref: APP/Q0505/A/11/2155394**

**1 Ferndale Rise, Cambridge CB5 8QG**

- 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 Matt Beeke against the decision of Cambridge City Council ("the Council").
  - The application Ref 10/0551/FUL, dated 8 June 2010, was refused by notice dated 20 December 2010.
  - The development proposed is demolition of an existing garage and single-storey extension and the erection of a 2-bedroom dwelling.
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### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are:
  - a) The effect of the appeal proposal on the character and appearance of the area; and,
  - b) Whether appropriate provision would be made for public open space, community development facilities, waste storage or monitoring.

### Reasons

#### *Character and appearance of the area*

4. The point at issue here is whether the appeal dormer would be harmful so as to render the appeal scheme contrary to the policies cited by the Council in its first reason for refusal.
5. The appeal house would be one of a group on the north-eastern side of Ferndale Rise, all of which have rectangular hipped roofs without dormers. Other roof forms are to be seen in the area, both in Ferndale Rise and Ditton Walk. The East of England Plan 2008 through its policy ENV7 requires development to be of high quality, complementing the best qualities of the local area. PPS1 emphasises the importance of good design. The saved

policies from the Cambridge Local Plan 2006 ("the LP") to which my attention has been drawn require among other things that:

- a) development should respond to its context and draw inspiration from the key characteristics of its surroundings to create distinctive places (Policy 3/4); and,
  - b) new buildings should have a positive impact on their setting in the terms set out in Policy 3/12 item (a); and,
  - c) Policy 3/14 says that extensions should reflect or successfully contrast with the form, use of materials and architectural detailing of the host building.
6. I therefore consider the extent to which the proposed dormer meets these criteria. Materials can be the subject of a condition. The dormer responds to its context in that it would provide a punctuation mark at the end of a row of otherwise similar but undistinguished roofs, and in that it would look out over Ditton Walk (from which many more people would see it). It would provide a modest landmark feature at the corner, and that effect would be positive. It would be formed from the same palette of building elements as found elsewhere in the building and in Ferndale Rise. It would change the current roofscape in Ferndale Rise in that it would add a dormer; but it would do so in a way that is literate in design terms, consistent with the policies cited, and therefore acceptable in its effect on the character and appearance of the area. There would be no harm.

*Whether appropriate provision would be made for public open space, community development facilities, waste storage or monitoring*

7. Open space is the subject of LP Policy 3/8, which requires all residential development to provide public open space in accordance with the Open Space and Recreation Standards. The appeal proposal would make no such provision. It is argued that Cambridge is already well-endowed with public open spaces but I do not accept that a general observation such as that is enough to outweigh the application of the policy to a specific site. The appeal proposal would not comply with the development plan in this respect, and so the appeal should be dismissed.
8. LP Policy 5/14 refers to the provision of appropriate community facilities including education and child care to meet the needs of residents, employees and visitors. The Council officers' report describes a specific shortcoming in a nearby scout hut but nothing before me shows that the refurbishment of that hut is necessary to make the appeal development acceptable in planning terms or would be directly related to the development.
9. Waste storage is required by LP Policy 3/12 to be successfully integrated into the design of new buildings. The appeal drawings show an arrangement for waste storage at the site, which the officers' report says is compliant with Policy 3/12. I see no reason to differ.
10. The *Planning Obligations Strategy Supplementary Planning Document March 2010* describes arrangements for the monitoring and administration of planning obligations. No Planning Obligation is before me. The absence of an arrangement such as the Council suggests make no difference to my decision in these circumstances.

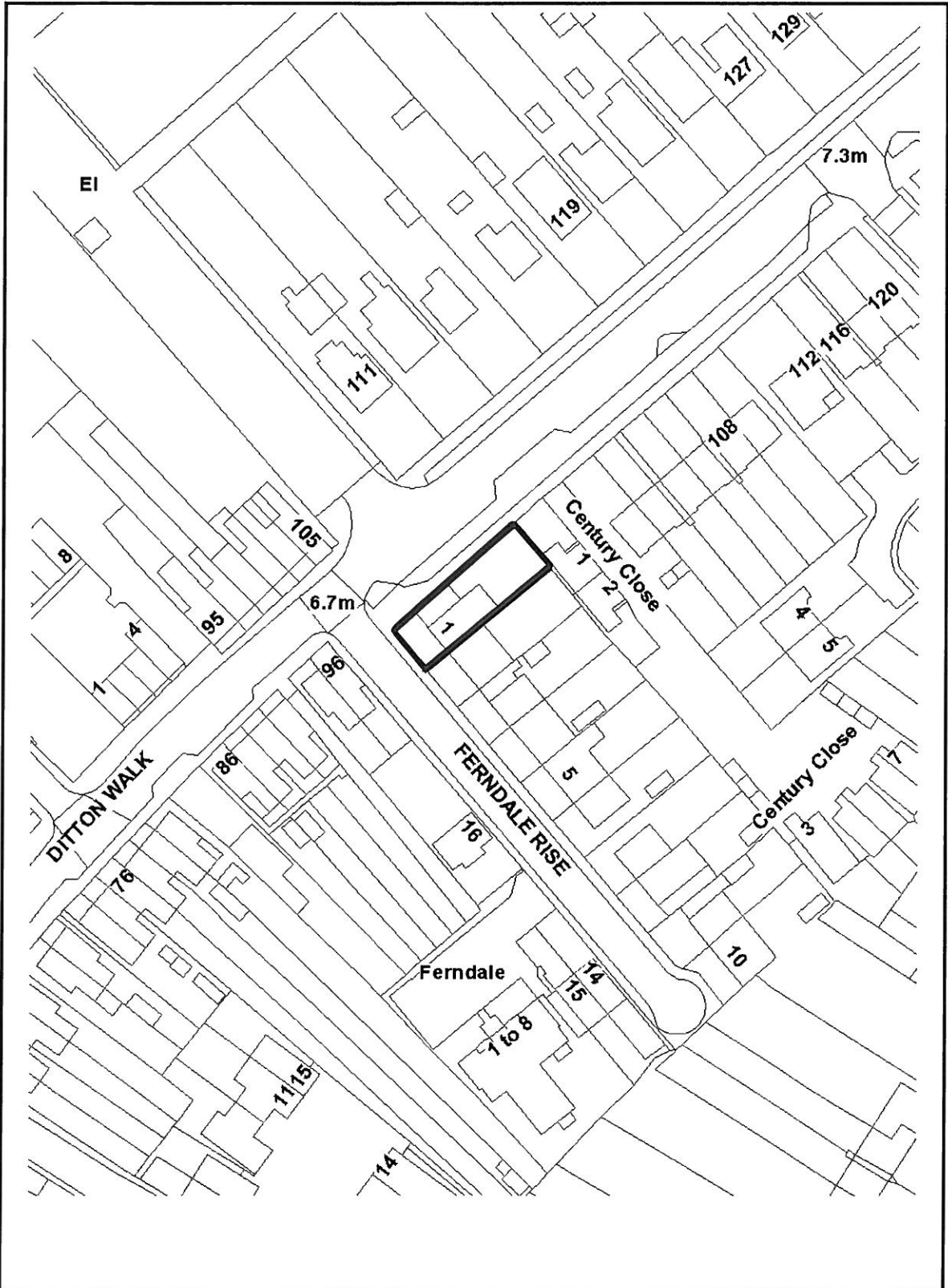
11. At paragraph 3.17 of the Grounds of Appeal, the appellant expresses a preparedness to enter into a Planning Obligation. No Obligation is before me and so that preparedness can have very little bearing on my decision.

*Other Matters*

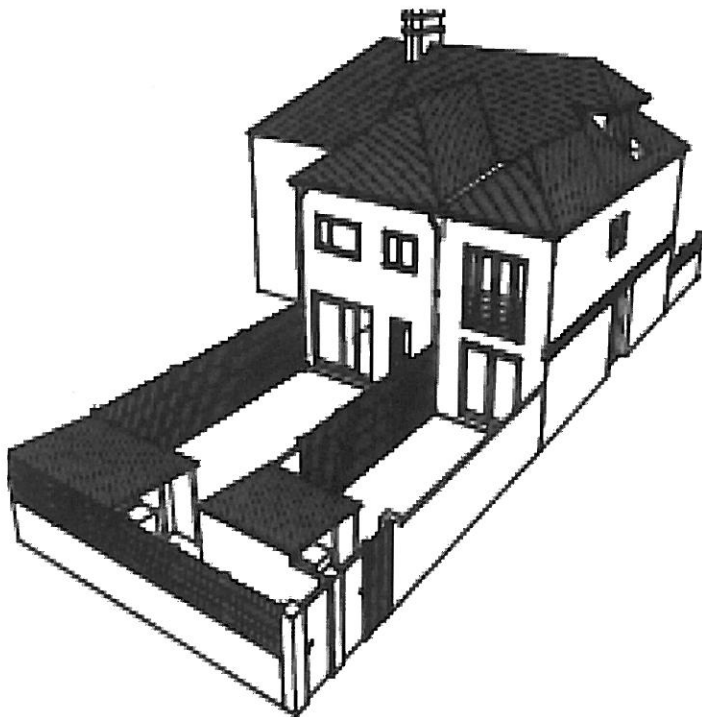
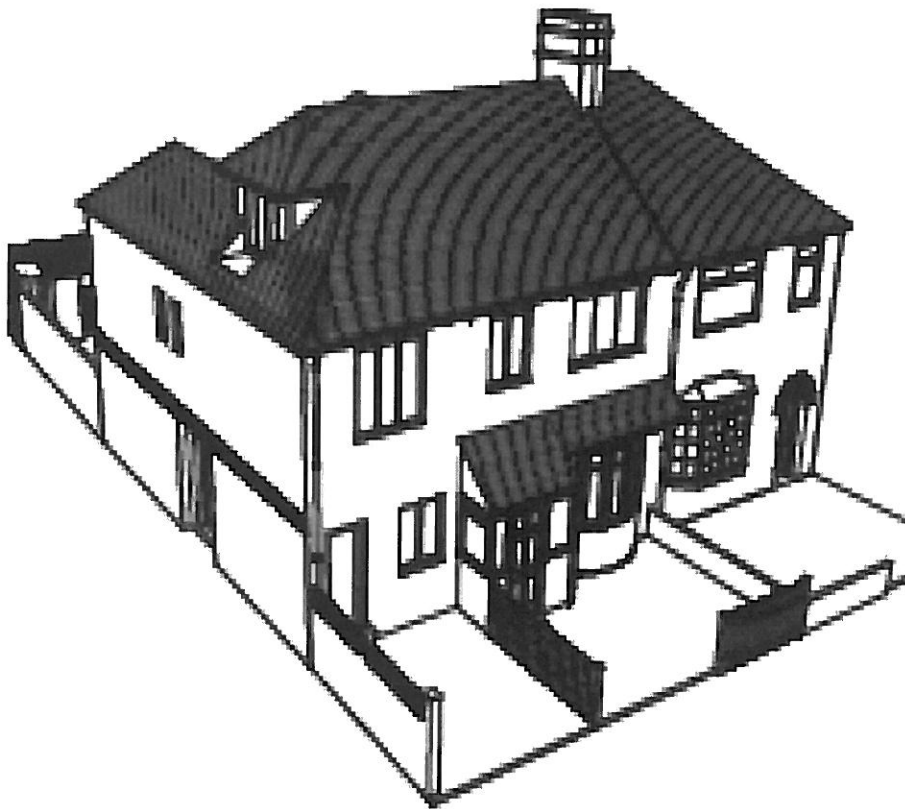
12. I have considered all other matters raised, but find nothing to alter my decision.

*J.P. Watson*

INSPECTOR

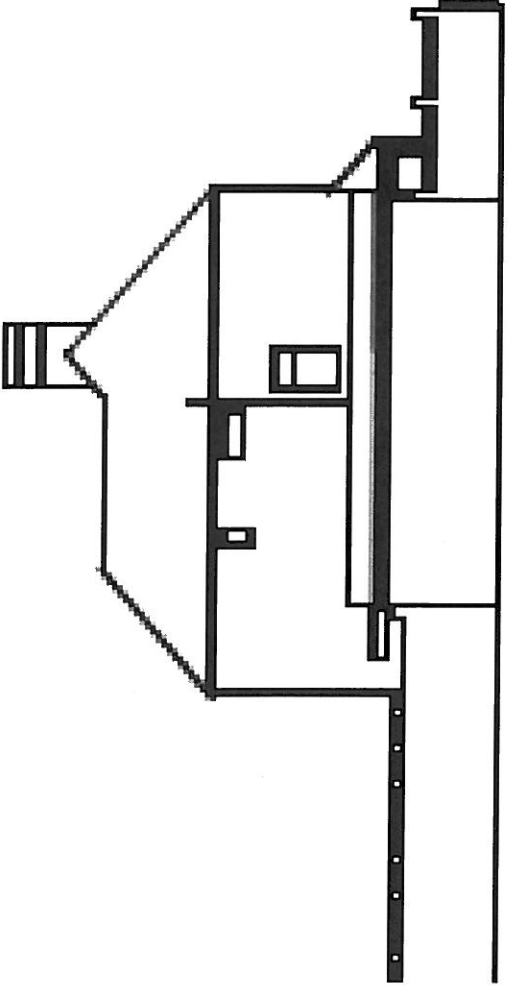


**12/0028/FUL**  
**1 Ferndale Rise Cambridge CB5 8QG**

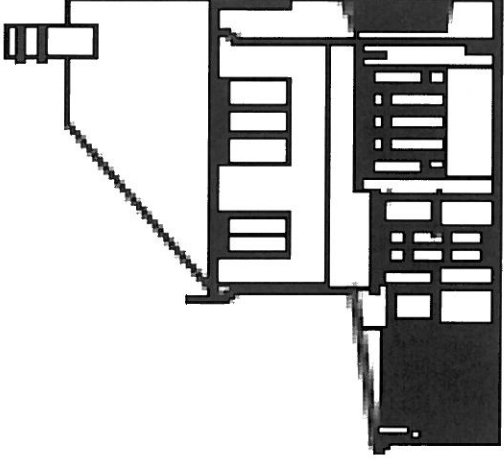


**Proposed perspectives**



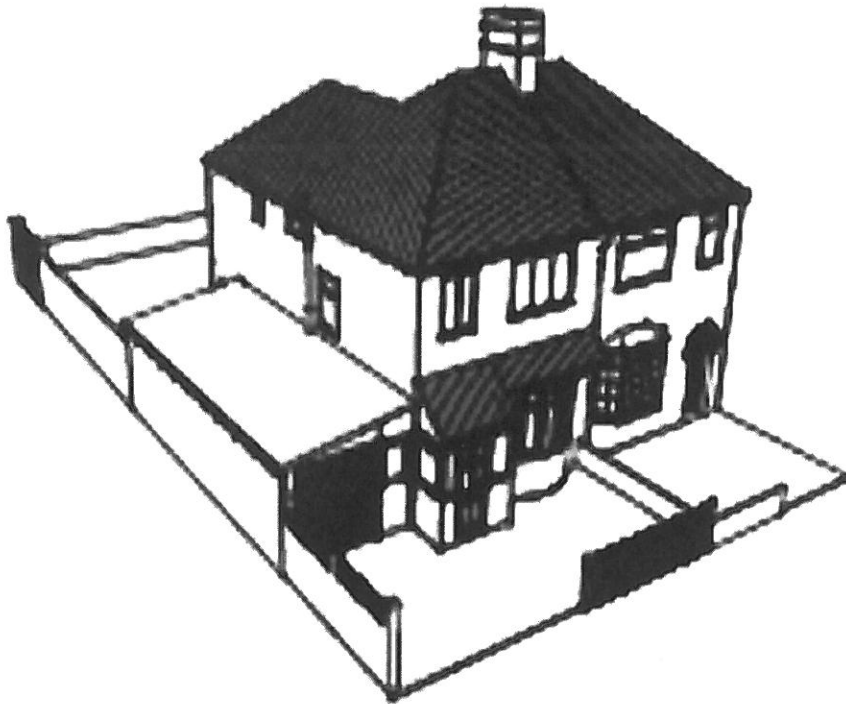


1-1:100

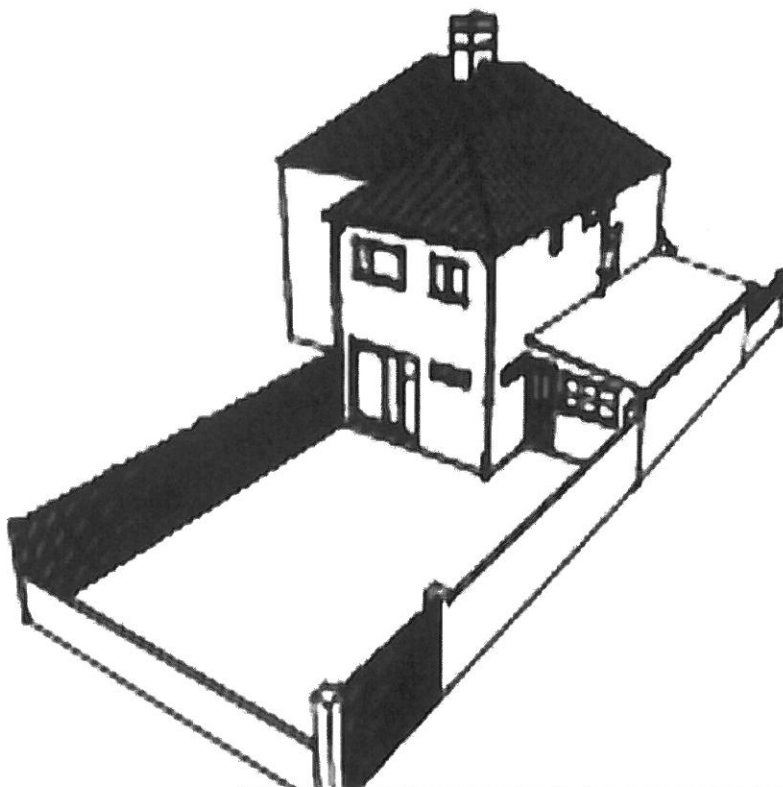


SW ELEVATION - 1:100

**Existing elevations  
front and side**

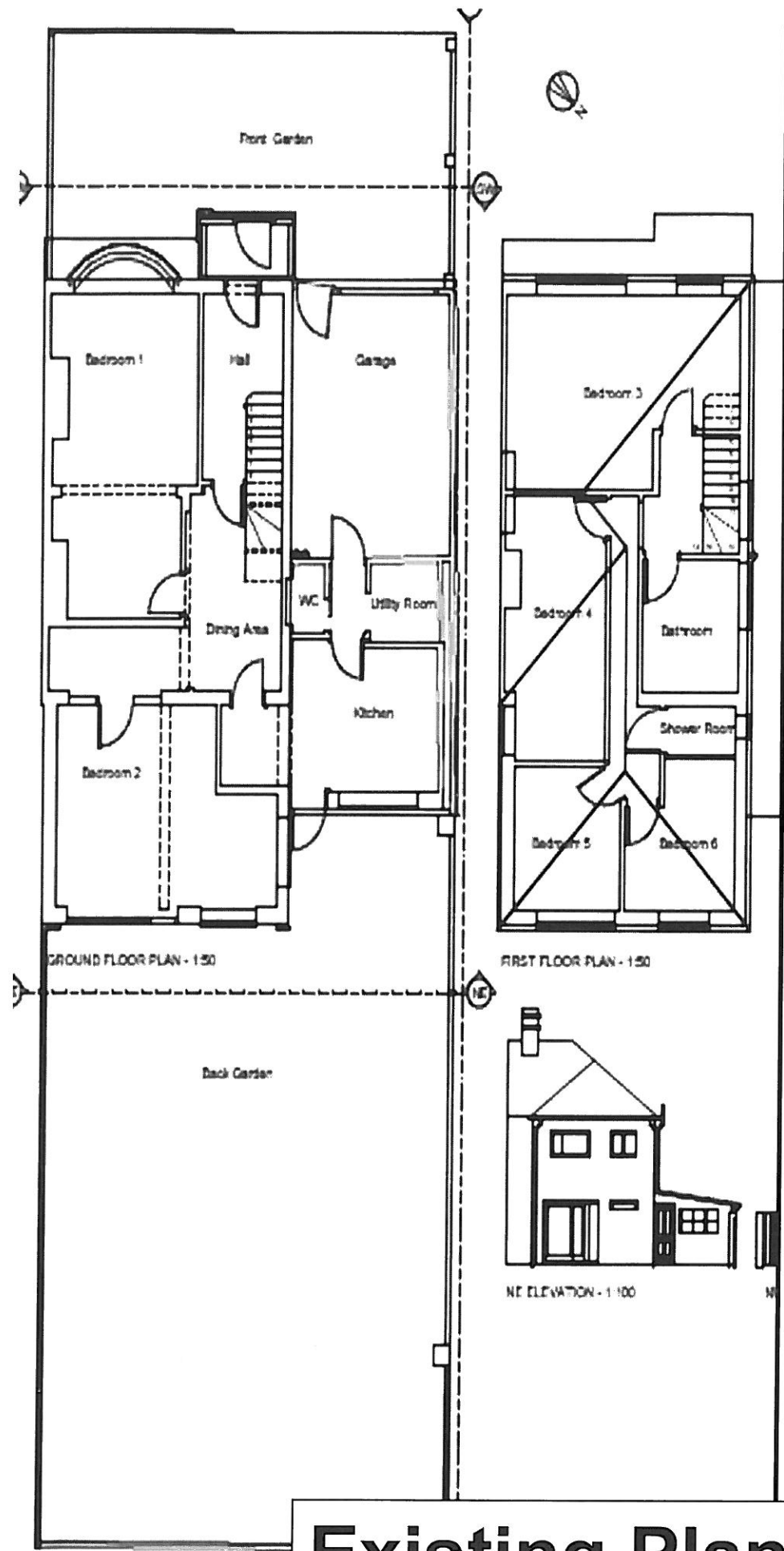


3D VIEW FROM WEST

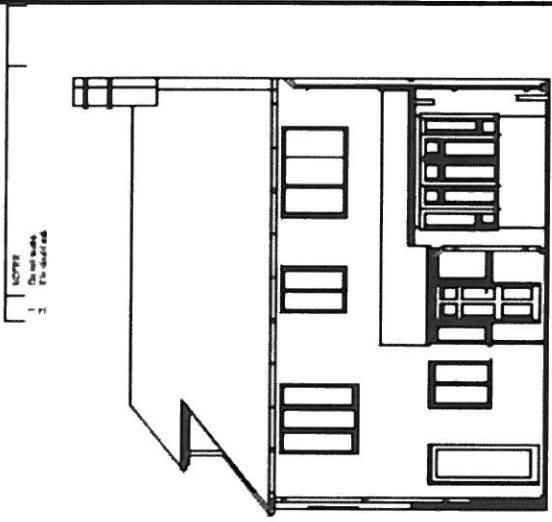


3D VIEW FROM NORTH

**Existing  
perspectives**

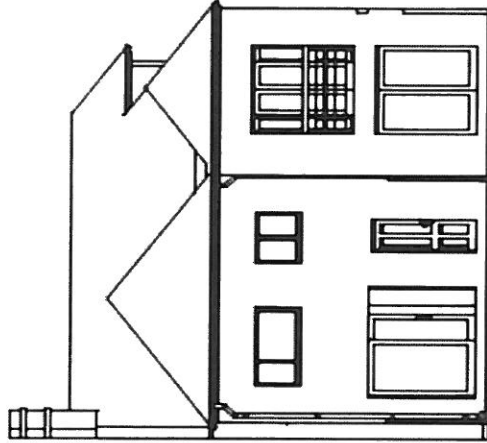


# Existing Plans

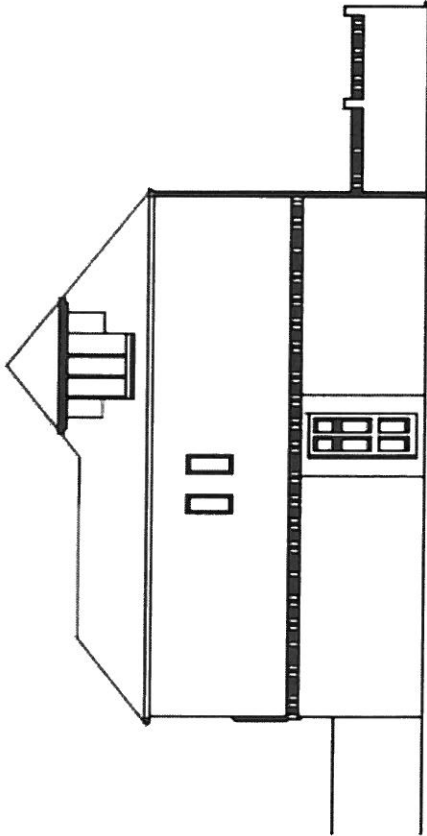


SW Elevation

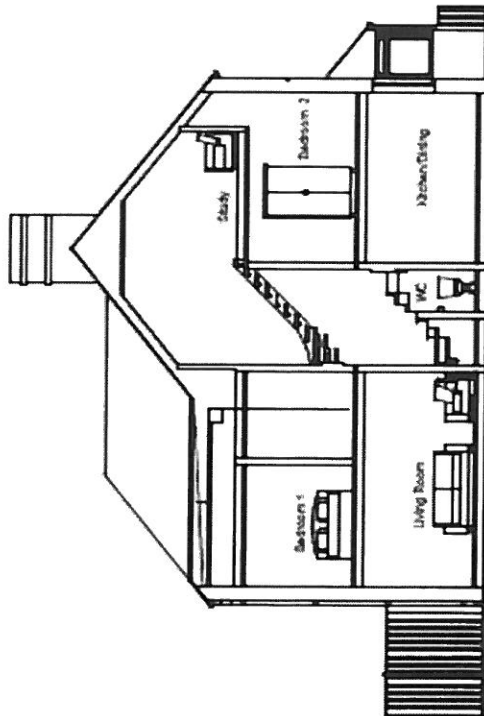
NOTES  
 1. Drawn to scale  
 2. Proposed



NE Elevation

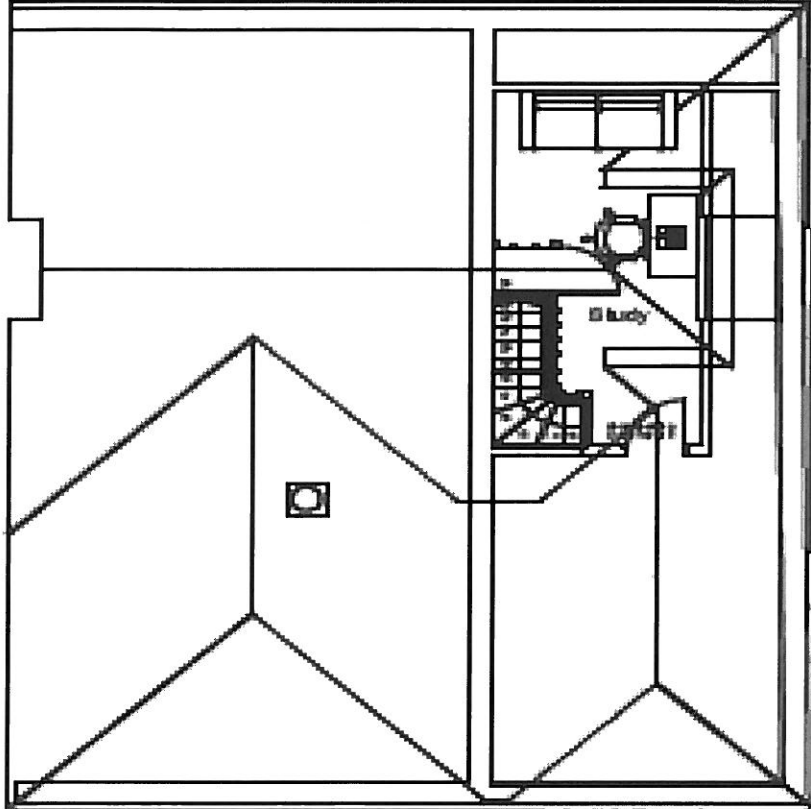


NW Elevation

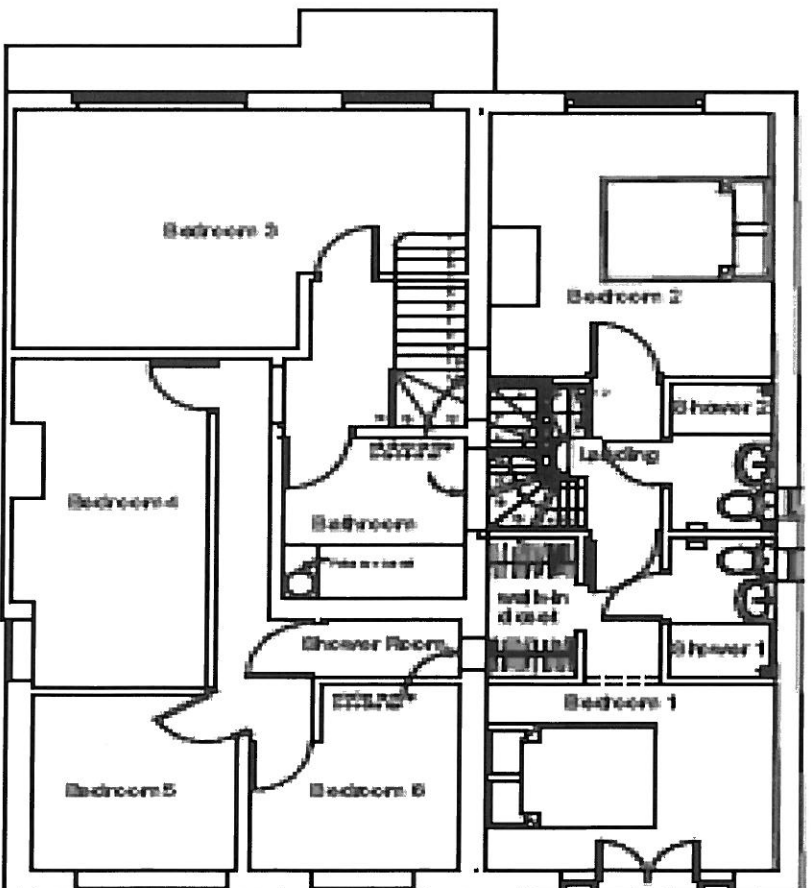


Section B-B

# Proposed elevations

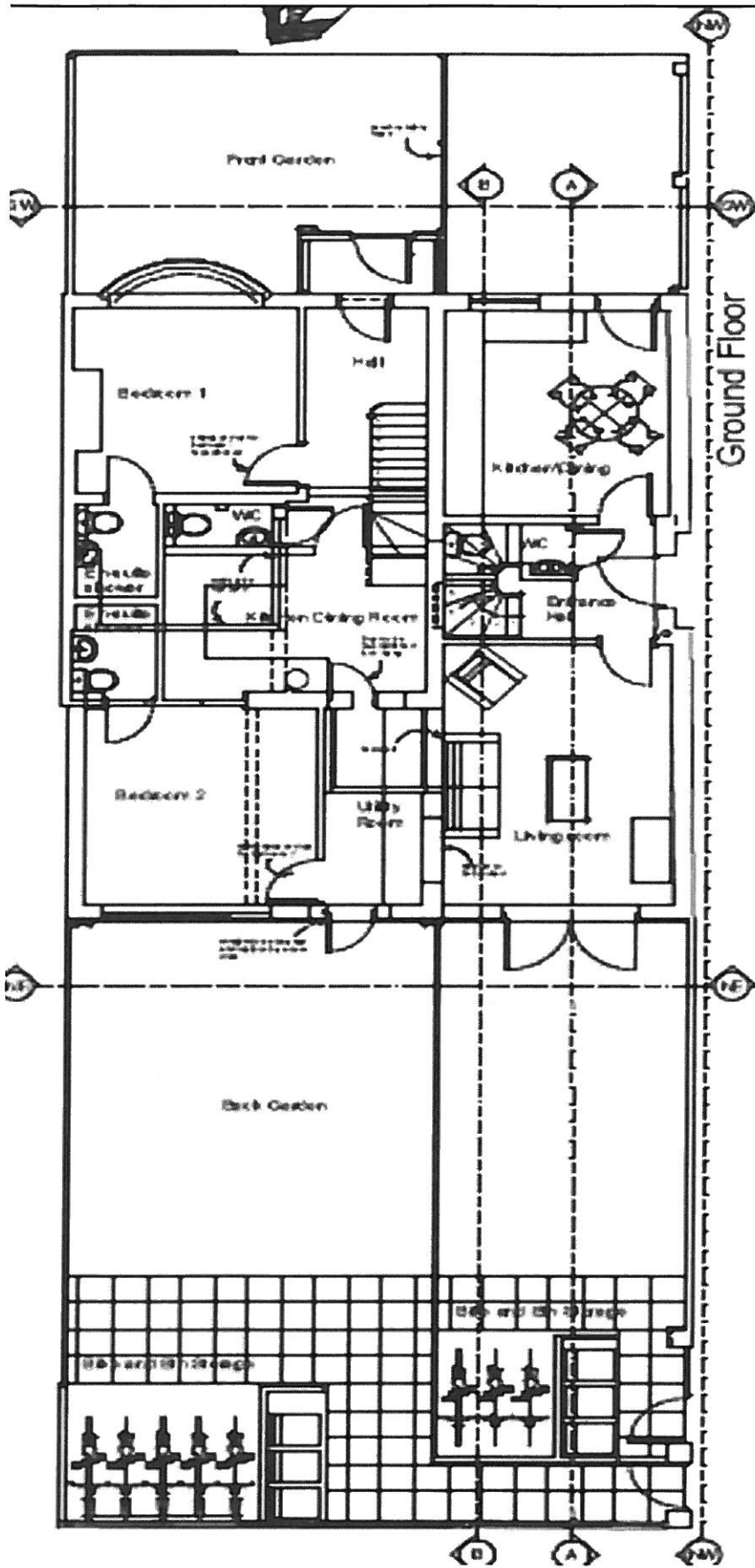


Attic



First Floor

# Proposed upper floors



**Proposed ground floor plan**