



# Appeal Decision

Site visit made on 17 January 2023

**by Nichola Robinson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 February 2023**

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**Appeal Ref: APP/Q0505/W/22/3299064**

**18 Adams Road, Cambridge CB3 9AD**

- 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 Professor Cathy Speed against the decision of Cambridge City Council.
  - The application Ref 21/01437/FUL, dated 29 March 2021, was refused by notice dated 07 December 2021.
  - The development proposed is erection of 2no dwellings following the demolition of No.18 Adams Road.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellant has submitted a daylight and sunlight assessment and an ecology rebuttal with the appeal. The main parties have had the opportunity to comment on these documents. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to the submitted documents in determining this appeal.

## Main Issues

3. The main issues are the effect of the proposal on:
  - biodiversity;
  - the character and recreational value of the Adams Road Bird Sanctuary; and
  - the character and appearance of the surrounding area including the West Cambridge Conservation Area

## Reasons

### *Biodiversity*

### Background

4. The appeal site is 18 Adams Road, a large, detached property set within a spacious plot. The appeal site adjoins the Adams Road Bird Sanctuary (ARBS), which is identified as a Protected Open Space and a City and County Wildlife Site in the Cambridge Local Plan (LP) (2018) on account of its breeding populations of Great Crested Newt, Common Frog and Common Toad and its diverse invertebrate fauna.

5. The proposal would result in the erection of 2 dwellings following the demolition of the existing dwelling. The proposed northernmost dwelling would be sited closer to the boundary with the ARBS than the existing dwelling.

#### Effect on the Adams Road Bird Sanctuary (ARBS)

6. The consultation response from the Bedfordshire, Cambridgeshire and Northamptonshire Wildlife Trust (WT) states that the ARBS supports a wide variety of birds, amphibians, invertebrates and mammals and is important for environmental and recreational purposes based on substantive nature conservation interest. Their response goes on to state that part of the site's value for wildlife derives from the buffer created by the large gardens which surround the ARBS which support the breeding, feeding and sheltering requirements of many of the species found within it as they form complementary and supporting habitats.
7. The appeal site itself is not part of the City or County Wildlife Site. The appellant's Preliminary Ecological Appraisal survey (PEA) and Ecology rebuttal state that the percentage loss of buffer land to the ARBS would be small and the garden land that would be lost is primarily short turf regularly mown amenity grassland that is of low ecological value. It is stated that this grassland is highly unlikely to be of any meaningful value to the amphibian fauna that inhabit the ARBS as it offers no form of cover for amphibians to shelter and is of low value for invertebrate species. Thus, it is stated, the proposal would have no direct impact on the habitats and associated fauna within the ARBS.
8. Whilst the percentage loss of buffer land would be relatively small, nonetheless the proposal would bring built form and associated domestic paraphernalia and lighting closer to the ARBS. Additionally, whilst the site itself may be of low value, there is no meaningful evaluation of the role that these buffer zones play in protecting the habitats within the ARBS. Thus, it has not been demonstrated that the role of this buffer for breeding, sheltering and feeding of amphibian, mammal and invertebrate populations would not be diminished. Thus, the proposal would fail to minimise ecological harm to populations and habitats within the ARBS and would fail to secure appropriate compensatory measures to mitigate this harm.
9. It is stated that the proposed green roof, lighting, glazing, species specification for the green buffer zone, construction management and the protection of trees on the site boundary can all be dealt with by condition to mitigate against the effects of the proposal and I note that the appellant agrees to the imposition of such conditions. Planning Practice Guidance (PPG) advises that conditions may be imposed where doing so is necessary to avoid a refusal of planning permission. Indeed, I note that the Council's Conservation Projects Officer raised no objection to the proposal subject to the inclusion of conditions to control these matters. Nonetheless, I have not been provided with any particular evidence that such conditions would overcome the specific harm to the ARBS and its important role for breeding, feeding and sheltering of wildlife as identified in the consultation response from the WT. Thus, it is not appropriate to deal with the approval of such measures by condition.
10. My attention has been drawn to other residential developments which neighbour the ARBS. At my site visit I observed that most of these dwellings were set within spacious plots and located some distance from the boundary with the ARBS, with the exception of 4 Clarkson Close, which is located close to

the boundary. Notwithstanding this, the full details of the circumstances in which this dwelling was erected and its effect of on the ARBS are not before me. Thus, this dwelling does not set a precedent which I am bound to follow and furthermore does not justify further loss of buffer land to the ARBS.

### Biodiversity Net Gain (BNG)

11. The National Planning Policy Guidance (NPPG) sets out that net gain in planning delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. The NPPG states that care needs to be taken to ensure that any benefits promised will lead to genuine and demonstrable gains for biodiversity and go further than measures already required to implement a compensation strategy.
12. National policy expects development to provide a net gain but does not specify a quantum. The Environment Act 2021 introduces a requirement for a 10% BNG on all developments but this requirement has not yet come into effect. I have not been made aware of local planning policies which set a BNG target.
13. The appellant's BNG metric states that there would be a 16.6% net gain in biodiversity on-site which would be achieved through woodland meadow and tree planting, a bee lawn and shrub planting within landscaping areas. The measures proposed would exceed emerging national targets.
14. Concerns are raised that a substantial portion of this BNG would rely on the garden areas being appropriately managed. I have not been provided with a detailed management plan which establishes how these gardens would be managed to secure gains for biodiversity in the long term. Nonetheless, there is nothing to exclude the inclusion of private rear gardens from delivering BNG.
15. The appellant has drawn my attention to a recently adopted Supplementary Planning Document, The Greater Cambridge Biodiversity Supplementary Planning Document (2022), which it is suggested supports the appellant's approach to BNG calculation. Whilst I have not been provided with the full details of this document, whether or not this is the case, I have no reason to find that the proposal would not lead to some BNG on the appeal site

### Conclusions on biodiversity

16. I have found that the proposal would result in a negative impact on biodiversity in the ARBS and thus would not lead to an ecological enhancement or genuine and demonstrable gains for biodiversity. Whilst there may well be a net gain in biodiversity on the site itself, it has not been appropriately evidenced that the proposed on-site BNG measures would mitigate the adverse effects on the ARBS and overall leave biodiversity in a measurably better state than it was before any development took place. Thus, the proposal conflicts with those aims of LP policies 69 and 70 which seek to ensure that ecological harm is minimised, mitigated or compensated and does not have an adverse impact on a site of biodiversity importance. I also find conflict with paragraph 180 of the Framework which states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort compensated for then planning permission should be refused.

*Character and recreational value of the ARBS*

17. The site neighbours the ARBS, which is screened by vegetation on all sides and separated from neighbouring houses by large rear gardens. This results in a verdant and tranquil character to the ARBS which, in addition to the biodiversity found within the site, appears to form part of its amenity and recreational value. Whilst I note that the ARBS is private, nonetheless I have not been presented with any substantive evidence to show that it is not a valuable recreational resource for people who are members.
18. The proposal would bring built form closer to the northern boundary. Nonetheless, a screen of vegetation would be retained, which, in addition to proposed planting along the northern site boundary, would partially screen the proposed dwellings in views from the ARBS. Consequently, the proposal would not compromise the special character of the ARBS.
19. Notwithstanding this, the potential loss of ecological value would compromise the amenity and recreational value of the ARBS for its users. Consequently, the proposal would conflict with those aims of LP Policy 55 which, amongst other matters, state that proposals should identify and respond positively to existing features of natural, historic or local importance on and close to the proposed development site.

*Character and appearance of the surrounding area*

20. The appeal site is located in a predominantly residential area within the West Cambridge Conservation Area (CA), which covers a residential area to the west of the City Centre. The area comprises spacious residential streets lined with large, detached houses of varying architectural styles set within spacious plots. Within the surrounding area there are examples of a number of dwellings with no street frontage including the appeal site. Many of the roads are lined by mature hedging and trees. This, along with planting within front gardens, gives the area an attractive green and verdant character which contributes to the significance of the CA.
21. The appeal property is not listed and does not appear to be of any particular architectural or historic interest. Nonetheless, the appeal property is consistent with the character and appearance of the surrounding area and makes a positive contribution to the CA. The appeal site contains a number of trees which are protected by reason of being in a conservation area and 2 trees which are protected by a Tree Preservation Order (TPO).
22. The proposal would result in the erection of two modern detached dwellings. The proposed dwellings would each be large and set within substantial plots. The layout, design, scale and height of the dwellings would be consistent with the properties in the surrounding area. Furthermore, the dwellings would not be visible from Adams Road.
23. Both parties agree that trees protected by a TPO would not be affected by the proposal. It is proposed to remove 9 trees which would be replaced with 11 trees along the northern site boundary. The proposal is supported by an Arboricultural Impact Assessment (AIA) which sets out that one A category tree (T28), 4 B category trees (T26, T29, T31, T32) and 4 C category trees (T27, T30, T33, T34) would be removed. At my site visit I observed that whilst these mature trees are attractive, by virtue of their location within the centre of the

site, they make a limited contribution to the character and appearance of the surrounding area. I have been presented with no particular evidence that the site does not have the capacity to accommodate the proposed replacement tree planting. Consequently, I find that the proposed replacement trees would adequately compensate for the removal of these trees and thus their loss would not be harmful to the character and appearance of the surrounding area and the CA.

24. Concerns are expressed that the proximity of the proposed southernmost dwelling to mature trees would result in restricted outlook and limited light levels to this dwelling, which would result in future pressure for works to trees to improve light levels to the property. The proposed southernmost dwelling would contain most of the openings within the east and west elevations and the areas of amenity space would be located to the east and west of the property. The daylight and sunlight assessment states that all proposed rooms would receive adequate levels of daylight. Thus, rooms in this dwelling would receive adequate levels of natural light from openings in the east and west elevations and would provide an acceptable living environment for future occupiers.
25. The AIA indicates that part of the gardens to the southernmost dwelling would be shaded by trees. Nonetheless, based on the submitted plans and my observations on site there would be sufficient areas beyond the spread of these trees that the proposed dwelling and associated amenity spaces would not be over-dominated. Thus, I find no particular evidence that the proposal would lead to pressure to cut back or remove preserved trees in the longer term in order to improve light levels to the property.
26. For the reasons set out above, I consider that the proposal would not compromise the character or appearance of the CA and would not result in harm to its significance. Thus, the proposal accords with LP Policies 52, 55, 56, 57, 61 and 67. Collectively these policies seek to ensure the conservation and enhancement of Cambridge's historic environment, provide appropriate replacement tree planting where felling is necessary, that development responds positively to its context and the form, height and layout of development is appropriate to the surrounding pattern of development and the character of the area. I also find no conflict with chapter 16 of the Framework regarding the conservation and enhancement of the historic environment.

### **Other Matters**

27. I acknowledge that the construction of one additional dwelling on a site at low risk of flooding would make a small contribution towards the city's housing supply. The Government's objective is to boost the supply of homes. This factor weighs in favour of the scheme. However, one additional home would make only a small contribution in this respect.
28. The proposal is likely to be able to meet with the relevant local and national policies in terms of energy efficiency, bin and cycle store provision, parking, effect on neighbouring living conditions and internal and external space standards. However, the absence of harm in this regard does not weigh in favour of the proposal, as it would be required in any event.

29. The appellant states that the implementation of an existing permission<sup>1</sup> would allow for substantial extensions to the appeal property. I have no details of whether this permission is capable of implementation. Furthermore, the full details of this permission are not before me, and I have limited information about whether there would be an intention to carry out the works approved by this permission if this appeal were dismissed. Nonetheless, there would seem a greater than just theoretical possibility that this alternative would take place. Notwithstanding this, an extension would unlikely necessitate the same encroachment of built form towards the ARBS. Thus, if this permission were implemented, it would likely be less harmful to biodiversity and the special character of the ARBS.
30. I note that this proposal follows a previous application<sup>2</sup> for a similar development and the appellant has attempted to overcome the concerns previously raised. The details of this proposal are not before me, and I note that the Council did not make a decision on this application. Nonetheless, for the reasons outlined above the amendments would still result in a proposal that would result in harm to biodiversity and the character of the ARBS.
31. Reference has been made by interested parties regarding the effect of the proposal on listed buildings. Statute requires that I pay special regard to the desirability of preserving a listed building or its setting<sup>3</sup>. However, I note that the appeal site is located some distance from the nearest listed buildings and, by virtue of this visual and spatial separation, is not located within the setting of any listed buildings. Consequently, the proposed development would preserve the setting of these listed buildings.

### **Conclusion**

36. For the reasons given above I conclude that the appeal should be dismissed.

*Nichola Robinson*

INSPECTOR

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<sup>1</sup> Ref 15/1044/FUL

<sup>2</sup> Ref 19/0831/FUL

<sup>3</sup> Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990