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## Appeal Decision

Hearing held on 23 August 2016

Site visit made on 23 August 2016

**by Roy Merrett BSc(Hons) DipTP MRTPI**

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

**Decision date: 27 October 2016**

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**Appeal Ref: APP/Q0505/W/16/3145912**

**Land to the rear of 27 - 37 Romsey Terrace, Cambridge CB1 3NH**

- 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 Robinson College against Cambridge City Council.
  - The application Ref 15/2355/FUL, is dated 1 August 2014.
  - The development proposed is four dwellings – two semi-detached three bedroom dwellings and two semi-detached two bedroom dwellings and associated amenity space and facilitating development.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Although the Council did not reach a formal decision on this application, it has nonetheless indicated in its statement its putative reasons for refusal. These are firstly that the development would fail to preserve and enhance the setting of the Mill Road Conservation Area (CA) and would harm views of the site from the CA; secondly that it would cause harm to the living conditions of existing residents resulting from an overbearing presence and overshadowing with specific locations failing to be assessed and thirdly that it would harm the living conditions of future occupiers due to overlooking.
  3. An updated version of the Daylight Sunlight and Overshadowing Assessment (Revision 6) was submitted as late evidence by the appellant. It was explained that this sought to address corrections and omissions in the previous version of the Assessment. Prior to discussing this matter, the consultant responsible for the report provided a summary of the revisions. I allowed some time at the Hearing for the Council and others to consider the document. I acknowledge that there were some reservations about me accepting the document. Nonetheless, because the nature of the document was that of amendments to an existing assessment and changes were not substantial, I determined that there would be no prejudice to any party by taking this document into account in my determination of the appeal.
  4. Prior to the Hearing the appellant submitted a Unilateral Undertaking (UU) to provide and maintain a community garden for the proposed external communal area; to deliver and retain the existing units at 27 – 37 Romsey Terrace as open market dwellings and to use reasonable endeavours to utilise one car
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parking space in conjunction with a car sharing scheme. The UU was discussed at the Hearing.

5. A signed Statement of Common Ground between the main parties was also submitted.

### **Main Issues**

6. The main issues are the effect of the development on:
  - i) the living conditions of future occupiers of the currently unoccupied 27-35 Romsey Terrace and the proposed two bedroom units on the northern part of the site in terms of privacy, outlook and external amenity space;
  - ii) the living conditions of the occupiers of existing nearby dwellings in terms of outlook and natural light to garden areas;
  - iii) traffic and parking in the locality and
  - iv) the character and appearance of its surroundings including the setting of the CA.

### **Reasons**

#### *Living conditions of future occupiers*

7. The front elevation of the proposed pair of units on the northern part of the site would be in close proximity to the rear of the existing dwellings at Nos 27 – 35 Romsey Terrace with separation between the buildings limited to between 9 and 11 metres. To allow for this relationship the units would incorporate design features at upper floor level including side facing slot windows and slatted privacy screens around the external terrace space aimed at restricting forward visibility. In addition, the appellant proposes tree planting within the intervening communal garden area intended to provide a degree of screening, though not to act as a solid barrier.
8. Whilst I agree that these measures would afford some protection, notwithstanding the lack of a detailed landscaping scheme at this stage, they would not overcome close inter-visibility between ground floor habitable rooms at the rear of the existing terrace and the front of the proposed units which include kitchens and living rooms. Furthermore whilst accepting that the external area is intended as a communal space it would be easy to closely overlook this area, which whilst offering some benefits in terms of surveillance would not be conducive to the privacy of residents seeking to enjoy this space.
9. The proposal would for the aforementioned reasons result in a significant loss of privacy for future occupiers. Whilst I acknowledge that the degree of separation of the units is reminiscent of that between the front elevation of existing terracing along the wider street, the privacy impact in that case is somewhat mitigated by the availability and relief provided by lengthy rear gardens to those properties, absent in this case. In any event very close existing relationships between buildings do not justify the harm I have identified.
10. In terms of the rear elevation of the northern units, there would be an absence of upper floor windows, with high level ground floor windows incorporated, the

top of which would be level with the immediately adjacent rear boundary wall. This design is intended to prevent overlooking of adjacent rear gardens serving dwellings on Coleridge Road. It would be in addition to the aforementioned design features intended to restrict forward visibility for the same reason.

11. However the effect of this is that outlook from the northern units to both the front and rear, particularly at upper floor level, would be significantly impaired. It would result in the interior of the units feeling enclosed and 'boxed in' making their occupation oppressive for residents. In addition the proximity of the units, notwithstanding efforts to incorporate a reduced height design, would introduce imposing built development that would be harmful to the immediate outlook from the rear of the existing terrace opposite.
12. Whilst I note that the proposed units would be offset from the direct outlook to the rear of No 35, the rear windows of that dwelling would be very close to the boundary enclosure for the communal area which would be stepped in at this point in order to accommodate sufficient vehicle turning space. The outlook from the rear of No 35 would therefore either be directly onto a tall and imposing means of enclosure or if this is made shorter, the hardstanding of the vehicle turning area beyond which combined with the road to the front would give residents little relief from the presence of vehicles.
13. The proposal would therefore result in an unacceptably poor quality of outlook for future occupiers both of the northern units and existing terrace.
14. Notwithstanding that the two northern units would be provided with small outdoor terraces, the community garden would comprise of a relatively confined area for the number dwellings it is intended to serve, when also taking into account the space that would be taken up by access paths and intervening planting.
15. The proximity and orientation of the proposed northern units and existing dwellings at 27 – 35 Romsey Terrace would also result in an overbearing presence on the community garden which would make it feel significantly closed in. Whilst the proposal would include the introduction of soft landscaping measures in the form of tree planting with the aim of visually enhancing this area, for the above reasons the space would feel rather gloomy, cramped and excessively engineered. It would be unlikely to form an attractive feature for residents to use as a garden. The addition of screen planting within this already confined space would compound the sense of enclosure.
16. I conclude that the development would cause significant harm to the living conditions of future occupiers in terms of privacy, outlook and quantity and quality of external amenity space. The proposal would therefore be in conflict with Policies 3/7, 3/10a, 3/10b and 3/12 of the Cambridge City Council Local Plan 2006 (LP) insofar as they seek to promote good design through interrelations between buildings, avoid significant adverse impact on the amenities of neighbouring properties through loss of privacy and an overbearing sense of enclosure and provide adequate amenity space. It would also conflict with the National Planning Policy Framework (the Framework) which states as a core principle that planning should seek to secure a good standard of amenity for future occupants.

*Living conditions of occupiers of existing dwellings*

17. The rear elevation of the northern units would be situated very close to the eastern boundary wall of the site with rear gardens of Coleridge Road properties. There is generally significant separation between the dwellings on that road and the appeal site such that outlook for residents of those properties would not be significantly affected or harmed. The exception to this however is with regard to the pair of bungalows at 6a and 6b Coleridge Road. In particular the relatively short garden of No 6b adjoins the northern end of the appeal site.
18. Whilst the 6b garden would mainly face on to the shorter proposed single storey cycle store, it would in part be overlapped by the northern most two storey dwelling, albeit where the roof of that unit would be below its maximum height. Nevertheless the proximity and scale of that unit would result in an imposing and overbearing presence on the rear garden of 6b and to a degree when seen from the rear facing living room window in that property. This harm though significant in its own right would be further exacerbated by the change in ground level between the sites, lower on the 6b side, and because of the tall brick boundary wall and continuity of the elevation cladding which would appear as a strident and imposing facade.
19. I consider that 6a Coleridge Road would be sufficiently offset for the outlook from the rear of that property not to be significantly harmed by the development. In terms of 25 Romsey Terrace it was evident from my visit that there are currently relatively open and verdant vistas from habitable upper floor rooms at the rear of that property. Whilst the proposal would alter this outlook, the nearest two storey unit would, due to the presence of the intervening single storey cycle store, be sufficiently offset from the rear of No 25 including its garden not to result in significant harm to outlook from that perspective.
20. The Council at the Hearing confirmed that its concern with respect to overshadowing was in relation to garden areas rather than internal rooms. In terms of impact on natural light, the revised evidence provided by the appellant concludes that the development would result in increased, albeit marginal, overshadowing on the rear gardens of 25 Romsey Terrace and 6b Coleridge Road. Residual levels of light to these garden areas would however, according to the evidence provided, be in keeping with minimum standards set out in the British Research Establishment guidance. The rear garden of 6a Coleridge Road would not be adversely affected according to the evidence.
21. Taking the above into account whilst there would be some adverse impact in terms of overshadowing, including to the ends of longer gardens on Coleridge Road that adjoin the site, I conclude that this would not be significant enough in its own right for planning permission to be refused. However this does not overcome the harm I have identified above in terms of outlook from 6b Coleridge Road.
22. For the aforementioned reasons I conclude that the proposal would conflict with Policies 3/4, 3/10a and 3/12 of the LP and the Framework insofar as they seek to avoid an adverse impact on neighbouring residents as a result of an overbearing sense of enclosure and for design to have a positive impact on its setting and to respond to context.

### *Traffic and Parking*

23. Romsey Terrace is mainly comprised of terraced dwellings where there is very limited availability of off street parking. A limited number of on street parking spaces are provided on the opposite side of the terrace, which I noted were in use at the time of my visit. The site is within a densely populated area and the proposal for additional dwellings there with a net loss of five parking spaces has the potential to result in increased parking demand in the locality.
24. However the site is in a relatively central location with nearby public transport links. Access could therefore be gained to various essential services and facilities relatively easily without dependence on a car. This is likely to make the proposal attractive to non-car owning residents.
25. In addition it appears to me that the shortage of parking space and potential competition with other residents for the few spaces available and associated inconvenience would act as a deterrent to car owning residents. In any event, at worst it would mean a car owning resident having to park further from their home, albeit that this could present some inconvenience, rather than any significant increase in traffic movements within Romsey Terrace to the detriment of highway and pedestrian safety. The accessible location of the site would also help to facilitate visits without reliance on a car.
26. I also note that the Council has raised no objection to the scheme on traffic and parking grounds, including in relation to access for emergency vehicles, and considers the site to be in a sustainable location. I conclude that the proposal would not result in significant harm in terms of parking availability and would not conflict with Policy 8/2 of the LP which seeks to avoid unacceptable transport impacts.

### *Character and Appearance*

27. The northern part of Romsey Terrace is essentially characterised by traditional terraces of dwellings on either side of the road which externally have remained relatively unaltered in appearance. Accordingly the terraces, which are located just inside the southern boundary of the CA, are acknowledged in the CA character appraisal as 'positive buildings' of townscape merit.
28. The contemporary external appearance and form of the units would be at odds with the traditional terraces. However, whilst close to the boundary the appeal site lies outside the CA which excludes the southern part of Romsey Terrace. Moreover it is in a relatively secluded location behind existing buildings into which there would be no significant views from the public realm. I conclude that the development would be in a location able to accommodate some variation in the appearance of buildings and would not therefore result in significant harm to the character of the existing street scene.
29. The Framework defines the setting of a heritage asset which would include Conservation Areas as the surroundings in which a heritage asset is experienced.
30. I accept that the proposal would result in an impact on the view that certain residents would have from private property. However I consider that the key aspect of the CA character insofar as it relates to Romsey Terrace is to be found in the neat traditional terraced frontages. This character is essentially experienced from the public realm within the CA and from outside the CA

further along the street to the south. The development would not interrupt these vistas.

31. I conclude that the development would not result in harm to the character and appearance of its surroundings including the setting of the CA. Accordingly it would not be in conflict with Policies 3/4, 3/7, 3/10c, 3/12 and 4/11 of the LP or with the Framework insofar as they seek to protect spaces which contribute positively in this regard.
32. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case.

#### *Other Matters*

33. The appellant has made a number of further points in support of the proposal. I acknowledge that it is undisputed by the main parties that the site is not unsuitable in principle for residential development. In its favour the development would provide four additional housing units whilst converting some existing accommodation to open market housing in a sustainable location close to the city centre. I attach moderate weight to this consideration.
34. However for the aforementioned reasons the proposal would cause significant harm to the living conditions of residents and would not meet the high standards of design sought by the LP and the Framework. This would outweigh in importance the relatively limited contribution of the development to the supply of housing. The development would not therefore be in keeping with the Framework when taken as a whole.
35. The Council has accepted that its concerns regarding cycle and bin storage arrangements and boundary treatment to the rear of the terrace could be controlled by planning conditions in the event of planning permission being granted.

#### **Conclusion**

36. I have not found that the development would cause significant harm as a result of impact on natural light, traffic and parking and character and appearance. However this is outweighed by my negative findings in terms of harm to the privacy of future occupiers, to outlook for existing and future occupiers and the poor standard of external community space.
37. For the above reasons and having had regard to all other matters raised the appeal should be dismissed.

  
INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

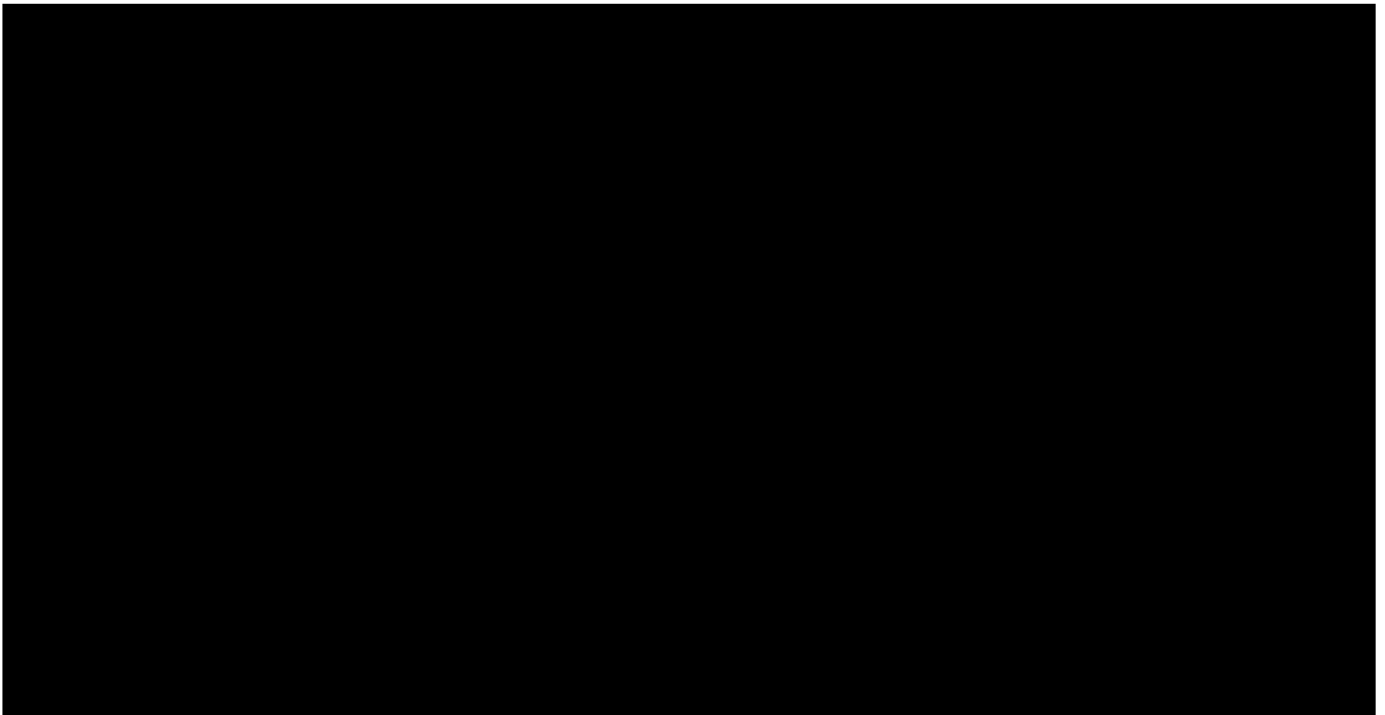


Agent, Bidwells  
Enterprise Property Group  
NRG Consulting

### **FOR THE LOCAL PLANNING AUTHORITY:**

Sav Patel	Senior Planning Officer, Cambridge City Council
Matthew Paul	Urban Design Officer, Cambridge City Council

### **INTERESTED PERSONS:**



## **DOCUMENTS PRESENTED AT THE HEARING**

- 1 Signed and dated Statement of Common Ground.
- 2 Signed and dated Unilateral Undertaking.
- 3 Daylight Sunlight and Overshadowing Assessment - Revision 6.
- 4 Photograph of the rear of 27 – 35 Romsey Terrace submitted by 