The Planning Inspectorate

Appeal Decision

Site visit made on 1 February 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/Q0505/W/16/3162020
33 Mill End Road, Cambridge, Cambridgeshire CB1 9JW

- 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 Dr Stephen Cooke against the decision of Cambridge City Council.
- The application Ref 16/0104/FUL, dated 20 January 2016, was refused by notice dated 6 June 2016.
- The development proposed is erection of 4 apartments (following demolition of existing house).

Decision

1. The appeal is allowed and planning permission is granted for erection of 4 apartments (following demolition of existing house) at 33 Mill End Road, Cambridge, Cambridgeshire CB1 9JW in accordance with the terms of the application, Ref 16/0104/FUL, dated 20 January 2016, subject to the conditions set out in the Schedule of Conditions at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a detached bungalow in a part of the street which the Council considers is semi-rural and village-like in character. I noted the adjacent properties Nos 23 and 29 Mill End Road (Nos 23 and 29), as well as No 24 Mill End Road and the public house opposite the appeal site, are noteworthy and attractive properties which positively contribute to the character of the area. However, I disagree with the Council and find that the remaining parts of the street, and as such its overall character is largely suburban without any particular uniformity or consistent grouping in building design, scale, age or positioning on the plot. While the appeal property is slightly taller than Nos 23 and 29 and shorter than its other neighbour No 39 Mill End Road, I am not persuaded that it is an obviously important transitional building linking single- and two-storey development as the Council suggests.

4. In my judgement, the proposed development would be consistent in scale and height with many of the buildings in the vicinity and would not be unduly prominent in the street. Its modern and contemporary design and facade would add interest into a varied street scene. It would be positioned at a sufficient distance from Nos 23 and 29 such that it would not undermine or

unduly harm their character and appearance. Although larger in footprint that the existing bungalow, I am satisfied that the size of the proposed building and proportion of remaining rear garden land would be consistent with surrounding properties and would not amount to an overdevelopment of the plot. The projection further into the rear of the site over the existing bungalow would not be readily apparent when viewed from the road and as such would have little bearing on the character and appearance of the street.

5. I noted at my site visit that a number of surrounding properties in the street retain traditional front gardens, largely comprising an enclosed space with driveway to the side. However, I do not find that this represents the prevailing character, as many nearby dwellings have entirely paved areas to front without front boundary treatments. I do not therefore find that the proposed development would appear incongruous in this regard. In any event, the submitted drawings indicate that landscaping is proposed for a proportion of the front boundary and thus partially concealing it from view. The bin and cycle store cupboards would be discreet features which I find would not have any significantly harmful bearing on the appearance of the street.

6. I find that the proposed development would assimilate successfully into its surroundings and would not significantly harm the character and appearance of the area or the adjoining dwellings Nos 23 and 29. It would also accord with Local Plan policy 3/10 specifically criterion (c) which permits the subdivision of an existing plot except where it would detract from the prevailing character and appearance of the area. It would accord with policies 3/4, 3/7, 3/11 and 3/12 of the Cambridge City Council Local Plan 2006 (with saved policies). These state that developments and new buildings will be permitted which demonstrate that they have responded to their context and integrate with the immediate locality and have a positive impact on their setting, that provide attractive and high quality environments, and that external spaces and boundary treatment must be designed as an integral part of the development proposals.

Other Matters

7. Concerns have been raised in respect to the effect of the proposed development on the living conditions of surrounding properties specifically in respect to privacy. I am satisfied that sufficient distance exists between the appeal site and neighbouring dwellings, and that the imposition of planning conditions to restrict views from sensitive windows would ensure the proposed development would not cause any significantly harm in this regard. The Council did not raise this as an issue.

Conditions

8. I have considered the conditions suggested by the Council against paragraph 206 of the National Planning Policy Framework (the Framework), and made changes necessary to comply with those requirements. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions relating to materials, landscaping including lighting to Cherry Hinton Brook to the rear of the site, and boundary treatments are necessary to ensure the appearance of the development would be satisfactory. Conditions requiring details of drainage, visibility splays and a restriction on access gates are necessary in the interests of highway safety and management.

9. Conditions in respect of restrictions on construction and delivery hours, pile driving and airborne dust, and on visibility from some of the northern and southern flank windows and balcony screens are necessary in the interest of the living conditions of occupiers of neighbouring dwellings. However, as the northern elevation windows serving Flat 2 would project towards the side elevation of No 39 and would have limited impact to privacy to those occupiers, a condition restricting these windows is not necessary.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

R Allen

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 093.100.P2, 093.101.P3, 093.102.P2, 093.103.P2, 093.104.P2, 093.105.P2, and 093.109.P3.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details.

4) No development shall take place until full details of both hard and soft landscape works including any tree protection measures and an implementation programme have been submitted to the Local Planning Authority for approval in writing. The Landscaping works shall then be carried in accordance with the approved details.

5) No development shall take place until details of landscaping works and external lighting proposed on Cherry Hinton Brook has been submitted to the Local Planning Authority for approval in writing. The landscaping works and lighting measures shall be carried out in accordance with the approved details.

6) No development shall take place until details of the positions, design, materials and type of boundary treatments to be erected on the site have been submitted to the Local Planning Authority for approval in writing. The boundary treatments shall be carried out in accordance with the approved details and shall be completed before occupation of any part of the building.

7) The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to the Local Planning Authority for approval in writing.

8) No development shall take place until details of visibility splays within the curtilage of the site have been submitted to the Local Planning Authority for approval in writing. The visibility splays shall be implemented in accordance with the approved details and shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

9) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved vehicular access unless details have first been submitted to the Local Planning Authority for approval in writing.

10) No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

11) There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and

1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

12) In the event that foundations for the proposed development requiring piling, no development shall take place until a report or method statement detailing the type of piling and mitigation measures to be taken has been submitted to the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details.

13) No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition and construction period has been submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved scheme.

14) The proposed windows located on the first floor northern elevation serving Flat 4, and the first floor southern elevation windows serving Flat 4 and Flat 2 as shown on the approved drawing 093.102.P2 shall be fitted with obscured glazing obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall.

15) The northern and southern sides of the first-floor balconies serving Flats 4 and 2 as shown on the approved drawing 093.102.P2 hereby permitted shall be fitted with a minimum 1.7 metre high solid or obscured screen in accordance with details that have been submitted to the Local Planning Authority for approval in writing. The screens shall be implemented prior to occupation of the units and shall be maintained and retained thereafter.