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## Appeal Decision

Site visit made on 23 August 2023

**by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC**

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

**Decision date: 4 October 2023**

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**Appeal Ref: APP/Q0505/W/23/3319305**

**The Varsity Hotel and Spa, 24 Thompsons Lane, Cambridge,  
Cambridgeshire, CB5 8AQ**

- 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 Mr Will Davies on behalf of The Varsity Hotel & Spa against the decision of Cambridge City Council.
  - The application Ref 22/00778/FUL, dated 15 February 2022, was refused by notice dated 3 November 2022.
  - The development proposed is described as '*Installation of a new All Weather Lightweight Retractable Roof Canopy and Associated Works*'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - (i) Whether or not the proposed development would fail to preserve the settings of nearby listed buildings, the effect of the proposal on the character and appearance of the conservation area, and the effect of the proposal on the skyline of Cambridge city.

### Reasons

3. The Varsity Hotel & Spa is a seven-storey building, approximately 21 metres tall, located in Cambridge's city centre close to the Quayside area. The area immediately adjoining the Hotel & Spa is principally residential with some commercial uses forming part of the Quayside area.
4. The appeal site comprises the top floor roof terrace with garden which is used by hotel guests, tourists, and visitors. The top floor is an open roof top terrace with timber deck pathways, timber clad services penetrations, and glazed perimeter guarding. The proposed development would comprise a structure made with a steel frame and glass with a lightweight retractable awning, which would enable the rooftop terrace to be used as an outdoor space when the weather allows, and to be covered when needed. The proposed awning would be similar to that used on the balconies of the hotel on the floor below.
5. The site is located within Cambridge's Central Conservation Area, and within the setting of several listed buildings and buildings of local interest and between the Quayside development and Jesus Green. These include listed

buildings of Magdalene College including Fellow Garden, listed walls (grade II), Pepys Building (grade I), the Bright's Building (grade II), St John's College New Court and the First Court Chapel. Buildings of local interest are located on Thompson's Lane, St John's Road and Park Parade. These various heritage assets are shown in relation to the appeal site on Figure 1 *Designated and Non-Designated Heritage Assets*<sup>1</sup>. These assets are the primary focus of the concerns of the main parties, and I see no reason to disagree.

6. The Appellant submitted a *Heritage Impact Assessment* in June 2022, and has also submitted a *Heritage Statement* as part of its Statement of Case dated February 2023. This identifies harm arising from the proposal in the form of the intervisibility between the appeal site and Magdalene College, including Fellows Garden which is partly on the opposite side of the River Cam, and to their settings. I concur with that assessment given the contribution the appeal site makes to the riverscape to which it is part of.
7. With regard to the St John's College the Appellant identifies no harm to those heritage assets. The experience of these is principally derived from the juxtaposition of the First Court Chapel against the surrounding buildings within St John's College, and from views from The Backs which would remain unaffected. I concur with the assessment that the proposal would result in no harm to the setting of these listed buildings.
8. With regard to the Central Conservation Area, I saw during my site inspection that its character and appearance in this part derives from the relatively low height of buildings – with most either two or three storey in height. The appeal building by contrast is considerably taller than this, comprising roughly seven storeys. A majority of the buildings have sloped or pitched roofs. The proposal would introduce a large and tall glazed structure on this already tall building. What this means in practical terms is that, from a number of views, the currently open lightweight glass and balustrade appearance of the building would change. Visually it would appear from ground level as an almost unfinished warehouse without side walls due to the highly glazed elements with grey coloured support struts proposed.
9. This is evident in the Verified Views dated 15 August 2022, where, for example, the proposed open and closed views from Great St Mary's Tower, Magdalene Bridge, Castle Mound, Central Jesus Green, Jesus Green Café, and Scholar's Garden are shown. It is clear that the proposal would represent a stark and highly visible further addition to the appeal building. This is especially so in the view from Magdalene Bridge, where pedestrians and others would be faced with a large, glazed box on top of a building, which typically in this area are structures with pitched roofed with brick walls.
10. This would be an addition that is at odds with the prevailing pattern of development in this area and would provide a jarring addition to the skyline of the city. This incongruity would be further exacerbated when the enclosed roof area is illuminated at night during the darker months of the year, when currently (according to the Appellant) it is not a usable space. This increase in illuminated activity throughout the year would further diminish the character of this part of the conservation area. The combination of these factors results in the proposal failing to represent a high-quality addition to the Cambridge skyline and also failing to preserve the character and appearance of the

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<sup>1</sup> See Heritage Impact Assessment, Prepared by Lanpro Services June 22

conservation area. For similar reasons, the proposal would contrast sharply with the prevailing two storey nature of development found at the buildings of local interests.

11. Accordingly, I find that the proposal would fail to preserve the setting of the nearby listed buildings at Magdalene College. It would also fail to preserve or enhance the character or appearance of the Central Conservation Area. I consider that this harm is no greater than less than substantial harm as set out in the *National Planning Policy Framework* (the Framework). This is a position broadly shared by the main parties. Nonetheless, considerable importance and weight should be given the desirability to preserve heritage assets. Moreover, to articulate the degree of harm within less than substantial harm, given the long term nature of the proposal and its potential high degree of visibility within the city skyline at both day and night time this harm would be of a modest degree.
12. Paragraph 202 of the Framework sets out that the less than substantial harm needs to be weighed against the public benefits. In this case I acknowledge that the proposal would result in locally significant economic benefits, including the retention and creation of further jobs. The enclosure of the roof terrace area would also allow it to be used more widely throughout the year providing further economic benefits from visitors to the terrace, hotel and the wider city. However, I do not find that these benefits would outweigh the less than substantial harm to the various heritage assets identified including to their character and appearance and to their settings.
13. Accordingly, I find that the proposal would fail to preserve the settings of nearby listed buildings, would fail to preserve or enhance the character and appearance of the conservation area, and have an adverse effect of the proposal on the skyline of Cambridge city. As such, the proposal would conflict with Policy 60, Policy 61 and 62 of the *Cambridge Local Plan 2018* (CLP) which, amongst other aims, seek to ensure that to ensure the conservation and enhancement of Cambridge's historic environment, proposal should preserve or enhance the significance of the heritage assets of the city, their setting and wider townscape, including views into, within and out of conservation areas.
14. The Appellant has drawn my attention to Policy 79 of the CLP which sets out that visitor attractions will be supported where they complement the existing cultural heritage of the city. However, I have not found that to be the case here, given my findings above, and as such I do not find that this policy is in favour of the proposal.

## **Conclusion**

15. The proposed development would not accord with the adopted development plan, and there are no material considerations that indicate a decision otherwise than in accordance with it. For the reasons given above I conclude that the appeal should be dismissed.

*C Parker*

INSPECTOR