



## Appeal Decision

Site visit made on 12 July 2023

**by H Wilkinson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 September 2023**

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**Appeal Ref: APP/Q0505/W/23/3314560**

**36 Peverel Road, Cambridge, Cambridgeshire CB5 8RH**

- 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 Powell (c/o Cairns Didge UK Ltd) against the decision of Cambridge City Council.
  - The application Ref 22/03544/FUL, dated 2 August 2022, was refused by notice dated 1 November 2022.
  - The development proposed is described as the 'construction of a block of 4 No. flats and associated works'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Council's decision notice refers to Nos 133 to 144 Barnwell Road. However, I observed on my site visit that only odd numbers feature within the row. The main issue as set out below therefore reflects this.
3. Conflict with Policy 58 of the Cambridge Local Plan 2018 (Local Plan) is alleged in relation to design matters and the vulnerability of future occupants to crime. However, as this policy relates to the alteration and extension of existing buildings it has not been determinative in my consideration of this appeal.

### Main Issues

4. Having regard to the Council's refusal reasons, the main issues are:
  - the effect of the appeal proposal on the character and appearance of the area;
  - the effect of the appeal proposal on the living conditions of the occupants of Nos 34 and 36 Peverel Road and Nos 133 to 145 Barnwell Road with particular regard to outlook, overshadowing and privacy;
  - whether the appeal proposal would provide suitable living conditions for the occupants of the development with particular regard to internal and external amenity space, accessibility and safety.
  - whether the appeal proposal would provide adequate cycle storage.

## Reasons

### *Character and appearance*

5. The appeal site lies within a residential area which is characterised by a mix of detached and semi-detached properties together with rows of small terraces. Although many of these properties have been altered and extended, the surrounding development pattern is derived from relatively narrow and long plots with compact frontages and reasonably proportioned, linear gardens to the rear. The regularity of the built form is a notable characteristic of the area.
6. The proposal relates to the erection of a two-storey building which would be located to the rear of No 36 Peverel Road – a house in multiple occupation. The building would extend the full length and occupy nearly the full width of the appeal site and would have a frontage onto the footway which runs parallel to the appeal site and Nos 131-145 Barnwell Road.
7. Due to its positioning and lack of lateral space, the appeal proposal would read as an overly intensive form of development out of keeping with the prevailing pattern of built form. In addition, the loss of the linear garden to the rear of No 36 would disrupt the regularity of the surrounding pattern of development and would leave the host property with an uncharacteristically small garden, further compounding the incongruous form of the proposal. Despite the back land location of the appeal site, such incongruity would be particularly noticeable when viewed from the adjacent footway and to a lesser extent from Barnwell Road.
8. Further, I recognise that the overall height, roof structure and external finish of the appeal proposal would be generally keeping with the surrounding area. However, the spacing and form of the proposed openings, including the introduction of French windows at the first-floor level would be at odds with the neighbouring dwellings. Thus, the principal facade would appear unsympathetic and obtrusive in this regard.
9. For these reasons, I find that the appeal proposal would not be of a high quality of design and would cause harm to the character and appearance of the area. It would therefore conflict with Policies 52, 55, 56 and 57 of the Local Plan. Amongst other aspects, these policies seek to ensure that development proposals deliver high quality new buildings which respond positively to their context. It would also be inconsistent with the design objectives of the National Planning Policy Framework (the Framework).

### *Living conditions – neighbouring occupants*

10. The appeal proposal would introduce two-storey built form which would extend right up to, and along much of the length of the shared boundary with No 34 Peverel Road (No 34). Notwithstanding the roof structure and eaves height, owing to its height, depth and proximity, the proposed building would be overbearing when viewed from the rear windows and garden area of No 34 leading to an oppressive outlook for its occupiers. In addition, the scheme would introduce overshadowing of the rear garden area and there would be a reduction in daylight reaching the habitable room windows on the rear elevation. This would result in dark, uninviting rooms and outdoor space and make those spaces much less attractive to spend time in.

11. Due to the even closer proximity and more direct relationship, the proposal would be perceived as an overly dominant and unduly prominent intrusion of built form when viewed from the rear windows and garden area of No 36 Peverel Road (No 36) which, in terms of outlook would have a significant enclosing effect. Furthermore, the proposal would significantly restrict levels of light entering the habitable rooms and external amenity space. Consequently, these spaces would be unduly gloomy to the detriment of their usability and the occupants of No 36.
12. The submitted plans indicate the installation of several windows on the principal elevation of the proposed building, including the provision of two, recessed balconies on the first floor. The appeal proposal would be located within close distance of Nos 135 to 139 and would directly overlook the principal elevations. Although there is a similar relationship between the neighbouring terraces, the opposing elevations in this instance would nevertheless be within closer proximity and the proposed building would include larger scale glazing and balcony areas. In the absence of any intervening features to offset this relationship, I consider that the proposal would result in an unacceptable degree of overlooking of Nos 135 to 139 such that there would be a material loss of privacy.
13. It is the Council's view that the adverse effect to living conditions would apply to the entire row. However, as I observed at my site visit, views towards Nos 133, 141, 143 and 145 Barnwell Road are oblique. Under these circumstances and given the relatively dense development pattern, I do not consider that the privacy of the wider terrace would be adversely affected.
14. Overall, the appeal proposal would harm the living conditions of the occupants of Nos 34 and 36 Peverel Road together with Nos 135 to 139 Barnwell Road in terms of outlook, overshadowing and privacy. It would therefore fail to accord with Local Plan Policy 52 which seeks to ensure that new development protects the amenity and privacy of neighbouring properties. The proposal is also inconsistent with the Framework where it seeks to ensure high quality design and layout which safeguards appropriate living conditions and the National Design Guide 2021 where it looks to promote quality of life for the occupants of buildings.

*Living conditions – future occupants*

15. The submitted floor plan indicates that the proposed units would have an open plan layout comprising a lounge, kitchen, and dining area together with one double bedroom and a bathroom. In the absence of any evidence to indicate otherwise, it is reasonable to assume that each unit could be occupied by two people, and I have therefore considered the appeal on this basis.
16. Local Plan Policy 50 outlines that new residential units will be permitted where their gross internal floor areas (GIA) meet or exceed the residential standards set out in the Government's Technical Housing Standards – nationally described space standard 2015. The internal design standards are thereafter set out in Table 6.3 of Policy 50 which requires that the GIA of a two-person property is at least 50 square metres. According to the Council, the ground and first floor flats would have a GIA of 45 square metres and 37.8 square metres respectively. The appellant has not disputed this.

17. Whilst acknowledging the shortfall, the appellant submits that this is marginal and that the accommodation would still provide high quality living space owing to the raised ceiling height and extent of glazing. Although I have had regard to these factors, I am also mindful that the standards are intended to act as a benchmark for appropriate living space. In this instance, while it may be the case that the proposed layout would be simple and usable, the GIA would not meet the standards and no substantive evidence had been provided to persuade me that the shortfall in the floorspace provision is appropriate.
18. Local Plan Policy 50 also highlights that new residential units will be expected to have direct access to an area of private amenity space. Although the local policy does not specify minimum space requirements, it does state that these areas should address the issues of overlooking and enclosure and be designed to allow the effective and practical use of the space by the occupiers. The ground floor flats would have access to a private garden located to the rear of the respective unit which would measure 4 square metres and would be enclosed by a 1.8-metre-high enclosure. The first-floor flats would have access to a private balcony measuring 2 square metres located on the front of the building.
19. In comparison to nearby dwellings the proposed outdoor amenity space would be small and would offer limited space for private activities such as sitting out, drying clothes and storage, all of which can be reasonably expected from even a modest sized flat. Further, due to the confined space and the height of the proposed boundary treatment, the ground floor flats would have a high degree of enclosure whilst the proposed balconies by virtue of their location, would be directly overlooked by the opposite row. Consequently, the scheme would neither address the issues of enclosure and overlooking or be designed to allow the effective and practical use of the space by the occupiers. This would be to the detriment of living conditions, particularly when combined with the reduced internal floor area.
20. Access to the first-floor flats would be via a flight of stairs and therefore the scheme would fail to provide accessible accommodation for the purpose of Local Plan Policy 51. It has been put to me by the appellant that accessible accommodation would be provided on the ground floor. However, there is a lack of sufficient detail before me to adequately demonstrate that the accommodation would be of a size, configuration, and internal layout to enable the Building Regulations requirement M4 (2) 'accessible and adaptable dwellings' to be met. Thus, I am not persuaded that the proposal as a whole would accord with Policy 51.
21. Access to the ground floor flats would be provided at the rear of the proposed building, via a narrow passageway with a sharp turn at the end. Consequently, occupiers entering the site would be blind to anyone waiting around the corner whilst the level of enclosure to the rear of the site would severely limit natural surveillance. Together, these factors would give rise to a perception of fear and could in theory leave the occupiers vulnerable to crime. External lighting and CCTV cameras could be installed to limit this. However, these measures would not sufficiently overcome the potential vulnerability of future occupiers to crime arising from the enclosed layout.
22. For these reasons, I find that the appeal proposal would not provide suitable living conditions for the occupants of the development with particular regard to

internal and external amenity space, accessibility and safety. The proposal would therefore be contrary to Local Plan Policies 50 and 51, where they seek to provide suitable living conditions by ensuring that proposals meet the residential space standards and levels of accessibility respectively. In so far as the layout of the appeal scheme would fail to respond positively to its context and increase the risk of crime, I find that the proposal would be in conflict the design objectives set out within Policy 55. The appeal proposal would also be inconsistent with the Secured by Design Home Principles 2019 and the Framework's objectives in respect of residential amenity and the desire to promote safe communities.

### *Cycle Provision*

23. Cycle storage provision would be made to the rear of the site which would be accessed via the internal passageway. The Cycle Parking Guide for New Residential Development 2010 (CPG) states that there must be an overall aperture of 1.2 metres for access to a bike store. According to the submitted plans, the width of the passageway is one metre. The restricted width would make it difficult for the occupiers to access the storage provision and thus compromise the practical usability of the facility. It is therefore reasonable to assume that the future occupiers would be less likely to make use of the storage. Furthermore, the CPG indicates that storage areas should create a sense of personal safety which for the reasons set out above, would not be the case.
24. Accordingly, I find that the appeal proposal would not provide adequate cycle provision contrary to Local Plan Policy 82 which seeks to secure adequate cycle parking levels as set out in Appendix L. It would also be inconsistent with the CPG in so far as it would undermine the Council's ambitions to promote more sustainable and healthy transport.

### **Other Matters**

25. I understand that the appellant has sought a collaborative approach however feels that they have been met with resistance from the Council. Whilst I appreciate their disappointment, the Council ultimately refused planning permission and the Council's administration and determination of the application has no bearing on my considerations of the planning merits of the proposal. These considerations and judgements require a degree of subjectivity.
26. It has been put to me by the appellant that the appeal proposal would improve the condition of the site and has been designed to maximise solar gain and would have outstanding energy efficiency credentials. I also recognise that the proposal would utilise a small site, in an accessible location and would contribute to the supply and diversity of housing in the area. It would also bring short-term benefits in terms of construction expenditure and employment and would support local economy services.
27. However, when set against the harm identified, the economic and social benefits would be limited. Moreover, and notwithstanding the Framework's desire to significantly boost the supply of homes the provision of four units would make limited difference to the overall supply of housing within the district. Consequently, whilst having regard to the above matters, such

considerations do not outweigh the harm I have identified or the conflict with the development plan.

**Conclusion**

28. For the reasons outlined above, the appeal proposal would conflict with the development plan read as a whole and no material considerations, including the Framework indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

*H Wilkinson BSc*

INSPECTOR