



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. 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 assessment¹. This is handled by:

The Senior Court Costs Office²
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 Court³. 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.

© Crown copyright

407

Printed in Great Britain by the Planning Inspectorate on recycled paper Sept 2000
(updated)

¹ 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

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

² Formally named the Supreme Court Costs Office

³ 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.



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

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.
-

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
-

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