
Appeal Decision

Site visit made on 23 September 2013

by David Johns BA(Hons) DipTP MRTPI

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

Decision date: 11 November 2013

Appeal Ref: APP/Q0505/A/13/2197354

32A Keynes Road, Cambridge, CB5 8PR

- 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 Kirk Geoghan against the decision of Cambridge City Council.
 - The application Ref 12/1536/FUL, dated 3 December 2012, was refused by notice dated 30 January 2013.
 - The development proposed is erection of new detached 1.5 storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's grounds of appeal refer to 2 refusal reasons, but the Council's Decision Notice clearly indicates that there are 3 reasons for refusal of the planning application. I have taken all these into consideration in identifying the main issues in this appeal and reaching my decision.

Main Issues

3. The main issues in this case are i) the effect of the proposal on the character and appearance of the area, ii) the effect of the proposal on the living conditions of the occupants of 32 and 32A Keynes Road with particular reference to outlook and loss of light, and iii) whether a financial contribution is necessary towards the provision of public open space, community development and waste management facilities in the area and to contribute to the costs of monitoring the implementation of planning obligations.

Reasons

Character and Appearance

4. The proposal is the erection of a dormer bungalow on an unused area of garden land to the rear of 32 and 32A Keynes Road. Access would be off Ekin Road, which passes along the side of the rear gardens of No.32A and the house backing onto it. The Council is concerned that the proposal would create a break in the green garden character of the area, which it considers to be an important feature of the original layout of this circa 1950s local authority housing estate. Except for a short section of steel mesh security fencing, the
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site is enclosed by a 1.8 metre high close boarded fence. Views into the site from the public highway are therefore restricted. There is no evidence that it contains features of landscape value.

5. Notwithstanding that it would represent a departure from the original layout of the estate, the limited size and height of the proposed dwelling would not unduly detract from the spacious appearance of the area and would allow views of existing trees in nearby rear gardens. The appeal site is not in a conservation area and I find no compelling reason why the original layout of the estate should be preserved for its own sake. The design and scale of the proposed dormer bungalow would not appear incongruous in this location and would be sympathetic to the character of the estate, which contains a mixture of houses, bungalows and three-storey flats in the immediate area.
6. A pair of garages could be erected on the site in connection with a planning permission granted in 2007 for the house at 32A Keynes Road, which was built in the side garden of No.32. There are two car parking spaces in the front gardens of both Nos.32 and 32A and I have no substantive evidence to indicate that there is a significant probability that these garages would be constructed should this appeal be dismissed. This therefore limits the weight that I can attach to it as a fall-back position.
7. For the above reasons I conclude that the proposal would not cause material harm to the character or appearance of the area. Accordingly, there would be no significant conflict with Policies 3/4, 3/10 and 3/12 of the *Cambridge Local Plan (2006)* (the Local Plan) which seek to ensure, respectively, that new development responds well to its context, residential development in garden areas does not detract from the prevailing character and appearance of the area, and that new buildings have a positive impact on their setting in respect of, among other things, height, scale and form.

Living Conditions

8. The gabled flank wall of the proposed bungalow would face directly towards the rear elevation of No.32A and would be seen at an angle from No.32. Its height at the apex would reduce to single storey level at the front and rear eaves. However, given the separation distance of only 11.6m between the proposed gable wall and the ground floor rear elevation of Nos.32 and 32A, the massing of the proposal, which includes dormer windows in the rear roof slope, would result in the occupants of those existing properties experiencing an unduly overbearing sense of enclosure. In addition, the positioning of the proposed dwelling directly to the south of the host properties would result in the loss of sunlight and daylight to a significant part of their rear gardens, notwithstanding that the sitting-out areas closer to the houses would be largely unaffected in this respect.
9. For the reasons outlined above I conclude that the proposal would cause material harm to the occupants of Nos.32 and 32A Keynes Road with particular reference to outlook and loss of light. Accordingly, there would be conflict with Local Plan Policy 3/7, which seeks to create successful places, and with Local Plan Policy 3/10 in respect of the requirement that residential development within the curtilage of existing dwellings will not be permitted if it will have a

significant adverse impact on the amenities of neighbouring properties through, for example, loss of light or an overbearing sense of enclosure.

Financial Contribution

10. The Council suggests that a financial contribution is required in respect of the provision of public open space, community development and waste management facilities and the cost of monitoring the implementation of planning obligations. This has not been challenged by the appellant who, according to the Council, has indicated his willingness to enter into a Section 106 planning obligation in accordance with the requirements of the Council's *Planning Obligation Strategy (2010)*. However, no such planning obligation has been submitted and the appellant has not addressed the matter in his grounds of appeal.
11. The scale of contributions requested appears to be commensurate with the development of a two-bedroom dwelling, as set out in the Council's adopted development plan and approved supplementary planning documents. In the absence of any evidence to indicate that the proposal before me should not be subject to such a scale of contributions, I am satisfied that the obligation meets the three tests in paragraph 204 of the *National Planning Policy Framework* (the Framework) and is a) necessary to make the development acceptable in planning terms, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development.
12. I therefore conclude, for the reasons outlined above, that a financial contribution is necessary towards the provision of public open space, community development and waste management facilities in the area and to contribute to the costs of monitoring the implementation of planning obligations. Accordingly, there would be conflict, in respect of the need for the above contributions, with Local Plan Policies 3/7, 3/8, 3/12, 5/14 and 10/1; the Cambridge City Council *Planning Obligation Strategy (2010)* and *Open Space Standards Guidance for Interpretation and Implementation (2010)*. Reference to the *Cambridgeshire and Peterborough Structure Plan* is not now material to this appeal as that plan has been revoked since the application was determined by the Council.
13. Given the conflict with the development plan identified above, the proposal cannot be regarded as sustainable development as set out in the Framework. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Johns

INSPECTOR