

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: 06 April 2017

Appeal Ref: APP/Q0505/W/16/3161250

57 Highworth Avenue, Cambridge CB24 2BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Kevin Handley against Cambridge City Council.
 - The application Ref 16/1521/FUL is dated 15 August 2016.
 - The development proposed is demolition of bungalow and construction of 2No 4 Bedroomed semi-detached houses, car and cycle parking and landscaping proposals.
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Decision

1. The appeal is dismissed and planning permission for demolition of bungalow and construction of 2No 4 Bedroomed semi-detached houses, car and cycle parking and landscaping proposals is refused.

Procedural Matters

2. The Council resolved that had it been in a position to determine the application, it would have refused planning permission for reasons relating to (1) the effects of the proposal on the character and appearance of the area and (2) the impact on the living conditions of No 55 Highworth Avenue (No 55) with regard to outlook.
3. An amended plan (Drawing No 29723/9B) was submitted with the appeal. As the amendment only shows dropped kerbs to Plot 1 and does not directly relate to the main issues I am satisfied that interested parties would not be prejudiced, thus I have considered it accordingly.

Main Issues

4. The main issues are the effect of the proposed development on the:
 - character and appearance of the area;
 - the living conditions of the occupants of No 55 with particular regard to outlook.

Reasons

Character and appearance

5. Highworth Avenue is a residential cul-de-sac, with a mix of semi-detached and detached dwellings of a variety styles set back from the road with space
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- between the buildings. Thus the area has mixed and relatively spacious character and appearance.
6. A scheme involving the erection of two detached houses on the appeal site was dismissed at appeal in July 2016¹, since that time there have been no changes to the development plan and my attention has not been drawn to any developments nearby which have significantly altered the character or appearance of the area. I therefore attach significant weight to the previous appeal decision.
 7. The Inspector in 2016 found that the existing bungalow although positioned close to the site boundary, through its single storey form and open frontage did not appear cramped. Whereas it was found the dwellings proposed in 2016 would extend across the full width of the site and their consolidated mass would be at odds with the more spacious setting of their neighbours and their cramped appearance would be reinforced by the narrow frontage of Plot 2 and its awkward front elevation.
 8. Turning my attention to the scheme before me. I note that the dwelling proposed on Plot 2 would be set back from the proposed front elevation of the adjoining dwelling. I also note that it would be set off the boundary with No 55 by a short distance. However, the proposed development would involve the erection of two substantial four bedroom semi-detached properties that would extend almost the full width of the plot. The proposed tall two storey building in place of the relatively modest single storey dwelling would introduce a significant additional bulk of development into the street scene.
 9. Plot 2 would have a much narrower frontage than other dwellings in the area. This together with the proposed angled windows to the front elevation and the complicated stepped roof would draw attention to two dwellings positioned close to their boundaries and neighbouring properties such that they would appear noticeably cramped within their setting. Thus harming the spacious character and appearance of the area.
 10. In reaching these conclusions I acknowledge that Nos 55 & 59 Highworth Avenue have been extended. I also note that the proposed dwellings would be constructed using materials and would incorporate features which would match those of dwellings nearby. However, these matters would not outweigh the harm to the character and appearance of the area. I have also noted the other examples of development nearby. However, these are some distance from the appeal site such they have no influence on the character or appearance of the immediate area which is relevant to this case.
 11. For these reasons the proposed development would be in conflict with Policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge City Council Local Plan (2006) (LP) which, taken together, seek to ensure good design which responds to its context and creates successful places.

Living Conditions

12. The scheme before the Inspector in 2016 proposed the introduction of a flank wall which followed the line and the majority of the length of the appeal site boundary with No 55. Thus, the Inspector found it would have an enclosing impact and would dominate the garden of No 55.

¹ Appeal ref: APP/Q0530/W/16/3144142

13. However, the flank elevation of the dwelling proposed on Plot 2 would not follow the line of the appeal site boundary with No 55 and would be angled away from it. I am told by the Council that the distance of the flank elevation from the shared boundary with No 55 would range from approximately one metre to seven metres.
14. I acknowledge that the proposed building would be taller and of an overall greater mass than the proposed development which formed the subject of the 2016 appeal decision. However, I find the proposed flank wall would be a sufficient distance away from the shared boundary with No 55, particularly at the point closest to No 55's rear garden, for it not to generate any sense of enclosure or be overbearing.
15. Thus, I find the proposed development would not harm the living conditions of the occupants of No 55 with particular regard to outlook. In this regard the proposed development would therefore accord with Policies 3/7, 3/10 and 3/12 of the LP which seek to ensure good design and protect the amenities of residents living nearby.

Other Matters

16. I note that the appellant is dissatisfied with the Council's handling of the planning application. However, I have assessed the appeal on its planning merits and have found harm to the character and appearance of the area.
17. I also note the appeal scheme would provide new homes in a location where services and employment can be easily accessed which benefits from good public transport. However, these matters or any others raised do not outweigh the harm I have identified.

Conclusion

18. For the reasons set out above, whilst I have found no harm to the living conditions of nearby residents I have found harm to the character and appearance of the area. Thus on balance the proposed development would be in conflict with the development plan. Therefore with regard to all other matters raised, I therefore conclude that planning permission is refused and the appeal is dismissed.

L Fleming

INSPECTOR