



Appeal Decision

Site visit made on 30 September 2011

by **J A B Gresty MA MRICS**

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

Decision date: 3 November 2011

Appeal Ref: APP/Q0505/A/11/2155668

1 The Grove, Chesterton, Cambridge CB4 1TJ

- 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 S Conrad against the decision of Cambridge City Council.
 - The application Ref 11/0395/FUL, dated 29 March 2011, was refused by notice dated 25 May 2011.
 - The development proposed is 2No one-bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues in this case. First is the effect of the proposed development on the character and appearance of the locality. Secondly is whether the development would provide adequate living conditions for future occupiers of the two flats with regard to outdoor amenity space, general layout and privacy. Thirdly is whether the proposal makes adequate provision for public open space, community development facilities and waste storage.

Reasons

Character & Appearance

3. The appeal property is a semi-detached, two-storey house situated at the junction of Cam Causeway and Nuffield Road, close to the junction with Green End Road. Opposite the property, on the other side of Cam Causeway, is an area of public open space. The property is part of a small cul-de-sac development of similar semi-detached houses laid out in a symmetrical pattern. The houses on the cul-de-sac which front onto Cam Causeway, including the appeal property, have substantial front gardens which combine with the other features of the immediate locality to give it a significantly open character and appearance.
 4. Although the appeal property is partly enclosed by tall evergreen hedging, there are clear views through the garden from one road to another and the appeal property relates strongly to the open character and appearance of the locality. The appeal property is in a prominent location in the street scene, the house standing out in the street scene in part because of its positioning at an oblique angle to the adjoining roads. The proposed two-storey development would project out into the garden at a similarly oblique angle, greatly reducing the
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views through the garden and leaving the appeal property with a relatively small area of garden. The proposed development would reduce significantly the open appearance of the locality. It would also make the appeal property appear out of balance with the other open gardens of the other cul-de-sac properties.

5. The development would reduce the symmetry of the existing semi-detached building. Whilst on its own this is not considered by the Council to be a sufficient reason for refusal, it would further disrupt the planned and symmetrical appearance of the cul-de-sac in the street scene.
6. Overall, I conclude that the proposed development would fail to integrate well with the character and appearance of the locality and would be harmful to it, contrary to the general aims of saved Policies 3/4, 3/7, 3/10 and 3/14 of the Cambridge Local Plan (LP).
7. The Council's first reason for refusal makes an implied reference to the removal of garden land from the definition of previously developed land contained in Planning Policy Statement 3: *Housing*. However, this change in definition does not affect significantly the relevance of the above LP Policies in this case and consequently I attach little weight to it in deciding this appeal.

Living Conditions

8. The proposed first-floor flat would have a very small, roughly triangular shaped area of outdoor amenity space, situated immediately outside the kitchen and living room windows of the proposed ground-floor flat. Its small size and odd shape would make the area of very little practical use as an amenity space and its position immediately outside the ground-floor windows would allow its users little privacy. Also, users of this space would be able to look directly into the windows of the ground-floor flat with a potentially similar loss of privacy for the occupiers of the ground-floor flat. Notwithstanding that there is public open space nearby, I conclude that the proposed development would not provide the occupiers of the proposed flats with adequate living conditions with regard to outdoor private amenity space, contrary to the aims of LP Policy 3/10.

Public open space, community development facilities and waste storage

9. Since refusal of planning permission, the appellant has completed a unilateral undertaking to contribute towards the cost of providing public open space, community development facilities and waste storage. Although it has been given the opportunity, the Council has not commented on the undertaking and evidence has not been presented to indicate that it does not meet the requirements of LP Policies 3/8, 3/12 & 5/14 or the Community Infrastructure Levy Regulation 122 tests of being necessary to make the development acceptable in planning terms; being directly related to the development and being fairly and reasonably related in scale and kind to the development. Consequently I consider that the earlier failure of the appellant to enter into a unilateral undertaking no longer to be a reason for dismissal of this appeal.

Other Matters

10. In the Government's emerging single National Planning Policy Framework there is a presumption in favour of sustainable development. Whilst there are sustainable aspects to the proposed development, the Government's current

planning policy statements, circulars and guidance documents remain in place. Consequently I attach limited weight to the emerging framework in deciding this case.

Conclusion

11. On balance, for the above reasons, I conclude that the appeal should be dismissed.

J A B Gresty

INSPECTOR