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## Appeal Decision

Site visit made on 18 November 2013

by **G M Garnham BA BPhil MRTPI**

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

Decision date: 16 December 2013

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### **Appeal A Ref: APP/Q0505/A/13/2200407**

#### **4 Sunnyside, Cambridge, CB5 8SG**

- 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 & Mrs John Clements against the decision of Cambridge City Council.
  - The application Ref 12/1329/FUL, dated 22 October 2012, was refused by notice dated 21 December 2012.  
The development proposed is demolition of no.4 Sunnyside & construction of 7 residential units comprising 2 x 4 bedroom houses, 4 x 3 bedroom houses, 1 x 2 bedroom flat.
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### **Appeal B Ref: APP/Q0505/A/13/2201930**

#### **4 Sunnyside, Cambridge, CB5 8SG**

- 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 & Mrs John Clements against the decision of Cambridge City Council.
  - The application Ref 13/0622/FUL, dated 12 April 2013, was refused by notice dated 28 June 2013.  
The development proposed is demolition of no.4 Sunnyside & construction of 6 residential units comprising 2 x 3 bedroom houses, 4 x 2 bedroom houses.
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## Decisions

- 1. Appeal A is dismissed and Appeal B is dismissed.**

### Procedural matter

2. The site visit was to be accompanied by both main parties. In the event, the Council did not attend at the appointed time. I needed to enter the site. I did so on an "access required" basis, with the appellants' permission but without any discussion about the merits of the proposals. The Council was advised of this at the time and later in writing, and has raised no objections. I consider that no interests have been prejudiced by carrying out the site visit in the way described.

### Main Issues

3. I consider that these are the effects of the proposals on:
  - (1) the character and appearance of area;

- (2) the living conditions of the occupiers of adjoining residential properties; and
- (3)** the provision of infrastructure facilities to meet the needs of the incoming occupiers.

### **Reasons**

- 4. The appeal property comprises what was originally no.s 2 & 4 Sunnyside, a pair of 2 storey semi-detached houses that has since been combined into one dwelling. The site is on the outside of a sharp, nearly 90 degree bend in the road, where Sunnyside meets The Westering. The plot of no.4 was of standard width but quite deep. That of no.2 had a narrow frontage, but was very deep and wide at the rear. The combined plot is very large. In principle, I consider that the redevelopment of the site for an increased number of dwellings would represent a more effective use of land within an established residential area.
- 5. The proposal in Appeal B was submitted to overcome the Council's objections to the earlier proposal (Appeal A). Both proposals require the full clearance of the site and both were refused for similar types of reasons.

### ***First main issue – effect character and appearance of the area***

- 6. Both appeals involve the erection of 3 pairs of semi-detached houses towards the rear of the site. They would form a row houses across the widest part of the site, reflecting on a small scale the even rows of houses in the nearby roads. I consider that this type of layout would be a reasonable response to the opportunities offered by the site.
- 7. Appeal A would involve quite bulky houses, with high roofs allowing the insertion of dormer windows. The inner pair, and the adjoining flanks, would have gable ends, with hipped roofs on each end of the row. I consider that this arrangement would appear unduly cramped and out of keeping with the uniform 2 storey scale and regular rhythm of the local street scenes. At the front, Appeal A would have a 2 storey building with a flat on the first floor. The overall scale and form of this building would be in keeping with the area. However, it would protrude forward of the existing building line, giving it undue prominence when viewed from both directions. More significantly, the central half of the ground floor would be open, allowing vehicle access to the 6 houses behind. This might be an acceptable and in-character form of development in a densely built up context, but it would be highly out of character in the interwar suburb in which it is proposed. While this building would in part hide the scale of the development behind it, it would itself be incongruous and out of keeping.
- 8. The rear of the site in Appeal B would comprise 3 modest hip-ended pairs. I consider that these would be consistent with the scale and pattern of development locally. The frontage would comprise two low structures to accommodate bins and cycles. These are sited in the same position as the ground floor elements of the frontage building in Appeal A. I consider that their arrangement reflects more the demands of that earlier proposal than a holistic design of high quality for a frontage with different requirements. However, in principle, I consider that the openness created in the street scene by the loss of a 2 storey building on the frontage would not significantly detract from local character and appearance. It would be little different in appearance

from the gap arising from a minor side road junction at the end straight lines of semi-detached houses – a not unusual feature in layouts of this nature.

9. I conclude that the Appeal A proposal would significantly detract from the character and appearance of an established residential area. This would be contrary to policies 3/7, 3/10 & 3/12 in the Cambridge City Local Plan (2006). Among other things, these policies seek to create attractive built frontages that are in keeping with the character and appearance of the area and comprise buildings that have a positive impact on their settings.
10. I conclude that the Appeal B proposal would be generally in keeping with the character and appearance of the area, but that opportunities would be missed to create an attractive frontage. This would be contrary to policy 3/7 and to policy 3/4, which expects proposals to respond positively to their contexts.
- 11.** I consider that both proposals would also fall short with respect to the high quality and inclusive design that the National Planning Policy Framework expects for all development.

### ***Second main issue – effect on neighbours' living conditions***

12. The Council says that the end houses in both Appeal proposals would give rise to an unacceptable degree of enclosure in the adjoining back gardens. It is clear that both proposals would introduce built development well to the rear of existing building lines, where outlooks are open. The fact that the nearest parts of the end houses to the boundaries would be single storey would limit the impact. Moreover, back gardens either side are long and a good level of open outlook would be retained.
13. However, so far as Appeal A is concerned, I consider that the sense of enclosure would be enhanced by the additional height of the houses. Also, the 2<sup>nd</sup> floor dormer windows in this proposal would cause overlooking into the nearest properties either side and to the rear. Although this is not part of the Council's case, adjoining residents have objected on the grounds of loss of privacy. To my mind material harm would arise in the nearest properties, and this would add weight against the proposal.
14. The Council also says that the proximity of some parking spaces to the residential properties either side would give rise to noise and disturbance to their occupiers. Both these properties have buildings on the common boundary, near the proposed parking spaces. I consider that minor adjustments to the layout and an effective planting scheme would ensure that no material harm would arise.
15. I conclude that Appeal A would give rise to significant adverse impacts on the living conditions of the occupiers of adjoining residential properties. This would be contrary to Local Plan policy 3/10.
16. I conclude that while Appeal B would give rise to some harm with respect to neighbours' living conditions, this would not be to the extent that policy 3/10 would require planning permission be withheld. Neither proposal would be in material conflict with policy 4/13 regarding noise and disturbance.
- 17.** A resident at no.8 Sunnyside has objected on the grounds that construction impacts could seriously harm the well-being of her terminally ill son. Such

impacts are not normally a reason to refuse planning permission, particularly in the absence of specialist medical reports.

***Third main issue – provision of infrastructure facilities***

18. Both proposals would give rise to a net increase in the number of dwellings on the site and to the number of people living there. Local Plan policy 5/14 expects that new development that leads to an increased demand for community facilities will provide or contribute to the provisions of appropriate community facilities. Policy 10/1 says that infrastructure provision and improvements will be secured through planning obligations. The kind of provisions required by both proposals would include recreation and open space, community and education facilities and waste and recycling containers.
19. The appellants have expressed a willingness to contribute as required by adopted policy. However, no suitable and completed section 106 obligations have been made available to me. Without them, I cannot be sure that the necessary provisions would be made if I were minded to give planning permission.
20. Consequently I conclude that both appeal proposals would fail to make adequate provisions for the infrastructure needs of their incoming occupiers, contrary to the development plan policies referred to above.

***Overall conclusions***

21. I have found that Appeal A would fall short with respect to all 3 main issues. The matters of concern could not be overcome by the imposition of planning conditions. I therefore conclude overall that planning permission should be withheld for Appeal A and the appeal dismissed.
22. I have found that Appeal B would fall short to some extent with respect to the first, and decisively with respect to the third, main issue. I consider that the lack of substantial harm with respect to living conditions would not outweigh the shortcomings with respect to character and appearance and infrastructure provisions. Planning conditions would not overcome this harm. I therefore conclude on balance that planning permission should be withheld for Appeal B and that appeal also dismissed.

*G Garnham*

INSPECTOR