
Appeal Decision

Site visit made on 28 March 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/Q0505/W/16/3166218

207 Green End Road, Cambridge, Cambridgeshire CB4 1RJ

- 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 & Mrs Zhang against the decision of Cambridge City Council.
 - The application Ref 16/1413/FUL, dated 25 July 2016, was refused by notice dated 30 November 2016.
 - The development proposed is mixed use development, comprising of 2No. Hot Food Takeaways (A5 use) and 8No. Flats following demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - living conditions of the occupants of No 205 Green End Road (No 205) with particular regard to noise and disturbance and fumes and odours arising from the proposed refuse and recycling storage area;
 - character and appearance of the area.

Reasons

Living conditions

3. The proposed refuse and recycling storage area for all eight flats would be adjacent to a narrow passageway between the proposed building and the appeal site boundary. No 205 is positioned relatively close to the appeal site boundary and has a number of windows and doors in its side and rear elevations which would be relatively close to the proposed bin storage area.
 4. I acknowledge that the Council's Environmental Health and Refuse Collection Teams have not raised any objections to the proposed development subject to the imposition of planning conditions. I also note that the bins for the proposed takeaways would be in the proposed store area some distance from No 205. I have also considered the example of development which formed the subject of Council decision reference 16/1299/FUL.
 5. However, the full details of the example scheme are not before me and I have assessed the appeal on its merits with regard to bespoke site specific circumstances.
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6. The proposed refuse and recycling storage area for the proposed flats would serve a significant number of residents. It would therefore result in frequent opening and closing of doors and bin lids as well as regular comings and goings of residents using the facilities. Furthermore, it would accommodate a substantial amount of domestic waste, inevitably generating fumes and odours particularly when close to waste collection day. These effects so close to No 205 and a number of its windows and doors would result in harmful living conditions for the occupants of No 205 with particular regard to fumes and odours and noise and disturbance.
7. The proposed development would therefore be in conflict with Policies 3/7 and 3/12 of the Cambridge City Council Local Plan (2006) (LP) which, taken together, seek to ensure refuse and recycling facilities are well integrated into new and surrounding development.

Character and appearance

8. The appeal site is positioned on a bend in Green End Road. The area is residential, interspersed with a number of commercial uses. The buildings in the area are of variety of styles. They are mainly two-storey and set back from the road a similar distance with spaces between them. Thus, the area has formal and varied character and appearance.
9. The proposed stepped front elevation would follow the bend in Green End Road and the proposed building would be roughly in line with the front elevations of the neighbouring properties. I acknowledge that the proposed building would be taller than the majority of the buildings nearby. However, the proposed roof would vary in height and at the point adjacent to both neighbouring properties it would not appear noticeably taller than the adjacent buildings.
10. The stepped changes in depth and height would add interest to the proposed building and would complement the character of other modern buildings in the area. Furthermore, the scale and positioning of the proposed building would be in keeping with the other buildings in the area and overall the proposed development would not harm the formal and varied character and appearance of the area.
11. Thus, in this regard the proposed development would accord with Policies 3/4, 3/7, 3/11 and 3/12 of the LP which, taken together, seek to ensure good design which responds to its context and creates successful places.

Conclusion

12. For the reasons set out above, whilst I have found no harm to the character and appearance of the area, I have found harm to the living conditions of nearby residents with regard to fumes and odours and noise and disturbance. Thus on balance the proposal is in conflict with the development plan and with regard to all other matters raised I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR