
Appeal Decision

Site visit made on 30 March 2015

by K R Seward Solicitor

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

Decision date: 14 April 2015

Appeal Ref: APP/Q0505/W/14/3001368
70 Green End Road, Cambridge CB4 1RY

- 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 Luigi De Simone against the decision of Cambridge City Council.
 - The application Ref 14/1196/FUL, dated 22 July 2014, was refused by notice dated 13 October 2014.
 - The development proposed is part demolition of the existing building and erection of four residential flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular reference to noise and disturbance and privacy; and
 - whether future occupiers would be likely to experience acceptable living conditions in terms of external outdoor space provision and noise and disturbance and privacy from the proposed access.

Reasons

Living conditions – noise & disturbance

3. No 70 Green End Road is a large detached property located in a predominantly residential area along a busy main road. It was originally a dwelling before partial conversion to Bed and Breakfast accommodation with four guest bedrooms. Whilst a worn sign advertising the 'Green End Guest House' remains in place, there was no obvious indication of it being in active use as such when I visited the site.
4. The proposal is for 2 storey side and front extensions following demolition of the existing front porch to allow conversion of the extended premises into four 1 bedroom flats.
5. Aside from one disabled parking bay at the front of the premises, the proposed parking area would be located at the very rear of the appeal site. It would be accessed via the existing driveway which leads to an existing double garage in

- the rear garden. This would continue to provide two parking spaces. An additional two spaces would be created in the rear corner with a cycle shed and store room positioned in between.
6. In this location the four parking spaces would be surrounded by neighbouring gardens. My attention has been drawn by the Council to two previous linked Appeal Decisions¹ from 2002 for three additional guest rooms at the appeal site with three parking spaces located in the rear garden. At that time, the Inspector stated, in dismissing the appeal, that the location of these spaces behind the general building line of the houses would give rise to a significantly increased level of noise and disturbance. The conclusion drawn was that this would unacceptably harm the living conditions of nearby residents.
 7. It is clear from that decision that the double garage existed at that time. This proposal differs in that there would be two and not three extra parking spaces. I do not concur with the Council's view that occupiers of the flats would be more likely to have, and use, cars than Bed and Breakfast guests. I do though consider it more likely that guests would park at the front of the premises where there is a hard surfaced area. Nonetheless, although the garage may not currently be used for parking, it could resume at any time. This needs to be taken into account in assessing the potential impact of the proposal.
 8. The existing driveway extends immediately alongside the entire length of the garden of No 72. The number of vehicular movements could be expected to at least double, but noise would be fleeting and likely to be intermittent. With planning conditions imposed to secure appropriate boundary screening and surface treatments, I consider that noise and disturbance from passing vehicles could be controlled to acceptable levels.
 9. The far greater impact would be upon the occupiers of Nos 1 and 1A Nuffield Road whose properties are perpendicular to the appeal site and also No 68. No 1 has a shallow rear garden. Its entire rear boundary is shared with the appeal site where the parking area would be located. No 1A has a much longer rear garden, but a large part is behind the end of the appeal site. It would be directly adjacent to the new parking spaces. All of the parking would be immediately alongside the shared boundary with No 68.
 10. For occupiers of all these properties, there would be much more noise and disturbance suffered in their gardens as vehicles manoeuvre in and out of spaces, engines are revved and car doors slammed. The layout would necessitate vehicles manoeuvring back and forth. Having this activity occur in close proximity would be significantly detrimental to the peace and tranquillity currently enjoyed in these gardens. Disturbance would not be mitigated sufficiently by the existing high conifer hedge. The hedge, or a high fence, could satisfactorily reduce disturbance though from headlights.
 11. Thus, one less parking space than proposed previously under the 2002 Appeal Decision would not deliver a sufficiently marked improvement upon the levels of noise and disturbance likely to be experienced by neighbouring residents. By introducing parking and turning areas where activity would be concentrated amidst quiet residential gardens where a large part of those gardens would be affected by significantly increased noise and disturbance would have an unreasonably harmful effect on the living conditions of neighbouring occupiers.

¹ Appeal Ref: APP/Q0505/A/02/1082990 & 1082991 dated 13 June 2012

As such, the proposal would not respond well to the context of its surroundings as sought by saved Policy 3/4 of the Cambridge City Local Plan, 2006 (LP). In addition, there would be conflict with the core planning principle in Paragraph 17 of the National Planning Policy Framework (the Framework) to secure a good standard of amenity for all existing and future occupants of land and buildings

12. Subject to the imposition of appropriate conditions, I find no conflict with the aforementioned policies in terms of the effect of increased vehicular traffic on No 72.

Living conditions – privacy

13. No 68 Green End Road is sited further back in its plot than No 70. As a result only the kitchen/dining room windows for two of the proposed flats would align with one downstairs window at No 68. This window is for the stairs and landing. Overlooking could be prevented from the new ground floor kitchen/dining room window by boundary fencing, secured by condition. Whilst glimpses of occupiers passing by the window may be seen from the new first floor window, the level of interference with privacy would not be significant as the window at No 68 is not for a habitable room.
14. No 72 Green End Road is positioned much further forward in its plot than No 70. There are already two first floor windows in this side elevation of No 70 directly facing No 68. They are identified on the submitted floor plans as serving guest rooms. In approximately the same position, there would instead be a window for a lounge and kitchen/dining room. The appellant says that these would be obscure glazed up to 1.7m, but the imposition of such a requirement would not be reasonable for the type of rooms.
15. Nevertheless, views towards No 72's two kitchen windows would be very restricted given the reasonably sized gap between the buildings and the planting at No 72 near to the shared boundary. Direct views of No 72's patio would not differ materially from the position at present, particularly as guest rooms within Bed and Breakfast accommodation could be in frequent use. There would be no side facing windows in the new rearward projection and other parts of No 72's garden would remain un-overlooked.
16. Taking all these factors into account, I conclude that there would be no materially adverse effect on the living conditions of neighbouring occupiers at Nos 68 and 72 with reference to privacy. As such, I find no conflict in this regard with LP Policy 3/14 which seeks extensions that do not unreasonably overlook neighbouring properties, or with Paragraph 17 of the Framework as aforesaid.

Outdoor space provision

17. A rectangular shaped area of communal outdoor space would be provided at the rear of the building. At approximately 9m x 12m, the space would not be particularly large for four flats. However, no policy requirements or guidance identifying minimum space standards have been drawn to my attention. Moreover the space would be adequate in size to provide a sitting out area and accommodate everyday purposes such as hanging out washing.
18. All four bedrooms would overlook the garden area, but it is almost inevitable that any garden space at the rear of a property would be overlooked. Indeed,

the bedroom windows may be less intrusive than other room types typically occupied throughout the day. The level of shading from the high boundary conifer trees and building to the south-west would not differ appreciably from that for the current useable garden area. The quality of the garden space would be impeded to some extent by having the bin enclosure at one end. This alone would not be reason to warrant dismissal of the appeal.

19. The garden area would be enclosed by hedgerow to afford physical and visual separation from the vehicular access running alongside. As already concluded in relation to No 72, the level of noise and disturbance to users of the garden from vehicles driving past could be adequately controlled by a condition ensuring appropriate surface treatment of the driveway.
20. However, the outdoor space would only be accessible to occupiers by leaving via the front entrance and walking some distance around the building along the driveway. This arrangement would not be practical or reasonable and would be liable to deter its use.
21. This leads me to conclude that the proposal would not deliver reasonably accessible outdoor space provision which would be detrimental to the living conditions for future occupiers.
22. All of the rooms for one ground floor flat would be immediately alongside the vehicular access. Only the bedroom would have no windows in this elevation. Noise from passing vehicles would be fleeting and likely to be limited in frequency. As the building would have no rear access, residents of the other three flats would need to walk past its front and side windows to access the parking spaces, garden, cycle shed and bin store. This may cause some disturbance and affect privacy to a limited degree. However, it would not be so significant considering the likely small number of other occupants using the access and arrangements that commonly exist in flatted developments.
23. Consequently, I conclude on the second main issue that whilst there would be no material harm arising from the proximity of the proposed access to living accommodation, future occupiers would not experience acceptable living conditions due to the external outdoor space provision not being reasonably accessible. This would conflict with the general aims of LP Policy 3/14 to ensure that extended buildings provide appropriate amenity space. It would also fail to provide a good standard of amenity for future occupants as advocated by Paragraph 17 of the Framework.

Other Matters

24. The appellant has given examples of other developments along Green End Road which he considers to be similar. Whilst they demonstrate that other dwellings in the vicinity have been converted into flats, it is unclear how alike these other developments are in terms of matters such as parking arrangements and outdoor space provision. In consequence, I am unable to draw any direct comparisons.
25. The appellant is aggrieved with how the Council has handled the application. Dissatisfaction with the Council and its advice is not a matter which influences the planning merits of this appeal and I cannot take it into account.

Conclusion

26. I have found no harm with regard to the effect of the proposal on the privacy of neighbouring occupiers and aspects of the other main issues. However, this does not alter the fact that the proposal is nevertheless harmful with regard to noise and disturbance from the proposed parking arrangements and the accessibility issues over the outdoor space. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

KR Seward

INSPECTOR