



<b>Planning Committee Date</b>	29 March 2023
<b>Report to Lead Officer</b>	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
<b>Reference</b>	22/02657/FUL
<b>Site</b>	237 Hills Road, Cambridge, CB2 8RW
<b>Ward / Parish</b>	Cambridge City
<b>Proposal</b>	Erection of two dwellings with garage, parking, landscaping and associated ancillary works to replace the existing dwelling and garage
<b>Applicant</b>	Mrs Hutchinson
<b>Presenting Officer</b>	Nick Westlake
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Impact on the Character of the Area 2. Neighbour Amenity 3. Poor Design
<b>Recommendation</b>	<b>REFUSE</b>

## 1.0 Executive Summary

- 1.1 The application involves the demolition of the existing single detached dwelling on the site and the creation of two detached dwellings. One of the dwellings would be accessed via the existing access off Hills Road, the other via a new access created off Hills Avenue.
- 1.2 Although there are other dwellings located nearby, the southern aspect in particular, forms a verdant gap in the streetscape along Hills Avenue. There have in the past two years been the legal removal of four TPO'd trees, two adjacent to Hills Avenue. There is not considered enough space for replacement planting of these two TPO'd trees in the current designs. Furthermore, the remaining TPO'd tree within the site, would be at pressure for removal or reduction due to the proximity to and shadowing it creates over proposed Plot 2.
- 1.3 Separate to these concerns, there are significant overlooking concerns from the first floor of Tirnalia House into the rear patio area of Plot 2. This cannot be overcome via boundary screening and is considered to represent a substandard residential amenity arrangement for future occupiers of Plot 2.
- 1.4 Finally, Officers object to the oversized boxed dormer proposed at Plot 2. Such a box dormer design is not a feature of the immediate area and is considered poor urban design, contrary to policy and supplementary design guidance.
- 1.5 Officers have no objections to Plot 1 however, cannot support the proposed Plot 2 due to the environmental harm detailed above, such a development would cause.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	x
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1	x
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The existing dwelling is a detached house, known as 237 Hills Road. Adjacent to the house is a detached garage building with store and glass house. The host site is set back from Hills Road with an existing access from Hills Road and has a garden that extends in a southerly direction to Hills Avenue. The site is L shaped and wraps around the development of flats at Homerton Court and three recently constructed, 3 storey town houses, at the corner of Hills Road and Hills Avenue.
- 2.2 The section down to Hills Avenue is currently the garden to the dwelling, the site is level. Adjacent to this rear garden area to the east is No1 Hills Avenue,

a substantial traditional detached dwelling, set in a large plot. While to the west of the garden area is the recently built Tirnalia House (via 13/1685/FUL), a three-storey detached dwelling set over three floors. This building has a modern appearance and is closely matched by nearby Velen House and Calidore House.

- 2.3 Within the garden of the host plot, there are 6 TPO orders, (4) four of these trees have been removed in the last 2 years due to the trees becoming seriously ill and posing a danger to nearby by houses and infrastructure. Although the original TPO'd trees are removed they must be replanted in accordance with Section 206 of the Town and Country Planning Act 1990. This has not yet happened.
- 2.4 With regards to the remaining TPO'd trees, in the southern half of the site is a Walnut tree that is protected under Tree Preservation Order, ref: TPO 0004 (2021), known as T1 in the AIA (Arboricultural Impact Assessment). Another nearby protected tree, (TPO No: 4), a Nootka Cypress is located on neighbouring property, 1 Hills Avenue, and not within the curtilage of 237 Hills Road as shown in the City Council's TPO Order (T3 in the AIA). Finally, there is a large Beech Tree in the grounds of neighbouring Beech House. The tree is healthy and present on site. In 2017 permission was obtained to have the crown reduced to be 3m away from the dwelling, via 17/087/TTPO. This tree has a canopy over the part of the south aspect of the garden. This tree is known as T5 in the AIA and is protected via TPO 11/1978.
- 2.5 In relation to the four TPO'd trees that have been removed in the last 2 years. There was a Holly (TPO 004) and a Cedar (TPO 004) in the northern half of the plot and a Pine and a Spruce both (TPO 004) near to the southern boundary adjacent to Hills Avenue. All these trees have been removed due to them being in ill health and a danger to the public. This application effectively proposes three replacements (2) to the north and (1) to the south although this is not detailed in the submitted AIA.
- 2.6 The Tree Officer has confirmed an application to remove three of the trees (2 in the north, 1 in the south) via 22/0285/TTPO, was submitted on the 7<sup>th</sup> March 2022. The application was returned as the removal of dead trees does not require formal application. The case was treated as a 5 day notice and replacement planting is a statutory requirement. (See letter below).

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Dear Mr Peters

**CAMBRIDGE CITY COUNCIL  
5-DAY NOTICE**

Proposal: T12: Norway Spruce - Remove and replace dead tree  
T19: Cedar - Remove and replace dead tree  
T20: Holly - Remove and replace dead tree

Site address: 237 Hills Road Cambridge Cambridgeshire CB2 8RW

Your client: Mr Edawrd Peters

I acknowledge receipt of your application/notification of 7th March 2022 informing us that you propose to carry out the above described tree work.

Under Sections 14 and 15 of The Town and Country Planning (Tree Preservation)(England) Regulations 2012, the removal of dead trees or the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm are excepted from the requirement to serve the LPA with a formal 211 Notice prior to the works being carried out. Instead the Regulations require notice in writing be given to us as soon as practicable after the works become necessary (in the case of dangerous trees) or at least five working days prior to the date on which the works are to be commenced (5-Day Notice). Your Application/Notice has been accepted as a 5-Day Notice.

We have five days to assess your notification. If you do not hear from us within five days you may proceed with the works.

Under Sections 206 (1) and 213 (1) of the Town and Country Planning Act 1980 there is a duty on the owner of the land to plant another tree of an appropriate size and species at the same place as soon as is reasonable following removal.

Please notify us again when the replacement has been completed or if you or your client would like us to consider alternative replacement planting please send in details to be approved. Planting details should include, species, size and location.

2.7 The remaining Pine to the south that was protected under TPO No: 0004 (2021) was approved to be removed subject to replacement planting via 22/0329/TTPO. A large Hornbeam tree is sited in the highway verge on the Hills Avenue frontage outside the application site. This is not currently protected via a TPO order.

2.8 The site is in a Flood zone 1. The site is not within a Conservation Area and there are no Listed Buildings nearby. The site falls outside the Controlled Parking Zone.

**3.0 The Proposal**

3.1 The proposals include the replacement of the existing detached dwelling with a larger 6 bed detached dwelling (known as Plot 1) located at the end of the

existing driveway from Hills Road. The application also involves the creation of a new 5 bed dwelling (known as Plot 2), with a new access from Hills Avenue.

- 3.2 With regards Plot 1. The existing dwelling is found at the end of the driveway from Hills Road and has a front elevation facing north and rear elevation facing south beyond which the rear garden lies. The dwelling is a standard 1970 dwelling of no architectural merit, with a pitched roof and two flank gables. The existing dwelling has an eaves of 4.8m, ridge 7.7m, width 12.7m and depth circa 7.3m. The two-storey dwelling has an approximate internal floor area of 155 sqm.
- 3.3 The proposed replacement would be accessed via the same driveway as the existing. However, the front elevation would face west and the rear, east. The proposed replacement dwelling has two side gables, an external chimney stack, pitched front and rear dormers, overhanging eaves, a string course and window lintels. The style could be considered as traditional.
- 3.4 The proposed new dwelling remains as a two-storey family dwelling house, although includes accommodation in the converted roof space, thus creating three floors. A detached garage is proposed to the side of the access drive to provide two car parking spaces and a car turning area.
- 3.5 In summary, Plot 1 consists of the following:
- Plot size of 960 sq ms.
  - House area of 367 sq ms. Main body of the house is 10m x 15m (with a 3m central two storey rear outshot and three, two storey front outshots 1.2m in length). Therefore, the total width of the dwelling is 14.2m at its widest point.
  - Ridge 8.8 m, eaves 4.9m
  - Main garden area is 12.3m deep by 21.0m wide. Total amenity space area is 280 sq m
  - Two car parking spaces within the detached garage of 2.5m x 5.0m each.
  - There is additional space in the front of the house for further vehicles.
  - There is access to the south and north of the house to the rear garden.
  - Bins store to the south side of the house along with a secure area to store cycles (5 No.)
- 3.6 With regards, to Plot 2. This is a new 5 bedroom detached dwellinghouse with a new access off Hills Avenue. The house is two storeys with accommodation in the converted roof with a large rear dormer extension, creating three floors. The front elevation faces south and the rear faces north. The house has two off road car parking spaces and a garden to the rear. The dwelling is traditional in appearance, offering a string course, lintel detailing, over hanging eaves and large four casement windows.
- 3.7 In summary, Plot 2 consists of the following:
- Plot size of 630 sq ms.

- House area of 211sq ms. The ground floor of the dwellings is 9.65m wide x 12.2 m deep. The main body of the house is 8.2m deep.
- The ridge is 8.0m and the eaves is 4.8m
- A large rear box dormer is proposed circa 8.5m wide, 0.9m set back from the eaves
- Main garden area is 20.6m long and 14.8m wide. Total amenity space area is 340 sq ms.
- Two off road car parking spaces of 2.5m x 5.0m each in front and side of
- the house via new access off Hills Avenue.
- Access to the east side of the house to access the garden at the rear.
- Bins store to the east side of the house behind a timber fence and gate.
- To the south side of the house on the boundary with Tirnalia House is a
- secure area to store cycles (4 No).

3.8 Revised drawings have been received showing the rear single storey element to Plot 2 reduced in size and the footprint and internal layout re-configured. The north elevation of Plot 1 has also been amended and now confirms that the north facing first floor window in Bedroom 3 bay will be obscurely glazed. Also, obscure glazing to first floor rear ensuite window.

#### 4.0 Relevant Site History

Reference	Description	Outcome
22/0329/TTPO	The requested work involves the removal of Pine tree, T7 that is currently protected under TPO No: 0004 (2021). The tree is in very poor health (very little live wood in evidence), assessed to be in a state of declining health and unlikely to recover. The tree is a large specimen, 16m in height and located on the southern boundary of 237 Hills Road, Cambridge, directly adjacent to the Public Highway of Hills Avenue. The tree is also located close to the nearby residential property of Tirnalia House, please refer to Grid Ref: Easting / Northing (546432.28 / 256082.12). The probable cause of decline is Phytophthora disease, which is known to be a soil borne disease and therefore likely to have entered the tree via its roots causing damage to the root system. In a state of ill health (rapid decline) and with a weakened root system, the tree is predisposed to tree failure / wind throw, especially in high gales. Being positioned close to the Public Highway and residential property, if the tree were to fail, the potential for significant damage to property or injury to persons are assessed as significant	Permitted

21/02357/FUL	Replace the existing house with two detached houses which is to be located at the end of the drive where it widens and adjacent to where the existing house is located. The new houses are two storeys with 4 bedrooms. A detached carport building is proposed to the side of the access drive to provide two car parking spaces for each house with adequate car turning area in front to manoeuvre cars in and out of the car port and so cars can return down to the highway and join the road in a forward gear.	Refused
20/51418/PREAPP	Proposed development to build 3 dwellings, one a replacement detached dwelling and 2no new semi-detached dwellings.	Sensitive
13/1685/FUL Neighbouring Plot to the south west	Demolition of existing 3 bedroom property, construction of 3no. townhouses with associated parking, bin and cycle storage, landscaping.	Permitted
C/85/0600	Outline application for the erection of a detached dwelling unit.	Permitted

## 5.0 Policy

### 5.1 National

National Planning Policy Framework 2021  
National Planning Practice Guidance  
National Design Guide 2019  
Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)  
Technical housing standards – nationally described space standard – published by Department of Communities and Local Government  
March 2015 (material consideration)

### 5.2 Supplementary Planning Documents

Greater Cambridge Biodiversity – Adopted February 2022

### 5.3 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development  
Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use  
Policy 29: Renewable and low carbon energy generation  
Policy 30: Energy-efficiency improvements in existing dwellings  
Policy 31: Integrated water management and the water cycle  
Policy 32: Flood risk  
Policy 34: Light Pollution Control

Policy 35: Protection of human health and quality of life from noise and vibration  
 Policy 50: Residential space standards  
 Policy 51: Accessible Homes  
 Policy 52: Protecting garden land and subdivision of existing dwelling plots  
 Policy 55: Responding to context  
 Policy 56: Creating successful places  
 Policy 57: Designing new buildings  
 Policy 58: Alerting and extending existing building  
 Policy 59: Designing landscape and the public realm  
 Policy 69: Protection of sites of biodiversity and geodiversity importance  
 Policy 70: Protection of priority species and habitats  
 Policy 80: Supporting sustainable access to development  
 Policy 81: Mitigating the transport impact of development  
 Policy 82: Parking management

#### **5.4 City Wide Guidance**

Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (2001).  
 Buildings of Local Interest (2005)  
 Cambridge and Milton Surface Water Management Plan (2011)  
 Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (2010)  
 Greater Cambridge Sustainable Design and Construction SPD (2020)  
 Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste  
 Cambridgeshire Design Guide For Streets and Public Realm (2007)  
 Cycle Parking Guide for New Residential Developments (2010)  
 Roof Extensions Design Guide (2003)

#### **6.0 Consultations**

##### **6.1 Cambridgeshire County Council (Highways Development Control) – No objections, subject to conditions**

6.2 Conditions relating to a traffic management plan, hours of construction traffic, pedestrian visibility splays, parking space drainage, bound driveway material for parking areas, bound material within 5m of the highway

##### **6.3 Streets and Open Spaces (Tree Officer) – Objection**

6.4 Remain concerned about the layout of the proposed redevelopment of 237 Hills Road and the relationship between plot 2 and trees protected by TPO. Following the serving of the TPO a number of the protected trees declined rapidly, have since been removed or are due to be removed and replaced.

6.5 The position of the canopy of T1 and T5 creates a conflict between the trees and the new dwelling and materially limits the plot's useable outside space around the house. While the extent of hardstanding does not accommodate replacement planting for trees lost along the Hills Avenue frontage.



6.6 Following the submission of the daylight report, Paragraph 3.7.7 of the reports states that “For the purpose of our assessment, we have therefore discounted the overshadowing effect of deciduous trees”. This is typical because it is very difficult to assess the impact of trees on light levels but would seem to suggest that there is no information provided in the report that should allay my previously cited concerns.

**6.7 Environmental Health, no objections subject to conditions**

6.8 Conditions regarding construction/demolition/delivery hours and piling conditions. A noise impact assessment, an EV charge point in at least one of the car parking spaces, per dwelling. An informative for plant insulation.

**6.9 Drainage, no objections, subject to conditions**

6.10 Relating to Surface Water Drainage, Management and maintenance of drainage elements and foul water drainage.

**6.11 Ecology, no objections, subject to conditions**

6.12 A requirement to achieve a measurable biodiversity net gain using the small site BNG metric. The proposed integrated nest boxes and green roofs are supported and recommend securing these with conditions.

**7.0 Third Party Representations**

7.1 4 representations have been received.

7.2 The 4 objections have raised the following issues:

- Plot 1 is too close to the neighbouring dwellings, appear oppressive and overbearing
- Plot 1 negative impact on Residential amenity impact in terms of overlooking in particular.
- Will the fern trees on the existing access be cut down to an acceptable height?

7.3 One neutral comment requests appropriate measures to protect the trees adjacent to the property (including the mature street tree on the verge outside the property on Hills Avenue) during any building works.

**8.0 Member Representations**

8.1 Not applicable

**9.0 Assessment**

**9.1 Principle of Development**

9.2 The principle of development for housing in this location is acceptable in accordance with Policy 3 of the Cambridge Local Plan 2018 subject to compliance with Policy 52 of the Cambridge Local Plan 2018.

9.3 Policy 52 in the Cambridge Local Plan October 2018 "Protecting garden land and the subdivision of existing plots" states:

*"Proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where:*

*a. the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area;*

*b. sufficient garden space and space around existing dwellings is retained, especially where these spaces and any trees are worthy of retention due to their contribution to the character of the area and their importance for biodiversity;*

*c. the amenity and privacy of neighbouring, existing and new properties is protected;*

*d. provision is made for adequate amenity space, vehicular access arrangements and parking spaces for the proposed and existing properties; and. there is no detrimental effect on the potential comprehensive development of the wider area"*

9.4 The previous application 21/02357/FUL for 3 dwellings on the site was refused for the following seven (7) reasons:

9.5 *Reason 1. The application proposes to use the existing access from Hills Road to serve the two dwellings on Plots 1 and 2. There is insufficient space available to achieve an access width of at least 5m for the first 5m from the back of the adopted public highway (in this case the rear of the grass verge behind the footway). As such it is considered that two average sized domestic vehicles would not be able to pass each other while both are wholly off the adopted public highway and as a result the increased likelihood of unnecessary manoeuvring within the adopted public highway would be detrimental to highway safety in particular to cyclists using the cycle lane along the street. The proposal is therefore contrary to Policy 81 of the Cambridge Local Plan 2018.*

9.6 This is considered to be addressed by the current application as only one dwelling is now proposed to replace the existing dwelling.

9.7 *Reason 2. The two proposed dwellings on Plots 1 and 2, by reason of their two-storey scale and siting in close proximity to each other with minimal spacing between them, and their close proximity to the common boundaries with properties at 3 and 4a Cavendish Avenue, 1 Hills Avenue and Homerton Court, would result in an overly cramped form of development in this backland location that would fail to respond positively to its context and be out of keeping with the*

*character of the area. The proposal would therefore not be compliant with policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.*

- 9.8 The existing dwelling is now proposed to be replaced by a single dwelling rather than two. The dwelling is now inset at a distance of approximately 4 metres from the boundary with Cavendish Avenue
- 9.9 *Reason 3. The proposed dwelling on Plot 2 by reason of its proximity to the common boundary with Homerton Court, 239 Hills Road would lead to a detrimental loss of privacy to this adjacent property's outside amenity areas, through overlooking from a first floor bedroom window on the western elevation of the proposed dwelling. The proposal would therefore not be compliant with policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.*
- 9.10 *Reason 4. The proposed dwelling on Plot 3 by reason of its proximity to the common boundary with Tirnalia House, 2 Hills Avenue, would lead to an unacceptable loss of light to the east facing ground floor windows and outdoor amenity space enjoyed by occupiers of this neighbouring property. The proposal would therefore not be compliant with policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.*
- 9.11 There is now a section of flat roof to the rear of the proposed new dwelling to be sited next to this property. This is further discussed in the sections below.
- 9.12 *Reason 5. The proposal has failed to demonstrate that the erection of three detached dwellings can be achieved whilst ensuring there would not be detrimental harm to protected trees under a Tree Preservation Order (ref TPO 0004 2021). The dwelling on Plot 3 would result in the loss of protected walnut and spruce trees, significant pruning to a protected beech tree to accommodate construction, and would be too close to a protected pine to allow for future growth. The proposed dwelling on Plot 2 is located close to and within the RPA of a TPO'd cypress, and the health of this tree would be threatened both during construction activity and through likely pressure from future occupiers to allow works to the tree to reduce perceived nuisance. The development, by resulting in the loss of valuable trees and compromising the realistic retention of others, would be harmful to the amenity value of the trees and their contribution to the amenity and character of the surrounding area. There are not considered to be sufficient public benefits to outweigh the current and future amenity value of the trees. The proposal would therefore not be compliant with policies 52, 55, 56, 57, 59 and 71 of the Cambridge Local Plan 2018.*
- 9.13 The proposal is now for the erection of one dwelling off Hills Road and one from Hills Avenue. There are still concerns regarding the impact of the development on TPO'd trees both on site and removed from the site. This will be discussed later in this report.
- 9.14 *Reason 6. The planning application proposes the demolition of the existing dwelling at 237 Hills Road. The applicant has not provided any ecological assessments. There is bat potential in the existing building, and a preliminary Ecological Appraisal and Protected Species Scoping Survey for the whole site*

*is required. In the absence of any surveys, the proposal does not accord with policy 70 of the Cambridge Local Plan 2018 which requires the protection of priority species and enhancements of their habitats.*

9.15 There has been a Bat survey submitted in the current application. The LPA Ecologist is content with the level of survey work submitted.

9.16 *Reason 7. The proposed dwellings meet the overall gross internal floor area standard for 4 bedroom, 8 person bedspace as required by Policy 50 of the Cambridge Local Plan 2018. However the individual room sizes for Plot 1 and Plot 2 do not meet the internal space standards for a double (or twin bedroom) of a floor area of 11.5m<sup>2</sup> with Bedrooms 3 and 4 of each of these proposed dwellings below this floor area. The proposal has therefore failed to comply with the Government's Technical Housing Standards, Nationally Described Space Standard (2015) or successor document and Policy 50 of the Cambridge Local Plan (2018).*

9.17 This has been overcome in the current application.

#### **9.18 Appearance, Layout and Scale**

9.19 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

9.20 With regards to the proposed Plot 1. The proposed replacement dwelling would result in a larger dwelling on site than the existing dwelling. Indeed, the proposed dwelling is approximately 212 sqm larger, (over double the size) of the existing property. However, the proposed dwelling is located in a sizable plot. Also, the footprint is well off set from the boundaries of the site (4.6m off the west and 4.5m off the north). While the footprint / building lines are moving further away from Homerton Court and 1 Hills Avenue than the existing dwelling. Officers also note the eaves is similar to the existing dwelling and the ridge only circa 1m taller. Overall, in Officers opinion, an acceptably designed replacement dwelling within a spacious layout has been achieved. The impact on residential amenity and landscape is discussed in the sections below.

9.21 With regards to Plot 2. The application proposes to subdivide the original plot, creating a secondary access from Hills Avenue. The principle of the subdivision of the existing L shaped plot of land to provide an additional dwelling with access from Hills Avenue is considered, subject to impact on trees, acceptable. There appears to be ample width of frontage on Hills Avenue to allow this to take place.

9.22 However, if this change were permitted, there would be a clear change in character to the host plot from the perspective from Hills Avenue. Current views from Hills Avenue towards the host plot offer pedestrians and the like, a verdant tree lined boundary, albeit adjacent to a circa 1.8m high wooden fence. The existing trees would largely be removed other than the TPO'd tree (within the

site) that is cited to be kept, and the tree within the grass verge adjacent to the road. The replacement planting shows one replacement tree to the south, a *Betula pendula* (Silver Birch). Taking a pragmatic view, Officers would conclude that the non TPO'd trees could be removed without requiring planning permission, also, the opening up of the front of the site could be considered more in keeping with the street scene. This is instead of having a 1.8m high timber fence that runs across the frontage of the site. Such a fence can attract graffiti, also it is poor for on street natural surveillance. As such, subject to the retention of the TPO'd trees, acceptable replacement TPO planting and retention of the tree within the grass verge. Officers do not object to the principle of a new dwelling in this location with access from Hills Avenue.

- 9.23 The proposed dwelling fronting Hills Avenue (front elevation only) is considered to relate well to the street frontage and the staggered building line. The siting respects the neighbouring building lines to the west in particular. The proposed dwelling has a ridge approximately 0.9m lower than that of the immediate neighbour to the west, Tirnalia House. The 1.0m separation to the western boundary allows the proposed dwelling to assimilate well into the street scene. To the east, there is 7.6m gap to the common boundary, this provides a suitable offset to No. 1 Hills Avenue that is a larger, slightly taller, impressive detached neighbouring dwelling.
- 9.25 The proposed dwelling would have a small expanse of flat roof to the rear. This is acceptable subject to being a Green or Brown roof. A condition could be attached to any permission to ensure that this flat roofed area is not used as a terrace or outside amenity space. This would also provide a habitat for biodiversity.
- 9.26 With regards to the rear dormer window. This is however considered grossly over scaled, disproportionate with the rest of the roof slope. Although the proposal is not strictly an 'extension' and is part of a new build. The Roof Extensions Design Guide within appendix E of the 2018 Local Plan provides a good guide to what could be considered acceptable. The guidelines within appendix E states, roof extensions should relate well to the proportions, roof form and massing of the existing house and neighbouring properties. They must be appropriate in size, scale and proportion to the existing house and adjoining properties and must not be so large as to dominate the existing roof or to overwhelm their immediate setting. The guidelines go on to say (E6) 'Proposals for roof extensions are unlikely to be acceptable where they perpetuate forms of existing, but poorly designed roof extensions in particular; or are insensitively designed large 'box type' roof extensions which show little respect for the existing roofline or for the scale, design and proportions of the existing property and its neighbours.'
- 9.27 In this case, the large box dormer proposed to the rear does not replicate the dormer architecture witnessed locally and is considered poorly designed. The dormer would be visible from neighbouring dwellings set to the north of the rear building line and glimpses from the street scene. As such, Officers object to this aspect of the proposal. The impact on residential amenity and the Landscape is provided in the sections below.

## **9.28 Residential Amenity**

- 9.29 Policy 34, 35, 50, 52 and 58 seek to preserve the amenity of neighbouring and/or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

### **9.30 239 Hills Road - Homerton Court and 235 Hills Road**

- 9.31 From Plot 2, there would be some oblique overlooking from the first and second floor bedroom windows into the communal outdoor space of Homerton Court. However, not to a significant degree so as to warrant a reason for refusal. Officers are also mindful that the previously refused application 21/02357/FUL, did not have a reason for refusal on these grounds and the relationship was similar.

- 9.32 In relation to overlooking from Plot 1 towards 239 Hills Road - Homerton Court. The nearest first floor and second floor window on the front elevation of the proposed dwelling is not directly opposite the rear garden space of Homerton Court but some 3.4m to the north, and 4m set off the boundary. There would be some overlooking into the rear garden space of this communal block, however, on balance the level of harm caused is considered moderate to low. In terms of mitigation, there is considerable mature vegetation between the host plot and the flats, that is shown on the Landscaping plan to be retained. Also, with the rooms in question being bedrooms, ie used mainly at night with curtains. Officers consider that on balance a reason for refusal on overlooking into the rear outdoor space of Homerton Court cannot be sustained. The elevation to elevation distance is 21m and considered acceptable. The impact with regards overshadowing, loss of light and over dominance is considered acceptable given the separation distances.

- 9.33 With regards, views from the Plot 1 into the rear of 235 Hills Road. The nearest first and second floor front facing bedroom windows are at an oblique angle. There could be some overlooking into this rear garden space. However, there is a double garage proposed in between for Plot 1, with a height of 4.1m this is considered to in part, obscure views across. Given this mitigation, the oblique angle, the mature planting on the boundary and the 32m elevation to elevation separation distance, no objection is raised in terms of overlooking, over dominance, loss of light or overshadowing.

### **9.34 3 and 4A Cavendish Avenue**

- 9.35 The proposed dwelling (Plot 1) would present a side elevation to the rear boundary of both these neighbouring properties. However, the proposed dwelling would be inset by approximately 4.5m from the common boundary. While the distance to the common boundary from 3 Cavendish Avenue is 29m and from 4A Cavendish Avenue the distance is 22m.

- 9.36 The proposal includes two, first floor north facing windows. One is in the front gable which would face towards the garden of 3 Cavendish Avenue, the other a side facing window to an ensuite. The submitted drawings have been amended to show that these would be obscurely glazed and a condition would be imposed to ensure that these first floor north facing windows remain obscurely glazed to prevent loss of privacy through overlooking. Overall, there is not considered to be a significant detrimental loss of privacy through overlooking, overshadowing or over dominance; to either of these two neighbouring dwellings. The submitted daylight and sunlight report backs up this assessment.

#### **9.37 4 Cavendish Avenue**

- 9.38 The proposed replacement dwelling (Plot 1) would overlook the far end of the garden of 4 Cavendish Avenue. There would be 4 rear bedroom windows and a one bathroom window facing east. However, No. 4 Cavendish Avenue has a rear garden depth of some 45m.
- 9.39 The proposed new dwelling (Plot 1) has a rear garden depth at its closest of approximately 8.97 metres. This is between the two-storey rear outshot and the common boundary to the east (serving a 1<sup>st</sup> bathroom only, no 2<sup>nd</sup> floor). The remaining section of rear garden is inset by approximately 12 metres (housing the 4 rear bedroom windows). Given this offset from the common boundary with 4 Cavendish Avenue, it is considered that there would not be a significant detrimental loss of amenity and privacy through overlooking into the most usable parts of the garden space of 4 Cavendish Avenue or the dwelling No. 4 Cavendish Avenue itself. The owner of this property has raised concerns regarding overlooking and detrimental loss of privacy. However, as the closest first floor window serves an ensuite. On balance, it is not considered a significant loss of residential amenity with occur.
- 9.40 Officers are also mindful of the 2021 refusal for 3 dwellings on the site. In this instance overlooking was not given as a reason for refusal and the impact was similar on No. 4 Cavendish Avenue. Indeed, the delegated report concluded:

*'there would not be a detrimental loss of amenity through overlooking into the garden of this property'.*

Officers shall, in the event of an approval, condition the nearest first floor bathroom window to be obscurely glazed and non-openable for perpetuity and the drawings have been amended to show this.

#### **9.41 1 Hills Avenue**

- 9.42 The proposed new dwelling (Plot 2) would be sited to the south west of No. 1 Hills Avenue. There are no first or second floor windows on the eastern elevation facing this property. There is a 7.6m offset from the common boundary with this property. As a result, there is not considered to be any significant loss or residential amenity in terms of overlooking, over bearing, loss of light or over shadowing.

- 9.42 Plot 1 would be to the north of the rear garden of this property. Given the location of the flank and rear building lines of the proposed dwelling, only very oblique views towards the rear most garden space would be available. Overall, Plot 1 is not considered to harm the amenities of this neighbouring property.

#### **9.43 Tirnalia House**

- 9.44 This property is sited to the west of Plot 2 and has a side facing dining room and kitchen windows at ground floor and a small patio area to the side. To the rear it has two windows and double door to the kitchen area which look onto a small area of amenity space to the rear of the dwelling. At first floor level Tirnalia House has a double casement study window facing the side of the proposed dwelling on Plot 2. There is a distance of approximately 4.8m between the side wall of this dwelling and the side wall of the proposed dwelling. The ground floor side facing windows do not pass the Vertical Sky Component test. However, the VSC test is applied on a window by window basis and does not take into account that a room may benefit from multiple light sources. In the case of the ground floor windows, they are part of an open plan dining/kitchen room which has five other windows, which are essentially unaffected by the development.
- 9.45 The net effect of the above, is that because the room has windows which are unaffected by the development, the loss of daylight to the room is unlikely to be noticeable. This is further confirmed by the fact that the room exceeds the daylight distribution recommendations by a significant margin. Officers therefore accept that the proposal would not be detrimental to light levels reaching the ground floor rooms of this property. Given the offset, the impact on the first floor study window of Tirnalia House is considered acceptable. The Sunlight Study submitted indicates that the exterior amenity space would not be further harmed by the proposal.
- 9.46 Proposed Plot 2 has no first floor western flank fenestration. Overall, Plot 2 is considered to give rise to an acceptable level of residential amenity to Tirnalia House in terms of loss of light, over dominance, overshadowing and overlooking.
- 9.47 However, Officers have concerns that the first floor study area within Tirnalia House that faces eastwards would look across into the useable rear garden space (patio area) of Plot 2. This distance from this first floor window is only 5m. This is an unfortunate biproduct of the design of Tirnalia House, that Officers consider would represent a poor standard of outdoor amenity area for the future residents at Plot 2 and is thus objectional. Boundary screening at Plot 2 could not be achieved without additional harm on the neighbouring dwelling.
- 9.48 In the event of an approval, Officers would recommend the removal of permitted development rights for both dwellings, classes A (extensions), B (roof alterations) and E (outbuildings) for the new dwelling to further control developments at the site that could affect residential amenity and appearance.



9.49 Amenity of future occupiers

- 9.50 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015). Both proposed dwellings meet the overall space standards exceeding the policy size significantly. The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	6	12	3	138	Exceeds 327	189
2	5	10	3	134	Exceeds 211	77

- 9.51 The applicant has provided a Day and Sunlight Lighting assessment. This report confirms that the proposed design satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'. With regards to the internal room spaces. The ground floor rooms are or can be dual aspect, the first and second floor rooms are bedrooms, where light would not be as important. Officers accept the findings of the report however, are of the view that the large Beech (T5) in neighbouring 1 Hills Avenue has not been included in the calculations. The trees included in the internal lighting assessment are not given.

- 9.52 With regards to the external areas. The Day and Sunlight Lighting assessment confirms in Paragraph 3.7.7

*"For the purpose of our assessment, we have therefore discounted the overshadowing effect of deciduous trees".*

All the nearby trees affecting light levels are deciduous, therefore the findings of the report must be taken with caution. Officers have concerns that the rear garden patio space and adjoining kitchen and dining room spaces, would be affected by overshadowing from the substantial tree canopies and therefore increase pressure for their removal. Taking into account the movement of the sun, the overshadowing would be in the mornings whereas the enclosure provided by the tree canopies themselves would be for 6 months of the year. Therefore, it is considered there would be pressure to reduce or remove the nearby TPO'd walnut tree (T1), its impact compounded also by the larger canopy of the T5 Beech. As such, this forms a reason to objection to the application.

9.53 Size of external amenity space

- 9.54 The proposal provides an adequate size of private outdoor amenity area to each proposed property. However, in the case of Plot 2, the most usable parts

of this outdoor space would be overlooked. Also, the proximity of the nearby TPO'd Walnut tree is considered problematic for the amenity of future residents. As such, although the overall size is acceptable, the usability of this space for Plot 2 is not considered compliant with Cambridge Local Plan (2018) policies 50, 52 and 56 in this respect.

9.55 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings. Both dwellings have a ground floor toilet and living space. This could be converted to a bedroom if required. Officers consider that the layout and configuration enables inclusive access and future proofing.

9.56 Refuse Storage Arrangement

9.57 The refuse storage arrangements can be secured via Planning Condition.

9.58 Construction and Environmental Impacts

9.59 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance.

9.60 The Council's Environmental Health team have assessed the application and recommended that they have no objections subject to standard conditions relating to construction/demolition/delivery hours and piling conditions. A noise impact assessment, an EV charge point in at least one of the car parking spaces, per dwelling and an informative for plant insulation. These conditions are considered reasonable and necessary to impose.

## **9.61 Highway Safety and Transport Impacts**

9.62 Policy 82 states that planning permission will not be granted for developments that would be contrary to the parking standards set out in Appendix L. The site is located outside of a controlled parking zone. The Policy states outside of controlled parking zone no less than a mean of 0.5 spaces per dwelling, up to a maximum of 2 spaces per dwelling. At least two parking spaces are available per plot and a turning area for both.

9.63 The Highway Authority was consulted on the application and stated no objections subject to the standard Highways conditions that shall be applied in this case. The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking. It is considered that this can be achieved via a planning condition for the new dwelling. Cycle provision is made available for both dwellings, again this can be controlled via planning condition.

9.64 The proposal is compliant with Cambridge Local Plan (2018) policy 80, 81 and 82.

## **9.65 Biodiversity**

- 9.66 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimizing, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 9.67 The planning application proposes the demolition of the existing dwelling at 237 Hills Road. The applicant has provided an ecological assessment and there is the potential for bats in the existing building that was established in the 2021 refusal. As a consequence, a Bat Report and Bat Surveys in the existing house and garage have been submitted.
- 9.68 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends several conditions to ensure the protection of species and ensure a measurable biodiversity net gain is achieved using the small site BNG metric. The proposed integrated nest boxes and green roofs are supported and recommend securing these with conditions.
- 9.69 Subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

## **9.70 Impact on protected trees**

- 9.71 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.
- 9.72 A Walnut tree on site is protected under Tree Preservation Order (TPO), ref: TPO 0004 (2021). There is a mature Copper Beech tree at 1 Hills Avenue which is also protected by a TPO. A Hornbeam is sited in the highway verge on the Hills Avenue frontage, this not protected by a TPO although makes a positive contribution to the local area.
- 9.75 The Tree Officer is of the view that the position of the proposed dwelling on Plot 2, at the edge of the canopy of T1 (Copper Beech) and T5 (Walnut) creates a conflict between the trees and the new dwelling and materially limits the plot's

useable outside space around the house. Officers agree with this concern. Indeed, the Day and Sunlight Lighting assessment confirms in Paragraph 3.7.7

*“For the purpose of our assessment, we have therefore discounted the overshadowing effect of deciduous trees”.*

All the nearby trees effecting light levels are deciduous, therefore the findings of the report in terms of outdoor lighting must be taken with caution.

- 9.76 Revised plans have been submitted showing the footprint of the house on plot 2 reduced in size to allow the patio area directly to the rear to be clear of the tree’s canopies. This should allow the use of this external amenity space for future occupiers whilst minimising the potential nuisance from this tree. However, Officers agree with the Tree Officer in that given the proximity of the Walnut Tree and the shadow it creates. There would be significant pressure for this tree to be removed for reduced. As the health of this tree would be threatened through likely pressure from future occupiers to allow works to the tree to reduce perceived nuisance, Officers object to the proposal.
- 9.77 Separate to this objection is the fact that the extent of hardstanding for Plot 2, does not accommodate enough room for replacement planting for trees lost along the Hills Avenue frontage. In particular, the two lost TPO’d trees. Only one tree is proposed to be replaced.
- 9.78 As such, the proposal has failed to demonstrate that the erection of the proposed dwelling on Plot 2 can be achieved whilst ensuring there would not be detrimental harm to trees protected under Tree Preservation Orders.
- 9.79 The development, by compromising the realistic retention and replanting of TPO’d trees would therefore be considered harmful to the amenity value of the trees and their contribution to the amenity and character of the surrounding area. There are not considered to be sufficient public benefits to outweigh the current and future amenity value of the trees. Officers are therefore of the opinion that the proposal would not be compliant with policies 50, 52, 55, 56, 57, 59 and 71 of the Cambridge Local Plan 2018.

#### **9.80 Carbon Reduction and Sustainable Design**

- 9.81 The Council’s Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimize their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 9.82 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve, as a minimum, water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions.

9.83 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimized as far as possible.

9.84 To ensure compliance with Cambridge Local Plan (2018) policies 28 and 30 and the Greater Cambridge Sustainable Design and Construction SPD 2020, conditions will be attached to any consent granted requiring submission of a Carbon Reduction Statement to meet part L of Building Regulations, and a water efficiency specification, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations.

**9.85 Other Matters**

9.86 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimize flood risk. The site lies within Flood Zone 1 (low risk). The Council's Drainage Officer has been formally consulted in this application and offers no objection subject to conditions on foul water drainage and surface water drainage. Subject to conditions no objection is raised.

9.87 The concern with regards the Fern trees along the entrance to Plot 1 can be controlled via planning condition in the event of a positive recommendation.

**9.88 Planning Balance and Conclusion**

9.89 The Local Authority benefits from a 6.5 year housing land supply as evidenced by the Greater Cambridge Housing Trajectory and Five Year Housing Land Supply Report (1 April 2022). As such, due to the positive housing figures in the District, the local plan takes primacy in decision making, however the NPPF is a significant material planning consideration.

9.90 Although there are other dwellings located nearby, it is clear that the host site has over the years formed a verdant green gap in the streetscape especially from the Hills Avenue elevation. Officers are mindful that the removal of the fence line along Hill Avenue could be considered a betterment of the street. However, there has not been shown to be enough space for replacement planting (of the lost TPO'd tree to the south). While the existing Walnut tree in the south of the site is considered to be at risk by future occupiers. Thus, the proposal fails to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature.

9.91 Further to these concerns the overlooking issue from Tirnalia House into the patio area at Plot 2 also is considered a substandard arrangement that Officers do not support. Equally, the incongruous design of the rear box dormer in Plot 2 is objectional and considered contrary to Local Policy.

9.92 Such environmental harm is given significant weight in the planning balance. Officers accept that there would be some economic uplift during the

construction period. However, there are no significant social community benefits from allowing two residential dwellings in this location (net gain of one). Especially given the healthy housing figures achieved by the local authority. Members should also remember that residential garden space is not considered 'Previously Developed Land' either locally or by the NPPF.

- 9.93 Ultimately, the environmental harm would clearly and demonstrably outweigh any benefits accrued from the proposed development. Having taken into account the provisions of the 2018 development plan, the 2021 NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for refusal. As the benefits to do not outweigh the harm identified, detailed above.

## **9.96 Recommendation**

### **Refuse**

1. The proposal has failed to demonstrate that the erection of two detached dwellings can be achieved whilst ensuring there would not be detrimental harm to protected trees under a Tree Preservation Order (ref TPO 0004 2021). The proximity of the existing protected Walnut Tree and Beech Tree to the rear of Plot 2 is considered to result in unacceptable levels of overshadowing, enclosure and loss of light to the usable parts of the rear garden space and associated internal living and dining room spaces and their primary outlooks. Also, the close proximity of this protected tree to plot 2 is also likely to give rise to pressure from future occupiers to allow works to the tree to reduce or remove the perceived nuisance, thus comprising any future growth. Separately, the planting proposed along the southern boundary with Hills Avenue does not provide enough room to replace the lost protected trees, (a Pine and a Spruce) in that location. The development, by compromising the realistic retention and replanting of protected trees, would be harmful to the amenity value of the trees and their contribution to the amenity and character of the surrounding area. There are not considered to be sufficient public benefits to outweigh the current and future amenity value of the trees. The proposal therefore is considered contrary Policy 50, 52, 55, 56, 57, 59 and 71 of the Cambridge Local Plan 2018 that seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. The development is also considered contrary to Para. 131 of the NPPF that seeks for existing trees to be retained wherever possible.

2. The existing first floor study windows of Tirnalia House to the west of Plot 2 would overlook into the most useable rear garden / patio of area of Plot 2. As such, a substandard level of residential amenity is achieved for future occupiers of Plot 2. The application is therefore considered to be contrary to Policy 34, 35, 50, 52 and 58. Collectively, these policies seek to preserve the amenity of neighbouring and/or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces. The NPPF requires developments to have a high standard of amenity for existing and future residents (Paragraph 130). This is not achieved in this instance.
3. The proposed rear facing box dormer window at Plot 2 is considered excessively large and disproportionate to the roof slope in which it is proposed. The rear box dormer is not reflective of the local area and is considered poor urban design. The development is contrary to policies 55, 56, 57, 58 and 59, also the Roof Extensions Design Guide within appendix E of the 2018 Local Plan and paragraph 130 of the NPPF. Collectively, these policies seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials.