
Appeal Decision

Site visit made on 14 March 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 4 April 2017

Appeal Ref: APP/Q0505/W/16/3165707

2 & 4 The Mews, Mortlock Avenue, Cambridge CB4 1LY

- 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 John Price against the decision of Cambridge City Council.
 - The application Ref 16/1723/FUL, dated 20 September 2016, was refused by notice dated 22 November 2016.
 - The development proposed is the conversion of 2 semi-detached bungalows into 5 flats (2 2-bedroomed and 3 one-bedroomed).
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Procedural matters

1. I noted discrepancies between the proposed floor/roof plans and the elevations concerning the location of the dormer windows on the new wings and the treatment for the rear elevation at first floor level. Moreover, when the existing ground floor plan was compared to the location plan it was unclear as to whether the passage to the side of 6 The Mews was to be incorporated into the appeal site. These matters would have needed resolving had I not found as I have. However, for the avoidance of doubt I confirm I have taken the dormer window locations and the treatment to the first floor rear elevation to be as shown on the proposed floor/roof plan, while I have taken the curtilage to be within the red line on the location plan.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in this case are, firstly, the effect on the living conditions of proposed residents with regard to privacy, the provision of adequate outside garden space and the provision of suitable refuse storage and, secondly, whether the level of cycle storage would support the aims of sustainable travel.

Reasons

Living conditions

4. The Mews is a short cul-de-sac behind a flatted development, and comprises what appear to be single storey buildings that nonetheless have rooms in their roof spaces. The appeal concerns a pair of semi-detached bungalow-style properties, each of which has a relatively short back garden.
 5. The existing rear gardens of No 2 and No 4 would together become the communal garden for the proposed flats. However, the additional rear wings
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would reduce this already small area, and according to the Council it would measure 45sqm. In my opinion this would be of an inadequate size to serve the reasonable needs of the occupiers of these 5 apartments.

6. Although the appellant said open space associated with the flatted development would also be available, that clearly has a different relationship to the proposed units and so would not fulfil the same purpose as their own adjacent designated garden. Moreover, I assume that open space was designed to serve a specific development and I have no certainty it has spare capacity to accommodate additional demand. As such, it does not lead me to a different conclusion on this point. I also find that even if the passage to the side of No 6 was in the curtilage of the proposal it would not add appreciably to the useable garden and so would not affect my findings.
7. Turning to the matter of privacy, the extensions would result in ground floor bedroom windows to 2 flats facing each other across some 7.5m of garden. Mindful that these are the only bedrooms in each of the flats, and these are the only windows to those bedrooms, I consider their separation distance would be inadequate to safeguard the mutual privacy of the residents.
8. Moreover, I accept that communal gardens are common in flat developments, and they invariably offer the potential for the overlooking of ground floor rooms. This though is often mitigated by the size or arrangement of the garden that allow its users to move away from the property's windows. However, in this case this would not be possible due to the garden's small size. As a result, most outdoor recreation would take place in the part of the garden between the wings. This would allow overlooking of not just the bedrooms referred to above, but also the rear rooms of the central ground floor flat. Therefore, it would lead to an unacceptable loss of privacy for future residents.
9. I have nothing before me to show that landscaping could mitigate this situation satisfactorily, especially if the outlook from or light to the windows in question were not to be affected unduly. Moreover, extensive landscaping to protect privacy could well reduce the limited useable area of garden space further, thereby exacerbating my earlier concerns.
10. In assessing these matters I realise the gardens currently serve 2 larger dwellings. However, the gardens are now bigger than proposed as they do not have the extensions. They also serve fewer properties and have a greater degree of privacy. As such their current use does not affect my reasoning.
11. Finally, going to or from the front door of one of the flats would involve passing the bin store. There are no windows nearby though, and if this store is appropriately designed it need not cause unacceptable odour or look unsightly for the residents and visitors associated with that property.
12. Accordingly, I conclude that the development would create unreasonable living conditions for the future residents by reason of the inadequate garden area and the level of privacy. It would therefore conflict with Policies 3/11, 3/14 and 5/2 in the *Cambridge City Council Local Plan 2006* that seek to retain sufficient amenity space when extending buildings and provide accommodation that is not unsatisfactory. It would also conflict with the *National Planning Policy Framework* (the Framework), which promotes good design and, as a core planning principle, identifies the need to seek a good standard of amenity for all future occupiers.

Cycle storage

13. To identify the appropriate level of on-site cycle storage the Council referred to its document entitled *Cycle Parking Guide for New Residential Developments* (2010) (the Guide). This is not a supplementary planning document, and so it cannot be afforded significant weight. However, it appears to inform the standards in the Local Plan in a manner that does not appear unreasonable.
14. According to the Guide there should be 7 cycle storage spaces within a lit, covered enclosure, and these seem appropriate requirements for a scheme of this nature. Whilst an area is identified for this use on the plans, it has not been shown it can accommodate this number of cycles (once allowance has been made for bin storage) and in my judgement it would be of inadequate size. As I cannot be confident the matter would be resolved satisfactorily it would not be appropriate to address it by condition. The failure to provide suitable and sufficient cycle storage could well discourage the use of the bicycle, thereby conflicting with the aims of sustainable travel.
15. The appellant said cycle facilities in the form of 'Sheffield' stands and indoor storage exist elsewhere around The Mews and the flatted development. As with garden space though, I have no evidence to show there is spare capacity in the cycle storage provision to accommodate the additional demand from this scheme. Moreover, while existing tenants might not have cars that is difficult to enforce through the planning system.
16. Accordingly I conclude the scheme would conflict with the aims of promoting sustainable travel as it has not been shown it would provide sufficient cycle storage, and so in this regard it would conflict with Policies 3/14, 5/2 and 8/6 of the Local Plan, which seek to provide suitable cycle parking, and the Framework, which promotes sustainable transport.

Other matters

17. The appellant has said that any harm caused by this scheme would be outweighed by the development meeting a specific type of development needed in the immediate locality. However, substantive evidence to support this statement has not been forthcoming and so I can afford it only limited weight. Even if there is such a need though, to my mind that does not justify creating a stock of properties that fall short of reasonable standards. This matter therefore does not outweigh the harm I have identified.
18. The conflicts with regard to living conditions and cycle storage are sufficient to mean that the proposal cannot be considered to fall under the mutually dependant roles of sustainable development found in paragraph 7 of the Framework, despite any other compliance with that paragraph that may occur.

Conclusions

19. Accordingly I conclude the proposal would harm the living conditions of residents and the aims of sustainable travel and in the absence of any material considerations to indicate otherwise, it would conflict with the development plan when taken as a whole. The appeal should therefore be dismissed.

J P Sargent

INSPECTOR