



Appeal Decision

Hearing held on 19 October 2023

Site visit made on 20 October 2023

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal Ref: APP/Q0505/W/23/3325645

Jewish Synagogue, 3 Thompsons Lane, Cambridge, 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 the Trustees of the Cambridge University Jewish Society against the decision of Cambridge City Council.
- The application Ref 20/04261/FUL, dated 15 October 2020, was refused by notice dated 26 January 2023.
- The development proposed is described as 'Demolition of existing Synagogue and Jewish Community facility and erection of a new Synagogue and Jewish Community facility including replacement parking spaces and new cycle storage and associated works'.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the Trustees of the Cambridge University Jewish Society against Cambridge City Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was originally made in the name of the Trustees of the Cambridge University Students' Union. I am advised that this was an error that was subsequently corrected in a modified planning application. The application was brought by the Trustees of the Cambridge University Jewish Society. The appeal was submitted on behalf of a named individual (a trustee) for the Trustees of the Cambridge University Jewish Society. I have therefore amended the name of the appellant to those details given within the modified planning application.
4. A revised version of the National Planning Policy Framework (the Framework) was published on the 19 December 2023 after the close of the hearing. The main parties have been given the opportunity to comment on any relevant implications for the appeal. I have had regard to their comments and the Framework in my consideration of this appeal.

Main Issues

5. The main issues are:-

- i) the effect of the proposed development on the living conditions of occupiers of dwellings on Portugal Place, with particular regard to enclosure and outlook; and
- ii) whether the proposed development would preserve or enhance the character and appearance of the Cambridge Historic Core Conservation Area (CA) with particular regard to the design and scale of the appeal proposal and its effect on trees.

Reasons

Living conditions

Windows

- 6. The appeal site, at its rear, adjoins the rear gardens of a number of terraced dwellings, namely, 25, 26, 27, 28 and 29 Portugal Place (Nos 25-29). Nos 28 and 29 Portugal Place have been joined together to form a single dwelling. Within the rear elevation of these properties there are a number of windows serving habitable rooms.
- 7. The rear elevation of the proposed building would broadly follow the build line of the existing building. It would be positioned at a distance of approximately 2.7 metres from the common boundary, taking the Council's figure, which has not been disputed by the appellant. The boundary is presently defined by a brick wall of substantial height which would be unaltered as part of the appeal scheme. Given that the proposed building and existing terrace of dwellings would not be positioned parallel to each other, the alignment of the proposed building would result in the intervening distances between the rear wall of the terrace and the appeal building being varied. At its closest, it would be positioned at some 3.5 metres from No.29, whereas the distance would increase to some to 5.6 metres at No.25, again taking the Council's measurements, which have not been disputed by the appellant.
- 8. The existing outlook from windows of rooms located within the basement of the terrace is towards the shared boundary wall. Given that the wall would be unaltered by the appeal scheme, its significant height would predominantly obscure views towards the appeal site and the outlook from within these windows would therefore be comparable to the existing situation.
- 9. Upper floor rear windows within Nos 25 and 26 Portugal Place face towards the existing single storey element of the appeal building. These windows serve a kitchen, landing areas of stairs and a number of bedrooms. The bedroom of No.26 is currently in use as a home office, although its use may change in the future and a bedroom use could be re-established. Given the limited height of the existing building and its flat roof structure, it is not a prominent feature in the outlook from those windows. Whilst the existing pitched roof can be seen in oblique views from these windows, the appeal building does not dominate and there is a pleasant outlook which is not unduly dominated by built form.

10. In contrast, given the substantial height of the existing pitched roof structure and its proximity to the upper floor windows of Nos 27, 28 and 29, the appeal building restricts the outlook from those windows and a significant sense of enclosure already exists when using those rooms.
11. The proposed rear elevation would occupy a broadly similar position to the existing rear elevation of the building and thus the intervening distance to the rear of the terrace would be unaltered. At the hearing, the appellant advised that a distance of some 9.3 metres would exist between the proposed building and the rear windows at No 25. This would be in the region of 8.5 metres for No 26. The Council did not take any issue with these measurements. Whilst the proposed roof structure would include a ridge height that would be broadly similar to the tallest part of the existing roof structure, it would extend for the full width of the rear of the building thus creating a continuous pitched roof above an increased eaves height. Albeit the roof would be angled to slope away from the common boundary the resultant roof structure would appear as a substantial blank area of continuous metal roof material. In the vicinity of Nos 25 and 26, the roof structure would be set back behind an area of roof of very shallow pitch which would be tantamount to a flat roof. Notwithstanding this, the depth of the shallow roof structure would be shallow and it would have limited effect in reducing the scale and mass of the roof structure.
12. Given the limited size of intervening gap between the existing and proposed buildings and by reason of its substantial height, scale and mass, the proposed building would loom large and appear unacceptably dominant. It would overwhelm and give rise to a significant overbearing form of development to the occupiers of Nos 25 and 26. The enclosing effect of the proposed building would be stark and oppressive and it would contrast significantly to the existing more open outlook. The resultant poor outlook would be unduly harmful and materially compromise the living conditions of the occupiers of Nos 25 and 26.
13. For No 25, I observed that the first floor window served the kitchen of that property which, as an open plan kitchen and living room, was a room with dual aspect. However, the harm caused to the occupants of this dwelling would not be justified by reason of the inclusion of the additional window to that room given that it already has a poor outlook onto built form to the front of the property.
14. Whilst there would be some change to the outlook experienced by the occupiers of Nos 27, 28 and 29, when compared to the existing situation, the change to their outlook would be modest and this would not be unduly harmful.

Rear gardens

15. Rear gardens of Nos 25-29 are shallow in depth and modestly sized and a change in topography results in these rear gardens being set at varying levels lower than the land level of the appeal site. As a consequence of the lower land level and the substantial height of the shared boundary wall, the existing outlook from these garden areas towards the appeal site is limited with only limited views of the upper part of the existing building and its roof being visible above the wall.
16. Despite the constrained size of the neighbouring rear gardens, I observed that they contained items including seating, tables and some planting and to my

mind, they are an attractive, pleasant and useable area of private outdoor amenity space for the use of the occupants of those dwellings.

17. Whilst the appeal building would contain two storeys and thus a greater height, width, scale and mass than the building it would replace, given the existing boundary treatment and land topography, any change to the outlook of occupiers when using their rear gardens would be very limited and the outdoor space would not result in it becoming a less pleasant space for the occupiers of those dwellings as a consequence of the proposed development.

Conclusion on living conditions

18. I recognise that this is an urban location where development is reasonably dense and the historic arrangement of buildings may have included a much larger building to the rear of Portugal Place in the past. However, the occupants of Nos 25 and 26 currently have a pleasant outlook which is not unduly dominated by built form. Notwithstanding that I have found that the living conditions of the occupiers of Nos 27, 28 and 29 would not be unduly harmed, the appeal scheme would introduce a building that would have a materially oppressive and intrusive effect on the occupants of Nos 25 and 26.
19. Accordingly, I conclude that the appeal scheme would cause unacceptable harm to the living conditions of neighbouring occupiers at 25 and 26 Portugal Place with particular regard to their outlook and sense of enclosure. Thus, the appeal scheme would conflict with Policies 55 and 57 of the Cambridge Local Plan (2018)(LP) insofar as these policies require a high quality development that integrates with the immediate locality and uses appropriate local characteristics to help inform, among other things, the siting, massing and scale of new development.
20. In addition, the appeal scheme would conflict with the provisions of paragraph 135 of the Framework insofar as it requires developments to create places that, among other things promote health and well-being and have a high standard of amenity for existing users.

Character and appearance

Design and scale

21. The existing building on the site is relatively modern in its design and is constructed in red brick with glazing and a mix of tiled hipped pitch roof and flat roof forms. It is located within the CA and more particularly within the 'Thompson's Lane' part of the CA as identified within the Cambridge Historic Core Conservation Area Appraisal (2015)(CAA). It also lies within the setting of several listed buildings and buildings of local interest. These include the Old Vicarage (Grade II), St Clement's Church (Grade II*) and a terraced row comprising Nos 23-29 Portugal Place (Grade II). In addition, Nos. 32-35 Thompson's Lane are buildings of local interest.
22. Thompson's Lane is a densely developed street with a busy and mixed character. It is comprised of two distinct halves, separated by a bend in the road. The appeal site is positioned towards one end of the street and is comprised from a variety of buildings of differing architectural styles, materials and age. Buildings are predominantly two to three storeys in height and by reason of their front elevations being positioned along the back edge of the footway this creates a strong sense of enclosure and provides channelled views

along the road. The significance of this part of the CA is, in part, due to the low height of the buildings and their alignment and consistent build line which creates a strong sense of enclosure.

23. In contrast, the appeal building is currently set back from the pavement edge. It includes extensive areas of hardstanding and areas for the parking of vehicles to its front with some limited areas of planting. As a consequence, the site is poorly defined and the important sense of enclosure is diluted to the detriment of this part of Thompson's Lane. The appeal site therefore fails to make a positive contribution to the streetscene and the significance of the heritage asset, a matter which is recognised within the CAA.

24. At its front, the proposed building would broadly align with the front elevation of the Cambridge School of Visual and Performing Arts (CSVPA). As a result of being positioned close to the highway, it would form a continuation of the build line fronting Thompson's Lane and establish a sense of enclosure thus enhancing the significance of the CA.

25. The proposed building would include a larger footprint and taller height than the building it would replace and therefore comprise a greater scale and bulk. However, at two storeys in height it would be consistent with the prevailing scale of buildings along Thompson's Lane. Whilst it would stand taller than the adjacent CSVPA building, it would include a lower height than the Old Vicarage which would provide a gentle and gradual transition in heights and scale between the historic building and the CSVPA thus improving the rhythm and character of the Thompson's Lane streetscene.

26. Reference is made by the Council to the inclusion of a combination of flat and sloping roof elements which the Council refer to as a 'skewed arrangement'. However, I disagree. Given the varied mix of roof forms on buildings along Thompson's Lane, an absence of any overall prevailing roof type, and noting that sloping and flat roof forms are commonly found within the area, I find that the proposed roof structure would not appear at odds with other properties, nor appear out of keeping with the wider area.

27. Furthermore, the inclusion of a mix of sloped and flat roof elements within an articulated roof structure together with the architectural treatment of the exterior elevations to include vertical elements to break up the mass of these elevations would limit the visual impact of the overall height, mass and bulk of the building on the streetscape of Thompson's Lane and Portugal Place. When viewed from Thompson's Lane, the inclusion of elements such as windows and metal sheet roofing material would reference vertical detailing found within the area and in particular it would sit well with the neighbouring CSVPA building which includes a flat roof, long slit windows and vertical panels to its front elevation.

28. I note that the Council's concerns, in part, also relate to consistency of the proposed elevations. Whilst there is limited coherence between the facades of each side of the building, in part due to the articulated roof form, to my mind, the differences would be justified by reason of the dense arrangement of buildings and the variety in built form to each of the appeal site's sides. For reasons explained above, the proposed front elevation would be read alongside the neighbouring CSVPA building and the inclusion of the 'Winter Garden' and its extensive glazing would provide an active frontage that would assimilate well into the streetscene such that it would not appear incongruous. Similarly,

from the rear, in public and private views from Portugal Place and across land forming the grounds of St Clement's Church, the inclusion of a sloping pitched roof sits well with the pitched roof structures of the neighbouring residential terraces and the Old Vicarage.

29. Whilst the proposed building would be of a contemporary design, it would complement the varied mix of building designs in the area. It would use materials such as red toned brick and metal sheet for the roof. Although some of these materials are not commonly found locally, a varied palette of materials can be found to have been used within the construction of buildings along Thompson's Lane and within the wider CA. The CAA observes that '*buildings are generally unified through the use of Gault brick, although the red brick of the early C20 terraced houses stand out as something different*'. Red brick would reference material used as part of the construction of the Old Vicarage. The roofing material would consist of a tonal palette of bronze colours to complement the red brick of the proposed building and it would blend with the soft colours of the Old Vicarage. Taking everything into account, I consider that the proposed materials would respond to the local surroundings and not have a negative effect on the CA.
30. Having regard to the above, I find that by reason of the appeal scheme's design and scale it would be compatible with the relatively diverse surrounding built environment and amount to a harmonious addition that makes a positive contribution to the streetscene. Taken together with the proposed siting of the building, a clearer sense of enclosure at this point in Thompson's Lane would be created, thus providing an enhancement to the significance of the CA. Thus, to the extent of the design and scale of the proposed development, it would accord with Policy 61 which, among other things, seeks to ensure the conservation and enhancement of Cambridge's historic environment.

Trees

31. A number of trees are positioned within the appeal site with a number of additional trees being located outside of, but in close proximity to the boundary of the appeal site. Given their location, these trees are protected by virtue of their position within the CA. A tree preservation order¹ applies to a tree within the site. However, as the protected tree (T1) is non-existent, tree T1 did not form part of the Council's consideration on this issue and I see no need to take a different view.
32. Trees identified as T006, T007 and T008 within the appellant's preliminary arboricultural report (AR) are identified as Grade C trees of low quality or poor longevity. As a dispersed group of young specimens they are assessed as having limited townscape value. The proposed felling of these trees is not opposed by the Council subject to their replacement as part of a suitable landscaping scheme and I find no reason to disagree with this approach.
33. Therefore, for the purposes of this decision, my consideration is therefore limited to the impact of the proposed development upon trees located outside of the site, namely trees T001, T002, T003, T004 and T005. Trees T001, T002, T003 and T004 have their trunks positioned within neighbouring land at St Clement's Church and tree T005 is sited in close proximity to the northern boundary of the site. These trees are mature specimens and, with the

¹ TPO 03/1993

exception of one, a Weeping Ash, which I heard at the hearing will be reduced in size due to being a threat to nearby built form, these trees are in good health and have a life expectancy of in excess of 20 years. They are imposing specimens by reason of their tall heights, extensive spread and overall shape of their canopies. As a result, both individually and as a group, they are attractive, visually dominant and they make a significant and positive contribution to the visual amenity of the area and are an important feature in the setting of the CA. Any loss to these trees would therefore be to the detriment of the character and appearance of the surrounding area.

34. The footprint of the proposed building, the supporting structure of the bike shelter, cycle hoops and new hard surfaces would coincide with a sizeable part of the root protection area (RPA) of trees that are proposed to be retained. As a result, the AR sets out how the appeal scheme could be constructed without causing harm to the trees. In particular, linear root pruning work would be carried out along the lines of the proposed internal elevator and bike shelter supporting structure, 'no dig' construction techniques would be undertaken for the construction of hard surfaces and the foundations or structural support required for the proposed building would involve 'careful consideration' and require input by a Structural Engineer in conjunction with an arboriculturist to design specialised foundations such as piled, cantilevered or pad and beam in areas where the building footprint would coincide with the RPA. A range of ground protection measures would be implemented to protect the remaining roots and trees during demolition and construction.
35. Notwithstanding the above, at paragraph 6 of the summary to the AR, it clearly recommends that specialist advice is obtained from expert practitioners in other disciplines to demonstrate that the techniques and methods proposed within the AR are achievable. In particular, it states that the advice of a structural engineer is required to advise upon items of foundation and structural design for the proposed building and bike shelter and a civil engineer's input is needed for the specification of the "no dig" surfacing so as to confirm that finished levels and the load bearing is achievable and works necessitating cutting into the ground will be avoided. No evidence from a structural or civil engineer has been provided as part of the appeal scheme.
36. Whilst the likely financial implication in engaging structural and civil engineers were explained to me at the hearing, the evidence before me fails to demonstrate that the techniques and methods proposed within the AR are achievable nor does it enable a conclusion to be reached as to whether the consequent effect of the proposed development upon the retained trees would be acceptable.
37. I am mindful that the foundations of the existing building may have restricted the growth of the existing roots. However, there is limited substantive evidence to quantify the extent of this, nor to substantiate the view that the majority of the trees' roots are located within neighbouring land. In any event given that the appeal building includes a second storey it is likely that deeper foundations would be required.
38. Within the AR, there is a clear lack of information as to the type of foundation that would be constructed and moreover, it provides limited information to show that there would be no need for any cutting into the ground within the RPA to facilitate any foundations and supporting structure.

39. Similarly, for the bike shelter support, although the AR makes reference to achieving the 'smallest foundations that a Structural Engineer can design', the lack of certainty regarding the extent of any foundation and supporting structure and any consequent ground cutting and encroachment into the RPA as a result of linear root pruning cannot, in my view, be regarded as a 'minor intrusion' in the absence of any detailed information.
40. Furthermore, in respect of the cycle hoops, there is further uncertainty within the AR which explains that excavation by hand or spade would be required to identify where roots are present or absent. It goes on to state that the exploratory works would be used to determine the final position of the cycle hoops to avoid roots or, where it would compromise structurally significant roots, the cycle hoops would need to be relocated elsewhere. These comments provide me with uncertainty over the delivery of this part of the scheme.
41. Although "no dig" construction methods are suggested for the formation of hard surfaces, the AR at paragraph 4.4.4 comments that the '*exact specification must be designed by a civil engineer who can confirm that the finished levels and load bearings are achievable with this type of design without cutting into the ground*'. Accordingly, in the absence of any information to conclude that a no dig solution is achievable, the appellant has failed to demonstrate that the new hard surfaces could be constructed without cutting into the ground and interfering with the root stems.
42. At the hearing, it was put to me that the need for any specialist foundations would be removed if root pruning works were to be undertaken along the line of the existing drainage. However, this would be dependent upon the specific type of soil and in the absence of this information, it is not clear to me whether this method could be undertaken without detriment to the trees. Moreover, it would necessitate cutting into the root structure and I am advised that root feeding would be required to overcome the initial impact to the roots.
43. To my mind, the uncertainty of the work proposed within the RPA and the subsequent extent of any incursion is unclear and, to my mind, the assessment of the impact on the health of retained trees is unsatisfactory.
44. Furthermore, whilst I accept that some trees can recover from root disturbance, the RPA is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of roots and soil structure is treated as a priority. The default position as set out within BS 5837:2012 is that structures should be located outside the RPAs of trees to be retained, although, it goes on to recognise that where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to a tree.
45. However, in this instance, even if I were minded to agree that an overriding justification for construction within the RPA existed, there is little certainty regarding what work is proposed within the RPA, the depth of any necessary work and type of foundation to be used. Even though it was suggested by the appellant's tree expert at the hearing that in their opinion there would be no adverse arboricultural implications posed by the proposed development, on the basis upon which the AR required input by experts in other disciplines, there is little clear evidence to establish the likely effect of construction within the RPA and to adequately demonstrate that the technical solutions advanced by the appellant would be capable of being implemented. On the evidence before me,

I find that there is inadequate certainty that there would not be harm to the long-term viability of the retained trees.

46. Consequently, with a precautionary principle in mind, the appeal scheme fails to demonstrate that there would be adequate protection for the root stems such that the appeal scheme would not jeopardise the long-term health and survival of the retained trees. Given the lack of certainty regarding the methods and techniques proposed, in the absence of any compelling evidence to demonstrate that the retained trees can be adequately protected, it would not be feasible to impose appropriately worded planning conditions to safeguard the longevity of the trees.
47. Accordingly, I consider that the appeal scheme fails to accord with Policies 55, 56 and 71 of the Cambridge Local Plan 2018. Among other things, these policies require a high quality development that responds positively to existing features of natural and local importance and for proposals to preserve, protect and enhance existing trees that have amenity value as perceived from the public realm. The appeal scheme would be contrary to paragraph 136 of the Framework insofar as it recognises that trees make an important contribution to the character and quality of the urban environment and aims to retain existing trees wherever possible.
48. Furthermore, there would also be conflict with Local Plan Policy 61 insofar as it requires proposals to preserve or enhance the significance of the heritage assets of the city, their setting and the wider townscape. The harm to the CA identified would amount to "less than substantial harm". As such, paragraph 208 of the Framework requires the harm to be balanced against the public benefits of the proposal.

Public benefits

49. It is recognised by the parties that the appeal scheme would provide a venue that is required to support the Jewish population. The particular needs of the Egalitarian Jewish student community and importance of this building as their permanent religious venue is a material planning consideration as part of my assessment. This is further reinforced due to the fact that it is a growing student community for which there is no other similar facility available nearby for the use by students, the current facility is not fit for purpose, it is too small and contains inadequate space and facilities.
50. The proposed building would be a cultural building, a place of worship and a meeting place which would be intended to serve a community of approximately 1200 Jewish students in Cambridge. The facilities would include an Orthodox Synagogue, hall and Kosher kitchen on the ground floor together with social, educational and egalitarian synagogue on the upper floor. The value of the proposal to this specific community is plainly evident from the number of individuals that attended the hearing, a number of whom orally addressed the hearing together with the numerous written comments and signed petition of interested parties. It is also intended that the building would be used by local residents of Jewish faith and also those of non-Jewish faith thus providing a multi-faith community centre which would promote interfaith dialogue, meetings, education and social interactions to foster good relations.
51. The proposed development would provide larger, more versatile and better quality spaces. This is in the context of some parts of the fabric of the building

requiring a significant investment in order to repair, refurbish and improve the available facilities. At the site visit, my attention was drawn to various parts of the building where remedial work is needed, for example to address leaks or damp. I also observed that some of the facilities such as toilets are not of a standard which provide access to those with disabilities.

52. The appeal proposal would make provision for improved accessibility by providing level access, accessible toilet facilities and include a lift to the upper floor. Taken together with the provision of full disabled facilities, the proposed building would be more user friendly than the current layout and there would be safe, accessible and convenient access for all users.
53. In addition, the provision of adequate refuse storage facilities within the building would avoid the unsightly storage of waste receptacles in the open. This would be an improvement to the current situation. Taken together with the proposed building being brought forward to better align and reflect the enclosed character of Thompson's Lane, these are matters which provide an enhancement to the quality of the CA.
54. Ventilation of the existing building is reliant upon windows being open. Given that the proposed building would operate as a fully sealed building it would eliminate the spillage of noise which would be beneficial to neighbouring residents and those passing by. The provision of appropriate space as part of the 'Winter Garden' to accommodate The Sukkah would remove the need for people to congregate in outdoor areas to the rear of the building, thus noise and disturbance to neighbouring properties would be limited further.
55. A scheme of landscaping would provide some biodiversity improvement. However, replacement trees would largely be to mitigate for the loss of existing specimens and given the constrained size of the site, any additional landscaping and consequent increase in biodiversity would be modest.
56. Drawing all of these matters together, I consider that the public benefits of the appeal scheme would be significant. Nonetheless, the Framework advises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. The harm identified above to the heritage asset by reason of the proposal's effect on the longevity of retained trees is a matter to which I attach great weight. Notwithstanding that the public benefits of the appeal scheme are matters to which I attribute significant weight, to my mind, the public benefits do not outweigh the harm to the CA. Accordingly, I consider that the appeal scheme also fails to comply with the provisions of national planning policy set out within section 16 of the Framework.

Planning Balance

57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
58. I have concluded that the appeal scheme fails to demonstrate that there would be adequate protection for the root stems of retained trees such that their long-term health and survival would not be compromised to the detriment of the character and appearance of the area. Thus, the appeal scheme fails to demonstrate that the proposed development would not be materially harmful

to the setting of the CA. This is a matter to which I attach significant weight. In addition, there would be harm to the living conditions of neighbouring occupiers at Nos 25 and 26 Portugal Place and this is a matter to which I also attach significant weight.

59. Weighing against the harms I have identified above, are the benefits of the development. The proposed development would bring a number of economic, social and environmental benefits, a number of which are addressed above at paragraphs 49-56. Whilst I have not repeated those benefits here, they are matters to which I attribute significant weight in the overall planning balance.

60. As part of my assessment, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appellant is part of a group with protected characteristics for the purposes of the PSED. However, as a result, it does not follow that the appeal should necessarily succeed, but rather that I have a duty to consider the implications of my decision upon this group.

61. Expenditure during the construction phase would be an economic benefit of the appeal scheme.

62. The appeal scheme would be constructed from sustainable materials and use cross laminated timber construction to improve the longevity of the building. In addition, it would enable the efficient use of energy and water resources therefore reducing the carbon footprint of the facility and there would be a corresponding reduction in running costs.

63. I am mindful that in not granting planning permission, individuals using the existing facility will need to continue using a building that is not fit for purpose and this will have a negative impact upon their enjoyment of the building, their ability to practice their faith and their wellbeing. I also note that the appellant has made several revisions to the scheme in an attempt to overcome concerns of the Council and neighbouring occupiers. It was also put to me at the hearing that it was unlikely that an alternative scheme would be brought forward at a future date.

64. However, drawing all matters together, I have found that the appeal scheme conflicts with the development plan and the material considerations weighing in favour of the scheme, individually and combined, do not outweigh the harms I have identified above. As such, the material considerations in this instance do not indicate that determination should be made otherwise than in accordance with the development plan.

Other Matters

65. No overlooking towards neighbouring properties would occur and therefore the privacy of those occupiers would be safeguarded. However, the absence of harm is a neutral matter weighing neither for nor against the proposal.

66. Although the Council's officer recommendation in this instance was to grant planning permission, the local planning authority is not obliged to accept the recommendation of their officer and as such councillors were entitled to reach

an alternative view on the main issues. I therefore do not attach any weight to this matter in determining the appeal.

67. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, to 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. However, given that I am dismissing the appeal on the main issues above, it has not been necessary to consider this matter any further.

Conclusion

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

E Brownless

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Cooper – David Cooper & Co

Julian Cooper – David Cooper & Co

Peter McKeown – Carter Jonas

Tom Foggin – RH Partnership

Joanna Burton – JB Heritage

Stephen Hayden – Haydens Arboriculturalist Consultants

Richard Loftus – Appellant - Agent for the trustees

Robert Perlman - Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Lawrence Moore Senior Planning Officer Cambridge City Council

INTERESTED PARTIES:

Jany Gwynne

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Dalia Bornstein

Reverend Dr. Stephen Plant

Rabbi Benjamin Baruch

Sir Michael Pepper

Reverend Devin McLachlan

Reverend Alison Kennedy

Andrew Day

DOCUMENTS

Cambridge Historic Core Appraisal – Portugal Place

Cambridge Historic Core Appraisal – Thompson's Lane