



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: 1 September 2011

Appeal Ref: APP/Q0505/A/11/2150017

3 Victoria Road, Cambridge, Cambridgeshire, CB4 3BW

- 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 Phil Field against the decision of Cambridge City Council.
 - The application Ref 10/1163/FUL, dated 16 November 2010, was refused by notice dated 28 January 2011.
 - The development proposed is demolition of existing dwelling and new build terrace house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The grounds of appeal state that the eastern flank wall would remain the same as the existing flank wall. However, comparing the existing and proposed elevations, the plans show that the ridge and eaves heights of the dwelling would increase. At the appeal site visit, it was agreed by the parties that the relative heights of the elements adjacent to the eastern flank boundary would increase to the levels indicated on the submitted plans.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to light and outlook.

Reasons

4. The appeal property is a mid-terrace two-storey house with basement located in an urban area of Cambridge. Within the terrace there are dwellings which range in size and scale, with a varied roof line as a result. The appeal dwelling sits between a two-storey and a three-storey property, both with further rooms in the roofspace. The neighbouring property, No.1 Victoria Road (No.1), is located at a road junction and follows the curve of the road so that the width of its façade belies the small courtyard area to its rear. The appeal property is the lowest in height of the three buildings.
 5. The existing dwelling has two-storey and single-storey rear extensions, both with mono pitched roofs which are highest at the boundary with No.1. The
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- proposal would result in an increase in the height and bulk of the dwelling at all floors, with the greatest increase in mass at the upper level. The proposed roof terraces with side screening would add further depth and height to each projection.
6. The building would project significantly beyond the main rear wall of No.1 at all levels. Although the small courtyard garden and upper floor balcony to No.1 face due south, light is already filtered by other buildings and planting, and the height and proximity of the proposed dwelling would result in material light loss to that property for a significant part of the day. Given the limited amenity space available to No.1, it is appropriate to afford protection to the courtyard and balcony. The relationship between properties is part of the context of a development, and in this case the proposal would not respond to this context in terms of the siting and massing of the building, contrary to the aims of Policy 3/4 of the Cambridge City Council Local Plan 2006 (LP), and would not have a positive impact on its setting in terms of height, scale and form, in conflict with LP Policy 3/12.
 7. Furthermore, the significant height of the replacement building at the depths proposed would create an unacceptable sense of enclosure that would be dominant and overbearing on the outlook of occupants at No.1. This impact would be greater than the arrangement than exists at present, and would be harmful to living conditions, contrary to the aims of Policy ENV7 of the East of England Plan 2008 (EEP), which seeks to secure high quality development, part of which is to have regard to the needs and well-being of all sectors of the community.
 8. The relative position of buildings means that the impact on occupants of 5 Victoria Road (No.5) would be less intrusive, but due to the height, depth and proximity of the ground and first-floor elements, there would be an adverse impact on outlook, to a degree that would diminish the living conditions of occupants of No.5, contrary to the above policies.
 9. I conclude that the proposed replacement dwelling would be harmful to the living conditions of occupants of neighbouring properties, through light loss and diminished outlook, contrary to the aims of EEP Policy ENV7 and LP Policies 3/4 and 3/12.

Conclusion

10. For the reasons given above, and having regard to all other matters raised, including matters relating to the construction of the dwelling, I conclude that the appeal should be dismissed.

Hilary Lock

INSPECTOR