



26/01309/FUL – 49 New Square Cambridge Cambridgeshire, CB1 1EZ

Application details

Report to: Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

Ward/parish: Market

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

Applicant: Dr Carrie Herbert

Presenting officer: Charlotte Peet

Reason presented to committee: Third party representations

Member site visit date: N/A

Key issues:

1. Principle of Development
2. Heritage Assets
3. Character and Appearance

Recommendation: Refuse, for the following reasons:

1. The existing site makes a distinct and positive contribution to the character and appearance of the locality due to its open and undeveloped nature. By reason of its siting, scale, height and overall form, the proposed dwelling

would appear as an incongruous and overly dominant feature that would erode the site's contribution to local character and result in harm to the character and appearance of the area. The proposal is contrary to Policies 52, 55, 56, 57 and 59 of Cambridge Local Plan (2018) which seek to ensure that development responds appropriately to its context, is of a high quality, that reflects or successfully contrasts with existing building forms and materials.

2. The open and undeveloped character of the garden, together with its enclosing walls, makes a positive contribution to the significance and setting of these designated heritage assets. By reason of the introduction of built development and the partial removal of the garden walls, the proposal would erode this contribution and result in harm to the significance of the No. 49 New Square and Nos. 2-17 Willow Walk and the character and appearance of the Kite Conservation Area. The public benefits arising from the proposal are insufficient to outweigh the identified harm. The proposal therefore fails to preserve the setting of listed buildings and fails to preserve or enhance the character and appearance of the Conservation Area, contrary to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 61 of the Cambridge Local Plan (2018), and Policies HE4, HE5, HE6 and HE9 of the National Planning Policy Framework (2026).

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Table 1 Contents of report

1. Executive summary

- 1.1 The application seeks permission for single storey dwelling with basement, garden and off-street car parking on the land adjacent to No. 49 New Square.
- 1.2 The application follows a previous application for a single dwelling in the garden of 49 New Square (ref. 25/03078/FUL & 25/03079/LBC). This application was considered at Planning Committee 03 December 2025, where it was resolved to refuse planning permission in accordance with the Officer recommendation due to the identified harm to heritage assets and impact to the character of the area. The proposal has since been amended in attempt to address these reasons, through reducing the height and size and altering the appearance of the dwelling at ground level.
- 1.3 The proposal would however continue to over dominate the garden space which contributes positively to the character of the area and adversely impact heritage assets. By virtue of the siting, height and scale the proposal is considered to result in moderate harm to the character and appearance of the Kite Conservation Area and the setting of No. 49 New Square and low harm to the setting of Nos. 2-17 Willow Walk. The public benefits are limited and are not considered to outweigh this harm.
- 1.4 The proposal would contribute a single dwelling which meets policy requirements relating to accessibility and biodiversity, it would also use renewable technology to exceed policy requirements. These limited benefits are not considered to outweigh the harm. Officers recommend that the Planning Committee refuse the application.

Consultee	Object / No objection / No comment	Paragraph Reference
Conservation Officer	Object	13.8-13.20

County Highways Development Management	No objection	19.2
Ecology Officer	No objection	17.2
Environmental Health	No objection	21.11
Tree Officer	No objection	15.2
Third Party Representations	8 objections 10 supportive comments	Through relevant sections of report.

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 with 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 Nos 1-48 New Square, Nos 2- 17 Willow Walk and Wesley Church (grade II listed).
- 2.5 The proposal is within the city centre and protected parking area.

3. The proposal

- 3.1 The application seeks permission for a single storey dwelling with basement, garden and off-street car parking on the land adjacent to No. 49 New Square.

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.	Refused 5 th December 2025
25/03079/LBC	Single storey dwelling with garden and off street car parking, on the land adjacent to No. 49 New Square.	Refused 5 th December 2025

Table 2 Relevant site history

- 4.1 The application follows previous applications for a single dwelling in the garden of 49 New Square (ref. 25/03078/FUL and 25/03079/LBC).
- 4.2 These application were considered at Planning Committee 03 December 2025, which resolved to refuse planning permission in accordance with the Officer recommendation due to the identified harm to heritage assets and the character of the area. The proposal has since been amended in attempt to address these reasons, the details of which are outlined in the report.

5. Policy

5.1 National policy

National Planning Policy Framework 2026

National Planning Practice Guidance

National Design Guide 2021

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK's planning regime remains unchanged despite it leaving the European Union on 31 January 2020

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

5.2 Draft Greater Cambridge Local Plan 2024-2045 (Regulation 19 Proposed Submission)

5.3 The Proposed Submission Greater Cambridge Local Plan represents the latest stage of preparing a new joint Local Plan for Greater Cambridge. Once it is adopted, it will become the statutory development plan for the Greater Cambridge area, replacing the current (adopted) Local Plans for Cambridge City and South Cambridgeshire District.

5.4 The Proposed Submission Local Plan was published for public consultation (under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012) between 3 August and 25 September 2026.

5.5 In line with Policy DM4 of the National Planning Policy Framework (NPPF), local planning authorities may give weight to relevant policies in emerging plans according to several factors. The Proposed Submission Local Plan is consistent with policies in the National Planning Policy Framework 2026. Whilst the joint Local Plan is at an advanced stage in the plan making process, the Regulation 19 consultation is yet to be completed.

5.6 Therefore, at this stage, the Proposed Submission Local Plan and its policies can only be afforded limited weight as a material consideration in decision making.

5.7 Submission of the Local Plan to the Secretary of State is anticipated by the end of December 2026.

5.8 Cambridge Local Plan (2018)

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 10: The City Centre

Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 34: Light pollution control

Policy 35: Protection of human health from noise and vibration

Policy 36: Air quality, odour and dust

Policy 50: Residential space standards

Policy 51: Accessible Homes
Policy 52: Protecting garden land and the subdivision of existing dwelling plots
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 58: Altering and extending existing buildings
Policy 59: Designing landscape and the public realm
Policy 61: Conservation and enhancement of Cambridge's historic environment
Policy 62: Local heritage assets
Policy 80: Supporting sustainable access to development
Policy 82: Parking management

5.9 Supplementary Planning Documents (SPD)

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

The Greater Cambridge Planning Obligations SPD – Adopted April 2026

5.10 Other guidance

Greater Cambridge Housing Strategy 2024 to 2029

Cambridgeshire Design Guide For Streets and Public Realm (2007)

Cycle Parking Guide for New Residential Developments (2010)

5.11 Area Guidelines

Kite Area Conservation Area Appraisal (2014)

6. Consultations

Publicity

Neighbour letters – Y

Site Notice – Y

Press Notice – Y

Conservation Officer- Object

- 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.
- 6.2 The house is unusual for both its height and orientation and the spacious garden around it. The garden forms a unique part of the setting and makes a significant positive contribution to the listed building and the surrounding Conservation Area.
- 6.3 Proposals for a single storey dwelling to be built within the curtilage of the listed building have been subject to two pre-applications in 2014 and 2020 and a refused application earlier this year. The conservation team objected to both pre-applications and previous planning application on the basis that development in the garden of No 49 will result in harm to the setting of the listed building and, by reducing the unique open garden and sense of openness, harms the character of the conservation area.
- 6.4 The new building has been reduced in footprint and repositioned in the site. The new building has been designed with a flat green roof, this proposal is an improvement on the previous scheme with a reduced amount of built form visible above the existing wall and the sole use of brick is positive.
- 6.5 This proposed dwelling in its new position sits alongside the development at No 48 creating a continuation of built form would remove the open aspect across the garden, harming the setting of No 49 and the conservation area character.

County Highways Development Management - No Objection

- 6.6 The effect of the proposed development upon the Public Highway should be mitigated if the following conditions form part of any permission that the Planning Authority is minded to issue in regard to this proposal:
- Falls and levels
 - Residents permit

Ecology Officer- No Objection

- 6.7 The BNG report has provided evidence that a minimum 10% biodiversity net gain cannot be achieved on site; however, the report has

recommended that off-site credits are purchased. This is acceptable and the statutory biodiversity net gain condition can be applied.

- 6.8 Recommended conditions:
- Ecology enhancement
 - Green roofs
 - Protection of breeding birds

Sustainable Drainage Officer - No Objection

- 6.9 The site lies in flood zone 1 and is identified as in an area of very low (over 1 in 1000) surface water flood risk.
- 6.10 The site proposes a SuDS-compliant surface water drainage strategy, alongside a green roof system, to attenuate rainwater runoff. Foul water will connect to the existing foul water mains.
- 6.11 Recommended conditions:
- Surface water
 - Foul water

Tree Officer - No Objection

- 6.12 An Arboricultural Impact Assessment (AIA) has been supplied and shows the presence of 7 specimens that have the potential to form a constraint on the scheme. These have been categorised as 2 category B trees and 5 category C trees with the removal of T1 required to facilitate the proposal. Impacts from the scheme are limited to the root protection encroachment of T2 from the associated building and its been outlined that mitigation for this will be presented within an Arboricultural Method Statement and Tree Protection Plan.
- 6.13 Recommended conditions:
- Arboricultural Method Statement and Tree protection Plan.

7. Third party representations

- 7.1 18 representations have been received, 10 in support, 8 in objection.
- 7.2 Those in objection have raised the following issues:
- Character, appearance and scale
 - Heritage impacts
 - Construction impacts

- Highway safety
- Loss of biodiversity
- Impact on and loss of trees
- Drainage and flooding
- Accessibility
- Construction impacts

7.3 Those in support have given the following reasons:

- Precedent
- Cohesive design approach
- Preserve street scene
- High sustainability
- Support landscaping
- Preserve Conservation Area
- No amenity harm
- Ecological improvement
- Good use of site
- Accessibility supported

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. Member Representations

8.1 None.

9. Local Groups

9.1 Cambridge Past, Present & Future have objected to the application, and raised the following issues:

- Heirtage impacts
- Scale, Massing, and Spatial Impact
- Trees impacts

10. Planning background

10.1 This application follows one formal application, and historic pre-application attempts to build a single dwelling within the garden of No. 49 New Square.

- 10.2 The formal applications were considered at Planning Committee 03 December 2025, and it was resolved to refuse the applications following Officer recommendation due to the impact to the listed buildings and character and appearance of the Conservation Area and character.
- 10.3 This application follows these applications and seeks to address these reasons.

11. Assessment

- 11.1 From the consultation responses and representations received and from an inspection of the site and the surroundings, the key issues are:
- Principle of development
 - Heritage Matters
 - Design, layout, scale and landscaping
 - Trees
 - Carbon reduction and sustainable design
 - Biodiversity
 - Water management and flood risk
 - Highway safety and transport impacts
 - Car and cycle parking
 - Amenity
 - Third party representations
 - Other matters
 - Planning balance
 - Recommendation

12. Principle of Development

- 12.1 Policy S4 of the NPPF (2026) states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.
- 12.2 Policy 3 seeks to focus residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities.
- 12.3 Policy 10 seeks to protect the viability of the town centre and ensure development would not adversely impact the town centres heritage or design quality.
- 12.4 Policy 52 allows for the subdivision of existing dwelling plots where the criteria in the policy would be met.

- 12.5 The application seeks to subdivide the garden land at No. 49 New Square to erect a new single storey dwelling. The new dwelling would be sited in a sustainable location, however, would fail to preserve heritage assets and preserve the character and appearance of the area. The proposed dwelling is not considered to be of appropriate to the surrounding pattern of development and character of the area and would result in the loss of an important garden space. As such the proposal is considered contrary to Policy S4 of the NPPF (2026) and Policies 10 and 52 of the Cambridge Local Plan (2018) and is therefore unacceptable in principle.

13. Heritage assets

- 13.1 The application falls within the Kite Conservation Area. The application is within the setting of No. 49 New Square (grade II listed). The site is in close proximity to Nos. 1-48 New Square, Nos. 2- 17 Willow Walk and Wesley Church (grade II listed).
- 13.2 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 and distinctive for its height, orientation and the spacious garden around it compared to the two storey terrace properties which are generally built hard up the pavement or have small front gardens only. It is noted within the Kite Conservation Area Appraisal (2014) as an exception to the two storey uniform terraces. 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.
- 13.3 The application follows a previous application for a single dwelling in the garden of No. 49 New Square (ref. 25/03078/FUL). This application was considered at Planning Committee 03 December 2025, which resolved to refuse planning permission in accordance with the Officer recommendation due to the identified harm to heritage assets and the character of the area. The reason on heritage read as follows:

“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).”

- 13.4 The previous refusal is a material consideration in the determination of the current application, and in the interests of consistency, the proposal should demonstrate how it has addressed the previous reasons for refusal.
- 13.5 The proposal presents a re-designed single dwelling, the Design and Access Statement sets out that the height and massing of the dwelling has been reduced, increasing the gap between the new structure and the existing listed dwelling. This has been achieved through setting the accommodation across two floors, one at ground level and one at lower ground level.
- 13.6 In comparing the previous scheme, the previous scheme had a larger site area, taking up an increased proportion of the garden space (ref. 25/03078/FUL & 25/03079/LBC). It was designed across one level with two linear wings set within an irregular H-shape. The built form filled the eastern part of the garden and spanned from the eastern boundary of the site to the eastern elevation of the dwelling, with an approximate width of 13.5 metres. The primary roof form was hipped roofs across the linear wings of the dwelling, the ridge height measured approximately 3.7 metres, and the eaves height was approximately 2.9 metres. The ridge roughly aligned in height with the adjacent structure visible from New Square at No. 48.
- 13.7 The new scheme reduces the extent of built form at ground level, although still takes up a significant portion of the eastern garden space. The width of the new built form has been reduced to approximately 10.4 metres with a minor separation to the eastern boundary and an increased gap between the listed building and rear section of approximately 7 metres. The proposal contains a flat, green roof which measures a height of 3.1 metres. The form has changed and is now an L-shaped building at ground floor, supporting the separation to the main house. The materials are now brick; the previous zinc roof has been removed.
- 13.8 The Conservation Officer has been formally consulted on the application, and objects to the application. They acknowledge that the scheme makes positive improvements both through the reduction in footprint and height, alternation of form and change in materials. They explain that in their view the lower height, separation from the listed building and the reduction of the zinc roof is a positive change as it would alter the height and appearance which were previously considered out of keeping.

- 13.9 However, the Conservation Officer continues to outline that the proposal would result in harm although this has been reduced from substantial harm to less-than-substantial harm due to the improvements outlined above. The Conservation Officer explains that notwithstanding the improvements, the proposal would create a continuation of built form and would remove the open aspect across the garden which forms unique part of the setting and makes a significant positive contribution to the listed building and the surrounding Conservation Area.
- 13.10 It is noted that since the comments made by the Conservation Officer, the NPPF (2026) has been updated and removed the category of 'less-than-substantial harm' and now gives regard to 'harm' or 'substantial harm'. Officers have considered the comments in light of this change, and find that the impact would continue to constitute harm, but this is not considered to be substantial.
- 13.11 The existing garden provides an open, verdant and unique space which makes a significant positive contribution to the listed building and the surrounding Conservation Area. It supports the legibility of the listed building as a distinct and unique building within a spacious plot, separate from the terrace properties in the locality. It also positively informs the surroundings as it helps to signify the traditional development pattern which consists predominantly of terrace properties built hard against the pavement and the distinct punctuation from No. 49 New Square. The space supports the development pattern within this part of the Conservation Area which underpins the significance of the listed building within the site and those along Willow Walk. As such, to fill a large portion of the garden between the main house and the neighbouring built form would compromise the open and distinct characteristics of the site and result in harm to the heritage assets.
- 13.12 Part (d) of Policy 61 and Policy HE5 (1) of the NPPF require sufficient information to be submitted to assess the significance of an asset and the potential impact. The original Heritage Statement did not consider the impact to the significance of the listed building, which is concerning given the previous refusal on the basis of high levels of heritage harm. The applicant has since submitted additional in attempt to address this.
- 13.13 Historic England's Good Practice Advice Note 3 on the Setting of Heritage assets highlights that a settings' importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The applicant's statement sets out that the garden's significance lies principally in its curtilage function expressing the

domestic nature of the building, rather than an absolute requirement for openness or absence of built form. This does not adequately assess the contribution that the garden makes to the significance of the listed building, nor the extent to which the proposed development would affect that significance. As such, Officers consider the assessment to be inadequate.

- 13.14 As described above, the garden is considered an important part of the setting of this building, because it contributes to the distinct and unique impression of the dwelling which is an important part of its significance. As above, the garden space also contributes to the historic spatial pattern of development and therefore supports the significance of the properties on Willow Walk and the Kite Conservation Area.
- 13.15 Officers agree with the Conservation Officer that this development would compromise the setting and therefore harm the significance of the dwelling. The Heritage Statement seeks to justify the development through outlining that a small section of the garden was formerly used as car parking. A small section of car parking at the northern side of the site, does not represent a comparable development. Historically this space has remained undeveloped to the benefit of the significance of the dwelling and the character and appearance of the Conservation Area.
- 13.16 The proposal would also truncate the garden wall at the rear which currently encloses the garden to help to inform the setting of No. 49 and its garden. The extent of removal has been reduced, it appears that the north to south wall is retained, however the wall at the rear of the property would continue to be partially removed for parking access. This section of the wall to be removed is modern as it was replaced in 2002, however the wall is physically attached to the listed building and contributes positively to its setting, enclosure and significance.
- 13.17 The enclosed garden and formal wall also makes a positive contribution to the setting of the properties on Willow Walk and the character of the Conservation Area. Therefore, to partially remove these walls adversely impacts the setting and significance of the listed buildings and the character and appearance of the Conservation Area.
- 13.18 It is noted that several objections to the proposal have been received, these raise similar concerns that the proposal would compromise the spatial qualities of this part of the street scene. They suggest the proposal would diminish the open and undeveloped nature of the site, and Officers are minded to agree with this assessment.

- 13.19 It is noted that some of the third party representation suggest the building would not adversely impact the heritage assets, as it would be low in height and well designed. The lower height and improved design are noted, however the proposal would continue to occupy a significant proportion of the garden, dominating the open space around the existing dwelling that forms an important part of its significance.
- 13.20 The third party comments also suggest that that garden would lend itself to subdivision due to the existing walls within the garden. Whilst the garden contains garden walls within, the land around the dwelling and the spatial separation between the main house and adjacent development contribute to its significance. The garden walls form part of garden paraphernalia and does not compromise the overall open character that can be viewed from outside the site above the boundary walls. As such, whilst the site is divided by these walls they do not justify the proposed development.
- 13.21 Policy HE6 (1) of the NPPF (2026) sets out that substantial weight should be given to the asset's conservation and that any harm should require clear and convincing justification. Policy HE6 (3-4) sets out that a development proposal that will lead to any harm to a designated heritage asset will be a matter of considerable importance and weight and where harm would result the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Policy HE9(1)(a) sets out that development proposals should retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible.
- 13.22 The proposal results in moderate harm to the setting of No. 49 New Square and character and appearance of the Conservation Area and low harm to the setting of Nos. 2-17 Willow Walk. This is not justified by the information submitted with the application. The Heritage Statement attempts to justify the approach, through the applicant's 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.
- 13.23 In terms of public benefits, the applicant argues that the provision of a single dwelling outweighs the identified harm. Whilst the proposal would make a limited contribution to the city's housing stock, the Council can currently demonstrate an up-to-date housing land supply and is therefore able to meet its identified housing needs. Consequently, only limited weight can be attributed to this benefit.

- 13.24 It is noted that third party in support of the application outline that benefits would amount due to creating an accessible dwelling fit for the needs of the applicant. Whilst the provision of an accessible dwelling is acknowledged, accessibility standards are a requirement of planning policy and are expected to be incorporated into new residential development. The provision of housing for the applicant is a private benefit. As such, accessibility would carry limited weight as a public benefit.
- 13.25 Third party comments also suggest that the sustainability of the dwelling and potential ecological improvements would be a benefit of the scheme. It is acknowledged that the proposed dwelling exceeds carbon reduction targets, however given the limited scale of development this can be given limited weight as a public benefit. The proposal would meet the statutory requirement for biodiversity through off-site purchase, as such, this can only be given very limited weight as a public benefit.
- 13.26 Given the statutory duty, under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the substantial weight to be given to an assets conservation in the NPPF, the harm to the character and appearance of the Kite Conservation Area, the setting of No. 49 New Square and No. 2-17 Willow Walk is not outweighed by these public benefits.
- 13.27 It is therefore considered that the proposal would result in unjustified harm to the significance of designated heritage assets, including the setting of No. 49 New Square and Nos. 2-17 Willow Walk, and would fail to preserve or enhance the character and appearance of the Kite Conservation Area. The proposal is therefore contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 61 of the Cambridge Local Plan (2018), and the National Planning Policy Framework (2026).

14. Design, layout, scale and landscaping

- 14.1 The proposed development seeks to erect a single storey dwelling with garden and off street car parking, on the land adjacent to No. 49 New Square.
- 14.2 As outlined in the previous section, this application follows a previous scheme for a single dwelling that was refused by Planning Committee for reasons based on heritage and character impact (ref. 25/03078/FUL). This is material consideration in the determination of the application. The character reason read as follows:

“The existing site makes a distinct and positive contribution to the character and appearance of the locality due to its open and undeveloped nature. By virtue of the proposed dwelling's siting, size, design and appearance, it would diminish these positive qualities and adversely impact the character and appearance of the area. The proposal is contrary to Policies 52, 55, 56, 57 and 59 of Cambridge Local Plan (2018) which seek to ensure that development responds appropriately to its context, is of a high quality, that reflects or successfully contrasts with existing building forms and materials.”

- 14.3 As existing, the proposal site forms a positive part of the locality owing to its heritage significance and positive character features such as the open, verdant nature of the garden which is unique in this location. The host dwelling was a later addition in this location; the 19th century terrace properties were erected to line the green space in uniform and formal frontage. The host dwelling followed in later years to provide a unique punctuation to the properties at the northern edge of New Square. The property is unique due its form, three bays wide and three storeys high, and its garden space which other dwellings in this location do not benefit from.
- 14.4 As outlined in the previous section, the proposal layout and design has been amended to reduce the height, decrease the proximity to the main dwelling and alter the form and materials following the previous applications (ref. 25/03078/FUL & 25/03079/LBC). These are considered to be positive changes that reduce the impact of the proposed dwelling on the surroundings, however the proposal would continue to detrimentally impact the character and appearance of the area and the host dwelling. The proposal would insert a single storey dwelling into the existing open garden area, destroying the open nature of this space and dominating the garden.
- 14.5 The proposal would continue to extend above the existing boundary wall and so be visible from both New Square and Willow Walk despite the reduced height. This space is currently viewed as open and green, would be overtaken with a new, modern built form that would extend across the garden and dominate the open gap.
- 14.6 Whilst the reduced height and amended materiality do result in a reduction in the prominence of the building, the dwelling would continue to be visible from public views as modern dwelling stretching across the site and completely compromising the open nature of the site and the distinct separation of the dwelling. Third party comments continue to raise concerns about the impact to the street scene, and Officers agree. The

proposal would be visible above the boundary walls and add built form into a positive, open space. They also highlight the open space as unique and therefore should be protected. It is considered that part of what make the site positive and special in this setting is its unique and distinct qualities that would be diminished by the proposal.

- 14.7 The Design and Access Statement places the building in the context of the modern building at No. 48 New Square and seeks to echo the eaves level to justify the proposed dwelling. This approach does not overcome the previous concerns raised about the impact to the open garden space and does give appropriate reflection to the historic context and character of No. 49 as a unique part of the locality.
- 14.8 The application associated with the development at No. 48 demonstrates that there were material differences between No. 48 and the application site. No. 48 forms part of the terrace row, and does not have the same unique spatial qualities at No. 49. The historic maps highlight that there were historically buildings at the northern edge of the site which were later developed into a car parking. A garage also remained at the front of the site when the development was submitted. As such, the development roughly replicated the footprints where buildings have already been established on the site. In this case, the garden has not been previously occupied by building, and the open and unoccupied nature of the garden is what gives a positive impressive within the surroundings and supports the significance of the house. The development at No. 48 has been taken into account, however, there are clear differences resulting including the harm that would result.
- 14.9 The applicant has referred to a number of small-scale residential developments within garden sites elsewhere in the city, suggesting that development can be accommodated within residential gardens without resulting in harm to heritage assets. However, each application must be determined on its own merits, having regard to the specific characteristics of the site and assessed against the relevant policies of the development plan. In this instance, Officers consider that the proposal would result in harm to the significance of designated heritage assets. Consequently, the proposal must be assessed in accordance with the relevant provisions of the NPPF, including the requirement to weigh any identified heritage harm against the public benefits of the proposal.
- 14.10 A third party comment has raised concerns that the development of this site in this manner would create a precedent for development of gardens within this area. A planning decision can form a material consideration in the determination of future applications, however each application would

still have to be judged on its own merits in accordance with the development plan.

- 14.11 Public comments have also provided the development with positive feedback, suggesting the dwelling is well designed and sensitive to the historic environment. Officers acknowledge the improved design, however, continue to find harm in the siting of the dwelling in this location. Whilst the comments suggest the separation of the garden lends itself to two distinct sites, historically the garden always sat within the ownership of No. 49 New Square and was not divided. Whilst there are internal garden walls, this does not compromise the gap in the same light as the proposed dwelling.
- 14.12 Overall, the proposed development does not respond positively to the local character and landscape and would adversely impact the townscape. The proposal is contrary to policies 55, 56, 57 and 59 of the Local Plan and the NPPF (2026).

15. Trees

- 15.1 The application is accompanied by an Arboricultural Impact Assessment (AIA), this outlines that the proposal would largely maintain the trees on site, however, would require removal of T1 (grade C) to facilitate the development. The AIS also shows that crown lifting and development within root protection zone of tree T2 (grade C2/B) would take place. The AIA explains that this would result in an encroachment of 1.8% which is deemed immaterial to the tree vitality.
- 15.2 This has been considered by the Council's Tree Officer. They have no objection to the principles set out with the scheme, however, request further details on foundations, utilities and mitigation for root protection areas will be required through an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). It is considered that these documents could be submitted through condition if the application were to be approved.
- 15.3 Cambridge Past Present and Future raise a concern that the proposed construction could compromise trees within the site. The Tree Officer states that the AIA outlines that tree T1 would need to be removed to facilitate the development and the proposal would be sited within the root protection zone of tree T2. The Tree Officer is satisfied that appropriate mitigation for this can be presented in the AMS and TPP to be submitted through condition if permission were to be granted.

- 15.4 Subject to conditions to secure compliance with the submitted information, the proposal would accord with policies 59 and 71 of the Local Plan and the NPPF.

16. Carbon reduction and sustainable design

- 16.1 The application is supported by a Sustainability Statement and Carbon Reduction Statement.
- 16.2 This outlines that the building will seek to comply with the energy hierarchy and provide a fabric first approach to improve insulation and thermal comfort and allow passive cooling. The fabric measures include timber frame with brick outer cladding and 75% natural fibre insulation and triple glazed windows and doors. The proposal will also use renewable energy sources (air source heat pump and solar panels) and a green roof for biodiversity and surface water management.
- 16.3 It is noted that the application includes a basement, which can increase embodied carbon through the removal of soil and use of concrete. It is noted that representations have been received about the environmental impact of this. In this case, however, the applicant has attempted to offset this impact through improvements to embodied carbon at the upper level as outlined above. The applicant has set out that the basement would allow for natural cooling, and therefore is well adapted to a warming climate.
- 16.4 The applicant has set out that the building would achieve 64.1% reduction in operational carbon and 36.4% reduction in embodied carbon and 54.7% reduction in total lifecycle carbon. These figures have been adjusted to take account of the basement proposed, and represent an improvement beyond the standards required in the policy. The applicant explains that water-efficient fixtures and appliances will be installed to minimise water consumption.
- 16.5 Some public comments received support the sustainability of the new dwelling, as do Officers. The proposal would exceed policy requirements for carbon reduction, and this is supported. To ensure compliance with the policy, conditions will be added to any approval to require details of carbon reduction and water efficiency measures.

- 16.6 Another representation raises concerns about the potential environmental harm from construction vehicles. Construction traffic would temporarily increase vehicular movements within this area, however given this development is for a single dwelling only this is not considered to be substantial to result in long term environmental harm.
- 16.7 The applicants have suitably addressed the issue of sustainability and renewable energy and subject to conditions the proposal is compliant with policies 28 and 29 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD 2020.

17. Biodiversity

- 17.1 The application is accompanied by a Biodiversity Net Gain (BNG) small sites metric and summary which sets out that as the proposal would result in a habitat unit loss of 14.04%, however this includes a green roof in a private residential garden which cannot be secured as net gain due to its private nature. As such, the loss may be greater than predicted, however the Ecology Officer is satisfied with the approach for units to be purchased from an off-site provider to meet the required 10% net gain.
- 17.2 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 during construction, ecological enhancement, the green roof and to secure the estimated biodiversity net gain is delivered. These are considered reasonable to secure the enhancement and net gain required and will be attached to any approval given.
- 17.3 It is noted that public comments both support ecological gain on the site and object to ecological losses. The ecological value of the site would reduce as part of the development as set out above, however the green roof and landscaping as an ecological enhancement strategy is supported.
- 17.4 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development complies with policy 70 of the Local Plan, the Biodiversity SPD 2022, the requirements of the Environment Act 2021 and 06/2005 Circular advice.

18. Water management and flood risk

- 18.1 The site is considered to have a very low risk of flooding. The Council's Sustainable Drainage Engineer has advised that subject to conditions foul and surface water can be managed by condition. To ensure these matters are suitably addressed in light of flood risk and environmental pollution, these conditions are considered reasonable.
- 18.2 Representations express concern that excavation of the lower ground floor may alter the water table and result in flooding of nearby basements. Whilst these concerns are noted, the proposal involves a limited extent of excavation associated with the lower ground floor. The Council's Drainage Officer has reviewed the proposal and raises no objection. As such, Officers are satisfied that the proposal would not result in substantial flooding risk.
- 18.3 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with policies 31 and 32 of the Local Plan and NPPF advice.

19. Highway safety and transport impacts

- 19.1 The application is located in a central location in the city, it has good connectivity to public transport, the surrounding pedestrian and cycle network and services and facilities. The Connectivity Tool highlighted in NPPF (2026) Policy TR3(2) gives the site a score of 85 which indicates very good connectivity. This siting is supported in accordance with NPPF Policies CC2, TR3 and TR4.
- 19.2 The application would create a new vehicular access to the rear from Willow Walk of the site to allow for one car parking space. It would also provide pedestrian access at the front of the site from Willow Walk. The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal subject to conditions. The recommended condition seeks to ensure that water would not drain onto the adopted highway and is reasonable for addition as to not disrupt the function of the highway.
- 19.3 The applicant has provided tracking for the driveway, and this demonstrates a car can enter and exit the driveway area without conflict with the existing on-street parking spaces on Willow Walk. Given that the driveway is for a single dwelling, vehicular and pedestrian splays are not required by the Highways Authority standards.
- 19.4 The representations received in objection have raised concerns about conflict of the vehicle with cyclists and pedestrians. Officers have

informally consulted with the Local Highways Authority on this matter, they are comfortable that due to the limited additional vehicle movements that there would not be a significant adverse impact to highway safety in this location.

19.5 Some third party comments have sought for construction access to be via New Square rather than Willow Walk given the private nature of the road. It is recognised that construction will need to be carefully managed due to the constrained nature of the site and therefore it is considered reasonable to add a condition to require a construction traffic management plan to any permission given.

19.6 Subject to conditions the proposal accords with the objectives of Policy 80 of the Local Plan and is compliant with NPPF advice.

20. Car and cycle provision

20.1 The application shows that one car parking space is to be provided on a new driveway accessed from Willow Walk, and this does not exceed the maximum parking levels set out within Appendix L. An EV charging point is to be provided within the new driveway. The Design and Access outlines that cycle parking is to be provided on site, however the details of the secure and covered storage facility have not been provided. To ensure the proposal would have adequate cycle parking a condition will be attached to this effect to any approval given.

20.2 Subject to conditions, the proposal is considered to accord with policies 36 and 81 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

21. Amenity

Neighbouring properties

21.1 The proposed dwelling would be located in the garden of No. 49 and adjacent to No. 48A. No. 48B and No. 48 also sit in close proximity. The Willow Walk properties are located across the private road to the north of the property.

21.2 The proposal would sit adjacent to the side elevation No. 48A, as this is a blank elevation and the dwelling would sit at a similar height to the existing building, it would not adversely impact the occupiers of this dwelling. Similarly, as the proposal is single storey, it would not adversely

impact light or privacy or result in overbearing impacts to No, 48B and No. 48.

- 21.3 The dwelling would be visible from the properties at Willow Walk as the proposal does extend above the existing boundary wall, however the proposal is low is height and has been designed with a low flat roof to reduce the apparent mass and any potential for light impacts. The application is supported by a shadow study which shows that the proposal would have negligible impacts on surrounding occupiers and would not impact light to properties close to or adjacent to the site.
- 21.4 Third party comments support the dwelling in this location and suggest that the absence of any amenity impacts is a positive.
- 21.5 Given the adjacent context, location, size, and design of the proposal it is unlikely to give rise to any significant amenity impacts in terms of overlooking, loss of daylight, enclosure or other environmental impacts. The proposal is compliant with policies 35, 50, 52, 53 and 58 of the Local Plan.

Future occupants

- 21.6 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 ²)	Proposed size of unit (m ²)	Difference in size (m ²)
1	2	4	2	79	118	+39

Table 3 Table showing size of residential units in comparison with the policy requirement

- 21.7 The applicant has submitted a Daylight and Sunlight Assessment which considers the daylight and sunlight provision within the new home in line with guidance outlined with the BRE Site Layout and Planning for Daylight and Sunlight Guidance (2022). This was requested by Officers in light of the basement accommodation.
- 21.8 This document demonstrates that both basement bedrooms would achieve the entire working plane within the no sky line, and therefore would comply with the 20% limit within the BRE Guidance on daylight distribution to achieve appropriate daylight levels.

- 21.9 The document outlines that the building accommodation would meet the requirements of the BRE Guidance on sunlight. The BRE Guidance sets out that each new dwelling should have at least one main living room window that faces within 90 degrees of due south, and that the main living room should received at least 25% of Annual Probable Daylight Hours (APDH). The documents outlines that the proposed living room is located on the ground floor and benefits from west and south facing windows, as well as rooflights. The applicant has not given the percentage, however from the plans submitted Officers can ascertain that the ground floor level would benefit from a reasonable level of sunlight as to no compromise amenity within the home.

Garden size

- 21.10 The proposal includes space around the dwelling for a private garden, the garden space provides space for sitting out and is considered to be sufficient for the size of the dwelling. The garden would be overlooked at an oblique angle by the existing dwelling and partially by the properties on Willow Walk. The view from the existing dwelling does not substantially compromise privacy due to the positioning and there would be the southern part of the garden which be partially screened from Willow Walk. It is considered that given the size of the garden and the availability of some private space this is an acceptable arrangement.

Accessible design

- 21.11 Part 14 of the NPPF (2026) seeks to provide inclusive development. The submitted M4(2) Compliance Statement demonstrates that the proposal would comply Building Regulations requirement part M4(2) and therefore, Officers consider that the layout and configuration enables inclusive access and future proofing.
- 21.12 The development would comply with the requirements of Part M4(2) of the Building Regulations and would therefore comply with policy 51 of the Local Plan. A condition shall be added to ensure that the proposal is built to the Part M4(2) requirements.

Construction and environmental health impacts

- 21.13 The Council's Environmental Health Team have assessed the application and recommended condition relating to construction hours, piling and air source heat pump noise. Given the close proximity to neighbouring occupiers these are considered reasonable for addition.

- 21.14 It is noted that concerns have been raised about noise and dust during construction, informatives will be added to ensure the applicant keeps temporary environmental nuisance to a minimum.

Summary

- 21.15 The proposal adequately respects the amenity of its neighbours and of future occupants. Subject to conditions, the proposal is compliant with policies 55, 56, 57, 58, 59 of the Local Plan. The associated construction and environmental impacts would be acceptable in accordance with policies CC/6, CC/7, SC/9, SC/10, SC/12 and SC/14 / policies 33, 34, 35 and 36 of the Local Plan.

22. Third party representations

- 22.1 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
Addressing housing need	In April 2026 the Council published the Greater Cambridge Housing Trajectory and Housing Land Supply Report which sets out that the Council can provide a 5.6 year supply of homes for the years 2026-2031. As such, no further homes are needed to meet the projected growth in the district. As such, whilst the proposal would seek to provide one additional home, it is not required to meet the housing need.
Reuse of brownfield site	The NPPF sets out that land in built-up areas such as residential gardens are excluded from the definition of brownfield land. As such, this is not considered to be a benefit of the proposal.
Construction impacts (flooding, construction)	The comments received raise concerns about the impacts of construction on the properties at Willow walk, both in terms of structural stability and flooding. The Environmental Health and Drainage Officers have not raised concerns about these matters, no evidence has been provided to demonstrate that the proposal could not be implemented safely. Any development would be subject to building regulation compliance to ensure appropriate safety levels.

Table 4 Officer response to third party representations

23. Other matters

- 23.1 The site plan demonstrates that there is sufficient space for waste receptacles within the site boundary. The Waste Officer requests further information in the form of a waste strategy, this can be required through condition for any permission granted.

24. Planning balance

- 24.1 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).
- 24.2 Summary of harm
- 24.3 The proposal gives rise to a moderate level of harm to the setting of No.49 New Square (grade II listed), and the character and appearance of the Kite Conservation Area and a low level of harm to the setting of No. 2-17 Willow Walk (grade II listed) through the domination of the open, garden space at No. 49. The garden forms a unique part of the setting and makes a significant positive contribution to the listed building and the surrounding Conservation Area. The development of the garden in this manner would erode these qualities and undermine the significance of the heritage assets.
- 24.4 In accordance with the NPPF (2026) and the statutory duties within the Planning (LBCA) Act (1990) substantial weight should be given to the asset's conservation and special regard should be given to the desirability of preserving the listed building or its setting and special attention paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As such, this impact should be given significant weight in the planning balance.
- 24.5 The public benefits are limited to the provision of a single, sustainable and accessible dwelling and biodiversity compliance, which can only be given limited weight in the planning balance given that the district have sufficient housing stock and the proposal would only meet the statutory biodiversity and accessibility requirements. The sustainability improvements are noted but these are limited in scale.
- 24.6 The proposal would negatively impact the character and appearance of the area and the host dwelling. The proposal would insert a single storey

dwelling into the existing open garden area, destroying the open nature of this space and dominating the special garden area.

- 24.7 Summary of benefits
- 24.8 Policy S4 of the NPPF (2026) outlines development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. As such it necessary to consider the benefits of the proposal against the harm.
- 24.9 The proposal provides a single dwelling in a sustainable location; the dwelling would accord with the policy requirements on accessibility and biodiversity gain. The proposal would exceed sustainability requirements within the policy. This is given limited weight in the planning balance.
- 24.10 Conclusion
- 24.11 In this case, the benefits of the development relate to the provision of a single sustainable dwelling which would meet biodiversity and accessibility standards.
- 24.12 The proposal results in a moderate level of harm to the setting of No.49 New Square (grade II listed), the character and appearance of the Kite Conservation Area and low harm to the setting of No. 2-17 Willow Walk (grade II listed). This impact to the heritage asset is given substantial weight as outlined within the NPPF, and there are limited public benefits that would not outweigh this harm. The proposal is harmful to the character and appearance of the area and does not successfully integrate into and enhance the surroundings.
- 24.13 It is Officers view that the harm would substantially outweigh the benefits of approving the single dwelling.
- 24.14 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.

25. Recommendation

25.1 **Refuse** for the following reasons:

1. The existing site makes a distinct and positive contribution to the character and appearance of the locality due to its open and undeveloped nature. By reason of its siting, scale, height and overall form, the proposed dwelling would appear as an incongruous and overly dominant feature that would erode the site's contribution to local character and result in harm to the character and appearance of the area. The proposal is contrary to Policies 52, 55, 56, 57 and 59 of Cambridge Local Plan (2018) which seek to ensure that development responds appropriately to its context, is of a high quality, that reflects or successfully contrasts with existing building forms and materials.
2. The open and undeveloped character of the garden, together with its enclosing walls, makes a positive contribution to the significance and setting of these designated heritage assets. By reason of the introduction of built development and the partial removal of the garden walls, the proposal would erode this contribution and result in moderate harm to the significance of the setting of No. 49 New Square and the character and appearance of the Kite Conservation Area and low harm to the setting of Nos. 2-17 Willow Walk. The public benefits arising from the proposal are insufficient to outweigh the identified harm. The proposal therefore fails to preserve the setting of listed buildings and fails to preserve or enhance the character and appearance of the Conservation Area, contrary to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 61 of the Cambridge Local Plan (2018), and Policies HE4, HE5, HE6 and HE9 of the National Planning Policy Framework (2026).