

DECISION	SIG
NOTED IN	DATE



CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Ref:10/0050/FUL

Mr Richard Bettison
BBS Chartered Building Surveyors
The Coach House
Station Farm, Fen Road
Lode
Cambridge
CB25 9HD

The Council hereby refuse permission for

Erection of a new three-bed dwelling on land to the rear of 56 Hawthorn Way.
at
56 Hawthorn Way Cambridge Cambridgeshire CB4 1AX.

in accordance with your application received 21st January 2010 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The introduction of this substantial dwelling into this relatively open frontage is unacceptable in that it would not have a positive impact on its setting, but instead introduce a dominant, intrusive form hard up to the back of the pavement, detracting from the local townscape. The limited amenity space, absence of car parking and the necessity, because of the proximity of the building to three of its four boundaries, to have the main aspect to the busy road, Elizabeth Way would not provide the attractive, high quality stimulating environment the Local Plan requires, but instead demonstrates an overintensive use of land that would not provide good amenity for prospective occupiers. The proposal fails, therefore, to demonstrate that it has responded to its context and drawn inspiration from the key characteristics of its surroundings. For these reasons the proposal constitutes poor design and is contrary to East of England Plan 2008 policy ENV7, Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12 and advice in Planning Policy Statement 1 (2005).

Simon Payne
Director of Environment & Planning
Cambridge City Council, PO Box 700, Cambridge, CB1 0JH
Telephone 01223 457000 Minicom (non-speaking phone) 01223 457050



INVESTOR IN PEOPLE

2. The proposed development, because of its size and its siting, hard on the common boundary with No. 54 Hawthorn Way, would cause the occupiers of that property, and to a lesser extent the occupiers of 52, to suffer an unreasonable sense of enclosure and their garden to be unduly dominated, to the detriment of the level of amenity that they should reasonably expect to enjoy. The proposal is therefore contrary to policy ENV7 of the East of England Plan 2008 and policies 3/4, 3/7 and 3/10 of the Cambridge Local Plan 2006 and advice in Planning Policy Statement 1: Delivering Sustainable Development (2005),
3. The proposed development does not make any provision for off-street car parking and while it is recognised that car parking standards are maximum standards the lack of any parking provision for a house of this size in a location removed from the city centre is considered to be in conflict with policy T14 of the East of England Plan 2008 and policy 8/10 of the Cambridge Local Plan 2006 and is likely to increase the demand for on-street car parking in an area which already experiences competition for existing car parking and where increased on street parking is likely to have a detrimental impact on residential amenity.
4. The proposed development does not make appropriate provision for public open space, community development facilities and life-long learning in accordance with the following policies, 3/8, 5/14 and 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004 and Guidance for Interpretation and Implementation of Open Space Standards 2006.

This decision notice relates to the following drawings: 09327/07, 09327/08, 09327/04A, 09327/05, 09327/09, 09327/10 and 09327/11.

A copy of the refused plan(s) is/are kept in the planning application file.

For further information please go to www.cambridge.gov.uk/planning to view the 'Your Decision Notice' leaflet. If you require a hard copy please contact the Application Support Team on (01223) 457200.

Dated: 6 May 2010

Guildhall, Cambridge, CB2 3QJ



Director of Environment & Planning 

SEE NOTES ATTACHED



Appeal Decision

Site visit made on 13 December 2010

by Frances Mahoney DipTP MRTPI IHBC

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

Decision date: 5 January 2011

Appeal Ref: APP/Q0505/A/10/2132398

56 Hawthorn Way, Cambridge, Cambs CB4 1AX

- 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 Yousif Khalifa against the decision of Cambridge City Council.
 - The application Ref 10/0050/FUL, dated 18 January 2010, was refused by notice dated 6 May 2010.
 - The development proposed is the sub-division of an existing residential plot to provide a new dwelling.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - on the living conditions of neighbouring residents in respect of outlook and privacy;
 - on the availability of on-street parking; and
 - on the provision of associated public open space facilities; community facilities; and life-long learning in the area.

Reasons

Character and appearance

3. The appeal site would be made up of the end section of the rear garden of No 56 Hawthorn Way, the extended half of a semi-detached pair of houses, now used as 4 studio flats. Hawthorn Way, together with the adjacent section of Elizabeth Way and Laburnum Close, are characterised by simple terraced and semi-detached houses, set back from the road with small front gardens. They are predominantly set out in rows giving the layout of the streets a strong linear emphasis.
4. No 56 is the very end house in Hawthorn Way and the full length of its side boundary fronts onto Elizabeth Way, the busy A1134 route in and out of the City. The character of this section of Elizabeth Way differs from that of the northern end and that of Hawthorn Way. What built development there is

appears more low key, and set back from the road. The extent and undeveloped nature of the long rear gardens of No 56 and the neighbouring houses, coupled with the expanse of roadway and the roundabout junction gives this end of Elizabeth Way a characterising open appearance.

5. The proposed house would be of a considerable scale and massing in comparison to the simple proportions of the neighbouring houses to the north and the single storey Hester Adrian Centre to the south. The proposed house has been designed to take advantage of the depth of the plot by building on or very close to all but one of the site boundaries. The house would be set on the front street boundary as well as the rear boundary. Such an arrangement would be out of character with the nearby development in Hawthorn Way, Laburnum Close and the north end of Elizabeth Way where a set back from the road is a characterising feature. More over the proposed house would be a prominent, strident feature, poorly related to neighbouring development, which would not satisfactorily respond to its context; would erode the open character of this part of Elizabeth Way; and would not create an attractive built frontage which would positively enhance the street scene.
6. Therefore, the proposed new house would unacceptably harm the character and appearance of the area contrary to the *Cambridge City Council Local Plan 2006* (LP) saved policies 3/4, 3/7, 3/10 and 3/12, which seek to maintain the prevailing character and appearance of an area; provide attractive and high quality environments; enhancing street frontages; and create distinctive places.

Living conditions

7. The proposed house, being set on or close-by the outer boundaries of the site, would create a significant mass of building looming up at the end of the garden of No 56. However, the garden of No 56 and those of the neighbouring houses in Hawthorn Way are of such a length that the proposed house would be at a distance so as not to unacceptably intrude into the outlook of the residents of the existing nearby dwellings.
8. In addition, some windows would be set within the walls standing on the appeal site boundaries. The proposed utility room would have an unpleasant outlook onto the southern boundary less than half a metre away. The western elevation particularly would include a landing and master bedroom window at first floor level, which would overlook the rear gardens of the neighbouring houses for some distance. However, there is already a significant degree of mutual overlooking between the existing terraced and semi-detached houses along Hawthorn Way. Therefore, whilst windows are shown on the boundaries, a factor which makes for a contrived and lesser quality design, the level of overlooking which would ensue would not be uncommon in such an urban area.
9. Consequently for these reasons, the proposed house would not unacceptably harm the living conditions of neighbouring residents and would be in accordance with LP saved policies 3/4, 3/7 and 3/10 which seek to safeguard the amenities of neighbouring residents.

Parking

10. The Council accept that the appeal site lies in a relatively sustainable position fronting a busy main road close to the edge of the City centre. Buses pass by the appeal site and bus stops are in the close vicinity. In addition, there is

unrestricted parking along Hawthorn Way. The proposed scheme does not include on-site parking provision but does include a parking area for bicycles. Whilst it is acknowledged that the proposed house would provide three double bedrooms, its location lends itself to the adoption of more sustainable methods of transport than a car.

11. Therefore, in these circumstances it is reasonable to conclude that the proposed development represents a sustainable form of development which consequently would not unacceptably increase the demand for the unrestricted on-street car parking in the area in accordance with LP policy 8/10.

Planning Obligations

12. The Council has indicated there is a need for appropriate contributions in respect of the provision of public open space and community development facilities along with life-long learning. The appellant has also confirmed a willingness to enter into an agreement to secure the identified provisions, although no signed agreement has been submitted as part of this appeal.
13. The Council's *Planning Obligation Strategy 2004* sets out that its purpose is to secure measures or contributions to address the likely impact of proposed development on the physical and social infrastructure of the City. Such contributions should be fair and equitable and take account of the circumstances of each site. They also need to be justified as being necessary, relevant, directly relating to and fairly and reasonably related in scale and kind to the proposed development. Within the document is a list of recreation & open space projects proposed for funding, although this list seems to date back to 2004.
14. However, other than explaining the calculation of the relevant monetary sums in each case, the specific current needs in the area around the appeal site and how the development would affect existing provision has not been explored. No indication has been provided as to where the public open space, community facility and life-long learning contributions would be targeted locally. Therefore, in these circumstances, the lack of evidence of where the identified contributions would be specifically targeted in the locality and the relationship of these projects with the development, leads to the conclusion that the need for the contributions in respect of the provision of public open space, community facility and life-long learning has not been demonstrated. Therefore, in these circumstances such contributions should not be required and LP saved policies 3/8, 5/14 and 10/1, along with the *Planning Obligation Strategy 2004* and the *Open Space and Recreation Strategy* would not be compromised in this case.

Conclusion

15. Notwithstanding my favourable conclusions in respect of the affect on the living conditions of neighbouring residents in respect of outlook and privacy; on the availability of on-street parking; and on the provision of associated public open space facilities; community facilities; and life-long learning in the area, for the reasons set out above, the impact of the appeal proposal on the character and appearance of the surrounding area is sufficient to justify the dismissal of this appeal.

Frances Mahoney INSPECTOR

