



## Appeal Decision

Site visit made on 8 December 2008

by **Howard Rose** DMS DipTP MRTPI  
MCIWM

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

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Decision date:  
19 January 2009

### Appeal Ref: APP/Q0505/A/08/2082017 187 Cherry Hinton Road, Cambridge, CB1 7BX

- 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 G Verrecchia against the decision of Cambridge City Council.
- The application Ref. 08/0125/FUL, dated 24 January 2008, was refused by notice dated 30 April 2008.
- The development proposed is the demolition of 187 Cherry Hinton Road and the erection of a three storey house of flats in its place, together with the erection of four semi-detached three-storey houses at the northern end of the site in place of the garages. (An approved road off Cherry Hinton Road serves the houses and flats. Fourteen car parking spaces and seven bicycles parking spaces will be provided.)

### Procedural Matter

1. The Council's second reason for refusal of the planning application referred to the fact that the proposal does not make appropriate provision for open space, community facilities, education and Area Transport Contributions in accordance with relevant policies of the adopted Cambridgeshire and Peterborough Structure Plan and the adopted Cambridge Local Plan. However, in making the appeal the appellant has submitted a legal undertaking which pledges the provision of financial contributions for the above facilities. The undertaking is acceptable to the Council and I am satisfied that in the event of the appeal being successful these matters would be dealt with appropriately.

### Decision

2. The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

### Main issue

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

### Reasons

4. The appeal site is in a predominantly residential area on the north side of Cherry Hinton Road between the junctions with Coniston Road and Coleridge Road. It is essentially in two parts consisting of the frontage to the road where the dwelling no.187 stands and land to the rear which is occupied by an ice cream van depot and 18 disused lock-up garages. The two parts of the site are linked by a narrow strip of land which is part of the curtilage of a recently

constructed house between the front and rear of the site and part of the curtilage of 193 Cherry Hinton Road immediately east of the appeal site. These properties are within the ownership of the appellant. There is also a narrow lane between nos. 181 and 183 Cherry Hinton Road which gives access directly to the rear part of the site.

5. The surrounding area is characterised by a mixture of dwelling types essentially of two storeys, though the property at 193 Cherry Hinton Road is a substantial three storey building in residential occupation as student flats.
6. The proposed development would be in two parts. A three storey block of 5 flats is proposed to replace the existing house and two pairs of three storey semi-detached houses would replace the depot and garages at the rear of the site. A new vehicular access to the main road would be formed by combining the existing accesses to no 187 with the existing access to the recently constructed dwelling. The existing narrow lane between 181 and 183 Cherry Hinton Road would remain as a secondary access to the site.
7. The three storey flats at the front of the site would be designed with a pitched roof and two storey appearance to the front elevation and with a flat roof three storey section at the rear. However, the building would follow the existing building line and its overall height would be similar to that of the other dwellings on the frontage. Consequently, because of the tight arrangement of the semi-detached dwellings on this frontage, the proposed flats would fit in acceptably in the street scene.
8. The two pairs of semi-detached dwellings at the rear of the site would be of a distinctive design incorporating an asymmetrical roof form with roof lights to the north elevation and a flat roof three storey section on the south facing elevation. While slightly higher than the existing dwellings in the area they have been designed to avoid overlooking and potential overshadowing of the nearest properties in Coleridge Road and Coniston Road. Any side facing windows to stair wells would be obscure glazed to further protect the privacy of the adjacent residents. Having regard to the fact that the site is at the rear of existing development but is in relatively spacious surroundings I consider that the design of the dwellings responds appropriately to the setting.
9. I find that the proposal would accord with policy 3/4 of the adopted Cambridge Local Plan which makes it clear that development will be permitted where it demonstrates that it has responded to its context and drawn inspiration from the key characteristics of its surroundings. I, therefore, conclude that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area.

#### **Conditions**

10. The Council has suggested a number of conditions, in addition to the standard timescale condition, which it would wish to see included in the event that the appeal is successful. Those dealing with operations during construction of the development, limitations on permitted development, waste storage and the fixing of windows are necessary to protect the amenities of existing residents. Those dealing with landscaping, materials and boundary treatment are necessary to ensure that the development fits in acceptably with its

surroundings. Those dealing with cycle storage, contaminated land survey and archaeology are necessary and relevant to the proposed use of the land.

### **Conclusions**

11. The proposed development would accord with the development plan and there are no material considerations which would indicate otherwise. I have taken account of all other matters raised but they do not outweigh the main considerations that have led me to my decision. For the reasons given above I conclude that the appeal should be allowed.

### **Formal Decision**

12. I allow the appeal, and grant planning permission for the demolition of 187 Cherry Hinton Road and the erection of a three storey house of flats in its place, together with the erection of four semi-detached three-storey houses at the northern end of the site in place of the garages. (An approved road off Cherry Hinton Road serves the houses and flats. Fourteen car parking spaces and seven bicycles parking spaces will be provided). The site is 187 Cherry Hinton Road, Cambridge, CB1 7BX. The permission is in accordance with the terms of the application, Ref. 08/0125/FUL, dated 24 January 2008, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Except with the prior written agreement of the local planning authority, no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.
- 3) Except with the prior written agreement of the local planning authority, there shall be no collection from, or deliveries to, the site during the demolition and construction stages, outside the hours of 0700 hours and 1900 hours Monday to Saturday and there shall be no collections from, or deliveries on Sundays or Bank and Public Holidays.
- 4) No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition and construction periods has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.
- 5) Prior to the commencement of development, a contaminated land assessment and associated remedial strategy, together with a timetable of works shall be submitted to and approved in writing by the local planning authority:
  - (i) The contaminated land assessment shall include a desk study to be submitted to the local planning authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority prior to investigations commencing on site.

- (ii) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
  - (iii) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the local planning authority. The local planning authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.
  - (iv) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
  - (v) If, during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority.
  - (vi) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the local planning authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.
- 6) The facilities for on-site storage of waste, including waste for recycling, as shown on the approved drawings, shall be provided prior to occupation of the dwelling to which the storage facilities relate. The facilities shall be retained thereafter unless agreed in writing by the local planning authority.
- 7) Prior to occupation of the four dwellings to the rear of the site, the windows in the side walls of each house shall be glazed with obscure glass that prevents overlooking of the rear gardens of neighbouring properties and shall be permanently retained as such.
- 8) No dwelling shall be occupied until the proposed vehicular access, parking spaces, driveway, and turning spaces have been constructed in accordance with the approved details and finished with surfacing materials that have been approved in writing by the local planning authority. The parking and turning spaces provided shall thereafter be retained and shall not be used for any other purpose.
- 9) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development 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.

- 10) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting); proposed and existing functional services above and below the ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.
- 11) All hard and soft landscaping works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing by the local planning authority. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of 5 years after planting are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.
- 12) No development shall take place until details of the positions, design, height, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the development hereby permitted is occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 13) The facilities for cycle storage, as shown on the approved drawings, shall be provided prior to occupation of the dwelling to which the storage facilities relate. The facilities shall be retained thereafter unless agreed in writing by the local planning authority.
- 14) 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 the parking of contractors vehicles and contractors personnel vehicles

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

- 15) 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 windows or dormer windows shall be constructed other than those expressly authorised by this permission.
- 16) 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 extensions or additions or garages shall be erected other than those expressly authorised by this permission.
- 17) Notwithstanding the approved plans, prior to the commencement of development full details shall be submitted to and approved in writing by the local planning authority for an appropriate location for the storage of wheelie bins on collection days close to the site entrance. The development shall be carried out in accordance with the approved details.
- 18) Prior to the commencement of the development hereby approved a bollard shall be introduced at the entrance of the western access to the site to ensure that it is not used for motor traffic.

*Howard Rose*

INSPECTOR