



Appeal Decision

Site visit made on 3 December 2019

by **Matthew Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019

Appeal Ref: APP/Q0505/D/19/3237315

12 Gilmour Road, Cambridge CB2 8DX

- 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 Miquel Roca against the decision of Cambridge City Council.
 - The application Ref 18/1813/FUL, dated 19 November 2018, was refused by notice dated 15 August 2019.
 - The development proposed is described as 'ground floor extension and access gate alterations within the building curtilage, projection of first floor sitting room window onto the existing terrace, together with a new garden studio within the second floor terrace, all to create improved living space'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Brooklands Avenue Conservation Area.

Reasons

3. The appeal property comprises a three storey terraced dwelling. It lies on Gilmour Road, a residential cul-de-sac within the 'Accordia estate' (the estate), which is within the Brooklands Avenue Conservation Area (CA).
4. In order to assess the effect of the development on the significance of the CA, I have used the evidence before me, which includes a copy of the Brooklands Avenue Conservation Area Appraisal, along with the observations I made on my site visit.
5. The estate comprises a relatively modern suburban residential development. At street level the layout of the estate is predominantly open, and the front of properties are devoid of notable boundary treatments. The urban form is softened by street planting and other areas of landscaping, green spaces and communal garden areas. Each block has a generally well-defined building line and a consistent architectural style and fenestration pattern, with a homogeneous palette of materials present throughout the estate.
6. As with many of the properties on the estate, dwellings on Gilmour Road have a distinctive contemporary style, and contain upper floors with partially open terraces. It is the way in which all these different elements coalesce which gives the area a distinguished 'modern living' feel of high quality, characterised

- by the consistent and regular layout and style of the buildings and the spaces between them, and the contemporary architectural form and treatments of buildings. It is these elements which contribute to the significance of the CA.
7. In keeping with the contemporary design of the appeal property, the existing second floor terrace has been designed as an open space, partially enclosed by the walls that surround it. This allows clear views of the sky through the open terrace space, as I could see from my site visit when I viewed the appeal site from parts of Gilmour Road and the communal garden space to the rear.
 8. In respect of the proposed studio on the second floor, the submitted plans show that it would be set back from the front and rear of the existing terrace, and project no more than 0.6m above the existing roof of the appeal dwelling. However, the studio would occupy a large proportion of the width of the terrace which, when coupled with its overall scale, would significantly diminish the openness of the terrace. Whilst the studio would not be significantly visible above the roofline of the appeal dwelling, it would nevertheless appear as a visual intrusion into the open space associated with the existing terrace. From the public realm and the communal garden area, the extension would appear incongruous and out of kilter with the other elevated open terraced spaces on the street, disrupting the visual harmony and rhythm of the streetscape.
 9. Turning to the alterations proposed at ground floor and first floor. The height of the walls associated with the appeal property, and the presence of gates to the front and rear, reduces the visibility of the existing space where the ground floor extension is proposed. It is not as light and open as the external amenity spaces above it, nor is it as visible from the street or surrounding area. The ground floor extension would be set well within the confines of the existing building footprint. For this reason, and due to its height and overall scale, it would not be significantly visible from the surrounding area. Moreover, the proposed first floor living room extension would result in a relatively small projection from the rear elevation of the dwelling. This would also be largely hidden and unobtrusive in the street and from the communal garden space to the rear. I find that neither of these elements of the proposal would detract from the architectural uniformity of the dwellings in the area.
 10. However, whilst I find that the ground floor and first floor extensions would preserve the character and appearance of the CA, this does not detract from the harm I have identified in relation to the second floor studio extension, which I conclude would be out of step with the prevailing regular pattern and layout of development on the street, to the detriment of the character and appearance of the area and the CA.
 11. Heritage assets are an irreplaceable resource, and therefore any harm requires clear and convincing justification. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, which I have done in reaching my decision. In accordance with the National Planning Policy Framework (the Framework), the harm I have identified to the significance of the CA would be less than substantial.
 12. I appreciate that the appellant has carefully designed the appeal scheme and, in doing so, the proposal would be seen as a bespoke and innovative design solution, which would utilise high quality materials. Moreover, the proposal

would increase and enhance the living space within the dwelling, reducing the likelihood of the occupants requiring a larger house elsewhere. However, having considered these as public benefits, having regard to paragraph 196 of the Framework, I am not satisfied that collectively they would be sufficient to outweigh the less than substantial harm I have identified.

13. For the foregoing reasons I conclude that the development would harm the character and appearance of the CA. It would be contrary to Policies 55, 56 and 58 of the Cambridge Local Plan 2018 (Local Plan) which require, amongst other matters, that development contributes to local distinctiveness and is not inappropriate in scale, form or height and does not adversely impact on the character or appearance of a conservation area. Furthermore, the proposal fails to provide clear justification for the less than substantial harm to the CA, contrary to Policy 61 of the Local Plan and the Framework.
14. The appellant has drawn my attention to Council guidance which encourages attractive and interesting design solutions, and I have had regard to the Cambridge City Council Roof Extensions Design Guide 2003 Supplementary Planning Guidance. However, for the reasons given above, I find that the second floor extension would overwhelm its immediate setting, thus it would be contrary to this guidance, as well as the aforementioned policies I have referred to.

Other Matters

15. Whilst several third parties have raised concerns regarding the impact of the proposal on their living conditions, based on my site visit and the evidence before me, I have no reason to disagree with the Council that the proposal would not cause harm to the living conditions of the occupiers of surrounding properties in respect of outlook, privacy and light.
16. The planning application was presented to the Council's planning committee for determination. The planning committee refused planning permission against the advice of the Council's officers. I have been provided with a copy of the Council's officer report, along with consultation responses to the planning application, and I have had regard to them in reaching my decision.
17. The fact that the appeal site lies within a housing development which has won awards for its design, is within a CA, and is also covered by an Article 4 Direction¹, does not necessarily mean that other alterations or extensions would be unacceptable. However, I have assessed this appeal on its own planning merits and, for the reasons given, I find that the development proposed in this case would be unacceptably harmful.

Conclusion

18. For the reasons given above, I conclude that the appeal is dismissed.

Matthew Woodward

INSPECTOR

¹ Under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015