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# Appeal Decision

Site visit made on 7 February 2013

**by Isobel McCretton BA(Hons) MRTPI**

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

**Decision date: 5 March 2013**

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**Appeal Ref: APP/Q0505/D/12/2189474**  
**21 Belvoir Road, Cambridge 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. 12/1096/FUL, dated 22 August 2012, was refused by notice dated 22 November 2012.
  - The development proposed is a side and rear roof extension.
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## Decision

1. The appeal is allowed and planning permission is granted for a side and rear roof extension at 21 Belvoir Road, Cambridge CB4 1JH in accordance with the terms of the application, Ref. 12/1096/FUL, dated 22 August 2012, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 9 months from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 052/P-03.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

## Main Issues

2. The main issue is the effect of the development on the character and appearance of the dwelling situated within the De Freville Conservation Area and on the outlook of the adjoining occupiers.

## Reasons

3. The appeal property is one of a pair of semi-detached bungalows situated on the western side of Belvoir Road, within the De Freville Conservation Area. Extensions and alterations were carried out around 2008/2009, including a hip to gable roof extension and a large box dormer on the rear elevation which extends out over the roof of the rear wing of the bungalow. These alterations were the subject of enforcement appeals in 2010<sup>1</sup> which were dismissed.
4. The Inspector in those decisions found that there was no harm to the overall character and appearance of the Conservation Area which would be preserved,

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<sup>1</sup> APP/Q0505/C/10/2121824 & 2121825 dated 23/11/10

but dismissed the ground (a) appeals and the deemed planning application on the basis of the overbearing effect of the roof addition, and in particular the rear projection, on the living conditions of the occupiers of the adjoining dwelling at no.19.

5. An application to modify the roof alterations was also dismissed on appeal in 2011<sup>2</sup> because the amended design was not acceptable and the changes would not materially reduce the scale, bulk and visual impact of the extension in the outlook from no.19. These appeal decisions are a material consideration in my determination of this current appeal.
6. While the Council has objected to the 'box-like' appearance of the roof extension, in terms of overall design the dormer was not found to be unacceptable in the 2010 appeals (the proposed changes to the shape of the roof in the 2011 appeal case raising different design issues). The scheme now proposed would reduce the projection of the dormer over the rear wing of the bungalow, with just a nib of about 400mm remaining to provide proper access to the first floor bedroom. The remainder of the hipped roof over the rear projecting wing of the dwelling would be reinstated.
7. It is this projecting element which was considered to have an unacceptably overbearing impact on living conditions at no.19 in the previous appeals. Although I realise that the adjoining neighbour wishes to see the whole roof reinstated to its original form, there has been no objection on the part of the Council or in the previous appeal decisions to the hip to gable alteration, and I consider that cutting back the dormer as now proposed would reduce its visual impact so that it would not be unduly overbearing in the outlook from that property.
8. I conclude that the proposed development would not conflict materially with policy 3/14 of the Cambridge Local Plan 2006 which, amongst other things, requires that extensions do not unreasonably, overshadow or visually dominate neighbouring properties.

### **Other Matters**

9. The adjoining neighbours continue to object to the extension on the grounds of harm to the character and appearance of the Conservation Area and loss of privacy.
10. The previous Inspectors concluded that public views of the development and views beyond the neighbouring gardens are limited and as it is seen against the backdrop of the 2-storey wall at no.23, and that it did not have a harmful effect on the character and appearance of the Conservation Area which would be preserved. As, in this case, it is proposed to reduce the size of the roof extension, I conclude that there would not be a greater material impact on the character and appearance of the Conservation Area.
11. In terms of privacy, the previous Inspector did not find that the potential for overlooking was such that permission should be refused. There is no substantiated evidence to show that there has been a material change in the window arrangements or other circumstances since that decision which would justify a different conclusion.

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<sup>2</sup> APP/Q0505/D/11/2156579 dated 24 August 2011

### **Conditions**

12. I have considered the need for conditions in the light of the advice in Circular 11/95 - *The Use of Conditions in Planning Permissions*. The Council indicated that the standard 3 year commencement condition should be imposed. Nonetheless, given the protracted nature of this case, the outstanding enforcement notice and the continuing adverse impact on the outlook from the neighbouring dwelling, I consider that it is necessary and reasonable to require that the works to alter the dormer should be commenced no later than 9 months from the date of this permission i.e. the timescale imposed in the enforcement appeal decision.
13. For the avoidance of doubt and in the interests of proper planning, it is necessary to require that the work is carried out in accordance with the approved drawings.
14. In the interests of the appearance of the development, it is reasonable to require that it is constructed in materials which match the existing dwelling.

### **Conclusion**

15. For the reasons given above I conclude that the appeal should be allowed.

*Isobel McCretton*

INSPECTOR