
Appeal Decision

Site visit made on 20 April 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 2 May 2017

Appeal Ref: APP/Q0505/W/17/3167353
294 Mill Road, Cambridge CB1 3NL

- 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 Tower View Properties Ltd against the decision of Cambridge City Council.
 - The application Ref 16/1398/FUL, dated 27 July 2016, was refused by notice dated 23 November 2016.
 - The development proposed is an extension to provide 5 housing in multiple occupation units.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to provide 5 housing in multiple occupation units at 294 Mill Road, Cambridge CB1 3NL in accordance with the terms of the application, Ref 16/1398/FUL, dated 27 July 2016, subject to the conditions set out in the annex hereto:-

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of future occupants with regard to outdoor amenity space and privacy.

Reasons

3. The appeal site is in a densely developed and sustainable location within the city and is a property currently in partial use for retail at ground floor level, fronting Mill Road with the balance being used as a HMO (house in multiple occupation). The proposed development at issue is for a two storey extension to the rear for the purposes of discretely accommodating 5 HMO bedrooms, purpose built with en-suite facilities, served by a separate entrance and a shared living room/kitchen on the ground floor. Externally the south facing rear garden area, which appears little used, accommodates a brick built garage at the rear boundary. Demolition of this structure is proposed as part of the development.
4. Beyond the rear boundary, the site is separated from properties on Cyprus Road and Malta Road by a vehicular access and parking area. Along with surrounding properties, the site is within what is known as the Mill Road area of Cambridge's Central Conservation Area. By virtue of the relevant legislation¹ I am required to pay special attention to the desirability of preserving or

¹ Planning (listed Buildings and Conservation Areas) Act 1990 s72

enhancing the character or appearance of the conservation area. The Council raises no concerns in that regard and, provided the proposed design were to be implemented in materials harmonious with the existing building and the remaining garden appropriately landscaped, I have no reason to disagree with that stance. This is essentially a backland enclave within the urban fabric here and the extension as proposed would not appear incongruous. Its effect on the character, appearance and significance of the heritage asset which the conservation area as a whole represents would be essentially neutral.

5. A previous scheme of extension was dismissed on appeal in 2011² but that involved a bulkier construction and was in respect of two 2-bed flats with on-site parking and, although there is some commonality of issue regarding prospective living conditions for occupants, the proposal in this instance is substantially different. The conclusions of my colleague, whilst material, do not therefore merit undue weight and I am able to determine the appeal on its specific merits with no risk of inconsistency.
6. The manner in which HMOs are occupied tends to be rather different from self-contained flats which might potentially be occupied by couples and families. HMOs tend to be occupied, often for a temporary period, by single people looking for relatively cheap accommodation involving a significant degree of communal living whilst leading essentially independent lives. I concur with the appellant's view that the use of the outdoor amenity space would tend to be intermittent and irregular and shared on a temporal as much as a spatial basis. The comparisons with other schemes in the City which the appellant presents is persuasive bearing in mind that the amount of amenity space per resident compares favourably and that the City Council in any event has no published standards in this respect. Through the course of a day the centrality of the proposed extension in the south facing plot behind the frontage to Mill Road would tend to favour, moreover, small areas of seclusion in sunshine or shade as required in the context of shared outside space. Concerning amenity space, I find, on balance, no unacceptably harmful conflict with either policy 3/4 or policy 3/14 of the Cambridge Local Plan.
7. Similarly, the matter of privacy for the occupier of bedroom 2 as proposed is essentially a matter of judgement as to the reasonable expectations of the exigencies of communal living. I note that the principal entrance is on the other side of the proposed extension and whilst in favourable weather conditions it would be reasonable to expect other residents to use the French windows to access the garden, its use is likely to be irregular and intermittent as previously noted; and the proximity of the bedroom window must be balanced against the advantages of a southern aspect and the practical reality that occupants can readily take measures to enhance privacy and the fact that, in terms of disturbance, communal areas are in any event adjacent to each of the bedrooms in one way or another.
8. Accordingly, I do not consider that the occupant of bedroom two, in the context of a HMO would be unduly disadvantaged by comparison with other residents. Bearing in mind that policy 5/7 of the Cambridge Local Plan recognises in its explanatory text that housing in multiple occupation responds in terms of the mix and range of housing opportunity to the needs of a diverse community and workforce; I do not consider that this minor potential relative disadvantage

² Ref APP/Q0505/A/11/2148060

should be decisive against the proposal, which overall represents a positive design response to the opportunity presented by the site and many of the concerns of the Inspector who determined the previous appeal.

9. All things considered, for the above reasons, I do not consider there to be significant conflict with the relevant policies of the development plan or the intentions of the National Planning Policy Framework to deliver a wide choice of high quality homes. On that basis, I consider the appeal should be allowed, subject to appropriate conditions.
10. The Council's representations do not include suggested conditions. However, I note the Council's conservation officer has previously advised³ that the garden would require landscaping, possibly with the addition of one or two trees to add character. I am certainly of the view that the appellants currently rather vague intentions for the outdoor amenity space need to be given form and substance through the approval of a coherent and detailed landscape scheme to complement the proposed extension of the building, whilst at the same time incorporating fully detailed proposals for bin storage, cycle parking and boundary treatment. Materials also need to be approved in detail and the permission defined by reference to drawings and timescale for implementation.
11. For the above reasons, and having taken all other matters raised into account, I conclude that the appeal should be allowed, subject to the conditions I have imposed.

Keith Manning

Inspector

Annex: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 7439 -100; Floor Plans 7509 – 250A; Elevations & Section 7509 – 450 revised June 2016.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) boundary treatment;
 - ii) tree and/or shrub planting;
 - iii) hard surfacing materials;
 - iv) detailed arrangements for bicycle parking;
 - v) detailed arrangements for bin storage;The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be retained thereafter as approved.

³ Email: Mairead O'Sullivan to Nigel Blazeby 29 April 2016 @ 15:26