The Planning Inspectorate

Appeal Decisions

Site visit made on 16 February 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/Q0505/W/16/3161816
48 New Square, Cambridge CB1 1EZ

- 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 Simon Hawkey against the decision of Cambridge City Council.
- The application Ref 15/1940/FUL, dated 12 October 2015, was refused by notice dated 3 May 2016.
- The development proposed is the conversion of the existing end terrace known as No.48 New Square and will comprise of 3 No. self-contained flats, the demolition of the existing garage and the erection of 1 No. self-contained studio-flat and the removal of 4No. Parking bays accessed via Willow Walk and the erection of 2 No. self-contained flats. All with associated landscaping and access arrangements.

Appeal Ref: APP/Q0505/Y/16/3161824
48 New Square, Cambridge CB1 1EZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Simon Hawkey against the decision of Cambridge City Council.
- The application Ref 15/1941/LBC, dated 12 October 2015, was refused by notice dated 3 May 2016.
- The works proposed is the conversion of the existing end terrace known as No.48 New Square and will comprise of 3 No. self-contained flats, the demolition of the existing garage and the erection of 1 No. self-contained studio-flat and the removal of 4No. Parking bays accessed via Willow Walk and the erection of 2 No. self-contained flats. All with associated landscaping and access arrangements

Decisions

1. The appeals are dismissed.

Main Issue

2. The main issue in these cases is the effect of the proposed development on the character and appearance of the Conservation Area and on the settings of the Grade II listed No 48 New Square and of adjacent listed buildings in Willow Walk.

Reasons

3. The appeal site lies within the Central Conservation Area (CCA). As its name suggests, the CCA is a substantial one, and covers much of the city centre. The site falls within the Kite district of the CCA. The area is largely residential; a

number of historic terraces set in a grid pattern add substantially to the character and appearance of the area. Two large green spaces in New Square and Petersfield, as well as mature landscaping also adds significantly to the character of the area. New Square sits between the city centre and the modern Grafton shopping centre, and as such is particularly busy during daylight hours with pedestrians traversing between the two commercial centres. By contrast, Willow Walk to the rear of the appeal site is noticeably quieter, being a peaceful thoroughfare with little traffic.

4. The appeal site comprises No 48 New Square and its curtilage. No 48 is the end terrace property in a run from No 35. The property is group listed with the terrace and the separate blocks from Nos 1-32. Together the terraces surround the north, east, and south sides of New Square, a large green space laid out to grass with a central avenue of trees set along a footpath. Nos 35-48 are set on the northern side of the square, and back onto Willow Walk, a separate terraced street with residential development mainly on its northern side; the southern side largely contains the back garden boundaries of the New Square properties, although there are houses at its east and west ends. Nos 2-17 Willow Walk are also Grade II listed.

5. The proposal seeks to convert No 48 into 3 flats, for which the Council raise no objection to. Based on all that I have seen and read I have no reason to disagree with this view. The scheme also proposes to demolish an existing flat roofed single storey garage on the plot frontage and construct a studio flat block. At the rear of the site lies an area of hardstanding which appears as a layby on Willow Walk, and is used for parking. To the west side of the spaces is a wooden gated access to a substation, with a high boundary wall adjacent surrounding the garden area to No 49 New Square. On the east side is a pitched roof outbuilding, whose gable faces onto Willow Walk. The rear of the spaces is delineated by a boundary wall extensively covered in vegetation. It is proposed to remove the parking spaces and build a block of 2 flats on this aspect of the site.

6. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.

7. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.

8. Policies 3/4, 3/7, 3/10, 4/10, 4/11 of the Local Plan[1] together state that developments will be permitted which respond positively to their historic context, use the characteristics of the locality to inform the siting, massing and

[1] Cambridge City Council Local Plan 2006

design of the proposal, provide attractive frontages, preserve or enhance the character and appearance of Conservation Area or do not adversely affect the setting of Listed Buildings. Policy 4/4 states that development will not be permitted which would involve the felling of trees or amenity or other value.

9. New Square dates from the early 19th century, and consists of two storey properties with basements. The north terrace, according to the listing dates from 1834-35 and is constructed in buff/grey brick with grey slate roofs; steps ascent to the front doors of the houses, which have fanlights and brick arches above. As No 48 is the end terrace, its front door faces towards the west into the garden of the property as opposed to the south. The street frontage consists of two windows set underneath the hip of the end roof of the terrace. A buff brick boundary wall then tracks the highway, with a small personnel gate set into it; just beyond this is a flat roofed garage, which is set slightly back and is accessed directly off New Square. A range of mature trees are clearly evident in the garden. The significance of the property ascribes from its part of the coherent terraces surrounding the square; the simplicity of the regular design of the buildings and their rhythm contributes, as does its setting directly overlooking New Square.

10. Nos 2 -17 Willow Walk are more elaborate in their design and are older than the north terrace of New Square, dating from 1815-17, but share many similarities including the height and materials. The terrace is symmetrical with a central pediment feature set over Nos 9 and 10. Doors are paired with elliptical arches. Cast iron lamp brackets with lanterns are noticeable on Nos 6, 13 and 9/10. Their significance derives from the high quality of the coherent terrace, many external original features, and from their peaceful setting, within the city and a stones throw from the bustling New Square, but having a backstreet feel and air.

11. The proposed development which would front Willow Walk would present a two storey rectangular block with a pitched roof. The building is proposed to be detailed with a range of features, including false doors, elliptical arches, various windows of differing sizes and a false window/hayloft opening. A roof light is also present in this elevation. The building would adjoin the pitched roof outbuilding; the wall of the proposal would be slightly higher than the ridge of this outbuilding. At present the character of Willow Walk and the setting of Nos 2-17 are enhanced by the largely open streetscape on the opposite side of the street. Housing at either end of the street on this southern side serves to bookend the domestic gardens in between. Whilst some development is present in this area, such as the outbuilding, various sheds and the parking spaces on the site, such development is subservient and low key, allowing fairly clear views of the rear of the listed New Square terrace, including No 48. The existing parking area and vegetation behind it, whilst not attractive is not significant in the street scene and has a neutral effect on the character and appearance of the area and the setting of the surrounding heritage assets.

12. The proposal would sever such views to a certain extent. The height of the building would be significantly taller than other adjoining buildings and the massing of the proposal would appear fairly dominant in the street scene. Whilst I can appreciate the aim of the design to be a coach house, the mix of detailing and varying apertures would be overly complicated and draw the eye away from the terrace opposite. The slight set back of the building and the resulting landscaping that this would allow would soften the edges of the

structure slightly; however, I do not consider that this would sufficiently screen the proposal or reduce its prominence significantly. In such a way I consider that the proposed building would adversely affect the setting of both Nos 2-17 Willow Walk and No 48 New Square itself and would neither preserve nor enhance the character and appearance of the CCA.

13. Historical maps from 1888, 1903, 1927, and 1953 all show some form of building present in the rough location of the proposed coach house. The appellant's Design Heritage and Access Statement considers that such a building may have been ancillary to No 48, and that a small courtyard suggests that it could have been a cart lodge or stable. However, I have no details of what the previous building may have looked like, its scale, or its design. The combination of the height of the proposed new building and its detailed design would, I consider, appear too dominant in the street scene and would not be subservient in the same way that a cart lodge or a stable may have been.

14. The garage to the side of No 48, whilst not attractive, is very low key in the street scene by virtue of its flat roof and minimal stature and its slightly set back positioning. It's positioning between the dominant listed terrace and the separate listed building to the west, especially when combined with the established and mature landscaping surrounding the structure enables the garage to be unnoticeable and neutral in the street scene.

15. The proposed replacement unit would be a one and half storey structure which would be taller than the existing garage. Views from New Square towards Willow Walk are screened and softened considerably by landscaping and built form, even when taking into account proposed tree felling as part of the scheme and I do not consider that the height of the proposed unit would in itself create an issue. The design of the proposal, with a lean to element facing New Square would also assist in reducing any dominance of the building. The massing of the proposal is modest, and subject to suitable materials would comfortably sit within the site, preserving the character and appearance of the CCA and not causing harm to the setting of No 48 New Square or Willow Walk.

16. The proposal would also involve the removal of various trees on the site, all of which are of low quality or are dead/dying. Some of the trees which are clearly visible from New Square are of fairly substantial height, such as a Lime detailed to be some 17m tall and a Wild Cherry, around 14m tall, as well as a Weeping Ash set in the adjacent garden, which is some 16m tall. The proposal would remove nearly all the trees and hedges on the site, with the key exceptions of the Lime and the adjacent Ash, both of which would have works to improve their life expectancy.

17. The retention of the two tallest trees in the survey would help to ensure that the screening and softening of the appeal site from New Square is largely retained. Given the identified condition of the remaining trees and their lesser positive impact on the conservation area I see no reason to disagree with the conclusions of the Council's tree officer who foresaw no objections to the proposed works. A scheme of landscaping could be conditioned to help replace those trees lost with more suitable native trees and hedges and I consider that in this respect whilst the proposal would not enhance the CCA or the setting of No 48, the scheme would preserve the visual amenities of the CCA and the setting of nearby listed buildings, thereby complying with Policy 4/4 of the Local Plan.

18. Despite my conclusions on the proposed New Square unit and the effect of the tree works, I have concluded that the proposed new Willow Walk building would cause harm. Having regard to the advice in the Government's recent planning practice guidance I consider that the scheme would not reach the high hurdle of substantial harm (as defined in the Framework) to the significance of the heritage assets. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.

19. The public benefits of the scheme may be considered to include the provision of 6 residential units, which it is explained will help to free up larger properties to provide family accommodation. Such a scheme would also have economic and social benefits through the development works themselves, and the effect of the new residents of the proposed units. However, I note in this context that a revised scheme, featuring smaller, lower units to both Willow Walk and New Square has since been granted consent. This scheme appears to provide 5 units, only one less than the scheme in this case, securing marginally reduced benefits without causing the same degree of harm. Consequently, whilst there are some public benefits, these are limited, and insufficient to outweigh the less than substantial harm that the proposed development would cause to the significance of the CCA and the setting of the listed buildings.

Conclusion

20. To summarise, I conclude that the proposed Willow Walk building would fail to preserve or enhance the character and appearance of the Conservation Area and would harm the setting, and therefore the significance of adjacent listed buildings in Willow Walk and of 48 New Square itself. Such harm would be less than substantial but I do not consider that the public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with policies 3/4, 3/7, 3/10, 4/10, 4/11 of the Local Plan. The proposal would also conflict with the Framework, being contrary to the core planning principle that heritage assets should be conserved in a manner appropriate to their significance and would not therefore constitute sustainable development for which there is a presumption in favour of.

21. I note that the appellants carried out extensive public consultation exercises in the formation of their proposals, and do not doubt their intentions to provide a high quality scheme for the site. I also note that the Council Officers recommended approval for the scheme. I have dealt with the appeal on its own merits.

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Jon Hockley

INSPECTOR