



Appeal Decision

Site visit made on 17 January 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/Q0505/W/22/3304105

1 St. Kilda Avenue, Cambridge, Cambridgeshire CB4 2PN

- 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 Michael Wong against the decision of Cambridge City Council.
 - The application Ref 22/01128/FUL, dated 08 March 2022, was refused by notice dated 21 April 2022.
 - The development proposed is one bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupiers of neighbouring properties 3, 5 and 7 St Kilda Avenue with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises the private rear garden to 1 St Kilda Avenue, a 2-storey end of terrace property located on a prominent corner plot at the junction of St Kilda Avenue and Kings Hedges Road. Dwellings in the surrounding area are predominantly 2-storey terraced and semi-detached properties which are set back from the road. Planting within grass verges and private front gardens gives the area a green and spacious character.
4. The appeal site and 2 St Kilda Avenue, which sits on the opposite side of St Kilda Avenue, have long rear gardens which are enclosed by boundary treatment which is visible from Kings Hedges Road. This affords a degree of separation between the side elevations of these dwellings and the front elevations of the properties in Kings Hedges Road. This spatial separation is prominent within the street scene and, along with the hedge-lined nature of the boundary treatment, makes a positive contribution to the green and spacious character of the area.
5. The proposal would introduce a 2-storey detached dwelling within the centre of the private rear garden fronting onto Kings Hedges Road. The dwelling would have a modern appearance, incorporating vertical boarding to the front and side elevations. The dwelling would be wider than dwellings in the surrounding

area with an asymmetric roof form which drops to 1½ stories to the rear. The front elevation of the dwelling would have a shorter roof span than dwellings in the surrounding area.

6. The siting of the dwelling would interrupt the characteristic spatial separation between the dwellings in St Kilda Avenue and Kings Hedges Road. Consequently, the dwelling would appear at odds with the layout of dwellings in the surrounding area. Furthermore, the width, roof form, modern design and palette of materials would fail to relate to the dwellings which characterise the surrounding area. As a result, the proposed dwelling would appear prominent within the street scene and at odds with the established character and appearance of the area.
7. For the above reasons the proposed development would adversely affect the character and appearance of the surrounding area. The appeal proposal would therefore be contrary to those aims of policies 52, 55 and 56 and 57 of the Cambridge Local Plan (2018) (LP) that seek to ensure that development is appropriate to the surrounding pattern of development and the character of the area and responds positively to its context and site setting. I also find conflict with the National Planning Policy Framework (the Framework) which requires that developments should be sympathetic to the surrounding built environment.

Living conditions

8. The proposed dwelling would be visible from the rear gardens of Nos 3, 5 and 7 St Kilda Avenue. The proposed dwelling would be separated from Nos 5 and 7 St Kilda Avenue by intervening gardens and thus would not appear visually intrusive or overbearing when viewed from the rear gardens of these properties. Nonetheless, by virtue of the scale and massing of the dwelling and the very limited separation from the site boundary, the proposed dwelling would appear overbearing in nature when viewed from the rear garden of No 3. Thus, the occupants of this dwelling would experience a sense of enclosure to the rear garden which would make it an unpleasant space in which to spend time, to the detriment of the living conditions of the occupants of this property.
9. For the foregoing reasons the proposal would harm the living conditions of the occupants of No 3 St Kilda Avenue through the overbearing nature of the proposed development. The Council reference LP policies 55 and 58 in their reason for refusal. LP policy 58 refers to alterations and extensions to existing buildings and LP Policy 55 guides proposals to ensure that they respond positively to site context. The content of these policies does not appear to be applicable to the specific harm I have identified in relation to the second main issue. However, the Council's officer report also cites LP Policy 52, which is relevant to the specific harm I have identified and with which the proposal would conflict. This policy requires, amongst other matters, that proposals that subdivide an existing residential plot will only be permitted where the amenity and privacy of neighbouring properties is protected.

Other Matters

10. I acknowledge the social, environmental and economic benefits of the proposal which include the contribution towards the city's housing supply on a site with reasonable access to facilities and public transport. However, these benefits do not outweigh the harm I have identified above.

11. The proposal is likely to be able to meet with the relevant local and national policies in terms of minimum internal and outdoor amenity space standards and refuse and cycle storage. I also note that the Council has not raised concerns regarding loss of light to neighbouring properties. However, I have determined this appeal on its individual planning merits and none of these matters outweigh or overcome my conclusion on the main issue.

Conclusion

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

Nichola Robinson

INSPECTOR