



Appeal Decision

Site visit made on 13 March 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal Ref: APP/Q0505/W/24/3352632

18 Adams Road, Cambridge, Cambridgeshire CB3 9AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Professor Cathy Speed against the decision of Cambridge City Council.
 - The application Ref is 22/05352/FUL.
 - The development proposed is for the erection of a single dwelling to the rear of no. 18 Adams Road, Cambridge.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A planning application for the erection of 2 dwellings following the demolition of 18 Adams Row was refused by the Council in 2021 (Council Ref: 21/01437/FUL). This decision was subsequently dismissed at appeal¹ (the 2023 appeal). While the proposed development before me is different, I shall have regard to the other Inspector's findings, insofar as they are relevant to the matters in dispute.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The appellant refers to these revisions within their final comments. The policies of the Framework most relevant to the appeal are not significantly affected by the revisions. I am therefore satisfied that there is no requirement to seek further submissions from the Council on the revised Framework, and that they would not be disadvantaged by this.
4. The appellant has submitted additional technical documents with the appeal. This includes a lighting assessment and further ecology reports. The additional reports do not make a substantial difference or result in a fundamental change to the proposed development, when compared to that upon which the Council made its decision. Furthermore, the Council has had opportunity to review this evidence. Accordingly, I have determined the appeal having regard to the additional information.

Main Issue

5. The main issue is the effect of the proposed development on biodiversity including the effectiveness of the proposed mitigation measures.

¹ Appeal Ref: APP/Q0505/W/22/3299064

Reasons

Background

6. The appeal site relates to part of the rear garden of 18 Adams Road (No 18), a large detached two-storey dwelling. The garden is enclosed by a close boarded fence. The Adams Road Bird Sanctuary (ARBS) is located to the rear of the site and is identified as a Protected Open Space and a County and City Wildlife Site (CWS) in the Cambridge Local Plan (2018) (LP). The updated Preliminary Ecological Appraisal, states that the CWS is designated for its broadleaved woodland, swamp, marginal vegetation and standing and running water known to host protected species including birds, bats, reptiles, amphibians (including great-crested newts) and invertebrates.
7. The appeal proposal is for the construction of a prefabricated, contemporary, part two-storey and part single-storey dwelling with flat green/brown roofs, rendered elevations with large areas of glazing and a detached garage. Similar to the 2023 appeal, the appeal proposal is for the erection of a dwelling in the rear garden of No 18, although the replacement of No 18 itself is no longer proposed.
8. The appellant has sought to address the Inspector's concerns raised in the 2023 appeal through amended plans and details, including the submission of further ecology reports and a lighting impact assessment. The proposed dwelling would have a different design and layout, be lower height in height and have a smaller footprint located further away from the shared boundary with the ARBS compared to the 2023 appeal.

Garden habitat and faunal species

9. Due to the considerable size of the garden associated with No 18, its more peripheral parts, including the appeal site are likely to be used by its occupiers on an infrequent basis. The appellant's ecology report indicates that the appeal site is a low sensitivity habitat and generally comprises of species-poor amenity grassland although trees and a hedgerow are present. Similar to the Inspector in the 2023 appeal, the loss of garden land which forms part of a series of connected gardens and sports field forming a buffer around the ARBS, would be small relative to its overall size.
10. Even so, the proposal would bring built form, associated domestic paraphernalia and lighting closer to the ARBS, which is defined in the appellant's ecology survey as a medium sensitivity habitat. The appellant's ecology surveys state that there is a low likelihood of nesting birds, reptiles and invertebrates using the appeal site.
11. In relation to bats, activity surveys were undertaken in spring/summer 2023. Whilst interested parties suggest that an autumn survey in line with Bat Conservation Trust Good Practice Guidelines has not occurred, the appellant's ecology surveys nonetheless confirm that the appeal site is likely to be used by a range of bat species for foraging purposes, including by rare species that are light sensitive. It further confirms that the proposed development would not result in any loss or damage to any bat roosts and any indirect impacts including the loss of garden habitat on bats would not be significant. Whilst light spill could result in a displacement of bats, the appellant's ecologist confirms that subject to the implementation of a sensitive lighting scheme, bats would be able to continue to

access in and out of the ARBS via dark corridors of vegetation either side of the new dwelling and along the rear boundary of the site.

12. In relation to great crested newts (GCNs), the evidence suggests that terrestrial newts could use the appeal site given the close proximity of the pond within the ARBS and the presence of hedgerow which could form shelter. Even so, the appellant's survey work concludes that significant harm to GCN's would be unlikely, subject to mitigation measures including the provision of refugia and a construction ecological management plan. Whilst the conclusions of the surveys have been disputed by interested parties, the Council's Nature Conservation Projects Officer is also satisfied with the survey methodology and findings subject to the implementation of a number of mitigation measures.

Effectiveness of mitigation

13. The appeal proposal is exempt from the statutory requirement to provide biodiversity net gain (BNG). Even so, the appellant's calculations demonstrate that there would be a net gain in biodiversity on the site itself, through measures such as green roofs and additional planting.
14. Planting would include the provision of a 5-metre-wide woodland buffer along the north, east and west boundaries of the appeal site. Therefore, even if the existing buffer zone plays an important role in protecting the habitats within the ARBS, having regard to the existing value of the land outside the ARBS, a suitably sized and enhanced planting buffer could be retained. However, its effectiveness is dependent on a significant number of mitigation measures required to address the important ecological challenges posed by the appeal proposal.
15. By virtue of its large footprint and east to west alignment, the north elevation of the proposed dwelling contains extensive areas of glazing at ground and first floor level facing towards the ARBS. The scheme would therefore rely on light spillage at night being minimised by a specific glazing and lighting specification. This would include the implementation of a sensitive lighting scheme, to ensure a dark (unilluminated) corridor at all times, adjacent to the north boundary of the site.
16. There would be no openable windows or patio doors on the north elevation of the proposed dwelling, aside from one back door. Glazing would need to be tinted to reduce light transmission. Internally, the appellant's lighting assessment confirms that the proposed lighting design has been carefully developed to take into account the fixtures and furnishings. Based on a maximum achievable illuminance in each room and the unlikely scenario that all interior ceiling lights are left on at night, and proposed windows do not have curtains or blinds, the entire north, west and eastern boundaries of the proposed garden could be retained in complete darkness.
17. If adhered to, the proposed scheme would achieve lighting levels in line with current best practice guidance on bats and artificial lighting at night (Bat Conservation Trust Guidance Note 08/23). This would ensure that increased use of artificial lighting on the appeal site would not adversely affect bats. However, given that the findings in the lighting assessment appear to rely on the provision of a specific internal and external lighting scheme, the Council is concerned that planning conditions in this regard, would not meet the tests in accordance with the requirements of Policy 57 of the Framework.

18. Whilst the proposed lighting strategy might be agreeable to the appellant, the range and extent of limitations could affect the reasonable enjoyment of the sizeable dwelling proposed, which would be unrealistic in the medium to longer term, including for different occupiers in the future.
19. For instance, the landscape strategy proposes a garden that would be split into sections, including a raised garden with lawn to the north, a zen garden to the east and connecting walkways. Because of the layout, it is likely that the majority of the proposed garden area, including areas close to the ARBS boundary, would be well used on a frequent basis when compared to the existing situation. Whilst there would be a choice of alternative seating areas around the proposed dwelling, it is reasonable that occupiers would wish to use the garden on the north side of the dwelling, and at times in the summer months after dusk. To do so without some form of reasonable level of external lighting would appear unlikely because occupants would wish to maximise the usability of their garden to a reasonable extent.
20. Furthermore, the large full height windows that face north and adjoining the kitchen, dining and living room areas would all be fixed shut. They would face onto a very usable and potentially attractive garden area and there would be no direct connection between the internal and external spaces. Realistically, it is probable that future occupiers would wish to change the fixed windows to ones that could open. To not have an opening where it would be a sensible and usual design feature, adds to my concerns regarding the liveability of the proposed dwelling and the effectiveness of this element of the mitigation strategy. Similarly, in the medium to longer term and potentially with different occupiers, there would be a reasonable prospect that internal lighting arrangements would change with time, and in all likelihood, would have a greater effect on light spill.
21. The Council have not explained their reference to threat of crime within its decision and I am not aware that the area is subject to any particularly high crime levels. Even so, the restricted lighting scheme would nevertheless prevent occupiers from adding lighting for security reasons which might be required to deter crime in the future.
22. For all of these reasons, I have concerns with the practical and reasonable extent of the mitigation measures proposed. It cannot be guaranteed that additional temporary or non-permanent garden lighting would not be installed within the garden at night. There may also be future pressure to extend the garden area into the woodland buffer, to add doors to enable direct access onto the proposed dwellings rear garden area or to change internal lighting. Additionally, the woodland buffer would restrict the use of the garden and in time, because of growth, could affect light or aspect to the garden area and lead to cutting back or changes to the planting. It would be unreasonable to control such measures which would compromise how occupiers could normally expect to occupy their home, by way of planning condition.
23. As a consequence, the implementation and maintenance of the recommended lighting scheme, buffer and inability to change or add new lighting or to deviate away from the fixed specialist glazing, would result in a series of compromises that would impact on the occupier's ability to reasonably use and enjoy their home. Whilst it has been possible to draft planning conditions to seek to impose all the requirements, such a combination of restrictions would not be realistic or reasonable and would unduly fetter the ability of the occupiers to live in the

proposed dwelling to a satisfactory extent. Whilst it is acknowledged that lighting and glazing conditions can often be used to mitigate the effects of a development, in this instance the provision and maintenance of a dark corridor is of paramount importance and the combination of conditions proposed would be too onerous for the occupiers to maintain in the medium to longer term. Consequently, the proposed conditions would not meet the Framework tests.

24. Furthermore, I am not convinced that measures such as the provision of information packs informing homeowners about the ecological significance of the ARBS would be effective. It is also acknowledged that the proposed woodland buffer would provide some additional screening between the appeal site and the ARBS, albeit this would take time to establish and would not overcome the concerns identified.
25. The previous Inspector in the 2023 appeal found that the proposed development in that instance would not compromise the amenity and recreational value of the ARBS for its users. Notwithstanding my concerns relating to biodiversity, I find no reason to take a different view in relation to the current appeal proposal in this regard.

Summary

26. Overall, it has not been demonstrated that the proposed mitigation measures would be reasonable or realistic and, therefore, in the medium to longer term they would not be effective in ensuring that there would be no undue harm to biodiversity or the long-term ecological integrity of the ARBS. Therefore, I am not satisfied that the revised proposal overcomes the concerns identified by the previous Inspector in the 2023 appeal.
27. I conclude that the proposed development would have an adverse effect on biodiversity as it has not been demonstrated that the proposed mitigation measures would be effective. In this regard, it would conflict with Policies 55, 56, 69 and 70 of the LP which require development to respond positively to existing features of natural or local importance, to be designed to remove the threat or perceived threat of crime, to ensure that ecological harm is minimised, mitigated or compensated and to ensure that development does not have an adverse impact on a site of biodiversity importance.
28. There would also be conflict with paragraph 186 of the Framework which states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Other Matters

29. The appeal site is located within the West Cambridge Conservation Area (CA). The CA primarily encompasses a residential area to the west of the city. In terms of built form, it is characterised by large, individual properties in generous gardens with mature trees and planting. The significance of the CA is largely derived from the spacious and verdant character of the area along with the age, quality and pattern of development.
30. In considering whether to grant planning permission, I have been mindful of my statutory duty under Section 72(1) of the Planning (Listed Buildings and

Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving or enhancing the character or appearance of the CA. The potential for the proposed development to impact on the character or appearance of the CA is not in dispute between the main parties. It is accepted that the layout, design, scale and height of the proposed dwelling would be of a high-quality design in keeping with other buildings in the area. Furthermore, the appeal proposal would not be visible from Adams Road. Having considered the nature of the proposed development and relationship of the appeal site and the CA, I am satisfied that no harm to the character or appearance of the CA would arise. Whilst I find no harm in this regard, it is a neutral factor in my determination, neither weighing for or against the appeal.

31. The proposal would provide an additional dwelling with cycle parking provision close to and accessible to Cambridge city centre and its many services and facilities. It would be of a highly sustainable and efficient eco-friendly design and construction, utilising various carbon reduction technologies and water efficiency measures, as set out in the appellant's Sustainability Assessment. Its prefabricated nature would also assist in minimising disturbance levels and timescales for construction. Other benefits of the proposal include BNG and tree planting. Employment during construction would be generated, in addition to additional spend in the area. However, given that the proposal is for one additional dwelling, these associated economic, social and environmental benefits would be limited. I also note the letters of support received from interested parties and that the Council identified no harm in relation to highway safety and flooding. However, those particular considerations indicate the absence of harm rather than any benefit.
32. My attention has been drawn to other developments which are near to the ARBS including on Clarkson Close, Adams Road and Wilberforce Road. I was also able to view the relationship of other development to the ARBS during my site visit. The full planning circumstances of those developments are unknown and their effect on the ARBS are not before me. I also acknowledge that some development could potentially be constructed under permitted development rights. Even if development has or could be constructed close to the ARBS, this does not set a precedent which I am bound to follow and does not justify the risk of harm, including any potential cumulative harm, arising from the appeal proposal.

Conclusion

33. The likely harm to the ARBS and its ecological significance, is a matter to which I attach substantial weight. The appeal proposal would conflict with the development plan when considered as a whole. The benefits, whilst worthwhile including the provision of an additional dwelling, are however modest and should afford only limited weight in favour of the proposed development. Consequently, the harm and policy conflicts would not be outweighed by the benefits of the scheme.
34. In conclusion, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR