

Doc A



Appeal Decision

Site visit made on 14 July 2014

by **Diane Fleming BA (Hons) MRTPI**

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

Decision date: 28 July 2014

Appeal Ref: APP/Q0505/A/14/2218376 23 Baldock Way, Cambridge CB1 7UX

- 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 A De Simone against the decision of Cambridge City Council.
- The application, Ref 14/0129/FUL, dated 28 January 2014, was refused by notice dated 10 April 2014.
- The development proposed is demolition of bungalow and building of detached house.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant sought to amend the scheme following the submission of the application to the Council but prior to its determination. These changes showed a lowered ridge height and a hip shaped roof. The Council did not take them into account and now the same revisions have been submitted with the appeal. In my view the development would be substantially different from that set out in the application and I am not satisfied that all relevant parties have been made aware of the revisions. Given the proximity of the site to the affected parties I do not accept the revisions as to do so would be prejudicial to third parties. I have therefore determined the appeal taking into account only the original plans.



Main Issue

3. The main issue is the effect of the development on i) the living conditions of the occupiers of Nos 71 and 73 Glebe Road, having regard to outlook and overshadowing; and ii) the living conditions of future occupants having regard to the provision of private amenity space.

Reasons

4. The proposal is to demolish a bungalow and garage and to make use of the existing footprint, more or less, to erect a double fronted, five bedroom dwelling. Its size would be substantial with three, large rooms at basement level as well as two, en suite bedrooms in the loft. The new building would be set about 0.5m further north than the existing bungalow. This would increase, marginally, the distance between the flank wall of the new dwelling and the rear of No 73 to approximately 12m. The ridge height of the new building would be about 9.6m.

5. The existing outlook from the rear of the properties along Glebe Road is extremely open. This is due to the generously long gardens of most of the houses, the backdrop of the allotment land and the spaces between the dwellings themselves. In this context the existing bungalow appears to be somewhat of an anomaly given that it has no sizeable set back from the road, as with other dwellings, no rear garden and only a small courtyard adjacent to the south elevation which serves as the private amenity space.

6. At the rear of No 73 there is a garden about 7m in depth. The existing outlook at ground level is of the bungalow roof gable. The open aspect at first floor level provides a relief to this outlook. However the new dwelling would change this as the increased height of the flank wall would occupy most of the width of the garden. This would create a sense of enclosure due to its proximity and the contrast with the surrounding open space. The sense of enclosure would be experienced by the occupiers both within the dwelling and in the garden. The scale of the building would result in a dominant outlook for the occupiers of No 73 and this would not be diminished by the slight set back of the siting of the replacement dwelling.

7. No 71 adjoins No 73 and I consider that the outlook for these occupiers would also be affected. Currently the roof of the bungalow extends about 11m along the boundary with No 71 and slopes away from it. The new development would result in a wall about 5.6m high to eaves along the same length of garden, and as with the bungalow, would only be about 1.4m away from the fence line. The angle of pitch of the new roof would be similar to the bungalow and it too would slope away from the boundary. Whilst the effect on the outlook from within No 71 would be off set by the length of garden inbetween, within the garden the new development result in a dramatic change and would be a dominant feature at the end of the garden. The impact of the development would be all the more noticeable due to the contrast with the remaining open aspect.

8. The new house would also be situated to the west of the long garden at No 71. About half the garden depth next to the house, approximately 12m, would be unaffected by the development in terms of overshadowing. However that part furthest from the house would be affected due to the height and proximity of the new house on the boundary. This would be in the late afternoon. The garden at No 71 faces north and that part of it next to the house would be in shadow from it for some of the morning until lunchtime. However for most of the day there would always be a portion of the garden without shadow.

9. For these reasons I conclude that the development would have an acceptable effect on the living conditions of the occupiers of No 71, having regard to overshadowing. It would therefore accord with Policies 3/4, 3/7 and 3/12 of the Local Plan (LP)¹ in this respect alone. However the development would have an unacceptable effect on the living conditions of the occupiers of both Nos 71 and 73, having regard to outlook. The development would therefore conflict with Policies 3/4, 3/7 and 3/12 of the LP.

10. The existing three bedroom bungalow sits within a very small plot. As the proposed dwelling would occupy the same footprint, more or less, then the proposed occupants would also have access to the same, south facing, private amenity area. However as the garage would be demolished this would free up

¹ Cambridge City Council Local Plan 2006, saved 2009

a small additional area to the north of the house, where it is proposed to erect a cycle store. Notwithstanding this, overall the size of the proposed area would appear to be insufficient to meet the needs of the occupants of a substantial, five bedroom, family home for children's play, sitting out, clothes drying and gardening, amongst other activities.

11. The appellant argues that whilst the space would be smaller than adjacent gardens it would be similar to many recent developments in other parts of Cambridge. However I do not have full details of those developments and so cannot be certain that the circumstances are the same or similar. In any case I have considered the appeal proposal on its own merits.
12. For these reasons I conclude that the development would have an adverse effect on the living conditions of future occupants, having regard to the provision of private amenity space. The development would therefore not accord with Policies 3/4, 3/7, /11 and 3/12 of the LP. These policies seek to ensure that external spaces are designed as an integral part of development proposals and that high quality living environments are provided

Other Matters

13. I have been referred to other developments which I visited before and after my site visit. Two feature gardens which appear to be larger than that proposed at the appeal site but for smaller houses. The relationship between the existing dwelling and the new dwelling is different than that at the appeal site where the two storey flank wall would dominate the full width of No 73. From my limited observations on site I consider that they do not represent a direct parallel to the appeal proposal especially in respect of siting. In any event I do not have full details of the circumstances that led to these proposals being accepted and I have determined the appeal on its own merits.

Conclusion

14. I have found that the proposal would have an acceptable effect on the living conditions of the occupiers of No 71, having regard to overshadowing. However this consideration does not outweigh the material harm the proposal would have on the living conditions of the occupiers of Nos 71 and 73, having regard to outlook and of the future occupants, having regard to the provision of private amenity space. I therefore conclude, having regard to all other matters raised, that the appeal should be dismissed.

D Fleming

INSPECTOR

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23 Baldock Way – Application 14/0129

Following our meeting last Friday with Catherine Linford we forward the additional information as agreed.

At the meeting CL was concerned that the proposal was too close to 73 Glebe Road. The Applicant's view was that approvals had been given for developments in similar positions and it was agreed that the Applicant would forward examples of these.

There are two recent sites in particular that are very similar to this one –

- A. 4A Baldock Way – This is a little further up the road at the junction with Cavendish Road. It is about the same distance away and is a gable facing the rear of 32A Cavendish Road.
- B. 2A Topcliffe Road – This is a recently completed two storey house – 08/0588 where the case officer was Catherine Linford. The house built at the rear of 29 Nighthale Avenue is again a very similar distance away from the rear – in this case there is no gable.

There are other examples that we are aware of, but these two in particular are very similar situations to that at 23 Baldock Way and since CL was the officer involved in 2A Topcliffe she will be aware of the similarities.

It is accepted that the ridge line on the application is higher than both these examples and therefore to try to reach an agreement the Applicant would be willing to reduce the height and form a hipped roof as 10A. This would all be similar to 2A Topcliffe which was considered to be acceptable.