

Application Number	11/0023/FUL	Agenda Item	
Date Received	7th January 2011	Officer	Miss Catherine Linford
Target Date	4th March 2011		
Ward	Trumpington		
Site	6 Belvoir Terrace Trumpington Road Cambridge Cambridgeshire CB2 7AA		
Proposal	"It is proposed that the existing building is cleaned, dismantled and then re-instated by a specialist brick and stonework contractor under the guidance and supervision of the Local Authority. Enabling works have already commenced for the addition of a single and two storey extension to the property with reference to full planning permission with conditions reference 09/0593/FUL dated: 1st Sept 2009"		
Applicant	Mr Daniel Hart Newton Court Town Street Newton Cambridge CB22 7ZE		

INTRODUCTION

- A1 The planning application form describes the application as follows – ‘We propose that the existing building is cleaned, dismantled and then re-instated by a specialist brick and stonework contractor under the guidance and supervision of the Local Authority. Enabling works have already commenced for the addition of a single and two storey extension to the property with reference to full planning permission with conditions reference 09/0593/FUL dated: 1st Sept 2009.
- A2 Officers are of the opinion that this application effectively amounts to the removal of what is left of 6 Belvoir Terrace and then its rebuilding together with the previously consented extensions.

A3 This application is brought to Planning Committee for determination because the application raises important policy considerations, with potential city-wide implications.

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 6 Belvoir Terrace is located at the end of a terrace of 6 dwellings. It is a three-storey house with basement, situated to the western side of Trumpington Road. It is an L-shaped house the original part of which stood at 90 degrees to the road; it was extended later in the 19th century by a larger front addition, which has a double gable with ridges running parallel to the road. The house is built of local gault brick under a slate roof.

1.2 Immediately north of the house is an access archway to the rear of the terrace where there are garages that serve the other 5 houses; the access road has recently been upgraded which has raised the level of the road slightly. Beyond (west) of the house along the access road a brick wall marks the northern boundary of the site. Planning permission has been granted for a house to the rear of the terrace, but it has not yet been built.

1.3 North of the site, beyond the terrace of houses, is the Leys School; to the south and west is New Bit, part of Coe Fen, an area of Common Land, where a footpath/cyclepath runs parallel with southern boundary of the site.

1.4 The site falls within City of Cambridge Conservation Area No.1 (Central). The building is a Building of Local Interest. There is a Tree Preservation Order on the site, protecting the trees to the front and southern side of the property. The site falls outside the controlled parking zone. All of the Belvoir Terrace properties are Grade II Listed apart from No. 6.

2.0 THE PROPOSAL

2.1 Full planning permission is sought for the existing building to be cleaned, dismantled and reinstated by a specialist brick and stonework contractor under the guidance and supervision of the Local Authority. This would involve the rebuilding of the building on a like-for-like basis together with the implementation of earlier consented extensions (see below).

- 2.2 The dismantling and reinstatement of the building, would require both planning permission (prior approval) and conservation area consent. The description of the proposed development, the plans put forward for consideration and the earlier unsuccessful application for Conservation Area Consent for demolition support this assessment.

Background and Legal Context

- 2.3 Conservation Area Consent for the demolition of the building was refused under delegated powers in February of this year. The reason for the refusal of consent was:

No. 6 Belvoir Terrace is a Building of Local Interest, which forms the end of a Grade II Listed terrace. This house is situated in a very prominent position, clearly visible when entering the City along Trumpington Road, and it makes a positive contribution to the character and appearance of City of Cambridge Conservation Area 1 (Central). The option of repair has not been adequately considered or discounted and since it has not been demonstrated that demolition is necessary to secure the future conservation of the heritage asset, the demolition of No. 6 Belvoir Terrace is not justified. The proposal is therefore contrary to policy ENV6 of the East of England Plan (2008), policies 4/10 and 4/11 of the Cambridge Local Plan (2006), and government guidance in Planning Policy Statement 5 'Planning for the Historic Environment' (2010).

- 2.4 Since this application was refused, the applicant has explained that they intend to retain the party wall. Following the decision in *Shimizu (Ltd) v Westminster City Council* (1987), Conservation Area Consent is only required for the total or substantial demolition of an unlisted building in a Conservation Area. The applicants state that the works should be considered as alterations and given that the party wall is to be retained, following *Shimizu*, what they are proposing is considered to be an alteration rather than demolition and does not require Conservation Area Consent.
- 2.5 Officers consider that the proposed works amount to the substantial demolition of the building, Conservation Area Consent has already been asked for and refused. The applicant now suggests that the works amount to alterations only and do not amount to works needing Conservation Area

Consent. Notwithstanding this view, Members will need to consider the prior approval of the method of demolition and the replacement of the Building of Local Interest with a replica building.

- 2.6 The application is accompanied by the following supporting information:
1. Design Statement
 2. Structural surveys

3.0 SITE HISTORY

Reference	Description	Outcome
08/0860/FUL	Refurbishment and alterations to house with two storey rear extensions and covered parking/garaging at side.	REF (Committee decision – South Area Committee)
08/1391/FUL	Refurbishment and alterations to house with two storey rear extensions and covered parking/garaging at side	A/C (Committee decision – South Area Committee)
09/0593/FUL	Part single storey part two storey rear extension and dormers.	A/C (Delegated decision)
10/0818/FUL	Proposed vehicular access to 6 Belvoir Terrace. (To remove access from South-East corner to more central location which will provide improved lines of sight).	A/C (Delegated decision)
10/1285/CAC	The demolition of no.6 Belvoir Terrace. We propose that the building is cleaned, dismantled and then reinstated by a specialist brickwork and stonework contractor under the guidance and supervision of Local Authority. Enabling works have already commenced for the addition of a single and two storey extension to the property	REF (Delegated decision)

with reference to full planning
permission with conditions
reference 09/0593/FUL dated: 1st
Sept 2009.

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	No

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.

5.4 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)

5.5 Planning Policy Statement 5: Planning for the Historic Environment (2010): sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. Annexe 2 (Terminology) of PPS5 explains that 'heritage assets are the valued components of the historic environment. They include designated heritage assets and assets identified by the local planning authority during the process of decision making or through the plan-making process (including local listing)'. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

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 **Draft National Planning Policy Framework (July 2011)** – The National Planning Policy Framework (Draft NPPF) sets out the Government’s economic, environmental and social planning policies for England. These policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

The Draft NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. planning should be genuinely plan-led
2. planning should proactively drive and support the development and the default answer to development proposals should be “yes”, except where this would compromise the key sustainable development principles set out in the Draft NPPF
3. planning decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community
4. planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use
5. planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value
6. mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted
7. the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged
8. planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
9. planning decisions should take account of and support local strategies to improve health and wellbeing for all

10. planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

The Draft NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

5.8 East of England Plan 2008

SS1: Achieving Sustainable Development

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

5.9 Cambridge Local Plan 2006

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/12 The design of new buildings

4/10 Listed Buildings

4/11 Conservation Areas

4/12 Buildings of Local Interest

5.10 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction:

(For applications received on or after 12 January 2010)

Cambridge City Council (January 2010) - Public Art

5.11 Material Considerations

Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 06 July 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No objection: The proposal should have no significant impact on the public highway, should it gain planning permission. A condition is recommended, requiring a Traffic Management Plan.

Head of Environmental Services

- 6.2 No objection: Conditions recommended relating to construction hours; collection and delivery hours; method statement for any piling; dust suppression; and noise insulation

Historic Environment Manager

- 6.3 Their comments are in full below:

EXISTING – This building is a Building of Local Interest (BLI) and also known as ‘Vine Cottage’. It is also very prominent in the Conservation Area on a main route into the city and also affects the setting of a terrace of Listed Buildings. It was designed by the well-known architect Anthony Salvin in 1857. “The house was built on to an existing cottage, which remains to the rear. It was built for and first occupied by Professor William Selwyn. Whilst a striking contrast with the neighbouring terrace, it does utilise the local brick and Welsh slate but the junction between the two is odd. The coach arch through the terrace adjacent to the house perhaps suggests that the terrace was intended to be longer and symmetrical. Some fireplaces of the period remain.

Salvin worked extensively in Cambridge, and this house for a local academic displays his domestic rather than collegiate work. He was also working on the restoration of the Church of Great St Mary and at Trinity College and Gonville and Caius College in Cambridge around this time.

There have been some alterations, such as the insertion of garage doors into the cottage at the rear, and there are notable cracks evident in the walls of some rooms.” The building has an extant Planning Permission for extension and alteration.

PROPOSED – These applications divide into the total demolition of a Building of Local Interest in the Conservation Area and the rebuilding of the dwelling in replica. The building is undoubtedly a ‘heritage asset’ by reason of its age, its architect, its location and its direct adjacency to Listed Buildings.

The Local Planning Authority’s policies on total demolition of buildings in the Conservation Area are clear in the requirements for justification for the loss of the building and the acceptability of the replacement. The applicants have submitted a structural engineer’s report detailing the problems with the structure of the building. The building has been empty for a fair time and has not apparently been repaired or maintained during that period. The report notes the location and extent of the structural defects in the building and these are not in dispute. The conclusions drawn from these observations are contested. The analysis justifying the demolition and rebuilding in replica amounts to a single paragraph [3.02]. There is no debate about the alternatives to this and no reasoning to support the option chosen. The individual problems are detailed in paragraphs 2.01 to 2.10 but there is no defect-by-defect discussion of whether any particular problem could be rectified by well-understood repair techniques without resorting to total demolition. In many cases cracks are identified and these are the sort of defects which are frequently repaired in historic buildings by either traditional methods or by more modern systems such as inserting stainless steel reinforcement into brickwork joints. Other problems are identified such as settlement of external walls which are commonly rectified by underpinning. All these techniques are well within the bounds of normal construction practice and could be used to retain the existing ‘heritage asset’ and permit the extant Planning Permission to be executed as granted.

3 February 2011- Additional information

The applicants have submitted a further report by another firm of structural engineers [MNP] which concludes that the earlier report is correct in its description of the structural problems [which are not in dispute] but seeks to expand somewhat in drawing conclusions from those descriptions.

At section 5.7 these agents state, “In this instance the careful demolition and reconstruction to match the original would be the

most practical solution.” [My emphasis]. There is some discussion about what the ‘practical’ considerations are [the requirement for a façade retention system, etc.] but little about why these should outweigh the National & Local policies or why these are more practical than any alternative – such as retention and repair.

At section 5.8 the report states, “Whilst we cannot categorically condemn the structure not covered by the accepted plans, there is a significant risk to health and safety during construction should these elements be retained.” There is no discussion of what ‘significant’ actually means or comparing it to the risks of total demolition and reconstruction in replica. “Façade retention” is a fairly commonly used construction technique which [assuming that health and safety laws & regulations apply equally to all types of construction] should be no more, or less, safe than the proposal if the contractors follow the rules. Indeed, there is an example of such a retained façade at “Cintra House” here in Cambridge.

In addition, there is the problem of providing structural support to the directly adjacent Listed Buildings during the proposed demolition and reconstruction process; there is no discussion or analysis as to whether this aspect is more, or less, risky to the ‘heritage assets’ than would be executing the extant Planning Permission.

Whilst the application makes mention of “careful recording, demolition and reconstruction” it does not really amplify what effect this would have upon the finished appearance of the replica Salvin house. It appears inevitable to me that however carefully the masonry was dismantled [possibly labelling & numbering every brick, sill, lintel, etc.] there would be some loss & damage to individual items which would lead to debates about repair or replacement of such items and that the subsequent changes in materials would lead to a degradation of the overall appearance of the masonry [possibly being ‘too new’ or ‘piebald’] which would leave it in stark contrast to the adjacent Listed Buildings whereas currently there is little surface contrast.

CONCLUSION – The proposal fails to meet the requirement for ‘justification’ for total demolition in a Conservation Area; constructional convenience is certainly not an acceptable

reason. The proposal then fails to explain what the different options are and why any particular option has been chosen; it also fails to detail those options and their pros & cons from a conservation point of view.

The Planning application must also fail because if there is no valid justification for demolishing the real historic building, then there can be no justification for building a replica of it which will, inevitably, have little of the intrinsic character of the original.

STRONGLY RECOMMEND REFUSAL.

Cambridge Past Present and Future

- 6.4 Objection: The house is within a Conservation Area and adjoins Listed Buildings. There is insufficient analysis of alternative solutions. There is insufficient assurance that the contractors have sufficient expertise. There is strong concern the house will not be rebuilt to the original plan. It is recommended that this building is Listed.

7.0 REPRESENTATIONS

- 7.1 Councillor Blackhurst has commented on this application, and has requested that the application is determined by South Area Committee, if the application is to be recommended for approval. His comments are attached to this report as Appendix 1. As explained in the introduction, this application is brought to Planning Committee for determination because it is the Officers view that the application raises important policy considerations, which will impact on the City as a whole. If this application is approved, it will set a precedent for how applications relating to Buildings of Local Interest are dealt with in general across the City.

- 7.2 The owners/occupiers of the following addresses have made representations:

- 1 Belvoir Terrace
- 2 Belvoir Terrace
- 4 Belvoir Terrace
- 5 Belvoir Terrace
- Joint letter from 1-5 Belvoir Terrace
- 44 Newton Road

- 7.3 The representations can be summarised as follows:
- Demolition is not necessary
 - A rebuild using the original materials would not recreate the style and atmosphere of the Salvin design
 - Health and safety

7.4 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 demolition of the Building of Local Interest and the impact on the character and appearance of the Conservation Area
2. The replica replacement building and the extent of works already approved
3. Third party representations

1. Principle of demolition of the Building of Local Interest and the impact on the character and appearance of the Conservation Area

8.2 6 Belvoir Terrace is prominent in the Conservation Area on a main route into the city and is part of the setting of a terrace of Listed Buildings. It is believed to have been designed by the well-known architect Anthony Salvin in 1857. Salvin worked extensively in Cambridge, and this house for a local academic displays his domestic rather than collegiate work. Around this time, Salvin was also working on the restoration of the Church of Great St Mary and at Trinity College and Gonville and Caius College in Cambridge. The house was built on to an existing cottage, and was built for and first occupied by Professor William Selwyn, a Fellow of Gonville and Caius College. The house makes a striking contrast with the neighbouring terrace of typical townhouses, and it does utilise the local brick and Welsh slate. The junction between the two building styles is striking. The coach arch through the terrace adjacent to the house perhaps suggests that the terrace was intended to be longer and symmetrical.

8.3 The tests of policy in this case are seen in policies 4/10, 4/11 and 4/12 of the Cambridge Local Plan (2006). The supporting text to policy 4/11 of the Cambridge Local Plan (2006) states that in Conservation Areas, ‘...when considering the demolition of buildings...the same tests that would apply to the demolition of a Listed Building will be applied’, making reference to policy 4/10 of the Local Plan. Policy 4/10 states that ‘works for the demolition of Listed Buildings will not be permitted unless:

- a) The building is structurally unsound, for reasons other than deliberate damage or neglect; or
- b) It cannot continue in its current use and there are no viable alternative uses; and
- c) Wider public benefits will accrue from redevelopment’.

8.4 Policy 4/12 (Buildings of Local Interest) of the Cambridge Local Plan (2006) sets out a number of tests for the demolition of Buildings of Local Interest (BLIs), which are similar to the tests in policy 4/10 of the Local Plan. I have applied these tests to this proposal and the information submitted.

1. Is the building demonstrably incapable of beneficial use or reuse?

8.5 As part of the application, the applicant has submitted a detailed structural survey. This survey lists the building’s structural defects and concludes that ‘in view of the degree of damage that has occurred to this property through original inadequate foundation provision and severe neglect of the building fabric by former owners in our opinion careful dismantling of the building fabric of the masonry walls for later reinstatement will allow for safe working conditions for site personnel and provide a stable durable structure for many decades’. The alternatives to demolition are not put forward in any detail, and there is no objective reasoning to support this preferred course of action over any others. The individual structural problems are detailed in the report but there is no defect-by-defect analysis of whether any particular problem could be rectified through repair, without resorting to total demolition. A further structural survey looking at all the potential options was, therefore, requested.

- 8.6 This second structural survey concurred with the list of structural defects stated in the original Structural Survey and concluded that, 'Whilst we cannot categorically condemn the structure not covered by the accepted plans (planning permission ref. 09/0593/FUL), there is a significant risk to health and safety during construction should these elements be retained. Arguably, the structure, performance, appearance and construction process will benefit from careful recording, demolition and reconstruction rather than piecemeal retention'. This survey does mention that a façade retention system and significant strengthening work could be carried out, but, 'the amount of original fabric remaining untouched would be minimal and there would be significant residual hazard of failure...in this instance the careful demolition and reconstruction to match the original would be the most practical solution' (in the reports conclusion).
- 8.7 It was considered necessary to obtain an expert assessment of the two reports and provide objective advice to the Local Planning Authority. The Planning Service, therefore, commissioned a further structural survey to ascertain whether or not the building is repairable. This survey agrees that the building has structural defects, but concludes that 'it is practical and feasible to retain the existing building, and that normal conservation based structural repairs are possible to improve the structural performance of the structure...the works to the rear range are such that much of the existing fabric will be lost. This section is of course less prominent than the front range. On this basis I consider it not unreasonable to accept the demolition of this part whilst retaining the architecturally more detailed and visible front range'.
- 8.8 The applicant has argued that the building is not reasonably capable of use or reuse, because the costs involved are considered to be disproportionate to the preferred alternative of dismantling and reinstatement. The applicant has provided a breakdown of the costs of retaining and renovating the building versus the cost of demolishing and rebuilding. These figures have been checked by the Council's retained Structural Engineer.
- 8.9 Due to his knowledge of the contractor involved (a specialist ground working/foundation company), the retained Structural Engineer considers the costs put forward to be reasonable,

although he does question the methodology suggested. The contractors have suggested that a façade retention system and a piled raft are used. Our Structural Engineer has, instead, suggested that the whole front portion of the house is retained, strengthened and repaired, to provide greater stability and provide positive ties between the floors and walls. Once this integrity has been provided the whole of this section can be conventionally underpinned. His view is that this method would be more economic than those put forward to retain the existing building. The applicants have not wished to proceed with this approach.

- 8.10 The cost of retaining the building is higher than dismantling and reinstating but this is not a test of policy. The City Council has been advised that the building is capable of repair and restoration, it is my view that the comparative costs issue is not that persuasive as a demonstrator of incapability of future beneficial use or reuse.

2. Are there clear public benefits arising from redevelopment?

- 8.11 The applicant has suggested that the proposal to demolish and rebuild the house, results in a number of public benefits, the first being the use of modern construction and environmental standards. In my opinion, this is not a clear public benefit, but is instead a private benefit to the owners or occupiers of the house. An appeal that looked at similar considerations in London also drew a similar conclusion. That appeal decision is copied at Appendix 2, for Members information.
- 8.12 The second example of a public benefit given by the applicant is that the proposal would retain and restore the appearance of the existing façade, whereas the approved extensions and alterations would distort it. The applicant is prepared to agree to the revocation without compensation of the two previously approved schemes. The two previous applications were approved during the life of the current Local Plan, remain capable of being implemented and importantly do not result in the loss of the amount of original fabric currently proposed. The argument that the revocation of the existing permissions would represent a public benefit is not considered to be a persuasive one.

- 8.13 The third example given of a public benefit is the securing of long-term sustainable use of the site. This argument goes back to the 'reasonable costs' argument put forward and assessed in the previous section of the report. It is my view that the house can be repaired and restored and used as a family house. The demolition and rebuild of the house is not necessary to achieve this aim.
- 8.14 The designation of the property as a Building of Local Interest was undertaken because of its local historical value to Cambridge and there are underlying public benefits arising from its retention. The replacement of the building with a replica would, in my opinion, represent the loss of a heritage asset as a replica building is just that, a replica with none of the character or history of the original. It appears inevitable that however carefully the house might be dismantled, there would be loss and damage to individual items of historic fabric. The resultant replica building would no longer be the Building of Local Interest and would need to be removed from the register.
- 8.15 In my opinion, the principle of demolition and rebuild is unacceptable and contrary to policies 4/10, 4/11 and 4/12 of the Cambridge Local Plan (2006) and Planning Statement 5: Planning for the Historic Environment (2010),

2. The replica replacement building and the extent of works already approved

- 8.16 Previously, two applications have been approved to extend the house.

08/1391/FUL

In December 2008, planning permission was granted for the following extensions/alterations to the house:

1. The construction of a one and a half storey pool room (a basement to house plant; a swimming pool at ground floor level; and a bedroom, bathroom and store in the roof space), at a 90 degree angle to the main element of the existing building, along the northern boundary, behind the earliest part of the house.
2. The construction of a single storey, lean-to structure with a gallery over, situated to the rear of the main house.

3. The construction of a single garage along the southern side of the property, with a covered car parking space in front, secured by a lockable gate.

09/0593/FUL

In August 2009, planning permission was granted for the following extensions/alterations to the house. These were amendments to the previous permission, but were too significant to be treated as non-material amendments:

1. The construction of a single storey pool room (a basement to house plant; and a swimming pool at ground floor level) in the same position as the pool room previously approved, and covering the same footprint. The pool room approved here is not as tall as that previously approved.
2. The construction of a single storey, lean to structure, with a frameless, structural glass box at first floor level, situated to the rear of the main house.
3. Secure car parking behind a lockable gate. A garage was no longer proposed.

8.17 Both of these planning permission, which can still be implemented, will have an impact on the character and appearance of the Building of Local Interest, and the Conservation Area, with the pool room being the most controversial part of both proposals. In my opinion, the visibility of the extensions from Coe Fen would be limited for much of the year, and, on balance, the impact of the houses on the Building of Local Interest, the neighbouring Listed Buildings and the Conservation Area is acceptable and not detrimental.

8.18 In order to construct the consented extensions, and tie them into the existing house, significant alterations would need to be made to the rear of the house. By approving these applications, the Local Planning Authority has accepted these alterations, but it is my opinion that a 'tipping point' has been reached, and this is the limit of alteration/dismantling that ought to be permitted in order to preserve the heritage asset.

8.19 The consented extensions will not, in my view, have a detrimental impact on the character or appearance of the Building of Local Interest or the character or appearance of the Conservation Area, but agreement to the dismantling and

reinstatement of the house would result in a detrimental impact to the Conservation Area and the loss of a Building of Local Interest.

3. Third Party Representations

8.20 The issues raised in the representation received have been addressed under the headings above. Concerns relating to health and safety are not a planning consideration and cannot be addressed here.

9.0 CONCLUSION

9.1 The Applicants arguments for the proposed works do not meet the policy tests set out in policies 4/10 and 4/12 of the Cambridge Local Plan (2006). This site has a relatively long history, with planning permission granted for extensions to the house. In granting planning permission for these extensions, the Local Planning Authority has accepted alterations to the rear of the house. It is my view, that this is the limit to what the Local Authority should accept. What is proposed here constitutes the total rebuild of the house, and goes beyond what the applicant has planning permission for. The end result would be a replica building with none of the character or history of the original house, which would not be worthy of the status of a Building of Local Interest. The Building of Local Interest would be lost.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. No. 6 Belvoir Terrace is a Building of Local Interest, and in these circumstances policy 4/12 of the Cambridge Local Plan (2006) apply. The tests that must be met are that the building is demonstrably incapable of beneficial use or reuse and that there are clear public benefits arising from the proposed redevelopment. The building is reasonably capable of repair and retention and in so doing of maintaining its status as a Building of Local Interest. The proposed works would amount to a replica building and in so doing would result in the loss of the building's status as a heritage asset of the City. There are no wider benefits arising from its demolition/rebuilding. The demolition of No. 6 Belvoir Terrace is therefore not justified. The proposal is therefore contrary to policy ENV6 of the East of England Plan (2008), policy 4/12 of the Cambridge Local Plan (2006) and government guidance in Planning Policy Statement 5 Planning for the Historic Environment (2010).

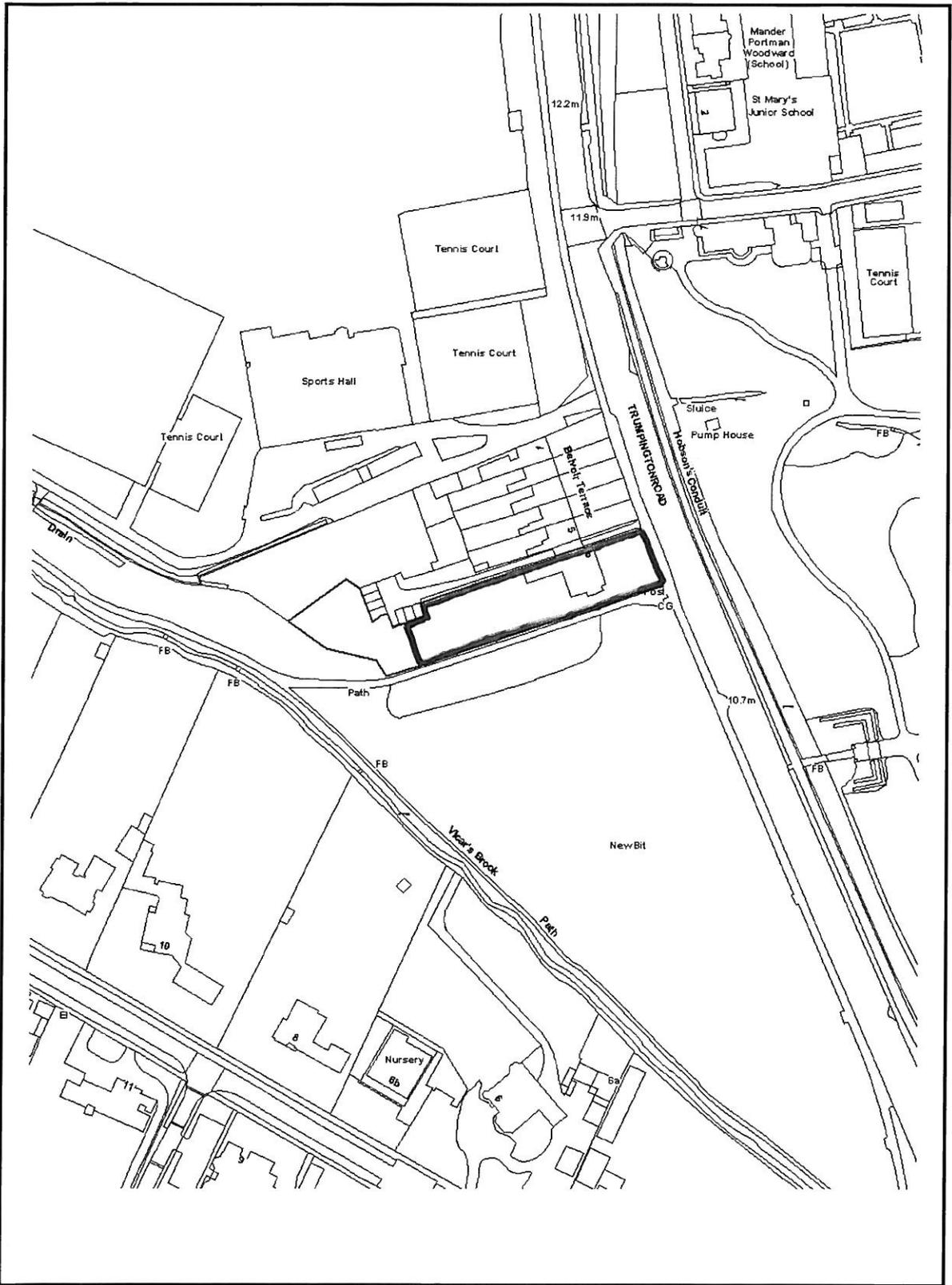
2. This house is situated in a very prominent position, clearly visible when entering the City along Trumpington Road, and it makes a positive contribution to the character and appearance of City of Cambridge Conservation Area 1 (Central), being a Building of Local Interest forming the end of a Grade II Listed terrace. Conservation Area Consent was previously refused and would be required in the case of demolition and in so doing it has not been demonstrated that the proposed demolition and rebuilding of 6 Belvoir Terrace would either preserve or enhance the character or appearance of the Conservation Area. It would result in the loss of a Building of Local Interest which contributes positively to the character and appearance of the Conservation Area. A replica building would likely fail to retain the heritage status of the existing building and the rebuilding would result in a replica with none of the character or history of the original building. This proposal would result in the loss of a Building of Local Interest. As such, the application is contrary to policy 4/11 of the Cambridge Local Plan (2006).

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 on the City Council website at:
www.cambridge.gov.uk/planningpublicaccess
or by visiting the Customer Service Centre at Mandela House.

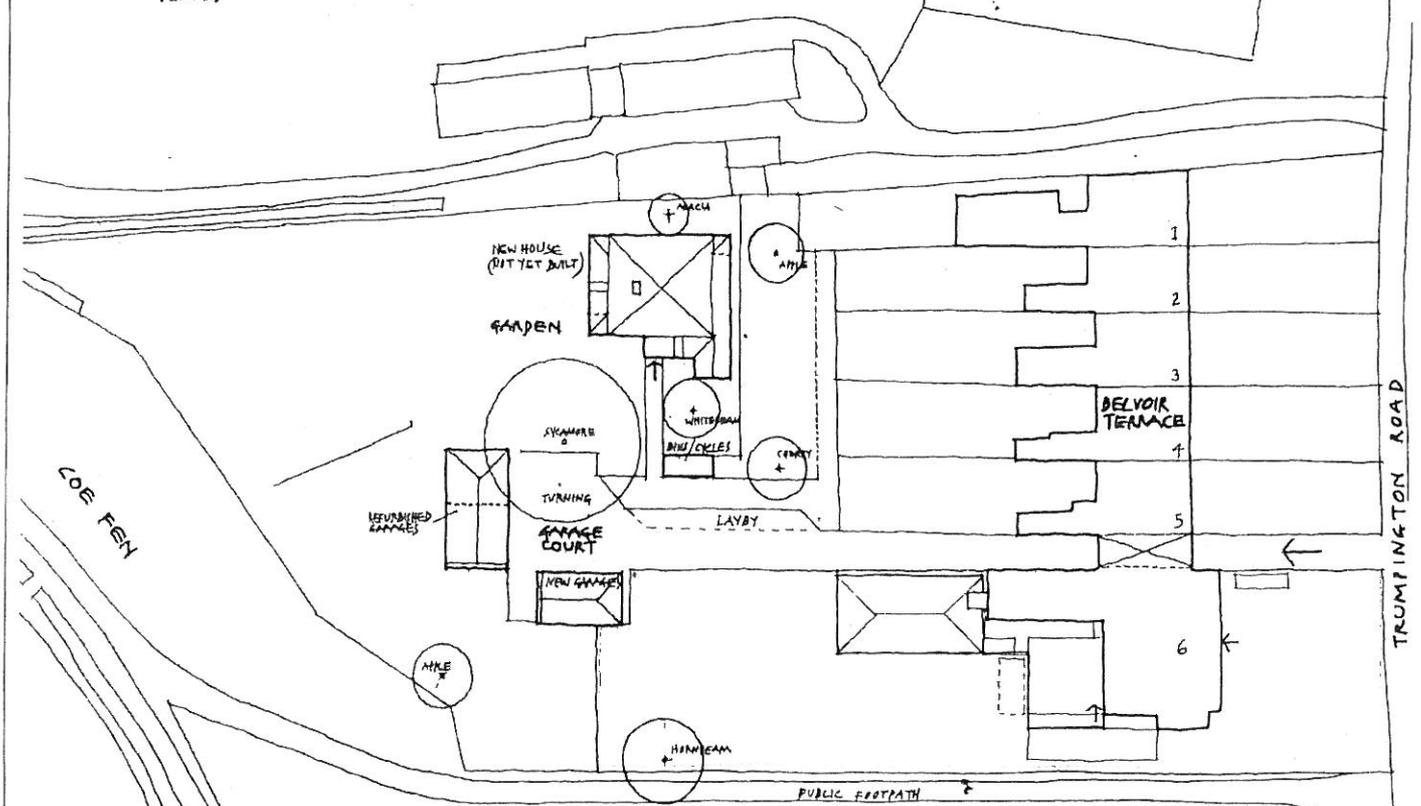


11/0023/FUL
6 Belvoir Terrace Trumpington Road Cambridge
Cambridgeshire

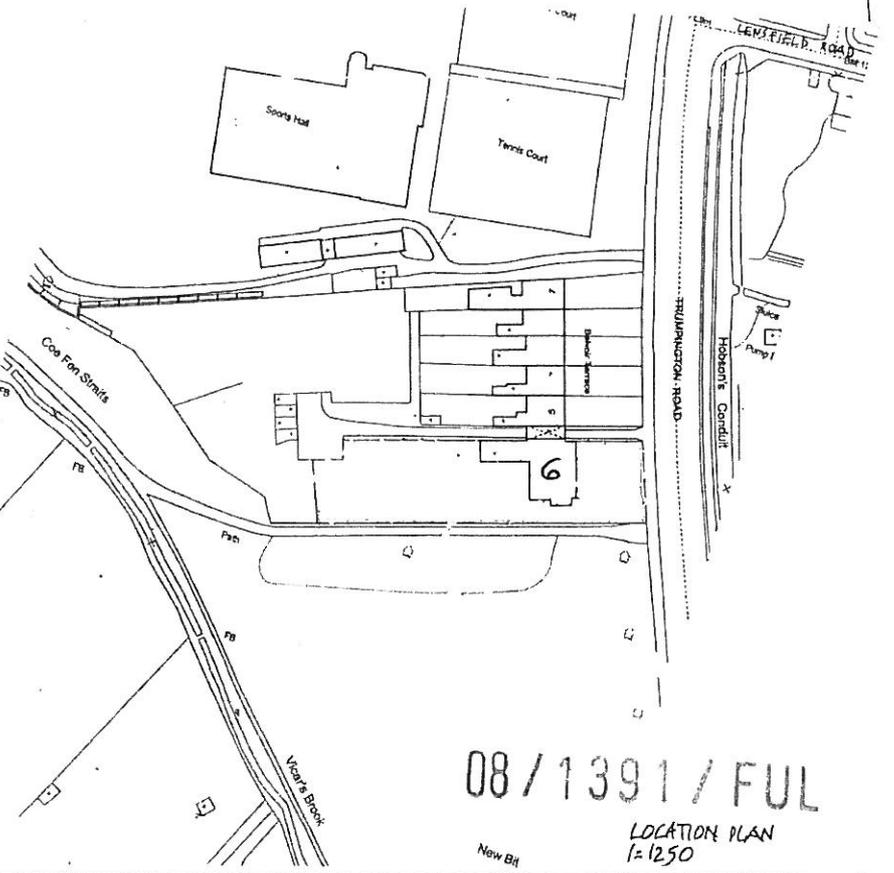
plans relating to ref: 08/1391/FUL

LEYS SCHOOL SPORTS HALL

PLAYING FIELDS



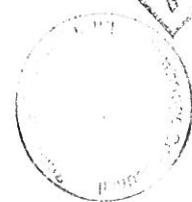
BLOCK PLAN 1:500



08/1391/FUL

LOCATION PLAN 1:1250

SOUTH AREA COMMITTEE APPROVED



NOTES:
 REPRODUCED UNDER OMA LICENSE NO. AR136533
 CAPWIN COPYRIGHT
 REVISIONS:
 POOL BLOCK ROOF AMENDED 'A' 10/03



6, BELVOIR TERRACE TRUMPINGTON ROAD. CAMBRIDGE

DAVID RAVEN ASSOCIATES
CHARTERED ARCHITECTS

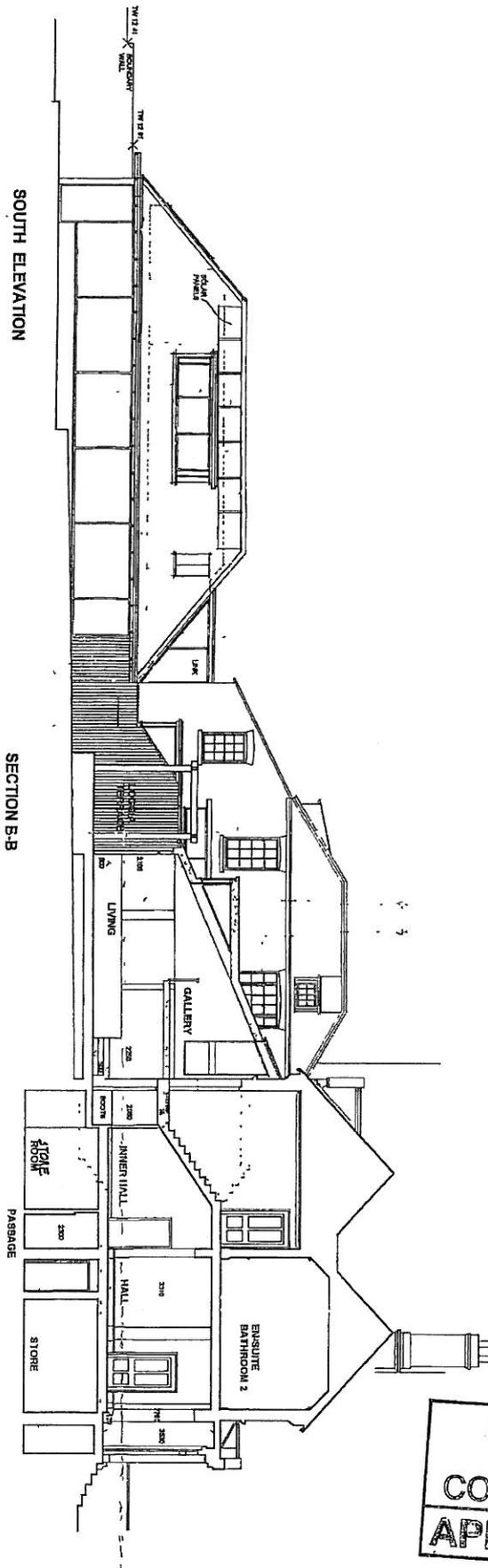
BLOCK PLAN & LOCATION PLAN
1:500 & 1:1250

25a Mills Road Cambridge CB2 1NW
telephone 01223 353115 facsimile 01223 576488

PR 5/08 437/ JA

SOUTH ELEVATION

SECTION B-B



**SOUTH
AREA
COMMITTEE
APPROVED**

REVISIONS:-
 A 5/08 PNL BLACK ROOF ANNEALED
 B 10/08 PNL BULK RAMP ANNEALED
 C 12/08 PNL WEST BRACK MATES

6, BELVOIR TERRACE, CAMBRIDGE CB2 2AA
 REFURBISHMENTS AND ALTERATIONS

DAVID RAVEN ASSOCIATES

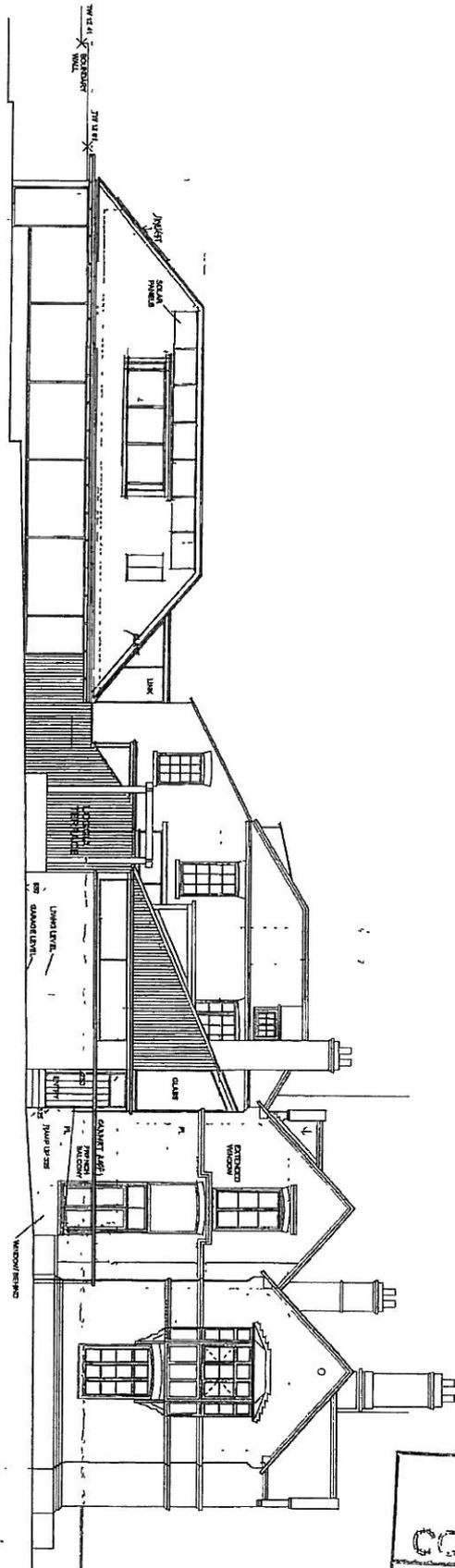
CHARTERED ARCHITECTS

SECTION B-B/SOUTH ELEVATION

25a Hills Road Cambridge CB2 1NW

telephone 01223 353115 facsimile 01223 576488

SOUTH ELEVATION



REVISIONS:
 A 2/08 FIVE BLACK BEDROOMS AMENDED
 B 10/08 FIVE BLACK ROOF AMENDED
 C 12/08 NWL WEST DRAMMA ADDED

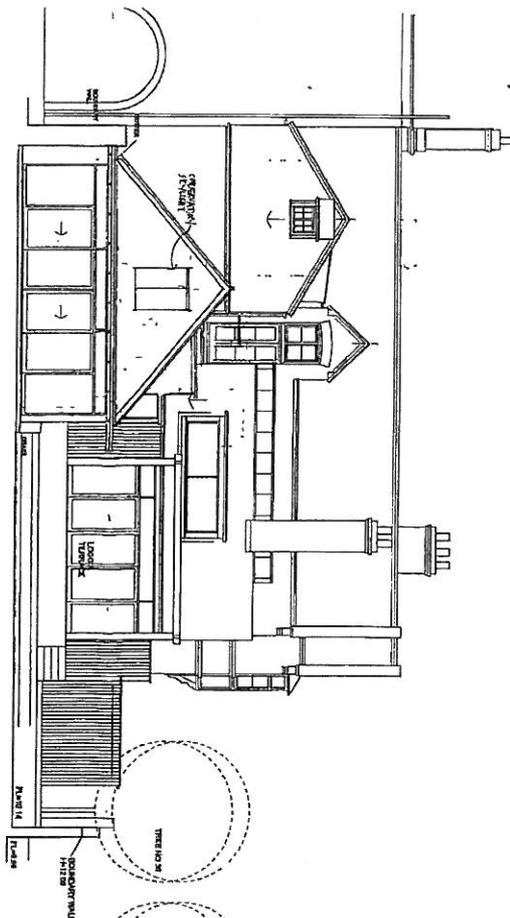
6, BELVOIR TERRACE, CAMBRIDGE CB2 2AA
 REFURBISHMENTS AND ALTERATIONS

DAVID RAVEN ASSOCIATES
 CHARTERED ARCHITECTS

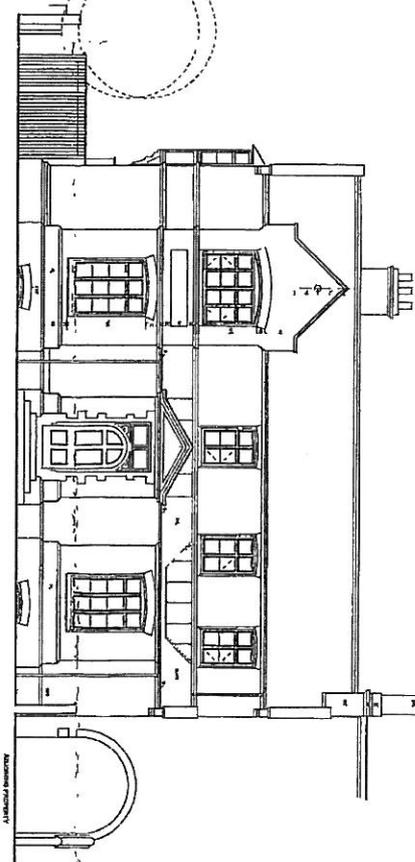
SOUTH ELEVATION PROPOSED

25 a Hills Road Cambridge CB2 1NW
 telephone 01223 353115 facsimile 01223 576488

WEST ELEVATION



EAST ELEVATION



REVISIONS =
 A. NW. BALK. NOT AMENDED
 B. NW. BALK. NOT AMENDED 10/08
 C. NW. WEST BALCONY. AMENDED 12/08

6, BELVOIR TERRACE, CAMBRIDGE CB2 2AA
 REFURBISHMENTS AND ALTERATIONS

DAVID RAVEN ASSOCIATES
 CHARTERED ARCHITECTS

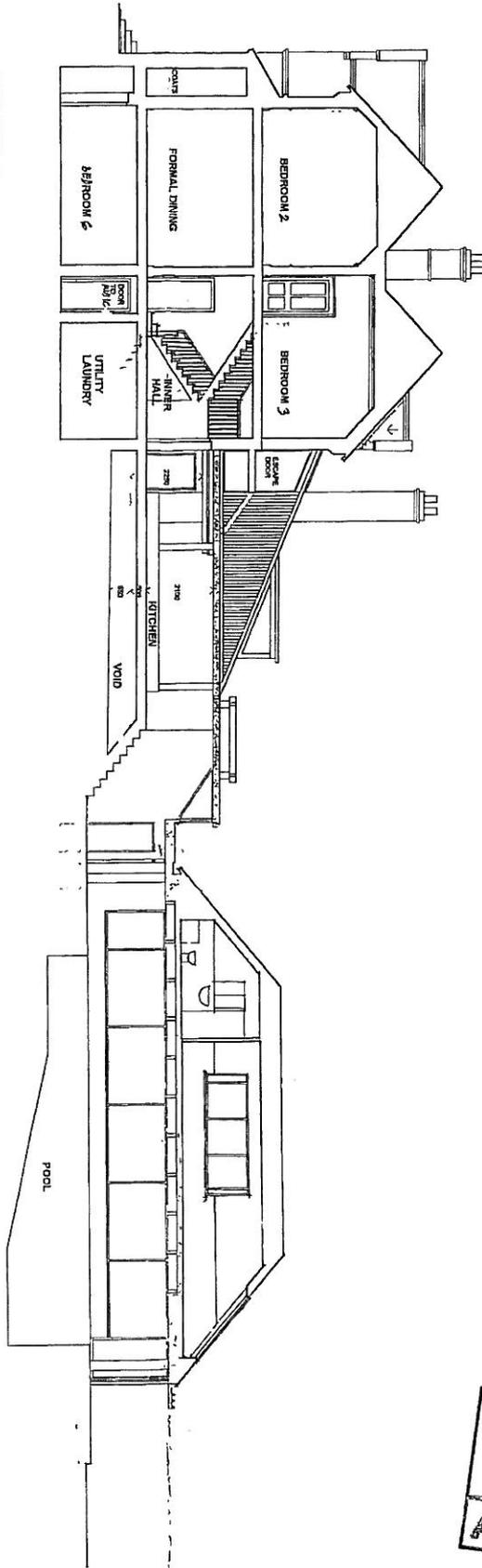
WEST AND EAST ELEVATION PROPOSED

25a Hills Road Cambridge CB2 1NW
 telephone 01223 353115 facsimile 01223 678488

1 100

LA 5/08 437/ 42c

SECTION C-C



**SOUTH
AREA
COMMITTEE
APPROVED**

REVISIONS -
 A 3/08 FULL BLACK ROOF RIDGES
 B 10/08 FULL BLACK PROFILE ANGLE
 C 12/08 FULL WEST DRINKER MITTER

DAVID RAVEN ASSOCIATES

CHARTERED ARCHITECTS

25 Hills Road Cambridge CB2 1NW

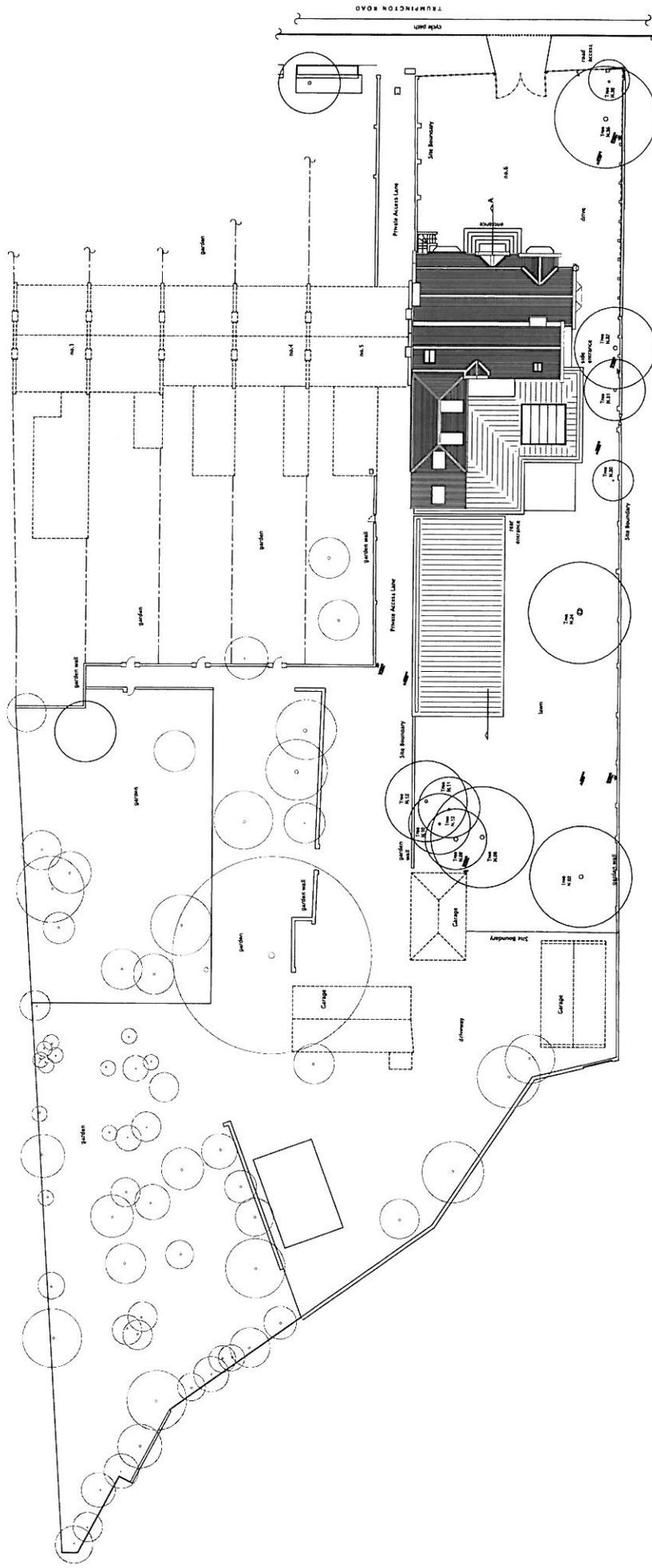
telephone 01223 353115 facsimile 01223 576488

LA 5/08 4371 36e

SECTION C-C

1 100

Plans relating to ref. 09/0593/FUL



Notes:
 1. This plan is a preliminary design and is subject to change without notice.
 2. The client is responsible for obtaining all necessary planning and building regulations consent.
 3. The client is responsible for obtaining all necessary utility and service connections.
 4. The client is responsible for obtaining all necessary access and easement agreements.
 5. The client is responsible for obtaining all necessary planning and building regulations consent.

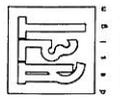
Samskara
 (U.K.)
 Limited
 6 Church Lane
 Cambridge
 CB2 3TA
 Email: info@samskara.co.uk

Project: **Northwick & Addington in Town**
 with Stage 2 & 3e plans
 Client: **New Mill Lane LLP**
 Address: **6 Church Lane**
Cambridge CB2 3TA

Drawing: **Proposed Site Plan**
 Date: **19/12/09**
 Scale: **1:100**
 Drawn: **TMP**
 Erased:
 Drawn No. **200a**
 Drawn By:



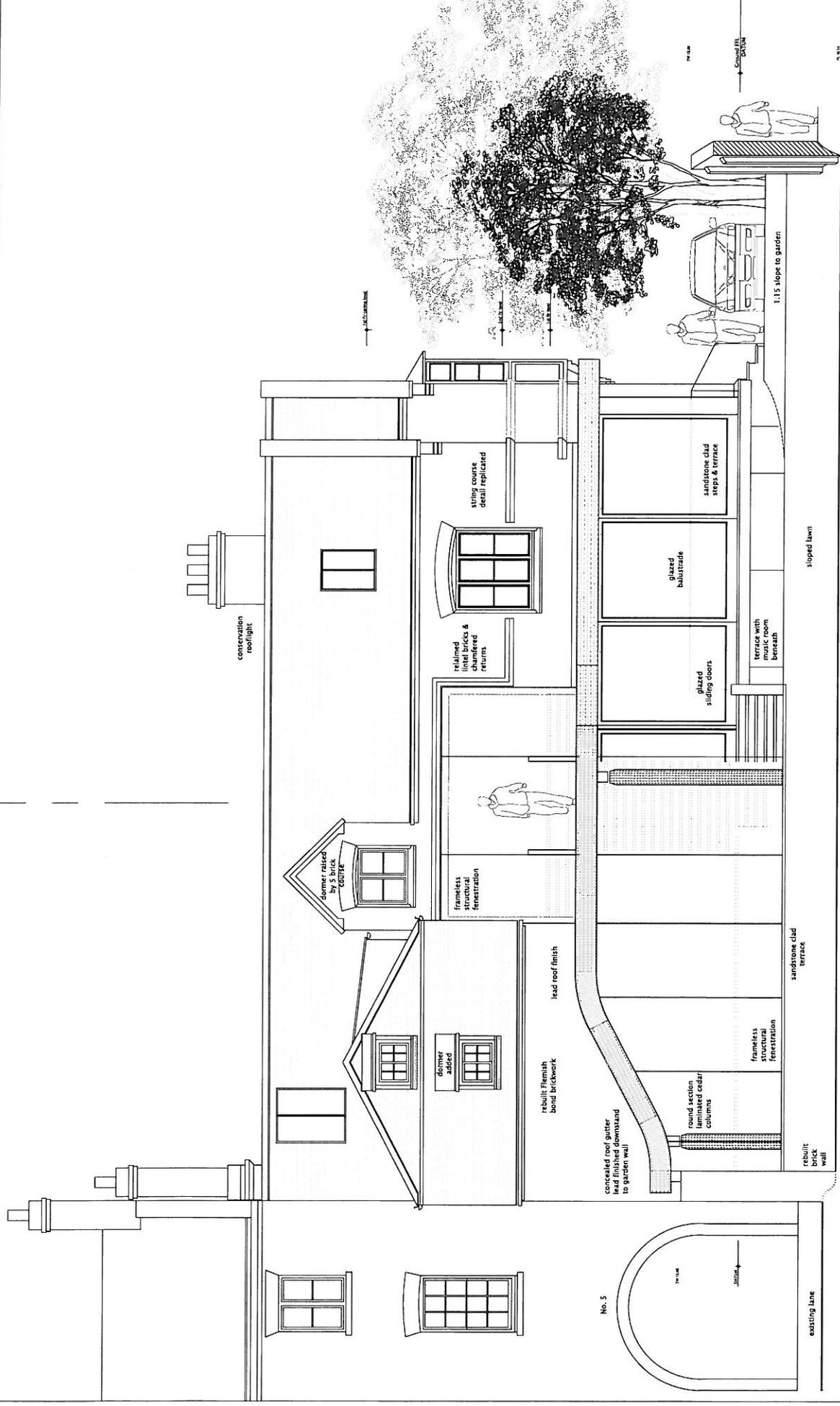
NOTES
 Facade to be reinstated



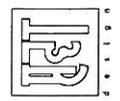
samskara
 (UK)
 Limited
 6 Chancery Lane
 Cambridge
 CB2 2 5EL
 e-mail: info@samskara.co.uk

Project: Refurbishment & Alterations to House with Single Storey Rear Extension
 Client: Plan Build Live LLP
 Address: 6 Belvoir Terrace, Trumpington Road, Cambridge CB2 7AA

Drawing: Proposed East Elevation
 Date: 29-06-09
 Scale: 1/50th @ A2
 Drawn: THP
 Revision: -
 Dwg No. 241



WEST ELEVATION



Revision Notes

samskara
 (UK)
 LIMITED
 6 Church Street
 Cambridge
 CB2 3JL
 e-mail: tmpage@samskara.co.uk

Project: Refurbishment & Alterations to House with Single & Two Storey Rear Extension
 Client: Plan Build Live LLP
 Address: 6 Behvoir Terrace, Trumpington Road, Cambridge CB2 7AA

Drawing: Proposed West Elevation
 Date: 29-06-09
 Scale: 1/50th @ A2
 Drawn: TMP
 Revision:
 Draw No. 242

Date: 08/07/2011 12:22
Subject: Ref. No: 10/1285/CAC

Appendix 1

Dear Catherine,

I'm writing in respect of the application to demolish existing structures at 6 Belvoir Terrace. Given the sensitivity of the location, I feel it is important that the South Area committee has the opportunity to consider the proposals in terms of the replacement structures and materials, and would ask that it come to committee, if you are in fact minded to recommend approval.

Kind regards,

Andy

Andy Blackhurst
City Councillor, Trumpington Ward



Appeal Decisions

Site visit made on 16 March 2011

by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor (Non-practising)

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

Decision date: 29 March 2011

Appeal Ref: APP/X5990/E/10/2142510

68 Carlton Hill, London, NW8 0ET

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Mrs Tina Roscoe against the decision of City of Westminster Council.
- The application Ref 10/06980/CAC, dated 13 August 2010, was refused by notice dated 18 November 2010.
- The demolition proposed is the existing house at 68 Carlton Hill.

Summary of Decision: The appeal is dismissed.

Appeal Ref: APP/X5990/A/10/2142509

68 Carlton Hill, London, NW8 0ET

- 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 Mrs Tina Roscoe against the decision of City of Westminster Council.
- The application Ref 10/06979/FULL, dated 13 August 2010, was refused by notice dated 18 November 2010.
- The development proposed is the demolition of 68 Carlton Hill and rebuilding of the property to match existing appearance whilst incorporating the alterations and additions approved under planning permission 09/08456/FUL comprising a rear basement extension, construction of lower basement level, side extension and replacement (raised) roof and cornice.

Summary of Decision: The appeal is dismissed.

Main Issue

1. I consider that the issues raised in both appeals are so similar that they have to be determined, in effect, as one appeal. I therefore consider the main issue is the effect of the proposed demolition and the proposed development on the character and appearance of the St John's Wood Conservation Area.

Reasoning

2. 68 Carlton Hill is a detached single family dwelling house in the Italianate classical style comprising a basement beneath the existing house, ground, first floors and second floor within the roof. Among other features, the front façade comprises a gabled roof facing the road and a stucco faced basement with yellow-brown London stock bricks above. There is a front driveway and a rear garden. The property is within the St John's Wood Conservation Area and, because the building is in the Conservation Area, the provisions of Section

72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply. These provisions require special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Although No.68 is not locally listed, by virtue of its location in the Conservation Area it is afforded protection and consent is required for its demolition.

3. Policy DES9 of the UDP¹ states that development proposals within conservation areas involving the demolition of unlisted buildings may be permitted if the building makes either a negative or insignificant contribution to the character or appearance of the area, and/or if the design quality of the proposed development is considered to result in an enhancement of the conservation area's overall character or appearance, having regard to issues of economic viability, including the viability of retaining and repairing the existing building.
4. The application of policy DES9² states that when assessing proposals for the demolition of a building which makes a positive contribution to the character and appearance of a conservation area (as identified in the Conservation Area Audit) the tests set out in PPG15 'Planning and the Historic Environment'³ will be applied. PPG15 was superseded by PPS5 'Planning for the Historic Environment' in March 2010 and the tests to be applied are now set out in Policy HE9 of that document.
5. A great deal of the respective cases that have been put forward in these appeals considers the interpretation of Policy HE9 and whether it refers to the impact of the proposal on the Conservation Area as a whole (the Appellant's case) or the building itself (the Council's case). The latter interpretation has been adopted by English Heritage⁴.
6. St John's Wood is a large Conservation Area which was originally envisaged as an Arcadian suburb and it retains a leafy, residential character. The density of buildings is low with a mixture of detached, semi-detached and terraced properties, together with some mansion blocks, set in generous gardens along a network of wide, tree lined streets. The picturesque character of the area is derived in part from the variety of architectural styles that can be found in it. Carlton Hill is an example of this variety with most buildings having different designs and features. No.68 is a 'design one-off'⁵ and it is categorised as an unlisted building of merit. The St John's Wood Conservation Area Audit⁶ says that such buildings contribute positively to the character and quality of the local area.
7. Planning permission was granted on 16 December 2009 for extensions to the existing house including a rear basement, new lower basement extension extending beneath the rear garden with a light well, new side extension and a replacement roof at 90cm higher⁷. The new house would be built to match the house as permitted to be extended by the 2009 permission.
8. The permitted alterations and extensions would change the appearance of the house but, given they have been approved, they would by definition preserve or enhance the character of appearance of the Conservation Area. I noted on

¹ City of Westminster Unitary Development Plan adopted 24 January 2007

² Paragraph 10.112 of the UDP

³ Paragraph 3.15 to 3.19

⁴ Paragraph 10 of the Council's statement set out in Mr Clegg's letter dated 25 January 2011

⁵ Paragraph 3.4 of Dr Mervyn Miller's statement

⁶ Paragraphs 4.85-4.89

⁷ Ref 09/08456/FUL

my visit that several houses in Carlton Hill appeared to have been extended to the side and otherwise. The original buildings remained to provide historical character with no apparent harm to the Conservation Area and I consider that the approved extensions to No.68 would be likely to achieve a similar result.

9. Although No.68 contributes positively to the character of the Conservation Area, taking into account the quality, size and nature of the Conservation Area as a whole ('the designated heritage asset') I consider that the proposed demolition would not lead to 'substantial harm to or total loss of significance' to the designated heritage asset and that Policy HE9.2 is not the appropriate test. The building, however, has a degree of historical interest and it makes a positive contribution to the street scene and its demolition would have a harmful impact on the Conservation Area. The test in Policy HE9.4 applies and requires me to weigh the public benefit against the harm.
10. I appreciate that in practical terms the proposal to demolish and re-build a replica building may have some benefits in that there may be some energy savings, the resulting house may be more energy efficient and the whole process would take less time than the approved scheme. Whilst some of these matters are not planning considerations, these are matters that would have been taken into account when the application was made in 2009 for the various extensions and alterations to the original house which were considered viable in all respects at that time; I am not aware of any change in circumstances since then. The benefits that may accrue from the proposal may result in private benefit but there would be no public benefit, indeed I consider that greater public benefit would be gained by the implementation of the approved scheme as the original historic house would be retained and its appearance enhanced. In contrast a replica building would be just that, a replica with none of the character or history of the original building. I concur with the views of the Council in this respect, that is, that the proposal goes to the heart of conservation area philosophy and if the Appellant's proposal was accepted any unlisted building could be demolished and re-built as a replica which would destroy the concept of conservation areas. However sensitively done I consider that the proposed new building would not preserve or enhance the character or appearance of the Conservation Area.
11. I therefore conclude that the loss of No.68 would cause harm to the character or appearance of the Conservation Area; that the proposals fail to accord with the statutory tests in the 1990 Act; and the proposals fail to satisfy Policy DES9 of the UDP and PPS5. For the reasons given above I conclude that both appeals should be dismissed.

Decisions

Appeal Ref: APP/X5990/E/10/2142510

12. I dismiss the appeal and refuse conservation area consent for the demolition of the existing house at 68 Carlton Hill.

Appeal Ref: APP/X5990/A/10/2142509

13. I dismiss the appeal.

Gloria McFarlane

Inspector