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## Appeal Decision

Site visit made on 31 January 2011

by **Paul Crysell BSc (Hons) MSc MRTPI**

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

Decision date: **1 March 2011**

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**Appeal Ref: APP/Q0505/A/10/2132452**  
**2A Scotsdowne Road, Cambridge CB2 9HU**

- 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 P Pizza against the decision of Cambridge City Council.
  - The application Ref 10/0201/FUL, dated 10 March 2010, was refused by notice dated 8 July 2010.
  - The development proposed is the erection of 3 no. 2 bed terrace dwellings following demolition of the existing bungalow.
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### Decision

1. I allow the appeal, and grant planning permission for the erection of 3 no. 2 bed terrace dwellings following demolition of the existing bungalow at 2A Scotsdowne Road, Cambridge CB2 9HU in accordance with the terms of the application, Ref 10/0201/FUL, dated 10 March 2010, subject to the conditions attached to this decision.

### Procedural Matters

2. The Council has confirmed that it inadvertently failed to refer to drawings PP05B and PP06B in its decision notice. I have therefore had regard to these. It also acknowledges that a contribution of £2,170 required towards community facilities and referred to in its Committee Report was wrong. The correct figure was £1,630 which is the sum indicated in the appellant's unilateral undertaking. The Council has also clarified that a fee is required to cover the cost of checking the legal agreement.

### Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The appeal site is situated next to the junction of Alpha Terrace and Scotsdowne Road where traditional Victorian terraced properties give way to 20<sup>th</sup> century development. The Council says replacing the existing bungalow with a short terrace of three dwellings would be unacceptable because the proposal ignores the different building styles and the contrast between the urban and suburban forms of housing in the two roads.
5. The cohesive and contained street of Victorian cottages in Alpha Terrace has little in common with the less structured and open mix of bungalows and semi-detached properties in Scotsdowne Road. The latter do not have the same

architectural merit and this appears to be reflected in the Council's intention to include only Alpha Towers in an enlarged Trumpington Conservation Area<sup>1</sup>.

6. This expansion of the Conservation Area would include the appeal site thereby recognising the contribution of buildings and spaces on the southern side of Alpha Terrace to the street scene. The Appraisal suggests that the front garden of the appeal site together with the car park to the rear of 47 High Street helps to create a relatively open feel at the beginning of the road. It also highlights the strong sense of enclosure along much of the street, the result of the narrow road and pavement widths coupled with the height of buildings.
7. The proposed dwellings would complement the Victorian housing in Alpha Terrace being of a similar height and a modern version of the traditional style. The appellant's intention to keep the garden at the northern end of the appeal site would maintain an element of openness while the greater mass of the terraced units would be more in keeping with the scale of the church and church hall on the opposite side of the road than the existing bungalow.
8. The proposed dwellings are identical to those in a previous application<sup>2</sup>. This was refused because of its potential affect on trees in an adjacent garden most of which are covered by a Tree Preservation Order<sup>3</sup>. Re-positioning the dwellings slightly to the south as is now proposed would address the main concerns of the Council's Arboricultural Officer.
9. Local residents believe the development to be too intense and inappropriate but this would be more likely if the dwellings were sited further along Scotsdowne Road. It is also suggested that the proposal does not accord with recent changes in national planning guidance (PPS3) intended, in part, to prevent the loss of garden land<sup>4</sup>. I do not accept this because the dwellings would occupy a similar footprint to the existing bungalow resulting in little, if any, loss of amenity land. Furthermore, the change to guidance does not mean that garden land cannot be developed under any circumstances although I accept there is no longer the same priority for doing so.
10. Residents have also identified a number of other issues including parking concerns, the hazards posed to schoolchildren and users of the church, loss of privacy, pedestrian problems, tree damage and flooding concerns but I can find no evidence to suggest any of these are significant. The Highway Authority has raised no objections on highway grounds and the Council has not identified any of these matters as reasons for rejecting the scheme.
11. I therefore find that the proposed development would not detract from the immediate area in the manner the Council suggests or adversely affect the character and appearance of the area contrary to relevant policies in the Cambridge City Council Local Plan (LP). In particular the Council refers to policy 3/4 of the LP which expects schemes to respond to key characteristics of the surrounding area in order to create distinctive places. I am satisfied the proposed development would do so. In reaching this conclusion I have also taken into account policy ENV7 of the East of England Plan on quality in the built environment.

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<sup>1</sup> Draft Trumpington Conservation Area Appraisal, June 2010

<sup>2</sup> App Ref: 09/0443/FUL

<sup>3</sup> City of Cambridge (St Mary's House, 47 High Street, Trumpington) Tree Preservation Order No 5/2004

<sup>4</sup> Planning Policy Statement 3 *Housing* (PPS3)

12. I have also had regard to policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan which require new development to support the provision of essential infrastructure and community requirements through legal agreements. Policies 3/8, 5/14 and 10/1 of the LP take a similar form. The appellant has submitted a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 to ensure contributions are forthcoming towards the provision of community facilities and open space.
13. I have considered this undertaking against the requirements of the Community Infrastructure Levy Regulations 2010 and I am satisfied that it meets the identified tests, namely that it is necessary to make the development acceptable in planning terms, it is directly related to it and is fairly and reasonably related in scale and kind to it.
14. The Council has suggested a number of conditions in the event that I allow the scheme. I have considered these against the advice in Circular 11/95 *The Use of Conditions in Planning Permission* and have adjusted them where appropriate. In order to secure the satisfactory appearance of the development a condition covering materials is necessary. Conditions to ensure construction is adequately controlled, including the storage of materials and restrictions on hours and deliveries, are required to minimise disturbance to local residents. I also agree that conditions for a traffic management plan for the demolition phase of work and adequate visibility splays are needed to ensure highway safety. Conditions covering the provision of waste facilities and to ensure nearby trees are adequately protected are reasonable and I have included a condition identifying the relevant plans.
15. The Council's Environmental Services Department has identified a business which previously operated from adjacent premises and could be a potential source of ground contamination. A condition to protect future occupants of the development by requiring a scheme to investigate possible contamination is therefore appropriate as a precautionary measure. I have had regard to the relevant model conditions replacing those in Circular 11/95 which are no longer consistent with PPS23 *Planning and Pollution Control*. I consider a simplified form of a contaminated land condition being advanced by the Inspectorate for use on small developments would be sufficient to address the Council's concerns.
16. For the reasons given above and having regard to all other matters, I allow the appeal.

*P R Crysell*

INSPECTOR

## Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following plans: PP01, PP03B, PP04B, PP05B and PP06B.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. Prior to the commencement of development, a drawing showing two 2.0 x 2.0 metre visibility splays shall be submitted to and approved in writing by the local planning authority. This area shall be kept clear of all planting, fencing and walls exceeding 600mm in height.
5. No demolition works shall commence on site until a traffic management plan has been agreed with the Highway Authority and put into effect.
6. Except with the prior written agreement of the local planning authority no construction or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Mondays to Friday; 0800 hours to 1300 hours on Saturday and there shall be no collections or deliveries on Sundays, Bank or public holidays.
7. Except with the prior written agreement of the local planning authority no collection or deliveries shall be taken at or despatched from the site during the demolition and construction stages outside the hours of 0700 hours and 1900 hours on Monday to Saturday and no collection or deliveries on Sundays or Bank or public holidays.
8. Prior to the commence of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the first occupation of the dwellings hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.
9. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved in writing by the local planning authority:
  - (i) contractors access arrangements for vehicles, plant and personnel;
  - (ii) contractors site storage area/compound;
  - (iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site;
  - (iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

10. Unless otherwise agreed in writing by the local planning authority no underground services shall be located within the Root Protection Area (RPA) of the Horse Chestnut Tree and any foundations within the RPA shall be piled and hand dug.
11. No work shall commence (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses and positioning of site huts) until:
  - a) A Tree Protection Plan has been submitted to and agreed in writing by the local planning authority;
  - b) The developer has appointed a competent arboriculturalist to coordinate with the Council's arboricultural officer and the site agent the necessary works and protection measures to ensure the health, safety and retention of the Horse Chestnut Tree;
  - c) Pruning necessary to facilitate development, where required, shall be carried out and completed in accordance with BS: 3998:1998;
  - d) All tree protection barriers and ground protection measures shall be installed to the satisfaction of the local planning authority.
12. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.