



Appeal Decision

Site visit made on 28 June 2022

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th July 2022

Appeal Ref: APP/Q0505/W/21/3289046

45 Highworth Avenue, Cambridge CB4 2BQ

- 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 Dyason Developments Ltd against the decision of Cambridge City Council.
 - The application Ref 21/01476/FUL, dated 30 March 2021, was refused by notice dated 8 October 2021.
 - The development proposed is for residential redevelopment comprising two detached dwellings to the rear and one detached dwelling on the site frontage along with car and cycle parking and associated infrastructure following demolition of existing buildings on site.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Dyason Developments against Cambridge City Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - The living conditions of neighbouring occupiers, with particular regard to outlook and noise,
 - The character and appearance of the surrounding area; and,
 - Biodiversity on site.

Reasons

4. The appeal site is a long plot which, behind the immediately adjoining gardens, extends out to provide a large, almost square, area. The site contains a group of garages to the front, in line with neighbouring properties, and a long bungalow behind. Highworth Avenue, however, is predominantly characterised by two-storey detached and semi-detached dwellings within long and narrow plots. Therefore, while the dwellings are varied in design, they present a strong building line and a regular pattern of development.

Living Conditions

5. From my observations on site, I find that the outlook from the neighbouring dwellings and garden would be relatively open given the size of the

neighbouring gardens and the low height of number 45 Highworth Avenue. The main restriction to any outlook would be from the mature trees common within this area.

6. The proposal would introduce two dwellings that are taller and set much further back within the plot than the existing dwelling. Consequently, I find it likely that they would be more readily visible from a number of the surrounding dwellings and gardens. However, by way of the low-slung rooves that reduce the apparent height of the buildings and pitch away from the side boundaries of the site, I find that the two dwellings would not appear as intrusive or dominant features from either side of the site. Moreover, the distance of separation between these proposed dwellings and the properties to the front and rear of the site would also limit the visual effect of these dwellings with regard to outlook and any overbearing impact.
7. However, the proposal would result in vehicles passing through the site in close proximity to the proposed dwelling at plot 3 and the dwelling at number 47 Highworth Avenue. Vehicles would also need to manoeuvre in a low gear near the garden boundaries of a number of neighbouring properties, including plot 3 and number 47, in order to park or turn on site. Alongside the noise of the vehicles and their engines, the closing of doors and boots would further contribute to noise close to the neighbouring properties. Currently, the sides and rear of the neighbouring properties are set some distance away from any vehicular movements and as such are relatively quiet areas. Consequently, the proposal would significantly affect this peaceful nature by introducing the above vehicular noises and disturbance harming neighbours' enjoyment of their properties to the detriment of their living conditions.
8. Whilst I note that the appeal site may be within a relatively accessible location, this does not necessarily mean that future occupiers would not regularly make use of private motor vehicles. Moreover, although only one parking space per property is proposed, this would nevertheless still introduce vehicular movements where they are not currently present.
9. In light of the above I find that the proposed parking associated with the development would unacceptably affect the living conditions of the existing and proposed neighbouring occupiers by way of noise and disturbance. The proposal would therefore conflict with Policies 52, 56 and 57 of the Cambridge Local Plan (the CLP, October 2018) which collectively, and amongst other matters, require that developments are of a high-quality that protects the amenity and private amenity spaces of neighbouring occupiers and properties.

Character and Appearance

10. As outlined above, the appeal site, as existing, does not reflect the prevailing pattern of development within the street scene. Most noticeably, the site is irregular in shape and contains a bungalow set behind the main row of development. Whilst set behind the group of garages, the roof of the bungalow is still visible within the street scene.
11. The proposal would include a dwelling to the front of the site which would, by way of its location and appearance, be sympathetic to the pattern of development along Highworth Avenue and to the appearance of the dwellings within it. Moreover, this proposed dwelling would to some extent reduce views

down the site, limiting the extent to which the development at the rear of the plot would be visible in public views.

12. Given the location at the rear of the appeal site, the two buildings forming plots 1 and 2 would not be in keeping with the pattern of development within the wider street scene. However, this is a conflict that is already present on site and visible from the street scene. Whilst the proposal would result in two dwellings behind the line of development, they would be set further back than the existing dwelling, reducing their prominence. Moreover, the proposed dwelling on plot 3 would, albeit to a modest amount, screen plots 1 and 2 from public views. I find that cumulatively these matters would result in the proposed dwellings on plots 1 and 2 being retiring features within the street scene. Furthermore, by way of the modern design and appearance of the two dwellings, they would be discrete from the dwellings fronting on to Highworth Avenue. Collectively, I find that the layout of the proposed dwellings would retain the legibility of the prevailing pattern of development of the street overall and would not harm the character or appearance of the area.
13. Given the above, the proposal would not harm the character and appearance of the surrounding area as a result of its siting and appearance. The proposal would therefore comply with CLP Policies 52, 55 and 57 which, amongst other matters, require that developments are appropriate for and respond positively to their context, including the pattern of development and character of the area.

Biodiversity

14. I understand, from the evidence before me, that the appeal site is not covered by any wildlife sites, whether of a local or national designation. Although there are some local and county wildlife sites identified as being within 2km of the appeal site, it has not been demonstrated that these wildlife sites have, or that the appeal site is within, a buffer zone.
15. The rear of the appeal site is laid out as a garden with a mixture of lawn, mature vegetation, young trees, and garden buildings. I find that as a result the appeal site would make a positive contribution towards the biodiversity of the surrounding area, although I find this to be small given the scale of the site and that it is not protected from clearance. As such I do not find that the contribution the site makes to the wider area in this regard would be irreplaceable.
16. I note the appellant's Preliminary Ecological Appraisal and Bat Survey Report (PEA) is of some age, having been carried out in 2019. However, it appears unlikely that the situation at the appeal site has changed so significantly since the report was written that it is no longer accurate. Moreover, I find that in the event that the appeal was allowed, suitably worded conditions could ensure the PEA's recommendations, regarding site clearance and a bat box, are secured.
17. Therefore, the proposal would not result in any unacceptable harm to biodiversity as, subject to the recommendations of the PEA, it would not result in a significant loss of biodiversity or harm to any priority species on site. The proposal would therefore comply with CLP Policy 70 which requires the protection of priority species and habitats. It would also comply with Paragraph 160 of the National Planning Policy Framework which seeks to prevent significant harm to biodiversity.

Planning Balance

18. The government's objective is to significantly boost the supply of housing and the proposal would provide two new dwellings in a location with good access to services and facilities. The scheme would also likely lead to some energy efficiency improvements, and a small and time-limited economic benefit during the construction phase. There would also be some social and economic benefits resulting from future occupiers. Given the overall small scale of the proposal, these benefits attract modest weight. The lack of character, appearance and biodiversity harm is not a benefit resulting from the scheme and as such I afford this matter neutral weight.
19. Conversely, the site layout would result in noise and disturbance harmful to the living conditions of occupiers on and around the site. This matter attracts moderate weight and outweighs the benefits associated with the proposed development.
20. The proposal would therefore conflict with the development plan and there are no other considerations, including the National Planning Policy Framework, that outweigh this conflict.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR