

<b>Application Number</b>	10/0968/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	27th September 2010	<b>Officer</b>	Mr Tony Collins
<b>Target Date</b>	22nd November 2010		
<b>Ward</b>	Newnham		
<b>Site</b>	36 Barton Road Cambridge Cambridgeshire CB3 9LF		
<b>Proposal</b>	Erection of a zero carbon 4-bed dwelling house.		
<b>Applicant</b>	Mr David Qiu 36 Barton Road Cambridge Cambridgeshire CB3 9LF		

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## **A.0 STATUS OF THE APPLICATION**

A.1 An appeal has been lodged with the National Planning Inspectorate against the non-determination of this application. The resolution sought for this item is therefore not a determination of the application, but agreement that the report below should form the Council's case at appeal.

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is a residential plot on the north-eastern corner of the junction of Barton Road with Barton Close and has an area of approximately 0.12 hectares. The site is currently occupied by a substantial detached dwelling and single garage, both of which are set back at the northern end of the site away from Barton Road, taking access from Barton Close. The local context is predominantly residential in character and the dwellings on the northern side of Barton Road and in Barton Close are in general larger detached family houses of two-storey height, set in generous gardens dating from the early to mid C20. On the southern side of Barton Road, the townscape is more varied and includes three-storey modern flats, 2 and 3 storey family houses and 3 and 4 storey Victorian houses.

1.2 The site lies outside the City of Cambridge Conservation Area No.2 (West). The emerging appraisal of the City of Cambridge Conservation Area No.2 (West) does not propose to extend the conservation area to include this site. The site is within Character Area 2 of the Barton Road Suburbs and Approaches Study (2009). Neither the existing house, nor any of the immediately adjacent houses is a listed building. There is an Ash tree on the south-western corner of the site, an Oak tree on the south eastern corner of the site, and a Silver Birch on the western boundary. All of these trees are protected by Tree Preservation Orders. The site falls outside the controlled parking zone.

## **2.0 THE PROPOSAL**

2.1 The application seeks permission for a single dwelling, to be sited in the garden of the existing house. The footprint of the house would measure 12.5m from north to south, and 13m from east to west. It would be sited 15.5m back from the hedge along the Barton Road footway, 4m in from the hedge on the Barton Close footway, and 3.25m from the common boundary with 34 Barton Road. The north elevation of the house would be 4m from the new boundary subdividing the present curtilage of 36 Barton Road, and 11.5m from the existing house, which would be retained.

2.2 The house would have three storeys, the uppermost of which would be within the asymmetrical pitched roof, which would have eaves at 5m above ground on the Barton Road side, 6.3m above ground on the north side, and a ridge 8.4m above ground. The roof would have gable ends to east and west. The northern section of the building would be a single-storey section, with a lean-to roof rising from eaves at 2.7m above ground to a junction with the main north elevation at 5m above ground. The building would be faced in brick, with painted softwood windows and doors. The roofs would be faced on the south side entirely with photovoltaic panels, and on the north side with a standing seam metal covering.

2.3 A paved access drive would be provided along the northern boundary of the site, with a single car parking space in the north-west corner, adjacent to the access point, and bin and cycle storage in the north-east corner. A ground source heat

pump would be inserted on the east side of the site, adjacent to the garden of 34 Barton Road, and a tank for harvesting grey water on the west side adjacent to the car parking space.

- 2.4 The protected ash and oak trees on the Barton Road frontage would be retained; the protected birch on the Barton Close side would be lost.
- 2.5 The application is accompanied by a Design and Access Statement.

### 3.0 SITE HISTORY

Reference	Description	Outcome
08/0507/FUL	Erection of 11 no flats together with associated car parking, cycle stores, etc.	Refused

### 4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

### 5.0 POLICY

#### 5.1 Central Government Advice

5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 Paragraph 34 states that planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public

and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

- 5.4 **Planning Policy Statement 3: Housing (2010):** Sets out to deliver housing which is: of high quality and is well designed; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of offering good access to jobs, services and infrastructure; and efficient and effective in the use of land. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.
- 5.5 The recently revised version of this guidance includes the following changes: the definition of previously developed land now excludes private residential gardens; and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are designed to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities.
- 5.6 **Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated and those that are not designated but which are of heritage interest and are thus a material planning consideration.
- 5.7 **Planning Policy Statement 9: Biodiversity and Geological Conservation (2005):** Paragraph 1 states that planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of

international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.

- 5.8 **Planning Policy Guidance 13: Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.9 **Planning Policy Statement 22: Renewable Energy (2004):** Provides policy advice to promote and encourage the development of renewable energy sources. Local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, location requirements and the potential for exploiting them subject to appropriate environmental safeguards.
- 5.10 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.11 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.
- 5.12 **Community Infrastructure Levy Regulations 2010:** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

## **Development Plan Policy**

### **5.13 East of England Plan 2008**

SS1: Achieving Sustainable Development  
T2: Changing Travel Behaviour  
T9: Walking, Cycling and other Non-Motorised Transport  
T14 Parking  
ENV6: The Historic Environment  
ENV7: Quality in the Built Environment  
ENG1: Carbon Dioxide Emissions and Energy Performance  
WM6: Waste Management in Development

### **5.14 Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision  
P9/8 Infrastructure Provision

### **5.15 Cambridge Local Plan 2006**

3/1 Sustainable development  
3/4 Responding to context  
3/7 Creating successful places  
3/10 Subdivision of existing plots  
3/11 The design of external spaces  
3/12 The design of new buildings  
4/4 Trees  
4/13 Pollution and amenity  
5/1 Housing provision  
8/2 Transport impact  
8/6 Cycle parking  
8/10 Off-street car parking

Planning Obligation Related Policies

3/7 Creating successful places  
3/8 Open space and recreation provision through new development  
3/12 The Design of New Buildings  
5/14 Provision of community facilities through new development  
10/1 Infrastructure improvements

## 5.16 Supplementary Planning Documents

**Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

**Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

## 5.17 Material Considerations

### Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

## **City-wide Guidance**

**Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001)** - This document aims to aid strategic and development control planners when considering biodiversity in both policy development and dealing with planning proposals.

**Cambridge Walking and Cycling Strategy (2002)** – A walking and cycling strategy for Cambridge.

**Arboricultural Strategy (2004)** - City-wide arboricultural strategy.

**Strategic Flood Risk Assessment (2005)** – Study assessing the risk of flooding in Cambridge.

**Cambridge City Council (2006) - Open Space and Recreation Strategy:** Gives guidance on the provision of open space and recreation facilities through development.

**Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)** Sets out how all residential developments should make provision for public open space, if not on site then by commuted payments. It incorporates elements from the Planning Obligations Strategy Supplementary Planning Document (2010) and the Open Space and Recreation Strategy (2006).

**Cycle Parking Guide for New Residential Developments (2010)** – Gives guidance on the nature and layout of cycle parking, and other security measures, to be provided as a consequence of new residential development.

## **Area Guidelines**

**Draft West Cambridge Conservation Area Character Appraisal And Management Plan (2011)**  
**Cambridge Suburbs and Approaches Study: Barton Road (2009)**



## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Engineering)**

- 6.1 Car parking space dimensions required. Pedestrian visibility splays required. Conditions sought with respect to unbound surfacing, and footway crossing layout.

### **Principal Landscape Officer**

- 6.2 Roof ridge too high. Roof configuration too monolithic. Visually intrusive. Not supported.

### **Historic Environment Manager**

- 6.3 Design differs from the prevailing style in this area. Higher than existing properties on this side of the road. Metal and photovoltaic panel roof gives it a distinctive style which does not sit well with No. 34. Walls (brick) and windows and doors (timber) are natural materials. Proposed property may relate better to properties on the opposite side of Barton Road (larger and higher) than the interwar houses on the north.
- 6.4 Building line is stepped back from 34, but not as far back as 38. Therefore it works with the existing properties in terms of siting within its plot. Due to the size of the plot, the proposed position in the site and the access to the new building, there are no objections to the proposal for a new building. The Retention of boundary hedge and mature trees will help to mitigate the impact of the proposal on the street scene.

### **Principal Arboricultural Officer**

- 6.5 The TPO birch on the western boundary is over-mature and its long term expectations are short It should not constrain development. The frontage ash and oak trees should be retained for their public amenity value and should constrain the development.
- 6.6 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 Representations objecting to the application have been received from the owners/occupiers of the following addresses:

7 Barton Close  
8 Barton Close  
9 Barton Close  
10 Barton Close  
11 Barton Close  
an unspecified address in Barton Close  
24 Barton Road  
32 Barton Road  
34 Barton Road  
53 Barton Road  
89A Barton Road  
98 Barton Road (two responses)  
112 Barton Road  
3 St Mark's Court Barton Road  
24 Barton Road  
10 Chedworth Street  
15 Chedworth Street  
38 Gough Way  
20 Grantchester Road  
2 Marlowe Road  
5 Merton Street  
51 Owlstone Road  
18 Wordsworth Grove

2 The Dean, East Linton, Edinburgh  
17 North Road, Berkhamstead (two responses)

and from a resident of Darwin College.

7.2 A representation objecting to the application has also been received from Barton Close Residents' Association.

7.3 Ten of these responses are in the form of a common letter, which raises the following points:

### **Principle of development**

- the proposal is 'garden grabbing' which is against government policy

- the application will lead to 'planning creep'

### **Context and design**

- the scale and design of the proposed building is not consistent with the immediate locality
- the solar panelled roof is not in keeping with local architectural style
- the garden of 36 Barton Road would be reduced out of context

### **Residential amenity**

- South-facing rooms in 36 Barton Road would be deprived of sunlight
- the side elevation would have an adverse impact on the green and leafy entrance to Barton Close

### **Trees**

- the loss of the TPO silver birch is unacceptable

7.4 Other representations raise some of the above points, and also the following

### **Principle of development**

- overdevelopment
- will establish a precedent for the replacement of 36 Barton Road by a three-storey property
- will enable 36 Barton Road to be demolished to provide access to backland
- will lead to 36 Barton Road remaining unoccupied, falling into disrepair, or being converted into flats
- approval could lead to later proposals to subdivide the proposed house, or the original house, or reintroduce the previously refused application for flats
- will lead to subsequent application for a garage
- heritage footprint of 'two-stage houses built during brick shortage will be lost

### **Context and design**

- disproportionate size
- excessive massing

- bland design
- factory-style appearance
- roof configuration inappropriate
- location on site inappropriate
- will detract from street scene
- deliberate 'semi-ruralification' of historic street layout will be lost
- reasons for refusal of previous application still apply

### **Residential amenity**

- overshadowing
- loss of privacy
- overbearing sense of enclosure

### **Trees and biodiversity**

- loss of silver birch will adversely affect biodiversity
- installation of ground-source heat pump would threaten welfare of adjacent trees
- site is part of major wildlife corridor

### **Sustainability**

- potential for gardening on the site curtailed
- 'zero-carbon' claim is misleading

7.5 A petition of 83 signatures, most, but not all of them, residents of Newnham ward, has also been received. The petitioners object to the application on broadly the same grounds as the common letter summarised in 7.2 above. Some of the signatories have also submitted individual responses included above.

7.6 Representations not objecting to the application, but suggesting conditions or amendments, have been received from the occupiers of the following addresses:

- 40 Barton Road
- Honeypot Cottage, Rattlesden Road, Drinkstone, Bury St Edmunds

7.7 The representations can be summarised as follows:

- hedge on Barton Close side of plot should not be reduced in height
- roof height should not be higher than neighbouring houses
- colour of roof should be in keeping with neighbouring houses
- placing on plot should be altered to reduce impact on 34 and 36 Barton Road

7.8 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. Renewable energy and sustainability
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Trees
9. Third party representations
10. Planning Obligation Strategy

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. Policy 3/10 however, makes it clear that in order to be acceptable, a housing proposal which involves the subdivision of an existing residential curtilage must meet six criteria. Two of these criteria (the wish to promote comprehensive development, and impact on listed buildings or buildings of local interest) are not relevant to this site. To be acceptable under this policy, this proposal must show that it meets the remaining four criteria:

- No adverse impact on the residential amenity of neighbours
- No adverse impact on trees, wildlife features or architectural features of local interest
- No detracting from the character and appearance of the area
- Adequate amenity space, vehicular access and car parking space for the new and existing houses

8.3 I test the proposal against the first of these criteria under the heading of residential amenity below, and against the other three under the heading of context and design below.

8.4 A very large number of the representations received object to the principle of new residential development on this site on the basis that it is an example of 'garden-grabbing' which should not be permitted. This issue must be examined in relation to the amendments made to government guidance in PPS3 (2010).

8.5 The Secretary of State's letter to Chief Planning Officers of 15<sup>th</sup> June 2010 states that the objective of the changes made to PPS3 are 'to give local authorities the opportunity to prevent overdevelopment of neighbourhoods and 'garden-grabbing''. The letter does not define the term 'garden-grabbing', but there is no indication in the letter, or in the revisions to PPS3, that development in private residential gardens should be prohibited. The major change relevant to this application in the revised PPS3 is that the definition of 'previously-developed land' in the guidance now specifically excludes the gardens of existing residential curtilages.

8.6 Therefore, none of the application site is 'previously developed' land. Government advice in paragraph 41 of PPS3 (2010) that 60% of new housing development should be on previously developed land, and in paragraph 36 of the same revised policy statement that the priority for residential development should be previously developed land, mean that the application site would not be considered a priority for new housing development. However, land formerly used for commercial and industrial purposes in Cambridge has undergone rapid redevelopment for residential use in the last decade, and the supply of such previously-developed land has dwindled. In my view, it is not realistic to expect new residential development to be confined only to previously-developed land, albeit that such sites should be regarded as a priority.

- 8.7 Paragraph 38 of PPS3 (2010) also states that local planning authorities are advised to take into account a number of options for accommodating new housing growth, which 'may include, for example ... additional housing in established residential areas...' For the reason indicated above, I consider that this option is one which must form part of the Council's strategy. In my view, this garden site is an example of a location where the erection of an additional dwelling would be consistent, in principle, with that advice, and should be considered acceptable, provided that it complies with the criteria set out in policy 3/10 of the Cambridge Local Plan (2006), which is designed, as paragraph 3.29 of the Local Plan states, 'to avoid... adversely affecting the amenity of local residents, or the character of the area'.
- 8.8 Paragraph 36 of PPS3 (2010) states that government policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and good access to key services, jobs and infrastructure. Paragraph 38 of PPS3 (2010) states that the selection of suitable sites for housing should take into account 'the contribution to be made to cutting carbon emissions from focussing new development in locations with good public transport accessibility'. In my view, the erection of an additional dwelling on this site is, in principle, in accordance with both these objectives of the revised guidance, as the site is located close to bus services, and is easily accessible from the city centre and shops by cycle.
- 8.9 Paragraph 49 of PPS3 (2010) advises that 'when well-designed, and built in the right location [more intensive development] can enhance the character and quality of an area'.
- 8.10 Bearing in mind the above advice from Paragraphs 36, 38 and 49 of PPS3 (2010), it is my view that increasing the development footprint on the application site would not be in conflict with the revised PPS3, and would not, in principle, lead to the overdevelopment which the Secretary of State's letter of 15.06.2010 seeks to give councils the opportunity to prevent. I address below the separate question of whether the design of this specific proposal is an appropriate response to the immediate context and the requirement of both development

plan policy and national planning guidance to respect that context.

8.11 A large number of respondents express the view that the existing front garden of No 36 Barton Road is a 'soft green pocket', which forms a key element in the character of the street, and that its development would be harmful to the character of the area. I do not agree with this last argument, which is not supported by the Barton Road Suburbs and Approaches Study (2009). The study describes the character of the north side of the western part of Barton Road as being more suburban than the eastern part, and identifies the wide footway, grass verge and avenue of trees as being important features. Nos. 33 and 34 are described as the first of the inter-war and post-war properties, and identified as positive features in the character of the area (No.36 is neutral). The hedges, verges and central island of Barton Close are also mentioned, as are the characteristic building materials and roof forms. The space in front of No.36 is not mentioned, however, nor is there any reference to 'green pockets', and the garden is not marked as a significant green space on the character assessment map appended to the study. The Historic Environment Manager's advice raises no concerns about this issue. I share the view of neighbours that this site is prominent in the view entering the city, and that care is necessary to avoid unacceptably bulky development on the site which would detract from the suburban character or overwhelm the positive contribution of Nos. 32 and 34 to the character of the area, but I do not consider that such considerations rule out the possibility of any development on the site.

8.12 In my opinion, the principle of the development is acceptable and in accordance with policies 3/4, 3/10, and 5/1 of the Cambridge Local Plan (2006), the advice in the recently revised PPS3, and the character assessment of the Barton Road Suburbs and Approaches Study (2009).

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

8.13 I have stated above that I do not consider the principle of residential development on this site to be unacceptable. To comply with local plan policy and with government advice in PPS1(2005) and PPS3(2010), however, a proposal must



demonstrate an appropriate response to the immediate context. In my view, the proposal fails to do this for a number of reasons.

- 8.14 The first of these is scale. The ridge of the proposed roof is 800mm higher than that of the neighbouring house at No. 34. In itself I do not consider this height increase unacceptable, but the proposal is for a bulky roof, with a long, 14m ridge, high gables at each end (in contrast to the neighbouring hipped roofs), deep overhangs, heavy eaves detailing, and a very extensive array of photovoltaic panels. I recognize that many of these elements arise from the energy-efficiency aspirations of the design, but taken together, in my view, they produce a building whose perceived scale would dominate its neighbours, and be overly intrusive in views from the street, especially from the west. This view is supported by the Historic Environment Manager, who notes that the proposed building sits uneasily with its immediate neighbour.
- 8.15 The massing of the proposed building is in my view also a matter of concern. The proposed house is of comparable width to the existing house at No.34, but is of greater depth. Taken with the tall gable, and the proximity to the Barton Close footway, this would make the building appear very bulky, an impression which would be exacerbated by the loss of the birch tree, and the prominence of the photovoltaic (PV) panels. Notwithstanding the views of respondents, many of whom express considerable anxiety about the PV panels, I do not consider the insertion of such panels in this location to be unacceptable. I am also of the view that the application drawings make the impact of the panels appear more intrusive than they would actually be. Nonetheless, in this location, it is my view that the prominence of the panels is an additional reason why the height and roof form proposed here make the proposed building unacceptably visually dominant.
- 8.16 In addition, it is my view that the asymmetric and starkly contemporary fenestration on the west elevation, and the use of two brick soldier courses to delineate storey heights both have the effect of increasing the unduly dominant impact of this elevation in Barton Close and from the west along Barton Road. I do not consider either element is necessarily inappropriate in itself in a building in this location, but the combination of the two features appears to be to make the elevation still more

aggressive, when the sensitivity of the location calls for a building of more retiring appearance.

- 8.17 In my opinion the combination of height, depth, roof form and materials proposed result in a building which would be in conflict with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

### **Renewable energy and sustainability**

- 8.18 The application seeks to make use of both a large array of photovoltaic panels and a ground source heat pump to generate energy by renewable means. There is no analysis of the proportion of the house's energy needs which could be supplied in this manner, but since this proposal falls below the threshold above which policy 8/16 of the Cambridge Local Plan (2006) is applicable, such details are not required by policy. Evidence is not available to support the 'zero-carbon' claim of the application, but this is in itself not a reason to refuse the application. The application also addresses sustainability objectives by high-specification insulation, triple-glazing, and rainwater and grey water harvesting.

- 8.19 In my opinion the applicants have suitably addressed the issue of sustainability. I consider it unlikely that the installation of a ground-source heat pump would be harmful to neighbouring trees, but if the application were to be approved, I would recommend a tree protection condition to safeguard against this. I am not convinced that the site forms part of a major wildlife corridor, but if it were, I do not consider that the level or location of development proposed would form a barrier to wildlife movement. I accept that the opportunity for gardening on the site would be reduced as a result of development, but I do not consider this a significant loss in sustainability, nor a reason to refuse the application.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.20 The position of the proposed dwelling is such that No. 34 Barton Road, and the existing house at No. 36 Barton Road are the only premises in which the amenity of occupiers could be affected. In neither case do I consider that the proposal would

have any significant impact in terms of noise or other disturbance.

8.21 Similarly, I do not consider that the proposal would have a harmful impact on privacy in either of these houses or their gardens. No windows face towards No. 36 except roof lights, and no windows face towards No.34 except for an obscure-glazed en-suite window, and a ground floor kitchen window, whose outlook would be blocked by the existing beech hedge, which is to be retained.

8.22 The single-storey section of the proposed building would be 11m from the existing house at No.36, and the two-storey section would be 15m from No.36. At this distance, I do not consider that an unacceptable sense of enclosure would be created, despite the existing house having many windows in this elevation. The juxtaposition of the two buildings, with the new house lying directly to the south of No.36, means that the proposed house would block some sunlight which currently reaches the garden and rear elevation of the existing house. I do not consider that the existing house would be left with an unacceptable level of residential amenity in terms of daylight or sunlight; the separation between the two buildings is enough to ensure this is not the case. Since the owner of the existing house is the applicant in this case, I do not consider the reduction in sunlight to this curtilage is grounds for refusal of the application.

8.23 The east gable of the proposed house would be 3.5m from the common boundary with 34 Barton Road. It would stand immediately opposite the west-facing windows of a single-storey conservatory, which lies behind the garage of that house. This conservatory links to the kitchen of that house and is used as an adjunct to that room, which has no windows other than that in the dividing wall between it and the conservatory. The proposed house would be over 8m high at the ridge, with a deep overhang to the roof, so that its edge would be no more than 3.5m from the conservatory window. There is a beech hedge along the boundary, which is within the application site, and which rises to at least 2m elsewhere along its length, but has been kept pruned to below the sill level of the conservatory at this point. Both the outlook and the daylight and afternoon and evening sunlight to this conservatory would be heavily compromised by the impact of the proposed house. I

acknowledge that the owner of 36 Barton Road could allow the beech hedge to grow at this point, and that the occupiers of No.34 would only be able partially to mitigate this impact by pruning the hedge on their side. However, the impact of such growth would be less overwhelming in my view than that of the proposed new house. In my view, the shadowing and sense of enclosure created by the proposed house in the area of the garden immediately to the rear of No.34 would also be unacceptable

- 8.24 In my opinion the proposal adequately respects the residential amenity of all its neighbours in terms of noise and privacy, but it would have an unacceptable detrimental impact on the daylight, sunlight, outlook and sense of enclosure of the occupiers of No. 34 Barton Road and I consider that it is therefore in conflict with Cambridge Local Plan (2006) policies 3/4 and 3/10.

Amenity for future occupiers of the site

- 8.25 The proposed dwelling would be provided with adequate external amenity space; the main garden area, fronting on to Barton Road, would measure 15m by 21m. I accept that a large part of this garden would be shaded in the summer months, by the retained ash tree, but in my view this would give the garden a beneficial mix of sunlight and shade. The existing house at 36 Barton Road would be 11m from the north elevation of the proposed house. This is closer than some house-to-house distances in the vicinity, but not in my view so close as to detract from the amenity of future occupiers.

- 8.26 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

### **Refuse Arrangements**

- 8.27 Three bin storage spaces are provided in an appropriate location. In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.28 The highway authority sought details of car parking space dimensions and pedestrian visibility splays. These have been provided and in my view, are satisfactory. The highway authority raised no objection, and I do not consider that any issues of highway safety arise. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.29 The City Council Car Parking Standards allow up to two car parking spaces for a house with three or more bedrooms outside the controlled parking zone. The application provides one car parking space on site. The city Council Cycle Parking standards require three cycle parking spaces for a four-bedroom house. The drawings submitted appear only to provide storage space for two cycles, and the storage method is unclear. However, in my view, the area designated for cycle storage could comfortably accommodate at least three cycles, and an appropriate configuration could be secured by condition.
- 8.30 In my opinion, subject to appropriate conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Trees**

- 8.31 Advice from the Principal Arboricultural Officer has been that the TPO birch is over-mature and its loss is acceptable, subject to replacement planting, but that stringent conditions would be necessary to ensure that the construction process would not harm the health and welfare of the two other protected trees. Subject to appropriate conditions, the proposal, in my view, involves no conflict with policy 4/4 of the Cambridge Local Plan 2006.

## **Third Party Representations**

- 8.32 I have addressed the majority of the issues raised under the relevant headings above, including all but one of the points made in the common letter. Two matters remain to be addressed: the heritage issue about the history of construction on this site, and the series of questions (including that about

'planning creep' in the common letter) which express anxiety that an approval of this application would promote the possibility of undesirable development on the site, or neighbouring sites, in the future.

8.33 The development history of this site and some adjacent sites, where houses were apparently built in two stages as a result of a brick shortage, is an interesting one. I do not consider that this history renders the building or the site a particularly important heritage asset, and in my view this is not a reason to refuse an application for development on the site.

8.34 The fear is expressed in several representations that the approval of an application on this site would make it easier for development to take place on other nearby plots. This is not the case, as any such application would have to be considered on its own merits. No nearby plot would replicate the circumstances of the application site very closely. Representations also express concerns that approval would lead to the neglect of the existing house at No.36, to its subdivision, its use as an HMO, its demolition, or attempts to replace it with a larger building. I am unable to find any evidence that any of these outcomes would be more likely if the application were to be approved. Neglect cannot (except in extreme circumstances) be controlled by the planning system. Use as a shared house (up to six people occupying a house and living as a family – sharing bathroom(s), a kitchen and some communal space) and demolition are both changes which could take place without the need for specific planning permission, regardless of whether the present application were approved. Subdivision, extension (beyond certain limited size parameters), replacement with a larger building, or use as a House in Multiple Occupation (in effect single room flatlets with locks but where bathroom accommodation is usually shared) would all require a separate specific planning permission, which would have to be determined in its own right.

### **Planning Obligation Strategy**

8.35 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements.

The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have submitted a completed unilateral undertaking to make the contributions indicated, which is being checked by legal officers. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

8.36 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. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.37 The application proposes the erection of one four-bedroom house. No residential units would be removed, so the net total of additional residential units is 1. A house is assumed to accommodate one person for each bedroom. The totals required for the new buildings 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		

3-bed	3	238	714		
4-bed	4	238	952	1	952
<b>Total</b>					<b>952</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		
3-bed	3	269	807		
4-bed	4	269	1076	1	1076
<b>Total</b>					<b>1076</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		
3-bed	3	242	726		
4-bed	4	242	968	1	968
<b>Total</b>					<b>968</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		
3-bed	3	316	948		
4-bed	4	316	1264	1	1264
<b>Total</b>					<b>1264</b>

8.38 Subject to legal checks on the submitted unilateral agreement, I am satisfied that the proposal accords 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

- 8.39 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882		
4-bed	1882	1	1882
<b>Total</b>			<b>1882</b>

- 8.40 Subject to legal checks on the submitted unilateral agreement, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

## Waste

- 8.41 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>

- 8.42 Subject to legal checks on the submitted unilateral agreement, I am satisfied that the proposal accords 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.

### Conclusion

- 8.43 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 CONCLUSION**

- 9.1 In my view, the principle of residential development on the application site is acceptable, and does not, in itself, involve any conflict with policies 3/4 or 3/10 of the Cambridge Local Plan (2006), or with the recently revised government advice in PPS3 (2010). The specific proposal set out in this application, however, would have unacceptable consequences for the amenity of neighbouring occupiers at No. 24 Barton Road, and would have a negative impact on the character of the area. I therefore recommend refusal of the application.

## **10.0 RECOMMENDATION**

### **1. REFUSE for the following reason/s:**

1. The combination of the position, height, depth, roof form, materials and mass of the new house proposed would make the building unduly prominent and intrusive in the street and, instead of achieving good interrelations between buildings and creating an attractive built frontage that would positively enhance the local townscape, the proposal would have a harmful impact on the character of Barton Road. The proposal therefore constitutes poor design, inappropriate for the context and failing to take the opportunities available for improving the character and quality of the area and the way it functions, and would be contrary to policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006, and to government guidance in Planning Policy Statement 1 'Delivering Sustainable Development' (2005) and Planning Policy Statement 3 'Housing' (2010).

2. The position and size of the proposed building would diminish, to an unacceptable degree, the daylight, sunlight and outlook currently enjoyed by the occupiers of 34 Barton Road in their conservatory and in the southern part of their rear garden. It would, furthermore, unduly dominate and be overbearing in its relationship with the rear of that property, 34 Barton Road, causing the occupiers to suffer an unacceptable sense of enclosure and visual domination both in the conservatory and outside the rear of the house, to the severe detriment of the residential amenity they should reasonably expect to enjoy. For these reasons the proposal is in conflict with policies 3/4, 3/10 and 3/12 of the Cambridge Local Plan 2006.

## **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.