
Appeal Decision

Site visit made on 16 September 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Appeal Ref: APP/Q0505/W/16/3153079

9 Oxford Road, Cambridge, Cambridgeshire CB4 3PH

- 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 Ms Caroline Stenner against the decision of Cambridge City Council.
 - The application Ref 15/2073/FUL, dated 4 November 2015, was refused by notice dated 22 February 2016.
 - The development proposed is new end-of-terrace dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appealed application site is the whole plot of 9 Oxford Road. The rear of the new plot to be formed from it is not precisely delineated on the block plan. The appellant considers that the minimum size of the amenity area which itself is clearly marked on the drawings, could be controlled by condition if thought appropriate. I deal with this matter further below.

Main Issues

3. The main issues in this appeal are the effect of the proposal on:
 - a. The living conditions of future occupants of the new dwelling, and occupants of the adjacent property, 13 Oxford Road; and
 - b. The Castle and Victoria Road Conservation Area (CA).

Reasons

Living Conditions

4. The donor property is an end terrace two-storey house in a residential area with a mix of similar terraced properties and semi-detached and detached houses. The new plot would be formed from open space that belongs to No 9 and lies adjacent to No 13. No 13 has its main entrance facing the gable end of No 9 and is about 1m from the shared boundary with the proposed plot.
 5. A 3 bed two-storey dwelling would be erected from the side gable of No 9 about 4.7m wide and 7.9m deep. It would follow the eaves and pitch of its host and include a double bay and inset dormer window above. Access would
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- be from Oxford Road. A small courtyard space to the rear would include space for refuse and cycle storage, accessed via a side passage.
6. The Cambridge City Council Local Plan 2006 (LP) sets out in Policy 3/10 criteria for assessing proposed subdivision of existing plots. Thus development should not result in: (a) undue adverse impacts on neighbouring properties by loss of privacy or light, or an overbearing sense of enclosure, or unreasonable levels of traffic or noise nuisance; or (b) inadequate amenity space, or inadequate parking or access arrangements.
 7. Whether relevant policies of this plan are still current does not depend on their age but rather the extent to which they are consistent with policies in the National Planning Policy Framework (Framework). I find the relevant criteria set out in LP Policy 3/10 to be in line with the Framework, particularly Paragraph 17 which emphasises the need for development, among other matters to have a good standard of amenity for existing and future occupants of land and buildings. I therefore give this local plan policy full weight.
 8. Several openings, including the main entrance to No 13, are on its side elevation and would face the new house. These include a study/landing area and kitchen/dining room used as a primary living area. I saw that there is a reasonable separation distance between the main flank wall of the host property and No 13, however it is also relevant to consider the previous planning permission for a dwelling on the site. From what I have seen of the previous application plans the appeal proposal differs significantly as it would be taller, have a greater depth and be closer to the flank wall of No 13.
 9. The new side wall would create a sense of enclosure that would adversely affect outlook from No 13. This would be especially so in views of this largely blank and imposing new gable wall from the entrance area and one of the kitchen/dining room windows that would be directly opposite the new wall, and to a lesser extent the second window. Both windows are at ground floor level and the only openings to that living space. As such the sense of enclosure experienced by residents would be likely to be severe and unacceptable.
 10. The previous scheme for a dwelling on the appeal plot was accompanied by a shadow study that concluded there would be some overshadowing of the ground floor kitchen/dining room windows, but for a limited period and minimal impact elsewhere on the openings at No 13. No such study is provided for the differently designed appeal proposal. From my observations on site and what I have read it is likely that there would be a noticeably adverse impact in terms of loss of light to the ground floor openings at No 13, adding to my concerns.
 11. I saw that there was a reasonable separation distance between the rear walls of the new house and 3 Marion Close. It is not considered that there would be significant overlooking or loss of light to this property or others in Marion Close.
 12. Given that the proposal is for a 3 bed dwelling the small courtyard area of some 4.5m² would not be well suited to use by a family, particularly one with children who, it is reasonable to assume would wish to occupy a house of this size in an area that I read attracts family occupation. Public open space may be nearby but is not a satisfactory alternative to providing, in new family dwellings, safe and adequate private amenity space for use by all the family.

13. It is suggested that the minimum size of the amenity area could be controlled by condition. The space comprised within the courtyard is to my mind clearly deficient when account is taken of the need for cycle storage and other domestic paraphernalia. However it is not for me to substitute a different scheme that would take additional land from the rear of the donor property. It is for the appellant to specify what he considers appropriate and to set this out clearly in the application and/or appeal. As no alternative area of land is put forward I can only consider the area shown and described as amenity space.
14. I conclude that the close proximity of the proposed flank elevation of the new dwelling to the main entrance of 13 Oxford Road and its ground floor habitable windows would be an unneighbourly form of development that would cause a heightened sense of enclosure and be likely to overshadow these areas. The proposal would also fail to provide adequate usable amenity space. The harm caused would be substantial and contrary to the aims of LP Policies 3/10(a) and 3/10(b) which I have earlier described.

Effect on CA

15. The main parties are agreed that the proposal would not harm the character or appearance of the CA in which the appeal site lies. I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
16. The appellant points to real benefits to the character and appearance of the CA, compared to the previously approved scheme. The new two-storey house would have bay windows, a gabled roof dormer, and use matching brickwork, cast stone details and natural slate on the roof.
17. It is said that the proposal is redolent of all that is best of local vernacular. That may be so, however the Council had criticisms of the proposed design and sought alterations to make the bays immediately adjacent to those of No 9 as this is a common form of terrace in the city where entrance doors and bays form pairs. I see the force of this point and note further that the proposed bays are somewhat narrower than those of its neighbours. These elements of the design would not assist to integrate the new dwelling with its surroundings.
18. I also observed that within Oxford Road, where there are gaps between buildings they make a positive contribution to its overall appearance, framing the larger houses with open space around them and defining groups of fully integrated smaller terraced dwellings. I am therefore doubtful whether narrowing the gap between Nos 9 and 13 further than that already approved in the earlier scheme, would enhance the appearance of the street scene. On balance however, on the information available and what I have seen, I am satisfied that the proposal would generally preserve the character and appearance of the CA.

Planning balance

19. The proposal would result in one additional dwelling but despite the need acknowledged in the Framework to significantly boost the supply of housing, it would be a limited benefit. The new dwelling would preserve the character and appearance of the CA. There would be benefits inherent in the basic design and use of matching materials and finish but there are disadvantages in the

detailed design, for the reasons I have given above, and therefore I do not find that it would positively enhance the character or appearance of the CA.

20. Significant harm would however be caused to the living conditions of the neighbouring occupiers of 13 Oxford Road which would not be outweighed by the advantages of the proposal. The development would be clearly contrary to relevant policies of the development plan that do not affect the supply of housing and which should be given full weight. The proposal would not therefore be sustainable development.

Other matters

21. Concern has been raised by neighbours as to an increase in on-street parking, however the local highway authority considers this would not adversely impact on highway safety, and I see no reason to disagree. Matters concerning drainage and possible water run-off could in my view be satisfactorily resolved by means of a condition. The development of land for profit may be a sincerely held objection yet in the context of this appeal is not a relevant matter.

Conclusion

22. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Grahame Kean

INSPECTOR