



# Appeal Decision

Site visit made on 22 December 2009

by **David Tester** CChem MRSC C.WEM  
FCIWEM

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

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Decision date:  
7 January 2010

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## Appeal Ref: APP/Q0505/A/09/2109919 42 Ramsden Square, Cambridge CB4 2BL

- 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 D Chandler against the decision of Cambridge City Council.
- The application Ref 09/0286/FUL, dated 29/03/09, was refused by notice dated 20/05/09.
- The development proposed is a detached two storey dwelling within the existing dwelling plot; new additional access and off-street parking.

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### Decision

1. I allow the appeal, and grant planning permission for a detached two storey dwelling within the existing dwelling plot; new additional access and off-street parking at 42 Ramsden Square, Cambridge CB4 2BL in accordance with the terms of the application, Ref 09/0286/FUL, dated 29/03/09, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.
  - 4) Before development commences, drawings should be submitted to show two 2.0 x 2.0 metre visibility splays. The splays are to be included within the curtilage of the new dwelling. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of any obstruction exceeding 600mm in height.

### **Main issues**

2. The main issues are the effect of the proposal on the character and appearance of the area and its impact on the provision of Public Open Space and Community Development facilities.

### **Reasons**

3. No.42 Ramsden Square is a semi-detached house on a generous plot in a Square of similar properties. The Square has clusters of four pairs of semi-detached houses on each corner, off-set from the street and fronting a shared parking area. No.42 is in one of these clusters and is a dual aspect plot that turns the corner from the street to the parking area, which its front elevation faces. The occupants of this house and others on corner plots around the Square, have taken advantage of the additional plot size to construct extensions, or in the case of some of the inner corners, additional attached dwellings.
4. The appellant now wishes to demolish the single-storey side extension and garage and to sub-divide the plot to create a separate plot on which a 2-bedroom detached dwelling would be constructed. A single parking space for the new dwelling would be retained in front of No.42, along with one for that house. The ridge height for the proposed new dwelling would be slightly lower than the existing houses on either side and the house would face, and be set back from, the Square in a similar fashion to the neighbouring houses, ensuring that it would not overlook or otherwise affect the residential amenities of neighbouring properties.
5. I acknowledge that the development would be the only detached house on the Square, but do not accept that this, by itself, is a good reason not to allow it. If the original housing pattern of the Square and its four corner clusters had been retained in their original state then I agree there would be some point in preserving this. But, as the Council points out, other corners of the Square have been developed and the outward views eroded by large extensions. The appellant has also pointed to other examples of detached dwellings in areas of Cambridge where semi-detached houses predominate.
6. The new dwelling would be of a similar design and scale and use similar materials to the surrounding houses and I consider it would not look out of place amongst them. For these reasons it would not conflict with the aims of policies 3/4, 3/10 and 3/12 of the Cambridge Local Plan and I conclude that it would not materially harm the character and appearance of the area.
7. The Council's Planning Obligation Strategy (2004) requires contributions from developments such as this towards Public Open Space and Community development facilities by way of a signed Planning Obligation under Section 106 of the Town and Country Planning Act 1990. Although offered, no such Obligation has been received from the appellant, and the proposal is therefore contrary to the Strategy and the aim of policies 5/14 and 10/1 of the Local Plan.
8. Notwithstanding this, Circular 05/2005 Planning Obligations advises that they intend to make acceptable development which would otherwise be unacceptable in planning terms. They should not be used in blanket form

regardless of actual impacts. I have been given no explanation of the impact that the formation of an additional household would have on existing facilities or where any contribution would be spent, I am therefore not persuaded that contributions are necessary to make this proposal acceptable.

9. From my considerations of the main issues in this appeal I can see no planning objection to the development and I intend to allow the development. In doing so I have considered appropriate planning conditions in the light of the Council's suggested conditions and Circular 11/95. I intend to impose conditions requiring matching materials to ensure the proposal does not affect the character and appearance of the locality, to prevent new windows being inserted to protect the residential amenities of neighbours, and to provide visibility splays for highway safety purposes. The suggested construction and delivery hours' provisions can be controlled by other legislation.

David Tester

INSPECTOR

