

## **REFUSAL OF PLANNING PERMISSION**

Ref:18/1813/FUL

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Mr Mark Richards  
studio 24 architects LLP  
24 Aberdeen Ave  
Cambridge  
CB2 8DP

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The Council hereby refuse permission for

**Ground floor extension and access gate alterations within the building curtilage; projection of first floor sitting room window onto the existing terrace and erection of garden studio within the second floor terrace.**

at

**12 Gilmour Road Cambridge CB2 8DX**

in accordance with your application received 21st November 2018 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The proposed second floor garden studio by virtue of its design, form, materials and its projection above the existing roofline of the dwelling would harm the cohesive architectural uniformity of the wider terrace and the Accordia development as a whole. The development would neither preserve nor enhance the character and appearance of the conservation area and this less than substantial harm is not outweighed by any public benefit. The proposal is therefore contrary to policies 55, 56, 58 and 61 of the Cambridge Local Plan 2018 and paragraph 196 of the NPPF 2019.
2. The proposed ground floor infill element of the proposal would enclose an existing open area and thereby harm the cohesive architectural uniformity of the wider terrace and the Accordia development as a whole. The development would therefore neither preserve nor enhance the character and appearance of the conservation area and this less than substantial harm is not outweighed by any public benefit. The proposal is therefore contrary to policies 55, 56, 58 and 61 of the Cambridge Local Plan 2018 and paragraph 196 of the NPPF 2019.

This decision notice relates to the following drawings: **P-016, location plan, P-010, P-015, P-020, P-021,**

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

**Informative:** Compliance with the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended) Part 6 Paragraph 35.

In reaching this decision the City Council has worked in a positive and proactive manner with the applicant and sought to find solutions to problems arising in relation to dealing with the planning application. In general the Council will seek to approve applications for sustainable development and work proactively with applicants that will improve the economic, social and environmental conditions of the area. The Council provides a pre- application advice service, the details of which are set out on our website. When an application is received the Council will add such planning conditions as are necessary to allow the application to be approved or will provide detailed reasons for refusal where planning issues are not capable of resolution.

For further information please go to [www.cambridge.gov.uk/planning](http://www.cambridge.gov.uk/planning).

We value your feedback and would like to know your views about the planning process you experienced, including the service you received from us. Your views are important to us and they will help us improve the experience we can offer you. The link below takes you to a survey which will take a couple of minutes to complete. <https://tinyurl.com/CCCplanningsurvey>

Dated: 15 August 2019



Director of Planning and Economic Development

SEE NOTES ATTACHED

## **Planning Applications**

### Appeals (refusal of planning permission or grant subject to condition)

-If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

-If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

-If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeal] of the date of this notice, whichever period expires earlier.

-If this is a decision to refuse planning permission for a householder application or minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

-Other than householder appeals or enforcement notice appeals, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

-Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at: <https://www.gov.uk/planning-inspectorate>

-The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

-The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

-In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

### Purchase Notices

-If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

-In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

## **Listed Building Consent Applications**

### Appeals (refusal of listed building consent or grant subject to condition)

-If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may appeal to the [Secretary of State for Communities and Local Government] [Secretary of State for Wales] in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 six months

from the date of this notice. (Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office]). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

### Purchase Notices

-If listed building consent is refused, or granted subject to conditions, whether by the local planning authority or by the [Secretary of State for Communities and Local Government] [Secretary of State for Wales], and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the (a) district, or London borough in which the land is situated (or, where appropriate, on the Common Council of the City of London) a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Compensation

-In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Appeals (Refusal to vary or discharge conditions)

If the applicant is aggrieved by the decision of the local planning authority—

- (a) to refuse to vary or discharge the conditions attached to a listed building consent; or
- (b) to add new conditions consequential upon any such variation or discharge,

They may appeal to the [Secretary of State for the Communities and Local Government] [Secretary of State for Wales] in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office]). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

### **Advertisement Consent Applications**

#### Appeals (refusal of an application for express consent or grant it subject to conditions)

If you are aggrieved by the decision of the local planning authority to refuse advertisement consent or to grant subject to conditions then you may appeal to the Secretary of State for the Communities and Local Government. Notice of appeal to the Secretary of State should be made within 8 weeks from the date of receipt of the local planning authority's decision or such longer period as the Secretary of State may, at any time, allow (see notes under section 1 above).

