
Appeal Decision

Site visit made on 7 June 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 18 July 2016

Appeal Ref: APP/Q0505/W/16/3144142

57 Highworth Avenue, Cambridge, Cambridgeshire CB4 2BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Kevin Handley against Cambridge City Council.
 - The application Ref 15/2157/FUL, is dated 17 November 2015.
 - The development proposed is demolition of bungalow and construction of 2No detached houses.
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Decision

1. The appeal is dismissed and planning permission for demolition of bungalow and construction of 2No detached houses is refused.

Procedural Matters

2. The Council has advised that had it been in a position to determine the application, it would have refused planning permission for reasons relating to, (1) the failure of the proposed development to sympathetically integrate into the site and respond to the character of the area, (2) loss of outlook and overshadowing to the neighbouring properties, Nos. 55 and 59 Highworth Avenue, and (3) failure to provide a high quality, attractive and accessible living environment for future occupiers of the development.
 3. As part of the appeal submission the appellant has submitted amended drawings, Ref, 29723/2A & 29723/3A and additional drawings Ref: 29723/4; 29723/5; 29723/6 & 29723/7. The Council has had an opportunity to comment on these amended and additional drawings. It is only appropriate to take the amended drawings into account if no party would be disadvantaged. Having regard to *Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JPL 37*, it is necessary for me to consider whether the proposed changes would represent a substantial difference compared to the original application. It was held in this judgement that one of the main criteria is whether the development would be so changed by such amendments that to grant permission would deprive those who should have been consulted of the opportunity of consultation.
 4. The amended drawings show a revised design to the window of bedroom 5 in Plot 2 and provide supporting information illustrating the car parking provision. The additional drawings have been provided to support the Daylight and Sunlight Assessment that has accompanied the appeal. The amended window
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design is a minor alteration to the original scheme and the additional information with regard to the car parking provision does not alter the original site layout. The additional plans are for information only to accompany the Daylight and Sunlight Assessment. I do not consider that either party would be prejudiced by my determining the appeal with regard to the amended drawings Ref, 29723/2A & 29723/3A and I have done so on this basis.

Main Issues

5. The main issues in this case are the effect on the:

- Character and appearance of the area;
- Living conditions of the occupiers of 55 and 59 Highworth Avenue, with particular regard to outlook, and loss of daylight and sunlight; and
- Living conditions of the future occupiers of the proposed dwellings with particular regard to outlook and access.

Reasons

Character and appearance

6. Highworth Avenue is an attractive residential cul-de-sac characterised by a mix of predominantly detached and semi-detached dwellings which are set back from the road with front gardens and driveways enclosed by low walls and hedge planting. There are a few bungalows interspersed between the houses and the properties vary considerably in their design and form.
7. The appeal site is situated in a prominent location fronting onto the end of the cul-de-sac and framed with its neighbour, No 59 by the two mature trees that are located on either side of the street. The neighbouring properties occupy modest plots with relatively open front gardens and overall there is a spacious and verdant character to this secluded part of the street scene.
8. Although the existing bungalow is positioned close to the site boundary, by reason of its single storey form and the open side garden/driveway, it does not appear cramped. In contrast the proposed dwellings would extend across the full width of the site and their consolidated form and mass would be at odds with the more spacious setting of their neighbours. Their cramped appearance would be reinforced by the narrow frontage to Plot 2 and the awkward front elevation the proposed dwelling would display, as a result of it being shoe-horned into the site behind Plot 1.
9. I accept that the intrinsic design of the proposed dwellings would not be out of character in this location, and I noted on my visit to the site that other properties in the street display similar roof forms, including flat roofed front dormer windows. However, by reason of the scale and form of the proposed development, it would appear cramped and detract from the overall more spacious appearance of the neighbouring properties which provide an attractive street scene set around the head of the cul-de-sac.
10. I have taken into consideration the nature of other properties that have been developed in the street where they may be positioned close to site boundaries. However, in the case of No 51a, this property is a bungalow with a low profile, and its appearance is more reflective of an ancillary building rather than a single dwelling. Furthermore its wide frontage ensures that the spacious

quality of the street is retained. I did not see any examples of development close by that had such a constrained frontage or cramped form as that proposed in this appeal and in any event I have considered the appeal on its own merits.

11. I conclude that the appeal proposal would harm the character and appearance of the area and conflict with Saved Policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan, 2006 (Local Plan) which seek to ensure, amongst other things, that new development responds to local context and integrates successfully into the existing character of an area. I also find conflict with the paragraphs 56 and 64 National Planning Policy Framework which promote good design that improves the character and quality of an area.

Living conditions of neighbours

12. The proposed dwelling on Plot 2 would be positioned close to its common boundary with No 55 and with its flank wall adjoining the boundary of their rear garden area. I have had regard to the Daylight and Sunlight Assessment (DSA) submitted with the appeal, and given the position of the proposed dwelling to the north of No 55, I agree that the proposal would not result in any significant overshadowing of this property. However, the presence of the proposed dwelling's flank wall, extending along a considerable length of No 55's rear garden boundary would be imposing. The existing garage adjacent to this boundary has a low profile and would not mitigate the mass of this wall. I accept that the hipped roof design would provide some relief; however by reason of its overall scale and siting, I consider that Plot 2 would have an enclosing impact and dominate the garden area of No 55. The living conditions of No 55 would therefore be significantly harmed by a loss of outlook from their garden area.
13. The DSA also considers the impact the proposed dwelling on Plot 1 would have on the daylight and sunlight available to No 59. I have had regard to the observations made by the Council on the methodology adopted in the DSA; however it seems to me to provide a full appraisal and uses the BRE report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' as a basis for the assessment. Plot 1 would lie to the south of No 59 with the main two-storey dwelling sited adjacent to flank wall of No 59, and with the proposed single storey projection adjoining No 59's patio area. The DSA illustrates that as a result of the proposed development there would be some impact on No 59's adjacent first floor bedroom and ground floor living room window. However, both of these windows would retain adequate amounts of daylight and sunlight with very little change to the existing situation. Whilst there would be some limited overshadowing of the bedroom window and living room window during the late afternoon period, it would not be significant and the living room is also served by a further set of patio doors which provide additional light to this room.
14. The proposed ground floor extension would also be positioned close No 59's patio area. There is an existing fence along the common boundary which is approximately 1.8m high. The proposed extension has been designed with a hipped roof and less than a metre of the proposed flank wall would therefore be visible above the boundary fence. Even though the single storey addition would extend along the depth of the patio area, I am satisfied that given its height and design, coupled with the presence of the existing fence and extensive patio area available to No 59, the proposed development would not

have a significantly overbearing or enclosing effect on the outlook of the occupiers of No 59.

15. No 59 has a full length narrow window with obscure glass in its southern elevation which serves a study area. This room also opens out into the living room where there are two sets of patio windows facing the rear garden. Although this window does provide some day and sunlight to the room, its obscure nature and proximity to the flank wall of the existing bungalow severely restrict this. Plot 1 would be no closer to this window than the existing bungalow and although its flank wall would be higher, in view of the existing situation I do not consider that any further reduction in the overall daylight and sunlight that would be attributable to Plot 1 would be significant.

Living conditions of future occupiers

16. The proposed dwellings would be positioned in close proximity to each other with only a narrow passageway between their facing flank walls. I accept that the windows and door in the flank wall of Plot 1 would have a restricted outlook; however with the exception of the kitchen window, they do not serve habitable rooms. Furthermore the kitchen would have a dual aspect, with an unrestricted outlook towards its rear garden and borrowed light from the through living room. For these reasons I do not consider that the outlook for future occupiers would be unacceptable.
17. The appellant has provided an amended drawing Ref: 29723/3A which illustrates that each property would have two parking spaces available to it. Although the driveway to Plot 2 would be narrow, it would provide adequate space to park two cars without restricting pedestrian access. I am also mindful that the Highway Authority did not raise any objections on highway safety or access grounds. The site frontages are constrained, and whilst I have found that this would have a harmful effect on the appearance of the development, I do not consider that it not have a harmful effect on the living conditions of the future occupiers of the proposed development.

Conclusions on living conditions

18. I conclude that the living conditions of the future occupiers of the proposed development would be acceptable and the living conditions of the occupants of No 59 Highworth Avenue would be safeguarded. I therefore find no conflict with Policies 3/7, 3/10, 3/11 or 3/12 of the Local Plan which seek, amongst other things, to protect the amenities of neighbouring properties and create well designed buildings and spaces that are convenient, safe and accessible for all users. However, I conclude that the living conditions of the occupants of No 55 Highworth Avenue would be significantly and demonstrably harmed through loss of outlook. The proposed development would therefore conflict with Policy 3/10 of the Local Plan which seeks to ensure, amongst other things, that residential development does not have a significant adverse impact on the amenities of neighbouring properties through an overbearing sense of enclosure.

Overall Conclusion

19. Although I have found that the proposed development would not have a harmful effect on the living conditions of its future occupants nor the living conditions of the occupants of No 59 Highworth Avenue, I have found that the it would have a significant and harmful effect on the living conditions of No 55

Highworth Avenue, and cause harm to the character and appearance of the area. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Elizabeth Pleasant

INSPECTOR