



Appeal Decision

Site visit made on 20 September 2013

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 17 October 2013

Appeal Ref: APP/Q0505/A/13/2200248

49 Arbury Road, Cambridge, CB4 2JB

- 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 Arbury Road Cambridge LLP & Mr & Mrs PA & PM Jude against the decision of Cambridge City Council.
 - The application Ref 13/0210/FUL, dated 14 February 2013, was refused by notice dated 16 May 2013.
 - The development proposed is the erection of seven 3 x bed terrace dwellings, along with the conversion and vertical sub-division of No 49 Arbury Road into two houses (1 bed unit and 1 x 2 bed unit), together with eight car parking spaces, cycle parking and associated landscaping (following the demolition of the existing garage buildings on site).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. One of the Council's reasons for refusal referred to the proposal failing to make appropriate provision for public open space, community development facilities, education and life-long learning facilities, waste management and monitoring. However, the appellants stated that they would be prepared to enter into a Section 106 Agreement in order to make appropriate provision for all such relevant matters, in accord with planning policies and I note that a completed Section 106 Agreement has since been provided. Consequently, I am satisfied that this is a matter which can be resolved and which does not, therefore, form an issue to be considered any further as part of this decision.
3. The appellant considers that the Council "has taken a rather extraordinary attitude to development" on the appeal site. That is a matter between the Council and the appellant. I confirm that I have considered this appeal on the basis of all the information set out before me.

Main Issues

4. The main issue in this case is the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to outlook and daylight.
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Reasons

Character and appearance

5. The appeal site comprises No. 49 Arbury Road, a two storey semi detached dwelling and an area of land to the rear of this property and the attached house, No. 51 Arbury Road. This area of land was most recently in use as a garage, which the appellant and Council note, ceased to operate in 2012. The land to the rear includes two buildings, together with a row of garages which abut the site's boundary with gardens to the rear of properties on Leys Road. Leys Road sits at right angles to Arbury Road and the rear gardens of two pairs of two storey semi detached dwellings – Nos. 20-28 Leys Road - abut the appeal site. I viewed the site from the gardens of properties adjacent to the site.
6. The area surrounding the appeal site is residential in character. During my site visit I noted that many houses in the area were two storey and set back from the main road, with parking areas to the front and long gardens to the rear. I noted that these long back gardens combined to provide a green and spacious character and afford the area an attractive, open appearance, with distant views from rear windows across adjoining gardens. Houses are built relatively close to one another but with little or no harm to outlook.
7. The proposed development seeks the demolition of existing buildings on the site and the development of seven three bed terraced houses, together with the conversion of No. 49 into two apartments. The proposal would also include eight car parking spaces and cycle parking. The proposed development would be largely two storey. However, the roofscape would include rooms in a pitched roof - effectively at third storey level – in Units 1-3 and 5-6. The terrace would step down to Units 4 and 7, which would have flat roofs. Whilst there would be slight setbacks within the terrace, creating a staggered effect, the houses would generally stand 5 metres away from the common boundary with Leys Road.
8. Whilst the design of the terrace introduces some visual interest and to a lesser degree, provides an impression of a break in the terrace, I find that the overall design would introduce a large, prominent and incongruous block of development into an area largely notable for its green and open attributes. The design and alternating heights of the proposed roofs would fail to reflect other residential development in the area and they would thus appear out of keeping with their surroundings. The flat roofs would appear particularly alien given the predominantly pitched roofs of existing dwellings in the area.
9. Despite the staggering effect and the change in heights, I consider that the proposed terrace would still appear as a large mass of built development. This would lead to it appearing prominent in its surroundings. The harmful impact of this would be exacerbated due to the small size of the gardens proposed, relative to the long gardens of existing dwellings. In this way, the proposed development would detract from the green and spacious attributes of the area and would serve to emphasise the proposal's incongruous appearance.
10. Taking all of the above into account, I find that the proposal would harm the character and appearance of the area, contrary to the Framework and to Local

Plan¹ policies 3/4 and 3/12, which together amongst other things, seek to protect local character.

Living Conditions

11. The rear gardens of Nos. 20-28 Leys Road are shorter than other rear gardens in the area, but enjoy a relatively open outlook to the rear. Whilst there are existing buildings on the appeal site, there is space around them and they do not detract significantly from the outlook from Leys Road.
12. By way of contrast to the above, I find that the close proximity of the proposed development to the rear boundary of the houses on Leys Road, combined with its significant height and massing, would lead it to appear unduly prominent and overbearing when seen from the gardens of Nos. 20-28. This is not a factor which is mitigated by the presence of trees and planting in the area.
13. In support of their case, the appellants provide information relating to shadowing. This comprises plans showing that the gardens of Nos. 20-28 would not be overshadowed. In the absence of any evidence to the contrary, I find that the proposal would not lead to the harmful loss of daylight to Nos. 20-28. However, this is not a factor which overcomes the considerable harm resulting from the overbearing appearance of the proposal when seen from the gardens of these properties.
14. During my site visit, I noted that, the proposed development would result in two storey development in very close proximity to the rear garden of No 51 Arbury Road. I find that the proposal would lead to buildings "looming" over this garden, and would lead to an oppressive and overbearing impact. I find that this would be to the significant harm of the occupiers of No. 51 Arbury Road.
15. Taking the above into account, I find that the proposed development would harm the living conditions of neighbouring occupiers with regards to outlook. This would be contrary to Local Plan policies 3/4, 3/7 and 3/12, which together amongst other things, seek to protect the amenity of neighbours. It would also be contrary to the Framework, which seeks to achieve good standards of amenity.

Other Matters

16. The proposed development would make use of a brownfield site and provide for new housing. These factors are in its favour but do not outweigh the harm identified above.

Conclusion

17. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

¹ Cambridge City Local Plan (2006).