



Appeal Decision

Site visit made on 11 August 2020

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Friday, 21 August 2020

Appeal Ref: APP/Q0505/W/19/3239676

38 High Street, Chesterton, Cambridge CB4 1NG

- 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 Barham against Cambridge City Council.
 - The application Ref: 19/0760/FUL, is dated 12 March 2019.
 - The development proposed is the erection of three dwellings following demolition of existing house.
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Decision

1. The appeal is dismissed, and planning permission for the erection of three dwellings following demolition of existing house is refused.

Main Issues

2. The main issues are:
 - the effect of the development upon the living conditions of the occupiers of 22 and 22a High Street, with particular reference to outlook; and
 - whether appropriate private garden space would be provided for the future occupiers of the development.

Reasons

Living conditions

3. The appeal site consists of a detached dwelling set back from the highway. Adjoining the site is 22 High Street, which faces the highway albeit, set further forward than the existing dwelling. To the rear of No. 22 is an additional dwelling (22a High Street), which is orientated differently in that its rear elevation faces the side elevation of the appeal site. To the rear of the appeal site is Alan Percival Court.
4. Whilst the site has previously been developed, the proposed dwellings would have larger proportions in terms of height, massing, and footprint than the existing structure. In addition, the proposed dwellings would be closer to the shared boundaries with Nos. 22 and 22a than the existing building.
5. The property at No. 22 features a relatively narrow garden adjacent to the dwelling at No. 22a. By reason of the proposed dwellings having a greater footprint than the existing houses, this space would become substantially enclosed. In addition, as the proposed dwellings would be set further back than

the house at No. 22, the proposed development would have a notable enclosing effect upon the rear elevation windows that are present within the neighbouring house.

6. Furthermore, the neighbouring dwelling at No. 22a features glazing block within its rear elevation, which would face the proposed development. Whilst these blocks have been fitted with obscure glazing, the increased form of the proposed development, in conjunction with its closer relationship with the shared boundary, would mean that the proposed dwellings would also be readily perceptible from this neighbouring dwelling.
7. Although the sites are on different land levels, the degree of variation is relatively small. In addition, the proposed development would be significantly taller than the treatments that are proposed to be utilised on the shared boundary. This means that the greater form of development would be apparent by the occupiers of neighbouring properties. In addition, the relatively small set back of the proposed dwellings from the shared boundary with Nos. 22 and 22a would mean that it would not be possible to install appropriate screening that might mitigate the adverse effects of the proposed development.
8. In consequence, the proposed development would have a significant overbearing effect on the adjoining properties, which would prevent the occupiers of these properties experiencing appropriate levels of outlook, irrespective of the 45-degree line that has been drawn from the adjacent windows from No. 22
9. I acknowledge efforts made by the appellant in designing a scheme that does not impinge upon the levels of light experienced by neighbouring occupiers. Whilst these are matters of note, they are only some of all the matters that must be considered when assessing a proposed development. In result, they do not overcome the adverse effects on living conditions as previously identified.
10. The evidence before me is indicative that, by reason of the layout of the proposed building, its position and the boundary treatments, the development would not lead to a significant effect upon the occupiers of Alan Percival Court. Whilst this is a matter of note, it is one of all the issues that must be considered and therefore does not overcome my previous concerns.
11. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of Nos. 22 and 22a, and in particular, result in a loss of outlook. The development in this regard, would fail to accord, with the requirements of Policies 55, 56, and 57 of the Cambridge Local Plan (2018) (the Local Plan). These policies, amongst other matters, seek to ensure that the developments respond positively to context; provide a comprehensive design approach that achieves the successful integration of buildings; and that design considers the needs of all users.

Garden space

12. The proposed development would contain three dwellings, each with three separate bedrooms. There would be a garden area to the rear of each dwelling. Most of the land to the front of the site would be utilised for the provision of car parking.
13. Owing to the scale of the proposed dwellings, there is an increased likelihood that they would be occupied by families, or larger households. Owing to these

circumstances, the amount of private recreation space provided to the rear of the site would not provide a sufficiently proportioned area for the carrying out of the full spectrum of recreation activities by all occupiers of the proposed dwellings, including outdoor play.

14. In reaching this view, I have also noted that that the submitted plans indicate that storage for refuse and bicycles would be provided. Whilst such facilities are desirable, the effect of their provision is to further reduce the level of recreation space available for the future occupiers of the development.
15. Although there is a greater amount of space to the front of the site, this would in the main be given over to the provision of vehicle parking and manoeuvring space. In consequence, its availability for recreation purposes cannot be guaranteed. Furthermore, by reason of its proximity to High Street, this area would not benefit from the requisite level of privacy that would be required in a garden to provide the future occupiers of the development with appropriate living conditions.
16. Whilst I acknowledge that the appeal site currently features a residential dwelling, the fact that the appeal proposal would represent a more intensive form of development and would have a larger footprint means that the presence of the existing house does not allow me to disregard the preceding concerns.
17. I therefore conclude that the proposed development does not provide an appropriate amount of private garden space. The proposed development, in this regard, would not comply with the requirements of Policy 52 of the Local Plan. This policy, amongst other matters, requires that developments that subdivide an existing residential plot ensure that enough garden space is retained.

Other Matters

18. The site is located in the Chesterton Conservation Area (the CA). The significance of this is, in part, derived from the presence of traditionally designed dwellings generally arranged in a linear pattern in close proximity to the street. Whilst a number of newer buildings reflect this character, there are some exceptions, including the appeal site.
19. Therefore, whilst the appeal proposal would be set back from the highway, this would not result in harm to the character and appearance of the CA as it would replace a building that is similarly set back from the highway edge. In consequence, the development would maintain the character of the CA. Whilst this is a matter of note, it does not outweigh my previous concerns

Conclusion

20. For the preceding reasons, I conclude that the appeal should be dismissed, and planning permission refused.

Benjamin Clarke

INSPECTOR