



25/03079/LBC– Land Adjacent To 49 New Square Cambridge Cambridgeshire CB1 1EZ

Application details

Report to: Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

Ward: Market

Proposal: Single storey dwelling with garden and off street car parking, on the land adjacent to No. 49 New Square.

Applicant: Dr Carrie Herbert MBE

Presenting officer: Charlotte Peet

Reason presented to committee: The application was heard at Delegation Panel due to the number of third-party representations received. Following a review of the application against the criteria for referral, it was decided that Planning Committee should determine the application.

Member site visit date: N/A

Key issues:

1. Heritage Assets
2. Third Party Representations
3. Other Matters

Recommendation: Refuse

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Table 1 Contents of report

1. Executive summary

- 1.1 The application seeks consent for a single storey dwelling with garden and off street car parking, on the land adjacent to No. 49 New Square.
- 1.2 Listed building is required due to the impact to the curtilage listed walls that enclose and extend through the site.
- 1.3 The report explains that the proposal would result in substantial harm to No. 49 New Square (grade II listed building) and the Kite Conservation Area and less-than-substantial harm No. 2-71 Willow Walk (grade II listed buildings) due to the imposition of a large, modern building with the garden setting of No 49 New Square.
- 1.4 It is recommended that the application is **refused**.

Consultee	Object / No objection / No comment	Paragraph Reference
Conservation Officer	Objection due to significant harm to listed building and failure to preserve character and	11.0-11.17

	appearance of Conservation Area.	
Third Party Representations	2 comments have been submitted in support and 5 in objection, these are addressed in the relevant sections in the report.	Throughout relevant report sections.

Table 2 Consultee summary

2. Site description and context

- 2.1 The application site is located centrally within the city, it fronts onto New Square protected open space and is a short walk from primary shopping routes including Fitzroy and Burleigh Street.
- 2.2 As existing the site hosts No. 49 New Square which is a single residential dwelling and surrounding garden land. The host dwelling is a three storey, grade II listed building that sits as a prominent building on the corner of New Square and Short Street.
- 2.3 It is accessed by an existing vehicular access from Willow Walk and there is pedestrian access from New Square.
- 2.4 The application falls within the Kite Conservation Area. The application is within the setting of the No. 49 New Square (grade II listed). The site is in close proximity to the Nos 1-48 New Square, Nos 2- 17 Willow Walk and Wesley Church (grade II listed).

3. The proposal

- 3.1 The application seeks listed building consent for a single storey dwelling with garden and off street car parking, on the land adjacent to No. 49 New Square.
- 3.2 Listed building consent is required as the proposal impacts the curtilage listed walls which bound and extend through the site.

4. Relevant site history

Reference	Description	Outcome
25/03078/FUL	Single storey dwelling with garden and off street car parking, on the land adjacent to No. 49 New Square.	Pending consideration

Table 2 Relevant site history

- 4.1 The host dwelling has had little alteration in recent years.
- 4.2 There is a full application which accompanies this application, this will also be heard at planning committee today (ref. 25/03078/FUL).

5. Policy

5.1 National policy

National Planning Policy Framework 2024

National Planning Practice Guidance

National Design Guide 2021

Circular 11/95 (Conditions, Annex A)

Planning (Listed Buildings and Conservation Areas) Act 1990

5.2 Cambridge Local Plan (2018)

Policy 61: Conservation and enhancement of Cambridge's historic environment

5.3 Supplementary Planning Documents (SPD)

Sustainable Design and Construction SPD – Adopted January 2020

5.4 Area Guidelines

Cambridge Historic Core Conservation Area Appraisal (2017)

6. Consultations

Publicity

Neighbour letters – Y

Site Notice – Y

Press Notice – Y

Conservation Officer – Objection

- 6.1 The proposal will harm the setting of No 49 New Square and fails to preserve or enhance the character of the conservation area. The proposal would not comply with local plan policies 57 and 61.

- 6.2 In terms of the NPPF and the impact on the heritage asset the proposal would result in substantial harm. Paragraphs 207,212,213 and 214.

7. Third party representations

- 7.1 26 representations have been received, 2 in support, 5 in objection.

- 7.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Density and overdevelopment
- Heritage impacts including conservation area and listed building
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)
- Highway safety/ access
- Car parking
- Loss of biodiversity
- Drainage and flooding
- Impact on and loss of trees
- Certificate

- 7.3 Those in support have given the following reasons:

- Design, scale
- Character and appearance of the area
- Sustainability
- Parking

- 7.4 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

8. Local Groups / Petition

- 8.1 The Christ's Lane Action Group (CLAG) has made a representation objecting to the application on the following grounds:

- Consultation
- Heritage assets
- Biodiversity and trees

- 8.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

9. Planning background

- 9.1 The host dwelling has had little alteration since the addition of the Conservatory. There is a planning application which accompanies this application, this will also be heard at planning committee today (ref. 25/03078/FUL).

10. Assessment

- 10.1 From the consultation responses and representations received and from an inspection of the site and the surroundings, the key issues are:
- Heritage assets
 - Third party representations
 - Other matters
 - Planning balance
 - Recommendation
 - Planning conditions

11. Heritage assets

- 11.1 The application falls within the Kite Conservation Area. The application is within the setting of the No. 49 New Square (grade II listed). The site is in close proximity to the Nos 1-48 New Square, Nos 2- 17 Willow Walk and Wesley Church (grade II listed).
- 11.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. (Delete if necessary)
- 11.3 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 11.4 Para. 212 of the NPPF set out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para. 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...'

- 11.5 Policy 61 of the Cambridge Local Plan (2018) aligns with the statutory provisions and NPPF advice.
- 11.6 The Conservation Officer has been formally consulted on the application and objects to the application on the basis that the proposal would result in substantial harm to the setting of No. 49 New Square and would fail to preserve or enhance the Conservation Area. The Conservation Officer has also raised that the proposal would adversely impact the setting of the Willow Walk listed buildings.
- 11.7 The application has received several representations, some in support and some in objection. Those in objection raise concerns about the adverse impacts to the character and appearance of the Conservation Area and the listed buildings at No. 49 and Willow Walk, those in support suggest the building will be cohesive with the built environment.
- 11.8 No 49 New Square was built in 1845, it is a grade II listed building that comprises a three storey gault brick house within a prominent corner plot between New Square, Short Street and Willow Walk. The property is unusual for its height, orientation and the spacious garden around it compared to the two storey terrace properties which generally hard on the pavement or have small front gardens. It is noted within the Kite Conservation Area Appraisal (2014) as an exception to the two storey uniform terraces.
- 11.9 The garden forms an essential and unique part of the setting and makes a significant positive contribution to the listed building at No. 49 and Willow Walk and the surrounding Conservation Area. The representations received highlight the positive nature of this garden, it not only provides greening to built up areas but also provide a visible break from New Square allowing the listed buildings on Willow Walk to be visible. The proposal would negatively impact this important characteristic through the siting of the large, single storey dwelling in this location. This would remove the open aspect across the garden and create a continuation of modern, built form with the new development in the garden of No. 48. The effect would be to totally compromise the garden space and introduce incongruous levels of modern built form as to undermine the historic significance of the setting of the listed buildings and the character and appearance of the Conservation Area.
- 11.10 The objective comments suggest the proposal would result in a sprawling, two-wing dwelling with significant footprint. Officers agree with this, the

footprint is far from subservient to the main dwelling and would be excessively large in relation to the main house.

- 11.11 The Heritage Statement attempts to justify this approach, through the applicants description of a former car parking space adjacent to the Conservatory. Officers agree with the Conservation Officer, that this is not a convincing justification for the imposition of a dwelling in this location.
- 11.12 The current situation on the site is well landscaped garden, there is no building in this location nor has it been demonstrated that a building has ever been sited here. The proposed dwelling would completely enclose the space next to the dwelling, the new dwelling appears overly cramped, and is only 1 metre from the conservatory. In addition, the building would adversely impact the curtilage listed walls which current enclose and extend through the garden and help to inform the setting of No. 49 and its garden. The wall at the rear would be truncated to create an opening for parking, removing this aspect of enclosure. The walls attach to the property and this forms part of its presence, particularly to Willow Walk, and so to remove these walls adversely impacts the setting of the building. In the garden, the wall would be totally removed to make way for the property, which removes the enclosure and impacts the layout of the garden. As such, the relationship of No. 49 with its garden land and setting would be compromised, as would the outlook of the Conservatory which supports the use of the building as a dwellinghouse.
- 11.13 It is outlined in the application detail that the building takes design cues from No. 48, the modern appearance with zinc cladding is considered to be out of keeping with the character and appearance of the Conservation Area and would not preserve its special aspects. The Conservation Area Appraisal notes key positive features of New Square, including the uniformity of house designs and the common use of Gault brick and slate roofs.
- 11.14 The Conservation Officer suggests that the proposal would result in substantial harm to the listed building and Conservation Area. The proposal would also lead to less-than-substantial harm to the setting of the listed buildings along Willow Walk. The NPPF (2024) sets out that great weight should be given to the asset's conservation and that any harm should require clear and convincing justification, substantial harm should be exceptional.
- 11.15 The proposal results in harm to the setting of the listed building and character and appearance of the Conservation Area. This is not justified by the information submitted with the application. It is noted that the

application inform sets out that the proposal would result in one accessible, sustainable dwelling but this is not considered to outweigh the great weight given the harm that would result from the proposal.

- 11.16 It is considered that the proposal, by virtue of its siting, design, scale and massing, the proposal would harm the character and appearance of the Conservation Area and the setting of listed buildings without justification. The proposal is therefore contrary to the provisions of the Planning (LBCA) Act 1990, the NPPF and policy 61 of the Local Plan.

12. Third party representations

- 12.1 Some of the representations received relate to matters which fall outside the scope of the listed building application. The planning application report addresses materials considerations and the topics raised are largely covered within this report (ref. 25/03078/FUL).
- 12.2 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third party comment	Officer response
Red line incorrect	A third party representation has raised that the application red line is not correct as it does not reach the highway. The red line submitted is sufficient to provide access to the development site and therefore is not considered to be incorrect.
Invalid certificate	The certificate appears to be correct for the application submitted, and no evidence has been submitted to the council to suggest otherwise.
Consultation	Third party representations have suggested the additional properties in the surroundings should have been consulted by the LPA on the application. The consultation carried out has exceed the statutory requirements and is considered sufficient. In addition concerns have been raised that additional consultation was not undertaken on the additional documents provided by the application 15th September. This information comprises a response letter to Conservation Officer and a plan to show the former parking area which was already detailed in the Design and Access Statement. As well as some additional 3D indicative views, adding to those already on the file. There is no change to the proposal, as such it is not considered to issue an additional consultation period.

Table 3 Officer response to third party representations

13. Planning balance

- 13.1 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 13.2 Summary of harm
- 13.3 The proposal would have substantial detrimental impacts on the character and appearance of the Kite Conservation Area and the setting of the listed buildings at No. 49 and Willow Walk due to the imposition of a large building in a highly positive, open space. The siting, scale, design and appearance of the building is not considered to be appropriate within this location and would result in an overly cramped and incongruous development that is out of keeping with the existing positive character. The proposal results in substantial harm to No. 49 New Square and Conservation Area and the less-than-substantial to No. Nos 2- 17 Willow Walk.
- 13.4 Any harm to heritage assets must be given great weight (NPPF 2024), and the Local Planning Authority must have regard to the desirability of preserving listed buildings and give special attention to preserving the character and appearance of the Conservation Area Planning (LBCA) Act 1990.
- 13.5 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for **REFUSAL**.

14. Recommendation

- 14.1 **Refuse** for the following reasons:
1. The proposal site is located within the setting of No. 49 New Square, Nos 2- 17 Willow Walk and within the Kite Conservation Area. The garden of No. 49 New Square makes an essential and unique contribution to the setting of the listed buildings and Kite conservation area. The proposed built form would remove the open aspect of the garden, remove and truncate the walls and result in an overly oppressive and cramped form adjacent to the listed building at No. 49 New Square. The proposal is contrary to Policy 61 of the Cambridge

Local Plan (2018) which seeks to preserve heritage assets and their setting and paragraphs 207, 212, 213 and 214 of the NPPF (2024).

Background papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Development Framework SPDs/Guidance