



CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACTS 1990

REFUSAL OF OUTLINE PLANNING PERMISSION

Ref: C/99/0562/OP

To: Keymer Cavendish & Quinlan
8 Station Court
Great Shelford
Cambridge
CB2 5LR



The Council hereby refuse permission for

Erection of single dwellinghouse and improvement to existing access road (Class C3) (outline planning).

at

Land to the rear of 23 Sedley Taylor Road, Cambridge, CB2 2PW

in accordance with your application received 18th June 1999 and the plans, drawings and documents which form part of the application, for the following reasons:

- 1 The proposed widening of the existing access to serve the proposed dwelling and the existing Cantabrigian Clubhouse is unacceptable as it does not facilitate safe access to and from the site. The access is contrary to part (b) of Policy NE8 of The Cambridge Local Plan (1996).
- 2 The proposed widening of the access to serve the existing clubhouse and the proposed dwelling is unacceptable by reason of its position between, and proximity to 23a and 23 Shelford Road. The access would have a detrimental impact upon the adjacent dwellings, particularly No.23 Sedley Taylor Road and would detract from their residential amenity, contrary to Policy NE8 of The Cambridge Local Plan (1996) and the advice contained within paragraph 26 of PPG3 'Housing'.

- 3 This site and the adjoining sites are characterised by long plots and the piecemeal introduction of residential development within the rear garden of 23 Sedley Taylor Road would be out of character with the existing pattern of development which is contrary to parts (a) and (b) of Policy NE8 of The Cambridge Local Plan (1996) and Policy SP12/10 of the Cambridgeshire Structure Plan 1995.
- 4 The proposal would lead to the loss of existing trees and scrub woodland which are likely to make a long term contribution to the character of the area and the adjoining playing fields. The loss of existing trees and vegetation would therefore be contrary to Policies NE8 (a), NE16 and NE17 of The Cambridge Local Plan (1996).

Dated: 18th August 1999

Guildhall, Cambridge, CB2 3QJ


Director of Planning

SEE NOTES OVERLEAF



Appeal Decision

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

hearing held on 11 January 2000

by Andrew S Freeman BSc(Hons) DipTP DipEM
FRTPI FIHT MIEEnvSc

PS|HH|MA|BH|SE|JS

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

19 JAN 2000

Appeal: T/APP/Q0505/A/99/1030111/P4

- 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 brought by Mr Robinson against Cambridge City Council.
- The site is located at land rear of 23 Sedley Taylor Road, Cambridge.
- The application (ref: C/99/0562/OP), dated 15 June 1999, was refused on 18 August 1999.
- The development proposed is erection of a single dwelling and improvement of access.

Decision: The appeal is allowed and planning permission granted subject to conditions set out in the attached schedule.

Procedural matters

1. The appeal relates to an outline application. However, the means of access is to be determined at this stage. Approval of the siting, design, external appearance and landscaping of the site would be sought at a later date.
2. It was agreed at the hearing that the description of the development should be amended to "erection of a single dwelling". The appellant's agent indicated that a bungalow is proposed.

The main issues

3. The main issues are the effect of the proposal on:
 - (a) the character and appearance of the area;
 - (b) safe access to the development by fire appliances; and
 - (c) the living conditions of the occupiers of nearby residential premises in terms of noise, disturbance, loss of privacy and overshadowing.

The development plan

4. The development plan includes the Cambridgeshire Structure Plan and the Cambridge Local Plan.
5. Structure Plan Policy SP3/6 places emphasis on reusing previously developed land within existing settlements. Policy SP3/7 seeks to protect important green spaces. Policy SP12/10 states that all new developments will be expected to incorporate high standards of layout and design and to relate well to their surroundings.
6. Local Plan Policy NE5 is directed at protecting structurally important open spaces. Policy NE8 states that the City Council will exercise strict control over the nature and extent of

backland development. The principle of development will be assessed against criteria that include the contribution of the site to the character and quality of the area, both visually and in terms of greenery and wildlife habitats and the extent to which this can be maintained if the site is developed; the ability to achieve safe access to the site for vehicles without unacceptable damage to the environment and residential amenity; and any potential benefits eg use of derelict land. Policy NE16 indicates that the City Council will use all powers at its disposal to protect trees it considers to be of amenity value. Policy NE17 is concerned with existing trees. Planning permission for development will not be given where the City Council is not satisfied that due regard has been given to the successful retention of existing trees and, where it considers it appropriate, the establishment of new trees.

Inspector's reasons

The character and appearance of the area

7. I saw that Sedley Taylor Road is characterised by residential development with what are, in the main, two-storey detached houses of individual design fronting the highway. Exceptions include the bungalow at 23a Sedley Taylor Road that lies immediately south of the access track to the appeal site. I also saw, at the northern end of the road, two detached houses on a "backland" site served by an access track adjacent to No 4 Sedley Taylor Road. Given the above, I did not form the impression that a single bungalow on the appeal site would fail to reflect the general pattern of housing in the area to any significant extent.
8. On behalf of the Council, it was indicated that the main part of the appeal site has a wooded appearance. This, in turn, contributes in an important way to the general green appearance of the locality and to the setting of the "structurally important open space", principally to the west. The proposal, including the domestication of the site, would adversely affect the visual quality and appearance of the area.
9. For my part, I saw that the main public views toward the site are from Long Road to the southwest across playing fields. In such views, I perceived the appeal site to be part of a block of land enclosed by the outside rear boundaries of the properties on the west side of Sedley Taylor Road. The overall impression that I gained was of an attractive and well-contained area with a green and wooded appearance. I recognise, however, that views are limited by existing vegetation along Long Road; also that some of the views are across the relatively unattractive car park of the Cantabrigian Rugby Union Football Club.
10. In my opinion, the loss of the vegetation on the appeal site and the wholesale exposure of a bungalow and its residential curtilage to available public views, notably from the southwest, would unacceptably change the character and appearance of the area. However, through the retention of existing planting, complemented by new landscaping, I consider that the development could be accommodated in a way that would not materially harm the visual amenities of the area or unduly impact upon the strategically important open space.
11. I appreciate that a desire for increased daylight and sunlight often leads to pressure for the removal or severe pruning of trees. However, I can conceive of a solution whereby boundary vegetation to the west and south would be retained, in the main, and strengthened without prejudicing the amenities of future residents whether in the dwelling or in the garden. In this and all other respect, the character and appearance of the area would not be materially harmed.

Access by fire appliances

12. The Council has noted that the appeal property would be more than 50m from Sedley Taylor Road. In such circumstances, and taking into account the limited width of the access track, insufficient room would be available for safe access by a fire appliance. The normal width for access by a fire tender is stated to be 3.7m. However, only a maximum of 3.6m is available; and given the presence of former fence posts, the usable access is only 2.7m in width.
13. I appreciate that, under the Building Regulations 1991, the typical vehicle access route specification indicates a minimum width of road between kerbs of 3.7m with 3.1m as the minimum width of gateways. Be that as it may, I am aware from my own experience that a gap of 2.7m is wide enough to allow the passage of a typical fire appliance, albeit not at speed. I also saw that, in an emergency, access to the appeal site could be gained via the access way north of 4 Sedley Taylor Road and along the edge of the playing fields. In all the circumstances, I am satisfied that attendance at the appeal site by a fire appliance would not be unduly inhibited even without the improvement of the existing track.

Noise and disturbance

14. In terms of noise and disturbance, the Council is concerned that, in circumstances where the access track would need to be improved, the traffic to the proposed dwelling would adversely affect the occupiers of 23 Sedley Taylor Road; also those at No 23a. There would be comings and goings seven days a week, throughout the year, day and night.
15. I saw that the front elevation of No 23 is orientated toward the access track. Windows, notably of the principal downstairs living room, are immediately adjacent to the track. As such, the occupiers of that property are likely to suffer noise and disturbance from passing vehicles irrespective of any widening on the north side of the track. However, given that the track also gives access to the rugby club and the playing fields, I would not expect the appeal development to give rise to a material increase in the amount of traffic using the track. I appreciate that the hours of use would be different. Nevertheless, in the light of the overall situation, I do not consider that the additional noise and disturbance would be significant.
16. With regard to noise from the rugby club itself, I consider that prospective purchasers of the dwelling would be well aware of the sort of disturbance that might emanate from the premises. However, I do not consider that the degree of noise and disturbance, and its frequency, would be such as to preclude residential development of the appeal site.
17. It has been suggested that the occupiers of 22 Sedley Taylor Road would be affected by noise and disturbance given that the proposed development would be adjacent to their garden. I appreciate that there would be an intensification of the residential use of the site. However, in a residential area such as this, the sounds of domestic activity would be heard all around. I do not consider that the appeal development would give rise to unacceptable noise or disturbance in this regard.

Loss of privacy

18. I saw that, when travelling away from the appeal site, there are prominent views toward a corner bedroom window at 23 Sedley Taylor Road. However, bearing in mind the amount of traffic already using the access track, and the relatively low levels of traffic likely to be

generated by the appeal proposal, I do not consider that there would be a material change in the related loss of privacy.

19. In terms of any other overlooking of houses or gardens, notably of 22 Sedley Taylor Road, I consider that this could be precluded by way of conditions relating to storey height, siting and design.

Overshadowing

20. Any significant overshadowing of the garden of No 22 could also be precluded by careful attention to detailed aspects of boundary treatment, storey height, siting and design.

Overall conclusions

21. My overall conclusions are that, in terms of noise, disturbance, loss of privacy and overshadowing, there would be no unacceptable effects upon the living conditions of the occupiers of nearby residential premises. In addition, safe access to the development by fire appliances would be available; and there would be no harmful effects upon the character or appearance of the area. Related objectives of the development plan would not be prejudiced.

Conditions

22. In addition to the standard "outline" conditions (Conditions (i), (ii) and (iii)), and in the interests of visual amenity, I consider that specific conditions are necessary in respect of landscaping and boundary treatment (Conditions (iv), (v) and (vi)). In order to protect the living conditions of the occupiers of Nos 22 and 23 Sedley Taylor Road in terms of overlooking and overshadowing, it is also necessary to restrict the proposed storey height (Condition (vii)). To help protect privacy, the future insertion of openings will also need to be controlled (Condition (viii)).
23. Although the Council has suggested a condition in respect of parking and manoeuvring space, I do not consider that the highway safety and convenience implications are such that a related condition is strictly necessary in this case.

All other matters

24. All other matters before me have been considered including the likely cumulative effects of the development and the optimum use of land for housing. However, I have found no evidence that would outweigh the considerations that have lead me to my decision.

Conclusions

25. For the reasons given above I conclude that the appeal should, on balance, succeed and I shall exercise the powers transferred to me accordingly.

Informatives

26. The conditions require further matters to be agreed by the local planning authority. There is a right of appeal to the Secretary of State if they refuse any such application, fail to give a decision within the prescribed period or grant a conditional approval.

27. This decision does not convey any approval or consent that may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Schedule:

Appeal: T/APP/Q0505/A/99/1030111/P4

28. The appeal is allowed and outline planning permission granted for erection of a single dwelling in accordance with the terms of the application (No C/99/0562/OP) dated 15 June 1999, and the plan submitted therewith, subject to the following conditions:

- (i) Approval of the details of the siting, design and external appearance of the buildings (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
- (ii) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- (iii) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- (iv) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection to be used in the course of development.
- (v) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- (vi) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
- (vii) No building on any part of the development hereby permitted shall exceed one storey in height.
- (viii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window or other opening shall be constructed in elevations of the proposed dwelling that face toward 22 or 23 Sedley Taylor Road without the prior approval in writing of the local planning authority.

Andrew Greenman

APPEARANCES

FOR THE APPELLANT:

Mr J A Quinlan
BSc(Hons) DipTP MRTPI

Partner, Keymer Cavendish & Quinlan, Environmental Planning &
Development Consultants, 8 Station Court, Great Shelford,
Cambridge, CB2 5LR

FOR THE PLANNING AUTHORITY:

Mr R W Wilson
BA(Hons) DipTP MRTPI

Managing Director, Bill Wilson Planning Ltd, The Laundry House,
Ecton Hall, Church Way, Ecton, Northants, NN6 0QE

INTERESTED PERSON:

Professor A Muthesius

Prospective purchaser, 23 Sedley Taylor Road, Cambridge, CB2 2PW

DOCUMENTS

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| Document 1 | - | Attendance list |
| Document 2 | - | Copy of letter of notification of the hearing |
| Document 3 | - | Extract from the Cambridge Local Plan Proposals Map |
| Document 4 | - | Extract from the Building Regulations 1991 |
| Document 5 | - | List of conditions suggested by the Council |

PLANS

- | | | |
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| Plan A | - | Application drawing |
| Plans B.1-B.2 | - | Supporting drawings for illustrative purposes only |