

Our Ref: 19/1408/FUL  
Your Ref: 45 Highworth Avenue, Cambridg...

8 January 2021



Mr Peter Mckeown  
Carter Jonas LLP  
One Station Square  
Cambridge  
CB1 2GA

South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA

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Dear Mr Mckeown

## **CAMBRIDGE CITY COUNCIL**

### **Application for Planning Permission**

Proposal: Residential redevelopment comprising three link detached dwellings to the rear and one detached dwelling on the site frontage along with car and cycle parking and associated infrastructure following demolition of existing building on the site.

Site address: 45 Highworth Avenue Cambridge CB4 2BQ

Your client: Dyason Developments Ltd

Please find attached the formal decision notice refusing planning permission for the above development and giving the Local Planning Authority's reasons for doing so.

### **Appealing against this decision**

You should also be aware that the applicant has the right to appeal against this decision, please see <https://www.gov.uk/government/organisations/planning-inspectorate> for details.

### **We value your feedback**

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://forms.scambs.gov.uk/PLANNINGFEEDBACKFORM/launch>

Yours sincerely

A handwritten signature in blue ink that reads 'SJ Kelly'.

SJ Kelly  
Joint Director For Planning & Economic Development For  
Cambridge & South Cambridgeshire



## Refusal of Planning Permission

Reference 19/1408/FUL  
Date of Decision 8 January 2021

Mr Peter Mckeown  
Carter Jonas LLP  
One Station Square  
Cambridge  
CB1 2GA

The Council hereby REFUSES Planning Permission for:

Residential redevelopment comprising three link detached dwellings to the rear and one detached dwelling on the site frontage along with car and cycle parking and associated infrastructure following demolition of existing building on the site.

at

45 Highworth Avenue Cambridge CB4 2BQ

in accordance with your application received on 10 October 2019 and the plans, drawings and documents which form part of the application for the following reason(s):

### Reasons

- 1 The proposed scale, continuous bulk and form of the two storey flat roofed terrace of 3 dwellings at the rear of the site would appear as inappropriate backland development, starkly out of keeping with the verdant rear garden environment in which the properties would be located and particularly when viewed from Highworth Avenue down the long driveway. The proposal would be out of keeping with the character of the surrounding area contrary to Policies 52, 55 and 57 of the Cambridge Local Plan 2018.
- 2 No.51's garden is sited immediately adjacent to the north-west rear boundary of the site and unit 3. The excessive length, two storey height, flat roof form and bulk of the north west facing elevation and its return of unit 3 would result in an significant overbearing impact upon the rear garden of No.51 Highworth Avenue contrary to Policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.
- 3 The two-storey flat roofed terrace of 3 dwellings would be sited directly and in close proximity to the rear of the gardens of No.43 and 47 Highworth Avenue. Due to the limited gap between these properties and the proposed dwelling, and by virtue of the proposed scale, bulk and form of the dwellings, the proposal would result in an unacceptable sense of overbearing upon the rear gardens of No.43 and 47 Highworth Avenue contrary to Policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.
- 4 The proposal would introduce additional vehicular movements into an otherwise peaceful rear garden environment generating additional noise and disturbance impacts to neighbouring properties contrary to Policies 35, 52, 55, 56 and 57 of the Cambridge Local Plan 2018.

- 5 The proposal has failed to demonstrate that it would not result in a net loss of biodiversity or that through mitigation no net loss or net gain is possible. As such, the proposal is contrary to policy 70 of the Cambridge Local Plan 2018 and NPPF 2019 guidance, paragraph 170.

## Plans and drawings

This decision notice relates to the following drawings:

Reference/Document/Drawing Title	Date Received
Site location plan	14.10.2019
PL-1-01 Rev C	10.12.2020
PL-2-01	14.10.2019
PL-2-02 Rev A	14.10.2019
PL-3-03 Rev C	10.12.2020
PL-3-01 Rev B	10.12.2020
PL-3-02 Rev D	10.12.2020
Louvre Detail	14.10.2019

## Authorisation

Authorised by:



SJ Kelly  
Joint Director For Planning & Economic Development For  
Cambridge & South Cambridgeshire

South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA

Date the decision was made: 8 January 2021

## Appeals to the Secretary of State

- 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.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

- If an enforcement notice is or has been 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.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

## Purchase Notices

If the Local Planning Authority or the Secretary of State grants permission subject to conditions the owner may claim that he/she 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 to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## Third Party Rights to challenge a planning decision

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision.

Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review.

A 'claim for judicial review' includes a claim to review the lawfulness of a decision, action or failure to act in relation to the exercise of a public function, in this case, a planning decision. The court's permission to proceed is required in a claim for Judicial Review. A claim for Judicial Review is dealt with by the Administrative Court and if leave to judicially review a planning decision is granted, the Judicial Review will be decided by a judge at the High Court.

An application to Judicial Review a decision must be made within **6 weeks** of the decision about

which you have a grievance being made. For further information on judicial review and the contact details for the Administrative Courts, please go to <http://www.justice.gov.uk/>