

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: North Area Committee 24/11/11

WARDS: West Chesterton

### **PLANNING ENFORCEMENT CONTROL – PLANNING CONTRAVENTION REPORT**

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**Failure to Comply with the requirements of an Enforcement Notice following the dismissal of the Appeals against that Enforcement Notice and following the refusal of a subsequent planning application and dismissal of the associated appeal, 21 Belvoir Road, Cambridge.**

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#### **1. INTRODUCTION**

- 1.1 There has been a failure to comply with the requirements of an Enforcement Notice served following development being undertaken without the benefit of planning permission at 21, Belvoir Road, Cambridge. This report is brought before Committee to allow Committee to consider what course of action should now be taken.
- 1.2 The case is not straightforward and has been complicated by the designation of City of Cambridge Conservation Area No.11 (De Freville) (3 March 2009), after the development had commenced.

Site: 21 Belvoir Road, Cambridge

Non-Compliance: Failure to comply with the requirements of the Planning Inspector, David Harrison, who dismissed the appeals made by Mr Jolley and Ms Petrie–Symes of 21 Belvoir Road, Cambridge against the enforcement notice served by Cambridge City Council. (Decision Letter dated 23 November 2010).

- 1.3 The requirements of the Enforcement Notice are to remove the roof extension and reinstate the roof to its original condition.
- 1.4 The period for compliance allowed by the decision letter was 9 months (a period that elapsed on 22 August 2011).

## 2 PLANNING HISTORY.

**Application 08/0625/FUL** Addition of new first floor accommodation, comprising rooms in a new roof with dormers to rear and side, at 21 Belvoir Road, Cambridge.

- 2.1 This application sought planning permission for a two-storey extension to No. 21; it would have resulted in one half of what was at that time a matched pair of bungalows (save that 19 had a small dormer window in the rear roof), being altered so that No. 21 would have looked like one half of a pair of semi-detached houses, while No.19 would still have been the bungalow with room in the roof. The application was REFUSED in July 2008.
- 2.2 Later in 2008, plans of a proposal for extensions to the roofs of the dwelling that were to be built as permitted development (development not requiring planning permission), were shown to Council Enforcement Officers. The officers agreed that what was shown in the submitted plans appeared to constitute permitted development, but stressed that the advice was informal only and that if a formal decision was required a Certificate of Lawfulness should be sought under section 192 of the Town and Country Planning Act 1990 (as amended).
- 2.3 Subsequently development was undertaken that did not accord with the plans that officers had previously been shown. These works did not constitute permitted development.

**Application 09/0798/FUL** - Loft conversion with roof extension, at 21 Belvoir Road, Cambridge.

- 2.4 This first retrospective application for the work as implemented was WITHDRAWN.

**Application 09/1089/FUL** Loft conversion with roof extension, at 21 Belvoir Road, Cambridge.

- 2.5 North Area Committee at its 7<sup>th</sup> January 2010 meeting, resolved to REFUSE this second retrospective application for the work as implemented, for the following reasons:

“1. The roof extension by virtue of its scale and the materials of its construction fails to reflect or successfully contrast with the form of the original dwelling and appears as an incongruous form of development when viewed from Aylestone Road and the houses and gardens in the surrounding area which forms part of the De Freville Conservation Area. In so doing the development fails to respect the site context and the characteristics of the surrounding area. The development is contrary to policies ENV6 and ENV7 of the East of England Plan 2008 and policies 3/4, 3/14 and 4/11 of the Cambridge Local Plan 2006 and to guidance provided by PPS1 and PPG15.

2. The roof extension by virtue of its scale, proximity to the boundary with 19 Belvoir Road and the presence of French doors at first floor level, has an overbearing and enclosing impact on 19 Belvoir Road and leads to overlooking and loss of privacy to the detriment of the residential amenities which the occupier of 19 Belvoir Road could reasonably expect to enjoy. In so doing the development fails to respect the site context and constraints. The development is contrary to policies ENV7 of the East of England Plan 2008 and policies 3/4 and 3/14 of the Cambridge Local Plan 2006 and to guidance provided by PPS1.”

### **Enforcement Notice**

- 2.6 On 4 January 2010, an Enforcement Notice was served, the breach of planning control alleged being, “Without planning permission, the carrying out of operational development, namely the erection of a full width roof dormer on the rear and side of the property”.  
The steps required to remedy the breach were, “To remove the roof extension and reinstate the roof to its original condition”.  
The period for compliance was given as 6 months.
- 2.7 Appeals were lodged against the Enforcement Notice. The appeals were dismissed on 23 November 2010, with the Inspector varying the Notice, allowing 9 months, not the 6 months sought by the Council, for the work to be carried out. The Inspector considered the scheme as built, especially the size of the rear projection (the ‘box’ above the rear ‘wing’), would be particularly intrusive and would have a harmful, overbearing effect on No.19 Belvoir Road, such as to make it

unacceptable. (Appeal Decision Letter attached as Appendix 1; Plans attached as Appendix 2)

**Application 11/0405/FUL** Proposed alterations to reduce bulk of existing loft rooms, at 21 Belvoir Road, Cambridge.

- 2.8 Following the Enforcement Appeal decision, an application was made to keep almost all of what has been built and to change, from wood to tiles, the external material of that elevation of the 'box' above the rear 'wing' facing No.19. This third retrospective application for the work as implemented was REFUSED, under the Delegation Procedure, for the following reason:

"1. The rear additions to the roof are of a size and scale that do not reflect or successfully contrast with the form or materials of the existing building. Their size and height, particularly the length and height of the rear projection over the original rear 'wing' and the discord in the design of the two rear elements (the chamfered and unchamfered), is unacceptable. The additions proposed are intrusive and have a harmful, overbearing and dominating affect upon No.19 which will cause the occupants of that property to suffer a sense of enclosure that will unduly detract from and be harmful to the level of amenity they should reasonably expect to enjoy. For these reasons the proposal is contrary to Cambridge Local Plan 2006 policy 3/14. It follows that the proposal has failed to respond to its context or to draw inspiration from key characteristics of the surroundings and is therefore also contrary to East of England Plan (2008) policy ENV7, Cambridge Local Plan 2006 policy 3/4, and to advice contained in Planning Policy Statement 1 - Delivering Sustainable Development (2005)."

The decision was dated 24 June 2011.

- 2.9 The subsequent appeal was dismissed by a decision dated 24 August 2011. (Appeal decision attached as Appendix 3; Plans attached as Appendix 4)

### **3. POLICY BACKGROUND**

- 3.1 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and

predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

**3.2 Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration.

**3.3 Planning Policy Guidance 18: Enforcing Planning Control (1991):** explains that while nothing in the advice should be taken as condoning a wilful breach of planning law, local planning authorities have a general discretion to take enforcement action where they regard it as expedient, having regard to the provisions of the development plan and to any other material considerations. This approach is also reflected in the Council's Enforcement Policy, which sets out the Council's general approach to informal and formal action including prosecution.

**3.4 Draft National Planning Policy Framework (2011);**

States that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions, while recognising that many developments will create some noise; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

## **4.0 OPTIONS**

**4.1** Enforcement is a discretionary power and Members of Committee need to consider an appropriate way forward given the planning history, the designation of the site within a conservation area, the

impact of the development upon the neighbouring properties, and what weight should be given to the personal circumstances of the applicant.

The key range of enforcement powers available to the Council following a failure to comply with an enforcement notice are as follows:

- Prosecution
- Caution (in place of a prosecution)
- Injunction
- Entry on to the site by the Council to carry out the required works and recovery of the costs of so doing from the owners.

Officers have set out below the main options that the Committee needs to consider.

#### 4.2 Option 1

'Do Nothing'

- to do nothing and not take the matter further is an option for the Council. To do 'nothing' would in effect require withdrawing the Enforcement Notice, recognising the decisions of the two Inspectors to dismiss appeals against the Enforcement Notice and the later refusal of planning permission. Conscious of the need to balance the interests of all parties about the development and their continuing concerns, and recognising the material considerations rehearsed in 4.1 above and the decisions of the Inspectors, my view, on planning grounds, is that this is not an option the Council should pursue.

#### 4.3 Option 2

To give delegated authority, to the Head of Planning & the Head of Legal Services jointly, to take action on behalf of the Council in respect of the failure to comply with the requirements of the Enforcement Notice:

- this option requires a detailed examination of the how the case might be taken forward, and empowers the Heads of Planning and Legal Services to exercise the appropriate enforcement powers on behalf of the Council.

#### 4.4 Option 3

To offer the owners 4 weeks from the date of this meeting to make an application for the retention of part of the constructed roof, that above the main roof of the dwelling (with an approximately 400mm 'nib' out over the rear 'wing' to allow retention of the first floor toilet), on the basis that the remainder of the roof is reinstated to its original condition. In the event that an application is not made within the prescribed period, to give delegated authority, to the Head of Planning & the Head of Legal Services jointly, to take action on behalf of the Council in respect of the failure to comply with the requirements of the Enforcement Notice.

In the event that a planning application is made as described and permission is refused, or permission is granted but the implementation of that permission is not begun within 2 months of the grant of permission delegated authority is given, to the Head of Planning & the Head of Legal Services jointly, to take action on behalf of the Council in respect of the failure to comply with the full requirements of the Enforcement Notice:

- this option recognises, that the Inspector in the first appeal suggests that there is some scope for additions to the roof of 21m Belvoir Road that would not have an undue and unacceptable impact on the amenity of No.19. While that view might not be shared by all parties, this option is seen as affording the owners of No.21 a final opportunity to retain a substantial proportion of what has been built. In the event that such a proposal is not acceptable to Committee or is approved, but not implemented in a reasonable time frame, delegated authority is given to officers to decide and proceed with the most appropriate course of enforcement action.

## **5. CONCLUSIONS and RECOMMENDATION**

5.1 This is a long-running case, where development has proceeded without the requisite planning permission. Despite the concerns of the owners that the requirements of the Enforcement Notice are disproportionate, they have been upheld at appeal and the decision confirmed by an Inspector, who stated that, "It seems to me that the size of this rear projection is particularly intrusive and has a harmful overbearing effect upon No.19. For this reason I find the development unacceptable..." (para. 18 of the 23 November 2010 Decision Letter). As the Inspector has focused sharply on the addition above the rear wing, rather than the additions above the body of the dwelling house, committee could take the view that the

owners should be given one further opportunity to make an application for an extension to the roof above the main house.

5.2 The Head of Planning Services also considers that there is some scope to recommend support for a more modest addition to the roof, if it did not unduly enclose or dominate or adversely affect the amenity of the neighbour to the north, 19 Belvoir Road. This would need to be in the form of an extension to the main roof, which retained the hip-to-gable addition and the rear box dormer above the main roof (together with a 40cm 'nib' above the rear 'wing' to allow retention of the first floor toilet), provided the remainder of the roof extension to the rear 'wing' was removed and the roof reinstated to its original condition. This suggestion has been discussed with the property owners, but they have not proceeded with an application on this basis so far.

5.3 It is therefore **recommended** that the Committee pursue Option 3 above.

## 6.0 IMPLICATIONS

(a) **Financial Implications - None**

(b) **Staffing Implications (if not covered in Consultations Section)-None**

(c) **Equal Opportunities Implications-None**

(d) **Environmental Implications- None**

(e) **Community Safety-None**

(f) **Human Rights Considerations**

Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). It is considered that enforcement in this case is lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms or new residential development, prejudicial to the amenity of others. Given the time period that has already elapsed the setting of a timetable for the recommendation is seen as appropriate and reasonable.



**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

**08/0625/FUL** Addition of new first floor accommodation. Rooms in new roof with dormers to rear and side, at 21 Belvoir Road, Cambridge.

**09/0798/FUL** - Loft conversion with roof extension, at 21 Belvoir Road, Cambridge.

**09/1089/FUL** Loft conversion with roof extension, at 21 Belvoir Road, Cambridge.

**11/0405/FUL** Proposed alterations to reduce bulk of existing loft rooms, at 21 Belvoir Road, Cambridge.

APPEAL DECISIONS:

1. Planning Inspectorate Refs: APP/Q0505/C/10/2121824 and 2121825.
2. Planning Inspectorate Ref: APP/Q0505/D/11/2156579

To inspect these documents contact Peter Carter on extension (45)7155

The author and contact officer for queries on the report is Peter Carter on extension (45)7155.

Report file:

Date originated: 16 November 2011

Date of last revision: 16 November 2011





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## Appeal Decisions

Site visit made on 3 November 2010

by **David Harrison BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 November 2010

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**Appeal Refs: APP/Q0505/C/10/2121824 & 2121825**  
**21 Belvoir Road, Cambridge CB4 1JH**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeals are made by Mr Ian George Michael Jolley and Ms Katrina Julie Petrie-Symes against an enforcement notice issued by Cambridge City Council.
  - The Council's reference is P558/332. The notice was issued on 4 January 2010.
  - The breach of planning control as alleged in the notice is without planning permission, the carrying out of operational development, namely the erection of a full width roof dormer on the rear and side of the property.
  - The requirements of the notice are to remove the roof extension and reinstate the roof to its original condition.
  - The period for compliance with the requirements is six months.
  - The appeals are proceeding on the grounds set out in section 174(2) [a] [c] [f] and [g] of the Town and Country Planning Act 1990 as amended.
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### Decision

1. I dismiss the appeals and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Procedural matters

2. I requested the submission of copies of the plans illustrating the proposed roof extension that were shown to the Council in October 2008. Copies of Drawing Nos. C.100.1A and C.100.2 both dated September 2008 were produced at the site visit.

### Background

3. The plans shown to the Council in Oct 2008 indicate a "hip to gable" roof extension with a flat roofed dormer at the rear approximately 0.8 m lower than the ridge of the semi-detached bungalow, and French windows allowing access to a balcony. A note on Plan C.100.1A states "timber cladding to dormers". The Council advised that if the balcony element of the design were removed, the rest of the development would be permitted under Class B.1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, (GPDO).
4. Drawing Nos. D.100.1 and D.100.2 dated August 2009 show the roof alterations that were actually carried out and were submitted with a retrospective planning application to retain the structure. This application was refused, and this is the development which the enforcement notice requires to be removed.

### **The appeals on Ground (c)**

5. For the appeals on ground (c) to succeed the appellants need to demonstrate that there has been no breach of planning control. Advice relating to the types of development which may be carried out without the need for planning permission are set out in the amended version of the GPDO which came into effect on 1 October 2008. Class B allows *The enlargement of a dwellinghouse consisting of an addition or alteration to its roof* but paragraph B.1 *Development not permitted* sets limitations on what is permitted. B.1 (c) (ii) sets a limit of 50 cubic metres and B.1 (d) (i) excludes a veranda, balcony or raised platform. B.1 (e) requires that the dwellinghouse is not on article 1(5) land, which includes land within a conservation area. The De Freville Conservation Area was designated in March 2009 and includes the appeal property.
6. Paragraph B.2 *Conditions* stipulates that (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
7. The work commenced before the designation of the conservation area but it did not proceed in accordance with the plans shown to the Council in October 2008. It is agreed by both parties that the original plans showed an extension of 50 cubic metres and at one stage both parties agreed that the as built extension was 53 cubic metres. The appellant's agent subsequently maintained in his final comments that it was 51 cubic metres. I have not done any calculations of my own, but rely on the agreement between the parties that it is in excess of 50 cubic metres. There is therefore a conflict with criterion B.1 (c) (ii) of the GPDO.
8. Although the point was not raised in October 2008<sup>1</sup> the Council argues that there is also conflict with condition B.2 (a) which requires the use of materials of "similar appearance". I agree. The green painted timber is not "similar" to the red clay tiles or the buff brick of the original bungalow.
9. Before the designation of the conservation area the addition to the roof failed to qualify as permitted development on two counts. Since designation there is also clearly a conflict with B.1 (e). The appellant maintains that as the development commenced before the designation of the conservation area the "non conservation area permitted development rights" should be "preserved" until completion. Even if I were to adopt this approach there would still be a conflict with the requirements of Class B with regard to the volume of the development (albeit marginal) and the materials used.
10. The roof extension does not constitute permitted development under Class B and there has been a breach of planning control. The appeals on ground (c) therefore fail.

### **The appeals on Ground (a) : The deemed planning application**

11. The deemed application is to retain the roof extension as built. There has been a change in the roof shape from hipped to gable end, with a dormer to the rear. The part of the dormer nearest to the other half of the semi-detached bungalow, No.19, is set into the original rear roof slope of the bungalow and has a French window. The part nearest to No.23 projects further outwards over a single storey extension to the rear of the bungalow.

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<sup>1</sup> A note on Plan C.100.1A states "timber cladding to dormers".

### *Main issues*

12. The main issues are (i) the effect of the development upon the character and appearance of the De Freville Conservation Area, (ii) the effect upon residential amenity of the occupiers of nearby dwellings owing to overlooking and loss of privacy or the creation of an overbearing effect, and (iii) the weight to be given to the "fallback position" and the advice in PPG 18 *Enforcing Planning Control*.

### *The effect upon the character and appearance of the conservation area*

13. The area comprises mainly late 19<sup>th</sup> and early 20<sup>th</sup> century houses with small areas of more recent development, including the appeal premises.
14. There are a number of dormers in the rear roofs of houses which are visible in the local street scene. The appellants maintain that these dormers were part of the character of the conservation area when it was designated in 2009, and I accept this. The upper part of the rear dormer at No.21 is clearly visible from Aylestone Road above the fences and garden vegetation but it is not intrusive. The green colour of the vertical timber boarding does not draw attention to itself, and it is seen against the side wall of the two storey house beyond, No.23, which rises above it. The green painted cladding of the new gable end can be glimpsed from Belvoir Street through the narrow gap between No.21 and No.23 but it has no material impact in my view. Apart from these glimpses of the dormer, views of the development are limited to those obtainable from the rear gardens of the adjoining houses, and I will consider this later. I think the unauthorised development has no harmful impact upon the character and appearance of the conservation area, which can be said to be preserved.

### *Residential amenity*

15. The Council's *Roof Extension Design Guide* has a paragraph relating to development on rear roof slopes which are only visible from other gardens. According to the guide these still matter, since they may have an impact on the amenity of neighbouring houses. However, in these circumstances a more flexible approach may be acceptable and there may be situations in which extensions to the rear roof slope of a less conventional style are appropriate.

### *Overlooking and loss of privacy*

16. I saw that both the windows in the dormer overlook the garden of the adjoining semi-detached bungalow, No.19, and to a lesser extent the adjacent detached two-storey house No.23. The effect is accentuated by the full depth glazing of the French windows nearest to No.19 but also mitigated by the presence of net curtains. However, these are both bedroom windows and the number of occasions when overlooking might occur are limited. Such overlooking is commonplace at the rear of two storey houses and these predominate in the area; the bungalows are an anomaly. The degree of overlooking is not significant enough to amount to a reason for refusing planning permission.

### *Overbearing effect*

17. The roof extension can be seen from the rear garden of No.23, but it is not particularly intrusive. It is also visible through the rooflight in the single storey part of the rear of No.23 but I do not attach any particular significance to this. The dormer is much more intrusive when seen from the rear garden of No.19, the adjoining semi-detached bungalow. Although the "longer" section is nearer No.23, the impact is greater at No.19.

18. The effect is particularly dominating because the flat roof is level with the ridge of the bungalow and the flank wall of the part of the dormer that projects out over the single storey rear extension and which faces towards No.19 is stark in appearance. The Council's Historic Environment Manager describes the design of the development as "very angular making the extensions look as though they have been plonked onto the roof and extension of the bungalow". It is suggested that in order for it to be less imposing it should be reduced to a "full box dormer on the rear of the property, and that the extension over the rear extension is removed". It seems to me that the size of this rear projection is particularly intrusive and has a harmful overbearing effect upon No.19. For this reason I find the development unacceptable, and in conflict with the aims of Policy 3/14 *Extending Buildings* of the Cambridge Local Plan (1996) which requires an extension to, among other things, (b) not unreasonably overlook, overshadow or visually dominate neighbouring properties.

*The "fall back position", and the weight to be given to PPG18.*

19. I have carefully considered the appellant's argument that if the development cannot be retained in its entirety an opportunity should be allowed to modify the dormer by slightly reducing its volume so that it complies with the permitted development rights available when work began prior to the designation of the conservation area. Paragraph 18 of PPG18 refers to unauthorised development by private householders and concludes that LPAs should not normally take enforcement action in order to remedy only a slight variation in excess of what would have been permitted by the GPDO. However, the significance of a "fall back position" is that it is an actual rather than a theoretical alternative, and in this case if the roof extension was to be removed as required by the notice, it could not be replaced by any other form of roof extension using permitted development rights under Class B as they are all removed by paragraph B.1(e). I reach this conclusion even though the aim of paragraph B.1(e) is to allow the opportunity to control development which could harm the character or appearance of a conservation area, and in this case I have concluded that there is no such harm. The fact remains that there is no "fall back position" in terms of permitted development rights.

*Conclusion on the ground (a) appeals*

20. My conclusion is that the development which is the subject of the deemed planning application has a harmful overbearing effect upon the amenities of the adjoining semi-detached bungalow and notwithstanding the "fall back position" and the advice in PPG18, planning permission to retain the development should be refused. The appeals on ground (a) therefore fail.

### **The appeals on Ground (f)**

21. For the appeals on ground (f) to succeed the appellants need to demonstrate that the steps required to comply with the requirements of the notice are excessive, and that lesser steps would overcome the objections. Appellants are encouraged to state how they think the wording of the requirements should be varied. The appellants have repeated some of the arguments in favour of allowing the roof extension to be retained and suggest that at most the requirement should be to reduce it to a size that would have qualified as "permitted development" at the time the work commenced. However, these arguments have already been addressed, and no specific alternative requirements are suggested.

22. Although I have concluded as part of the ground (a) appeals that some form of rear roof extension could be acceptable, there is no specific alternative scheme or set of plans that could be referred to in any alternative wording of the requirements of the notice. The appeals on ground (f) therefore fail.

**The appeals on Ground (g)**

23. The appellants argue that a 12 month compliance period is necessary as they are living in the property and it would be difficult to organise the demolition work within the 6 months required by the notice. In the light of my decision on the ground (a) appeals, time may be needed for the preparation and consideration of an alternative scheme, before any demolition and/or modification work can be carried out. I propose to increase the compliance period to 9 months and to this extent the appeals on ground (g) therefore succeed.

*David Harrison*

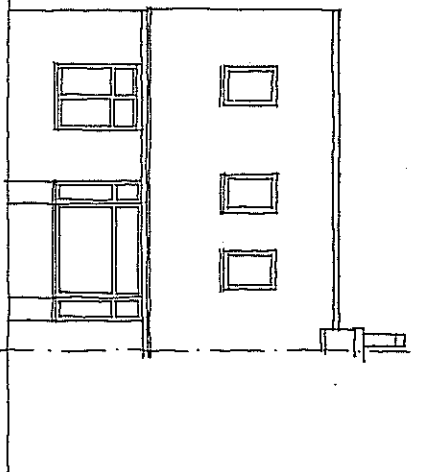
Inspector



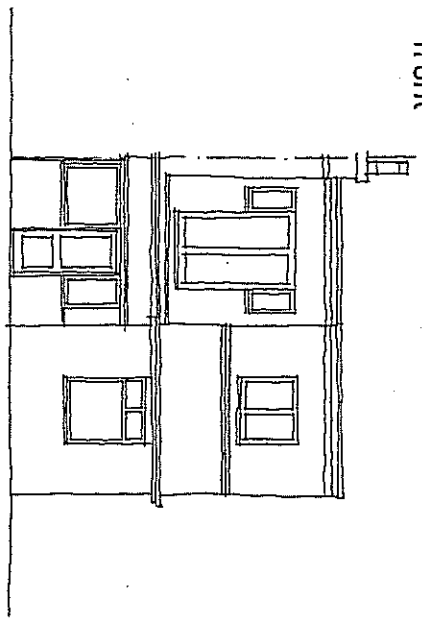


TILES TO  
MATCH EXISTING  
EXISTING  
BRICKWORK

front

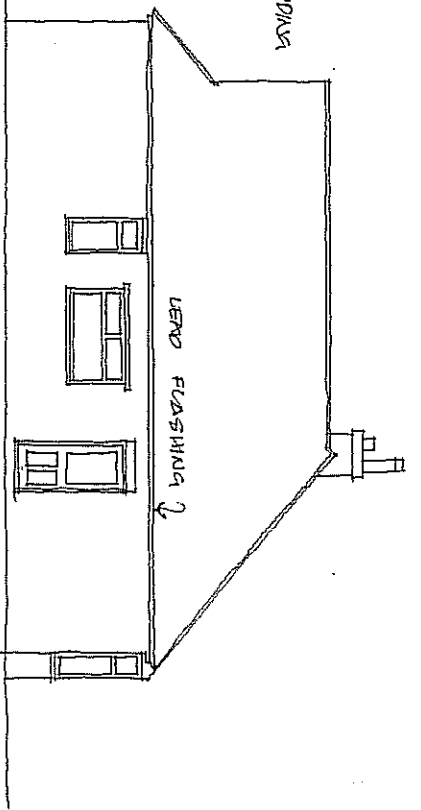


garden  
elevations

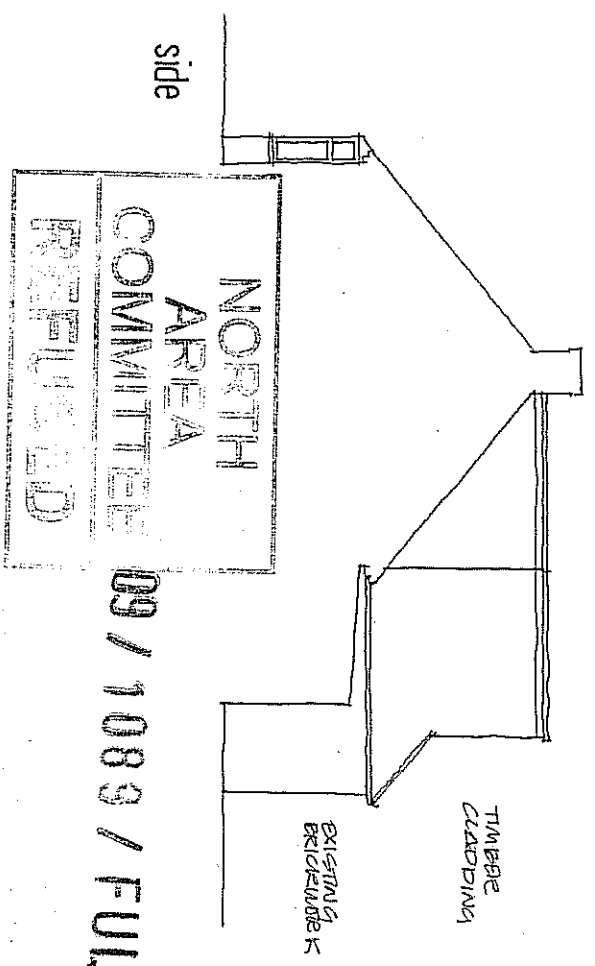


TIMBER  
CLADDING  
EXISTING  
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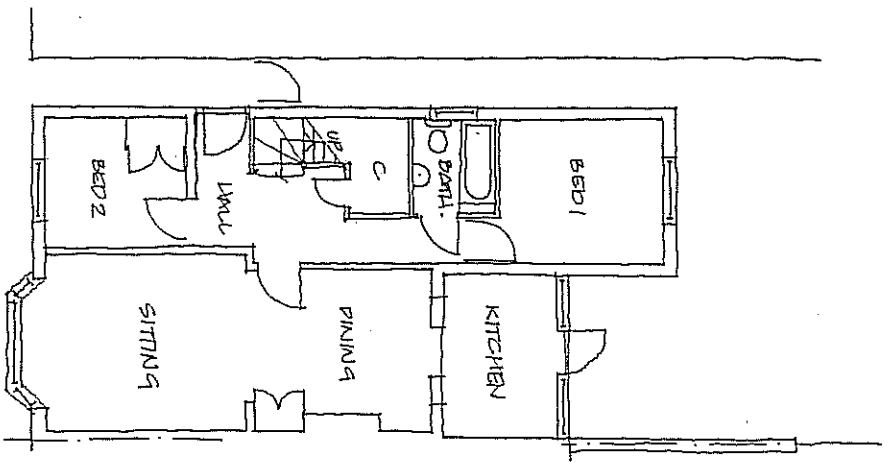
APPENDIX 2

George Davidson Architects,  
251 Mill Road,  
Cambridge, CB1 3BE.  
Tel. 01223 576874.

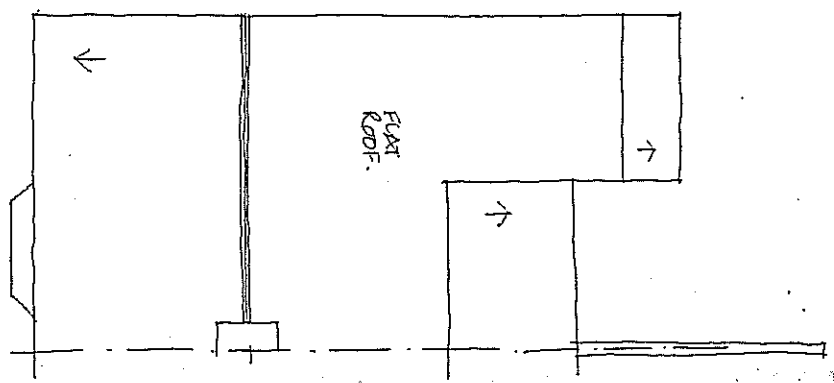
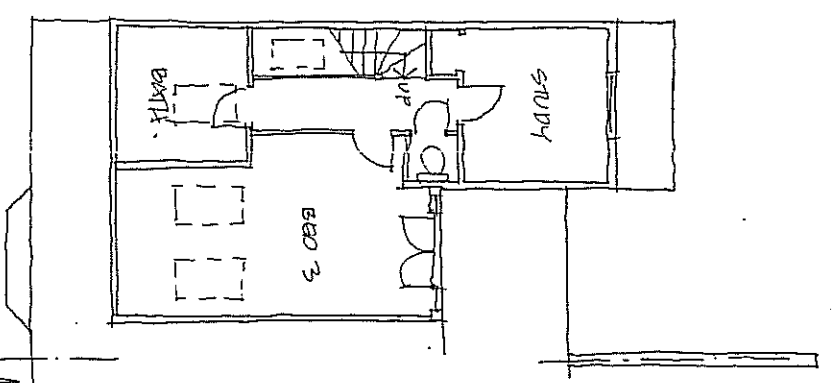
21 BELVOIR ROAD, CAMBRIDGE.  
PROPOSAL  
Scale 1:100d A31 Date AUG 2009.  
DWG. No. D. 100. 2

APPENDIX 2.

ground floor plan



first floor plan



**NORTTPOI AREA COMMITTEE REFUSED**

09 / 1089 / FULL

George Davidson Architects,  
251 Mill Road,  
Cambridge. CB1 3BE.  
Tel. 01223 576874.

21 BELVOIR ROAD, CAMBRIDGE.  
proposal.  
Scale 1:100 at A3 | date AUG. 2009.  
Dwg. No D. 100.1



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## Appeal Decision

Site visit made on 16 August 2011

by **Hilary Lock BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 August 2011

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**Appeal Ref: APP/Q0505/D/11/2156579**

**21 Belvoir Road, Cambridge, Cambridgeshire, CB4 1JH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ian Jolley against the decision of Cambridge City Council.
  - The application Ref 11/0405/FUL, dated 28 March 2011, was refused by notice dated 24 June 2011.
  - The development is described as 'proposed alterations to reduce bulk of existing loft rooms'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Notwithstanding the description of the development, the extension of the hipped roof to gable and the 'L'-shaped rear dormer, as constructed, do not benefit from planning permission. The development the subject of this appeal therefore comprises these existing additions to the property with the proposed alterations shown on the submitted plans.

### Main Issues

3. The main issues are the effect of the extension on (1) the appearance of the appeal building and the wider De Freville Conservation Area; and (2) the living conditions of neighbouring residents, with particular reference to outlook.

### Reasons

#### *Appearance*

4. The appeal property is a semi-detached dwelling with rooms in the roofspace, located in a road of primarily two-storey period houses. As noted above, the dormer window and other roof alterations form part of the appeal proposals. The attached property retains the original hipped roof, and has a rear dormer window.
  5. An appeal to retain the roof extensions as constructed was dismissed under refs. APP/Q0505/C/10/2121824 & 2121825. In dismissing the appeal, the Inspector concluded that some form of rear roof extension could be acceptable, and that the unauthorised development has no harmful impact upon the
-

character and appearance of the conservation area. However, the proposals the subject of this appeal would introduce an awkward design, with a part-chamfered and part-flat roof that would be discordant in relation to the main dwelling. Although it is proposed to use matching reclaimed tiles on the slope and the side elevation of the deepest part of the dormer, the mix of tiling and green painted timber to this elevation would exacerbate the disharmony.

6. Whilst I acknowledge the reasons for dismissing the previous appeal, this proposal introduces matters of detailed design which did not arise in the previous scheme, and these conflict with the aims of Policy ENV7 of the East of England Plan (EEP) and Policies 3/4 and 3/14 of the Cambridge Local Plan 2006 (LP), through the failure to reflect or successfully contrast with the form, materials and architectural detailing of the main dwelling. Moreover, the proposals would not accord with national policy set out in Planning Policy Statement 1, *Delivering Sustainable Development* (PPS1), which advises that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area, should not be accepted.
7. There is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions. Although I conclude that the proposed design would be unacceptable in relation to the main dwelling, on balance, glimpses of the extension beyond neighbouring gardens would be limited, and when viewed against the backdrop of the wall of 23 Belvoir Road the character and appearance of the conservation area would be preserved.
8. I conclude that the proposed development would be harmful to the appearance of the appeal building, and would conflict with the aims of PPS1, EEP Policy ENV7 and LP Policies 3/4 and 3/14.

#### *Living Conditions*

9. In determining the previous appeal, the Inspector noted that the development was dominating, and that the size of the rear projection was particularly intrusive, causing a harmful overbearing effect upon the occupants of No.19. The change in materials to part of the side elevation and the incorporation of a partly pitched roof would not materially reduce its scale, bulk and visual impact. Due to the depth of the projecting section over the single-storey wing, it would remain an unacceptably overbearing addition that would be harmful to the living conditions of occupants of No.19.
10. For this reason, I conclude that the proposal would conflict with the aims of LP Policy 3/14b, in that it would visually dominate the outlook from that property.

#### **Conclusion**

11. For the reasons given above, and having regard to all other matters raised, including the impact on other neighbouring residents, I conclude that the appeal should be dismissed.

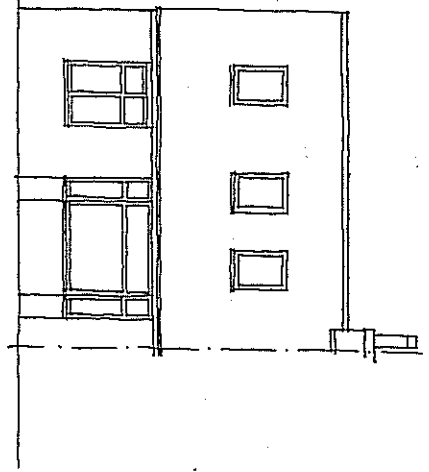
*Hilary Lock*

INSPECTOR

11/04/05 FULL awarded  
Pbn

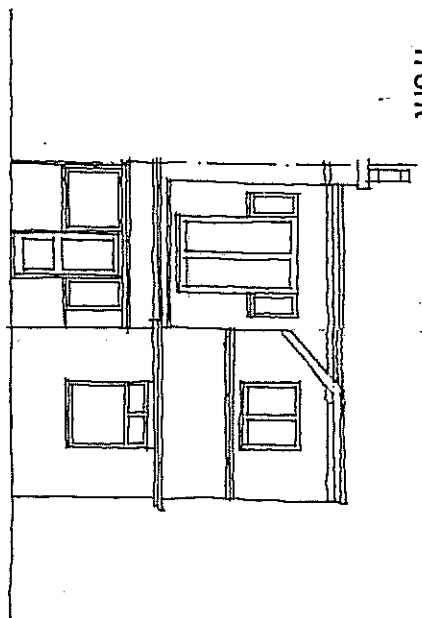
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MATCH EXISTING  
EXISTING  
BRICKWORK

front



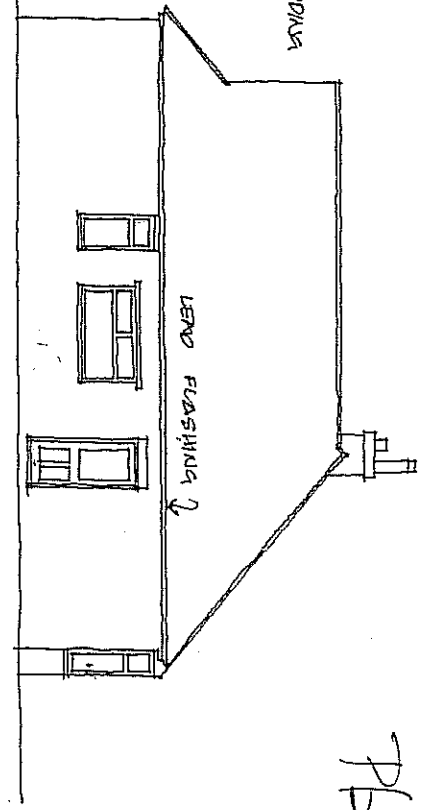
garden

elevations

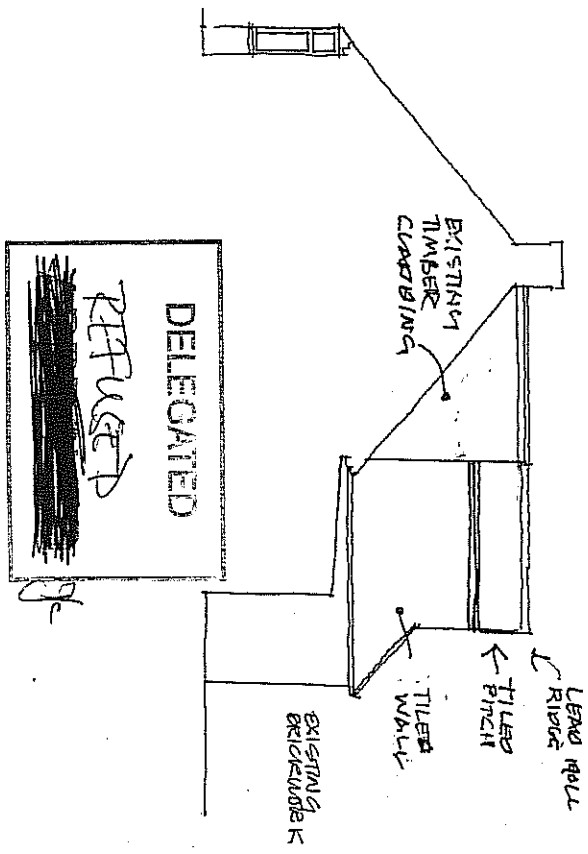


TIMBER CLADDING  
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side



side



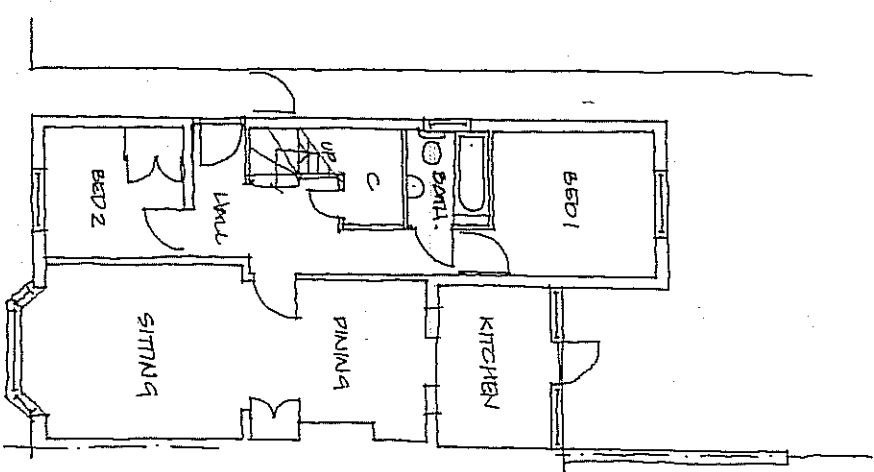
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A. 19.3.11

George Davidson Architects,  
251 Mill Road,  
Cambridge, CB1 3BE.  
Tel: 01223 576874.

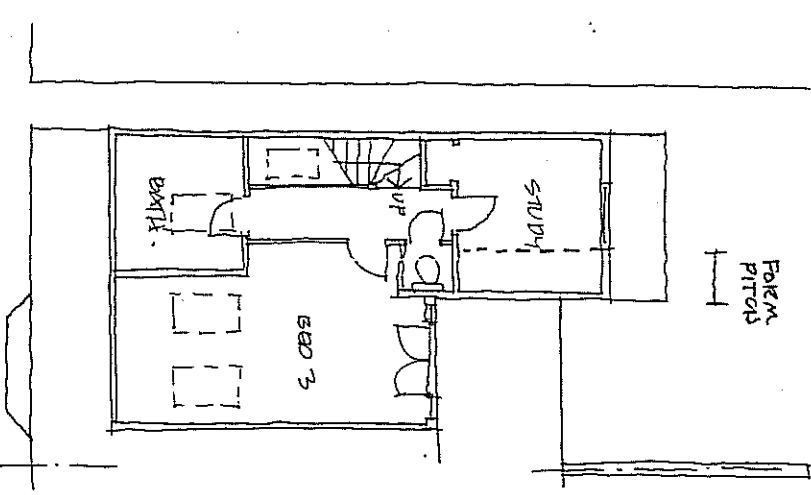
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PROPOSAL  
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APPENDIX 4

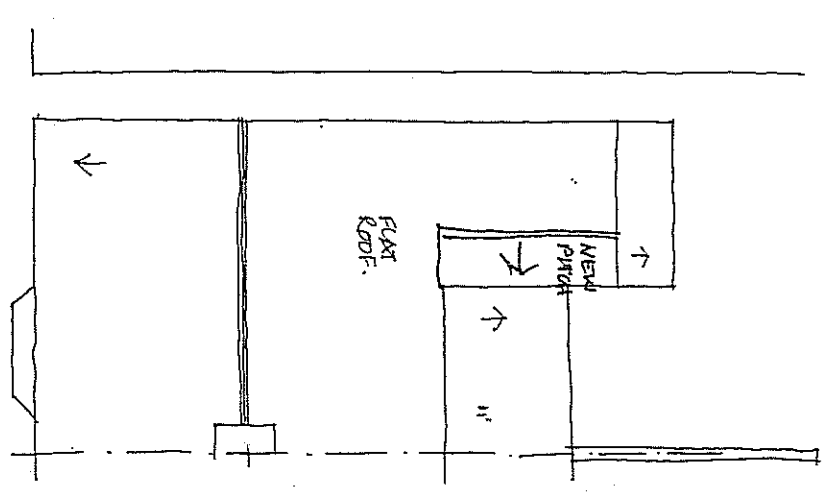
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ground floor plan



first floor plan



roof plan

APPENDIX 4

DELEGATED  
~~REFUSED~~  
 [Signature]

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21 BELVOIR ROAD, CAMBRIDGE.  
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 Dwg. No. 100.1A