

Application Number	10/1113/FUL	Agenda Item	
Date Received	22nd December 2010	Officer	Mr Tony Collins
Target Date	16th February 2011		
Ward	Abbey		
Site	1 Ferndale Rise Cambridge Cambridgeshire CB5 8QG		
Proposal	Demolition of existing garage and single storey extension and erection of 2 bedroom dwelling.		
Applicant	Mr Matt Beeke 146 Gwydir Street Cambridge CB1 2LW		

1.0 SITE DESCRIPTION AND AREA CONTEXT

- 1.1 The site is a corner plot on the north-east side of the junction between Ditton Walk and Ferndale Rise. 1 Ferndale Rise is one of a pair of semi-detached dwellings dating from the mid-twentieth century. It has a hipped tiled roof and is faced at the front with red brick. The house has had a substantial two-storey rear extension, and it has a large single-storey lean-to garage on the north-west side.
- 1.2 The surrounding area is largely residential, but there are extensive industrial premises nearby on the far (west) side of Ditton Walk. Building types are very mixed. The remainder of the north-east side of Ferndale Rise consists of pairs of semi-detached houses of similar design, most of which have been extended. On the south-west side of Ferndale Rise is a terrace of houses from the turn of the twentieth century. This terrace faces Ditton Walk, and the gable end of the last house, No. 96, faces the application site, with its blank gable close to the street, a consequence of the creation of Ferndale Rise. A similar short terrace faces this row on the north-west side of Ditton Walk. All these houses, like those in Ferndale Rise, have small front gardens.

- 1.3 To the rear of the site is Century Close. A bungalow (98 Ditton Walk) formerly stood on this site, but a development of seven dwellings has now replaced it. Two of these (1 and 2 Century Close) are small two-storey houses in a flat-roofed building slightly drawn back from the Ditton Walk frontage of the site, which stand to the rear of the existing house at 1 Ferndale Rise. The stretch of Ditton Walk immediately opposite No. 98, to the north of the application site, is also characterised by bungalows, although some detached houses are interspersed with them. This row of dwellings have rather larger front gardens, with front elevations set back about 12m from the footway.
- 1.4 The site is not within any conservation area, and is not within the Controlled Parking Zone. There are trees at the rear end of the garden of 1 Ferndale Rise, but they are not subject to a Tree Preservation Order.

2.0 THE PROPOSAL

- 2.1 The application seeks permission for a new dwelling to be attached to the existing house at this address. The new house would adjoin the north-west side of the existing house, occupying the site of the existing garage, which would be demolished.
- 2.2 The new house would measure 11.4m x 3.6m, and would span the whole width of its new curtilage, from the wall of 1 Ferndale Rise to the rear of the footway on Ditton Walk. It would be the same height as the existing house, the hipped roof of No. 1 being extended to terminate, still in a hipped form, at the north-west side of the site. The new house would contain a living room and kitchen / dining room on the ground floor, with two bedrooms and two shower rooms on the first floor. No accommodation is shown within the roof space. The front elevation to Ferndale Rise would have a single first floor window, with a smaller ground floor window below, and a front door on the north-west side. A side door at ground floor level and two small first-floor windows would face Ditton Walk.
- 2.3 Cycle and waste bin storage for the new house and the existing house would be in sheds accessed via two separate gates on the Ditton Walk footway.

3.0 SITE HISTORY

3.1

Reference	Description		Outcome
85/1088	Two-storey extension	rear	Approved with conditions
08/0787	Two-bedroom dwelling		Refused
09/0293	Two-bedroom dwelling		Refused; appeal dismissed
10/0551	Two-bedroom dwelling		Refused

3.2 The decision of the Planning Inspector in the appeal on the earlier application 09/0293/FUL is attached to this report as Appendix A.

4.0 PUBLICITY

Advertisement:	No
Site notice:	No
Adjoining occupiers:	Yes

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 **Planning Policy Statement 3: Housing (2006):** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into

account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. 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.

Planning Policy Statement 3: Housing has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

- 5.4 **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.
- 5.5 **Planning Policy Statement 25: Development and Flood Risk (2006):** States that flood risk should be taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and that development

should be directed away from areas at highest risk. It states that development in areas of flood risk should only be permitted when there are no reasonably available sites in areas of lower flood risk and benefits of the development outweigh the risks from flooding.

5.6 **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.

5.7 **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.

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.

5.8 **East of England Plan 2008**

SS1: Achieving Sustainable Development

T1: Regional Transport Strategy Objectives and Outcomes

T2: Changing Travel Behaviour

T9: Walking, Cycling and other Non-Motorised Transport

T14 Parking

ENV7: Quality in the Built Environment

WM6: Waste Management in Development

5.9 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

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

5.10 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/10 Sub-division of existing plots
3/12 New buildings
3/14 Extending buildings
5/1 Housing provision
8/6 Cycle parking
8/10 Off-street car parking

Planning Obligation Related Policies

3/8 Open space and recreation provision through new development
5/14 Provision of community facilities through new development

5.11 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.

5.12 Material Considerations

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).

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering):

- 6.1 Front garden space shown is inadequate to park cars; development must be regarded as being without on-site car parking space. The absence of on-site car parking would put additional pressure on on-street spaces in the locality.

Head of Environmental Services

- 6.2 No objection. Conditions sought on construction hours and waste storage.
- 6.3 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 The owners/occupiers of the following addresses have made representations:

- 1 Century Close
- 2 Ferndale Rise
- 4 Ferndale Rise

7.2 The representations can be summarised as follows:

- Insufficient car parking
- Creation of terraced form is inappropriate
- Likelihood of subdivision of the newly-created dwelling, or very intensive occupancy
- Additional traffic
- Loss of amenity space for 1 Ferndale Rise
- Inappropriately-placed cycle and bin storage
- Noise and disturbance
- Access to Ditton Walk from side door will obstruct footway.

7.3 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. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Highways issues
7. Third party representations
8. Planning Obligation Strategy

Principle of development

8.2 This is a windfall site, and the principle of residential use, divorced from the practical constraints of site and building design, does not present a conflict with policy 5/1 of the Cambridge Local Plan (2006).

- 8.3 The changes to PPS3 made by the present government mean that although a large part of the footprint of the proposed house is within the present garage this site cannot be wholly regarded as 'previously developed land'. However, the proposal does not represent any significant loss of what is currently open garden space, nor does it, in my view, change the character of the area. Any loss of presently 'undeveloped' land is technical rather than real, and I do not consider this a reason for refusal.

Context of site, design and external spaces

- 8.4 The Inspector's decision on the appeal on 09/0923/FUL has made it clear that both the extension of this semi-detached pair to form a third house, and the taking of two-storey development hard up against the Ditton Walk footway, are acceptable in design terms. His concerns about dormer windows interrupting the simple hipped roof forms which are characteristic of Ferndale Rise, were not, in my view answered by the application under 10/0551/FUL, and the Council cited this failure as a reason for refusal of that application. This application, however, proposes no dormers, adopting the simple unadorned hipped roof form shown on other houses in Ferndale Rise. In my view, this change removes the only design shortcoming of the previous proposal, and the mass and detailing of the building now proposed are acceptable, and in accordance with East of England Plan (2008) policy ENV7, Cambridge Local Plan (2006) policies 3/4, 3/12 and 3/14, and government guidance in PPS1.

Residential amenity

- 8.5 The proposed building would be screened from other houses in Ferndale Rise by the existing house. It would face the largely blank gable of 96 Ditton Walk, and would lie some 11m to the west of the new dwellings in Century Close (which have been designed largely without outlook in this direction). In my view, these spatial relationships, taken with the building's height and configuration, mean that its impact on neighbouring occupiers in terms of sunlight, privacy and outlook would be minimal. The proposed bin and cycle stores are positioned relatively close to 1 and 2 Century Close, but, notwithstanding the views expressed in representations, I do not think the level of rubbish accumulation or the number of cycles being parked is likely to lead to significant harm to neighbour amenity. Similarly, I do not

consider that entrance and exit through the side gate by residents of 1 Ferndale Rise or the proposed new house would cause undue noise or disruption to neighbours in Century Close. In my opinion the proposal adequately respects the residential amenity of its neighbours and in this respect, I consider that it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/14.

Refuse arrangements

- 8.6 In my opinion the proposal includes appropriate waste storage space for the proposed new dwelling, but I share the view of the environmental health officer that the storage provided for the existing dwelling may not be adequate. A condition is necessary to ensure that in this respect the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and cycle parking

- 8.7 The application proposes three cycle parking spaces in the rear shed. This is in accordance with the City Council's Cycle Parking Standards. The application proposes a single car parking space in the front garden. This corresponds with the maximum permitted by the City Council's Car Parking Standards, which permit one space for a two-bedroom house in a location outside the Controlled Parking Zone, and is in accordance with the aim of both local plan policy and government guidance to reduce dependence on travel by private car. I note the view of the highway authority that the space is insufficient to park a car without overhanging the footway, and I am aware of local concern about pressure on on-street car parking. However, even if no car parking space is available, the Standards permit levels lower than the maximum where alternative means of transport are available. This site is particularly well situated for cycle travel to the city centre and is within reasonable distance of bus routes on Newmarket Road. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Highways issues

- 8.8 I do not consider that the additional movements arising from the proposed small house would have any detrimental impact on

the highway network. The highway authority has raised no concerns about this, nor about the impact of the proposed side door and rear gates on the use of the footway. A condition could ensure that no gates or doors opened outwards over the footway. Construction traffic could also be controlled by conditions. In my view, the proposal would not have any negative highway impact, and is in accordance with policy 8/2 of the Cambridge Local Plan (2006).

Third party representations

- 8.9 I have addressed the issues raised regarding neighbour amenity in paragraph 8.5, those regarding car parking in paragraph 8.7, and those regarding highway impact in paragraph 8.8. Three issues remain: amenity space for residents of the existing house, the creation of a terraced form, and the likelihood of future subdivision.
- 8.10 The outdoor amenity space proposed for both the new house and the existing house at 1 Ferndale Rise would be limited. I do not consider it to be so small as to warrant refusal of the application.
- 8.11 The Inspector's decision on the earlier application 09/0293/FUL confirms that the principle of an additional dwelling is acceptable on this site, notwithstanding that it would create a terraced form and might be intensively occupied. Any future subdivision into two or more flats, or occupancy by more than six individuals as a house-in-multiple-occupation, would require a new planning application, at which stage any further issues raised could be considered.

Planning Obligation Strategy

- 8.12 The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have completed a S106 planning obligation in accordance with the requirements of the Strategy. The proposed development triggers the requirement for the following community infrastructure:

Open Space

- 8.13 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, because all new residential developments, no matter how small, will result in a larger number of people needing to use public open space within the city.

8.14 The Recreation Services Manager (RSM) has identified the following projects in the Abbey area of the city as being in the large-scale procurement project currently being undertaken which is dependent on pooled planning obligation contributions from the surrounding area.

- Expansion of the play area behind Abbey Pool - £73,000
- The creation of a new water play pad behinds Abbey Pool - £80,000
- A new skateboard and BMX track on Coldhams Common - £160,000
- Climbing Boulder provision on Coldhams Common - £60,000
- Fitness & trim trail on Coldhams common - £16,000
- Expansion and update of Peverel Road play area - £88,000

8.15 The RSM has also advised me that the following projects are also identified as priorities for development based on such funding either now or in the immediate future.

- Goals on Jack Warren Green - £5,000
- Ditton Fields play area - £66,000
- Improvements to the Local Nature reserves on Coldhams common - £27,000

8.16 Future residents of the house here proposed will expect to be able to make use of facilities such as these in the area near to their home, and it is therefore necessary to seek contributions from the proposed development to support such recreational developments. For the purposes of this assessment, a house is assumed to accommodate one person for each bedroom. The contributions required for the new building are calculated as follows:

Outdoor sports facilities					
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	1	476
3-bed	3	238	714		
4-bed	4	238	952		
Total					476

Indoor sports facilities					
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	1	538
3-bed	3	269	807		
4-bed	4	269	1076		
Total					538

Informal open space					
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		484
3-bed	3	242	726		
4-bed	4	242	968		
Total					484

Provision for children and teenagers					
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	1	632

3-bed	3	316	948		
4-bed	4	316	1264		
Total					632

8.17 An S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004) has been completed, and therefore in my view, the proposal is in accordance 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

8.18 The Planning Obligation Strategy (2004) requires that all new residential developments contribute to community development facilities, programmes and projects, because all new residential developments, no matter how small, will result in a larger number of people needing to use community facilities within the city.

8.19 The Council's Community Development Manager has advised me that Abbey ward has recently been the subject of a major study into the social and economic issues facing the area. It was carried out by Sir Michael Carley in 2008. This highlighted the need for new community provision to address existing community issues and a long-term strategy linked to proposed new housing developments. Although Sir Michael's proposals have not been formally adopted, several aspects of his work are being taken forward as resources allow.

8.20 In the spring of 2010 elected representatives in the east of the city, including the Abbey ward members, were consulted over proposals to invest planning obligation contributions for the improvement of community facilities arising from developments in their areas. A report on a strategy for investing this money was considered by the East Area Committee on 19th August 2010, and it was resolved to recommend to the Executive Councillor for Community Development and Health that pooled contributions be spent as follows:

- £400,000, to be made available for refurbishment, improvements or additional facilities at five locations: Flamsteed Rd Scout Hut, St Martins Centre, Suez Road, Stansfield Rd Scout Hut, Emmanuel United

Reformed Church, Cherry Hinton Road, and St Philips Church, Mill Rd.

- The remaining £400,000 to be allocated to other improvements in the four wards as follows: Abbey 16.25% (£65,000), Coleridge 28.75% (£115,000), Petersfield 44.5% (£178,0000, and Romsey 10.50% (£42,000).

8.21 The Executive Councillor agreed this decision.

8.22 One of the five specific projects for which funding from pooled planning obligation contributions is required is the refurbishment of Stanesfield Road Scout Hut, which is in Abbey Ward, close to the application site.

8.23 The contribution required to support the costs indicated above is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought in this case has been calculated as follows:

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

8.24 An S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004) has been completed, and therefore the proposal is in accordance 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 storage

8.25 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:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75	1	75
Flat	150		
Total			75

8.26 An S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) has been completed, and therefore the proposal is in accordance 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.

Monitoring

8.27 The Planning Obligation Strategy (2010) requires that all new developments carrying planning obligations contribute to the costs of monitoring the implementation of the obligation. The contribution for a single dwelling of this scale is £150. This has been agreed in the completed Section 106 agreement.

Conclusion

8.28 It is my view that the planning obligation is necessary; the Planning Obligation Strategy 2010 and the report considered by East Area Committee on 19th August 2010 both make clear that existing open space and community facilities are not adequate to cope with the additional demand from new residents, that new waste storage receptacles are necessary for new dwellings, and that the Council bears a cost in monitoring the implementation of planning obligations.

8.29 In my view, the obligation is also directly related to the development; in creating a new house, probably to be occupied by two people, the proposal would directly contribute to the additional demand referred to in the previous paragraph.

8.30 Furthermore, I also consider that the obligation is fairly and reasonably related in scale to the development; the cost basis of the contribution calculations in the Planning Obligation Strategy 2010, the details of necessary projects shown in the

19th August 2010 report to East Area Committee, and an examination of the number of such obligations required in this ward in 2010 all indicate that the scale of contributions required here is reasonable. It is my view, therefore, that the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 RECOMMENDATION

APPROVE, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The dwelling hereby permitted shall be constructed in external materials to match the existing house at 1 Ferndale Rise in type, colour and texture.

Reason: To ensure that the extension is in keeping with the adjoining building. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Except with the prior written agreement of the local planning authority in writing 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.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

4. No doors or windows in the development hereby permitted shall open over the highway.

Reason: To ensure no threat to highway safety is caused. (Cambridge Local Plan policy 8/2)

5. The dwelling hereby permitted shall not be occupied until the cycle storage provision shown on the approved drawings has been installed. The cycle storage provision shall be maintained as shown thereafter.

Reason: To ensure adequate cycle storage provision. (Cambridge Local Plan 2006 policies 3/12 and 8/6)

6. The dwelling hereby permitted shall not be occupied until waste storage provision for the new dwelling and the existing dwelling at 1 Ferndale Rise has been put in place, in accordance with a scheme previously submitted to and approved in writing by the local planning authority. The waste storage provision shall be retained in the approved form thereafter.

Reason: to ensure adequate waste storage provision. (Cambridge Local Plan 2006 policy 3/12)

7. 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.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

INFORMATIVE: The applicant/agent is advised to contact Housing Standards at Mandela House, 4 Regent Street, Cambridge and Building Control concerning fire precautions, means of escape and the HHSRS

Reasons for Approval

1. This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: policy ENV7

Cambridgeshire and Peterborough Structure Plan 2003:
policies P6/1 and P9/8

Cambridge Local Plan (2006): policies 3/1, 3/4, 3/7, 3/8, 3/10,
3/12, 5/1, 5/14, 8/6

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

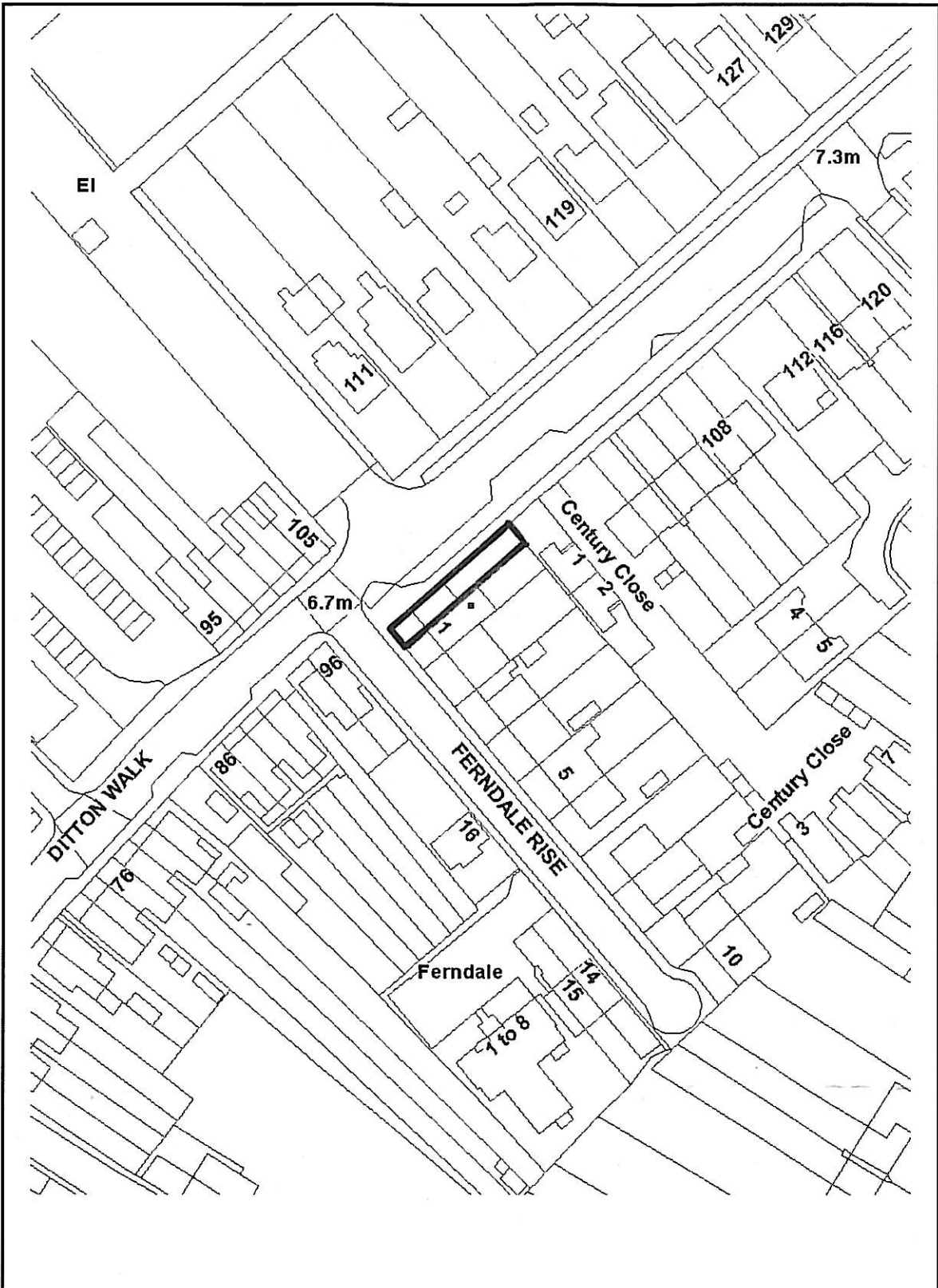
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

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 by contacting John Summers (Ext.7103) in the Planning Department.



10/1113/FUL
1 Ferndale Rise Cambridge



Appeal Decision

Site visit made on 25 January 2010

by **Peter J Golder** Dip TP MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
17 February 2010

Appeal Ref: APP/Q0505/A/09/2113264

1 Ferndale Rise, Cambridge CB5 8QG

- 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 Matt Beeke against the decision of Cambridge City Council.
- The application Ref 09/0293/FUL, dated 30 March 2009, was refused by notice dated 3 June 2009.
- The development proposed is demolition of existing garage and single-storey extension and erection of a two bedroom dwelling.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue in this case is the effect of the proposal upon the character and appearance of the locality.

Preliminary matter

3. I note the confusion regarding plans and drawing numbers. I have determined this appeal on the basis of the scheme shown on drawing (size A1) 07.491.006. This shows a front dormer window and from the officer's report which refers to a "front dormer" appears to be the scheme determined by the Council.

Reasons

4. The locality is largely residential with the continuing redevelopment of land for housing purposes both in the area generally and in close proximity of the appeal premises a notable feature. This ongoing activity adds to the eclectic mix of house types, styles, sizes and ages in the vicinity of the site. While there is little if any overall continuity in character or appearance, small pockets of housing retain some of their broad distinctive features. Examples of this are the terraced properties on the southern part of Ditton Walk, the mansard-roofed properties to the north and, as the Council notes, the two-storey semi-detached properties on the north eastern side of Ferndale Rise, of which the appeal property forms the end one.
5. The Council's concerns about the overall design of the appeal proposal relate both to its location and appearance and I take these matters in turn. Dealing firstly with location I do not agree that as a matter of principle building up to

the back edge of the footpath in this instance would be harmful to the quality of the area. To my mind Ferndale Rise marks a point of physical and visual transition in Ditton Walk. To the north the street scene is more spacious with properties set back in longer front gardens, road side parking bays, a generous grass verge and a wide cycle way/footpath. This contrasts with the much closer juxtaposition of buildings and the highway to the south. In my judgement, within this context, replacing the poor quality single storey structures which are hard upon the site boundary with a full height extension would not materially reduce the overall spaciousness or create an oppressive or dominant feature on the main road in the area. From the north the extension would be seen against the flank elevation of No 96, which projects well forward of No 1, while from the south views are restricted by the close proximity of the terraced properties to the road. The gradual stepping back of building form from Ferndale Rise in a northerly direction would be retained and the more open nature of this part of the street maintained.

6. I acknowledge what the Council says about there being no other examples of gable walls close to the footway along Ditton Walk, the "main" route in the locality. However that in itself is a reflection of the particular circumstances at the appeal site and it is these circumstances, rather than the cited examples on the flank elevations at junctions, which persuade me that this aspect of the proposal would not cause harm to the street scene along Ditton Walk or be likely to result in similar schemes which might have a cumulative impact.
7. Turning to the matter of the appearance of the proposed structure I agree with the Council that Ferndale Rise should be the main reference point for the design of a building on this site, especially one which seeks the horizontal extension of a semi-detached pair displaying similar characteristics to the other pairs in the road. While I do not consider that increasing the width of the pair, as has been carried out elsewhere in Ferndale Rise, would be inappropriate even allowing for the result being three as opposed to two dwellings, to do this without regard to other of the remaining consistent design features in the road would be unacceptable, especially as the extension would increase the prominence of the building in the street scene both in the Rise and Ditton Walk. Simply formed and unadorned hipped roofs are a principal and prominent feature of the houses fronting Ferndale Rise. The full height gable together with the long rear roof slope proposed takes no reference from this context and the proposed addition of substantial dormers only serves to emphasise the incongruity of the design in this respect. It seems to me that the design has evolved with a greater focus upon maximising the amount of accommodation which could be achieved rather than upon having full and careful regard to its context.
8. For this reason I consider the scheme, which I regard acceptable in part, has failed to take the opportunity to improve the character and quality of the area. In my view that failure is of sufficient weight to place the proposal at odds with national and regional policy which seek high quality development and in conflict with policies 3/4 and 3/12 of the Cambridge City Council Local Plan 2006 which require new buildings to respond to their context and have a positive impact through design and detailing. It is for this reason that I have decided that appeal should be dismissed.

Other matters

9. The Council's third reason for refusal relates to the lack of appropriate provision, by way of a financial contribution, for public open space or community development facilities. The appellant questions the need for such a contribution arising from the development. While the Council's broad approach to seeking contributions is supported by saved policies in the Local Plan and through its adopted Planning Obligation Strategy 2004, as well as being in line with the guidance in Circular 05/2005 about the adoption of formulae, standard charges and straightforward undertakings, I have some sympathy with the appellant's view in this instance.
10. The evidence before me provides little by way of explanation as to the nature and extent of any inadequacies in the existing provision in meeting the needs of prospective occupiers, and how and when the Council would use any contributions to remedy any inadequacies or make new provision to meet needs arising from additional development. In the absence of any specific appraisal demonstrating the requirements of policies 3/8 and 5/14 in this case I do not believe it possible to conclude that the five tests for planning obligations set out in Circular 5/2005 have been properly satisfied. Without such a demonstration I believe little weight could have been attached to the absence of an obligation or undertaking had my determination of this appeal turned on this point.

Peter J Golder

INSPECTOR