
Appeal Decision

Site visit made on 7 June 2017

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 13th June 2017

Appeal Ref: APP/Q0505/D/16/3161149
16 Garden Walk, Cambridge CB4 3EN

- 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 Adam Molyneux against the decision of Cambridge City Council.
 - The application Ref 16/1218/FUL, dated 29 June 2016, was refused by notice dated 24 August 2016.
 - The development proposed is described as a side and rear two storey extension with part single storey rear extension, including internal alteration as well as re-arranging front garden/drive of property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - the effect of the proposed extension and alterations on the character and appearance of the Castle and Victoria Road Conservation Area;
 - the effect on living conditions at the adjoining house, 18 Garden Walk, with particular regard to potential loss of light.

Reasons

3. Garden Walk is a narrow residential street close to the centre of Cambridge. No.16 forms the end of a row of small two-storey brick houses at the southern end of the street. The house makes up a pair with its neighbour, No.14, with a gabled roof parallel to the road, and a shared rear wing with a long 'catslide' roof.
 4. Permission is sought to extend No.16 to the side and rear and to remove the front garden wall to form a parking space in front of the bay window. The main part of the proposed extension would comprise a two-storey flat-roofed element that would project from the gable wall and would continue to the full depth of the house, infilling the current space to the side of the rear wing. The flat roof would continue across the full width of the rear, so that the catslide roof would be replaced by a wide two-storey elevation to the height of the existing eaves. A further single-storey element, clad in metal but fully glazed on two sides, would project into the rear garden.
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Character and appearance

5. In considering proposed development affecting a conservation area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to pay special attention to the desirability of preserving or enhancing the area's character or appearance. Policy guidance set out in the National Planning Policy Framework ('NPPF') confirms the great weight in favour of the conservation of 'designated heritage assets', such as conservation areas. The particular significance of any such assets likely to be affected by a development proposal should be identified and assessed. Any harm should require clear and convincing justification.
6. The Council's published character appraisal of the Castle and Victoria Road Conservation Area confirms the strongly residential nature of the part of the city to the north of the castle. The area's special interest lies principally in the distinctive character of the housing developed in the late nineteenth and early twentieth centuries. Streets are mainly fronted by rows of terraced houses and 'villas', with a consistent range of forms and materials, offset by subtle variations.
7. Garden Walk is one such street. The part of the street within the conservation area has a pleasing scale owing to its narrow width and tight enclosure by facing rows of houses, which show some degree of variation within basic parameters of form, detail and materials. The original houses on both sides are identified by the appraisal as important to the character of the conservation area. No.16 retains its original form and, despite the replacement of windows and front door, clearly maintains its character as a modest Victorian urban dwelling. The catslide rear wing is a distinctive feature, owing to its scale and steep roof slope.
8. It is highly desirable that any changes to the house should preserve or enhance the character or appearance of the area, and in accordance with NPPF policy, should seek to make a positive contribution to local character and distinctiveness.
9. The proposed extension would represent a radical change in the form of the existing dwelling. The degree of change would be mainly appreciable from the rear, where it would be seen from surrounding properties, but would also be discernible from the street, where the full height and depth of the flat-roofed projection would be seen in the gap between houses. The scale of the flat-roofed element would appear to engulf the modest traditional proportions of the original house. By rising to eaves level on two sides of the house, its form would be highly unsympathetic to the original building. The complete elimination of the catslide roof, and the apparent loss of the central shared chimney stack to the rear, which is not shown on proposed plans, would be significantly harmful to the character of the houses as a matching pair. The extension would not sit well next to the remaining catslide at No.14, from whose garden it would be seen as a dominant feature, even if the existing residents have no concern on that score. The further single-storey projection would appear as a rather incongruous addition, whose roof shape would not relate well to the main body of the extension or to the window above it.
10. The inappropriateness of the scale and form would be emphasised by the proposed choice of materials. There is a variety of materials in the immediate vicinity, including grey and red brick and painted brick and render, which

allows some scope in the treatment of extensions. In this case, the proposed prominent use of vertical timber boarding above black brick would introduce materials that would be rather alien to their context and likely to appear unduly assertive, notwithstanding the slight setback from the street front.

11. I acknowledge that the existing layout of the house limits the potential for good interrelationship with the long rear garden, and may not be ideal for a young family. However, I consider that it should be possible to secure a better layout while remaining in sympathy with the form and character of the original building.
12. I also acknowledge the appellant's view that the intended contrast in design approach would be consistent with the possibility opened by Policy 4/11 of the Cambridge Local Plan ('LP') for new buildings and alterations in conservation areas, and by LP Policy 3/14 for the design of extensions generally. However, in my view, a contrasting approach requires a very careful balancing of the impact of the extension or alteration against the form and character of the original building, which would not be achieved in this instance.
13. The small gardens separating the original houses from the street form part of their character by emphasising the status of the property and by defining a semi-private zone with the potential for soft planting. This is very well illustrated by the row of intact and well planted gardens at Nos.31-61 which make a very positive contribution to the character and appearance of the street.
14. I agree with the Council that those instances where front walls have been removed and the garden turned over to car parking have been detrimental to character. As shown on the examples provided by the appellant, not all of which appeared to be within the conservation area, removal of front walls tends to weaken the enclosure of the street space and to compromise the semi-private zone. Particularly on the narrow Victorian frontages, the parking of a car between the front of the house and the street results in a cramped arrangement that detracts from the appearance of the house and of the area.
15. The same would be true of the appeal property, whose existing short drive would remain unaffected by the proposed extension and could continue to allow off-street parking without further harm. Although the plans indicate the formation of a single parking space, the grounds of appeal refer to 'additional' parking. If it were intended to park a small car in front of the house as well as one on the drive, the effect would be even more cramped and intrusive.
16. I note the appellant's view that formation of a hard-standing within the curtilage would comprise 'permitted development'¹ and that this provides a fallback position. However, even if this were the case, it is not clear that removal of the front wall would also benefit from such permission. It would be open to the appellant to seek to establish the position by an application under section 192 of the Act,² but in the absence of such confirmation the fallback position does not attract significant weight.
17. I accept that the proposed reinstatement of timber sash windows on the front elevation would, subject to detail, represent an enhancement, and the proposed front door, although not of traditional pattern, could be a slight

¹ Under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015

² Town and Country Planning Act 1990 (as amended)

improvement over the existing. However, taken as a whole, I find that the proposed development would not preserve or enhance the character or appearance of the conservation area.

18. Given the size of the conservation area and the modest contribution made by the appeal property, the harm to the significance of the heritage asset would be considerably less than substantial. The NPPF advises that any such harm should be weighed against the public benefits of the proposal. In this case, I consider that the extra space offered by the extension would be essentially a private benefit. There is no suggestion that the house could not continue in viable residential use in its present form. The harm to heritage significance from alterations of the scale and design now proposed would not be outweighed.
19. To conclude on this issue, I find that the proposal would conflict with national policy on the conservation of heritage assets and with the heritage protection objectives of LP Policy 4/11, as well as with the design objectives of national policy³ and of LP Policy 3/4 and the specific criteria on the design of residential extensions of LP Policy 3/14.

Living conditions

20. The house immediately to the north, No.18, is a two-storey semi-detached house whose rear elevation sits further back than the main block of No.16. The proposed extension would come considerably closer to No.18 than the existing rear wing.
21. The Council's concern relates to overshadowing to the rear of No.18 and loss of light in the kitchen and immediate garden area. This view is informed by light studies prepared by the appellant, the accuracy of which is not disputed. The appellant has submitted further studies with the appeal.
22. The rear of the houses faces more or less due east, which means that rear-facing windows are in shadow from the middle of the day onwards, and the rear gardens become increasingly shaded by the houses. The proposed extension would cause some additional shade in the earlier part of the day, and at some times of the year would cast shadow across the kitchen window at No.18 and over a small part of the rear garden. However, the evidence suggests that the period involved would be limited and the effects would not be severe. While there would be some loss of oblique sunlight in the kitchen, there is little reason to conclude that levels of daylight within the room would be unacceptably affected. Large areas of the garden would remain open to sunlight.
23. I conclude that the effect on living conditions would not be unacceptably harmful. There would be no conflict with NPPF guidance or the amenity objectives of LP Policies 3/4 and 3/14.

Conclusion

24. Although I have found that the proposal would not unacceptably affect neighbours' living conditions, I consider that it would not preserve or enhance the character or appearance of the conservation area. For the reasons set out

³ As set out in the Core Planning Principles and Chapter 7 of the NPPF

above, and having taken all representations into account, I conclude that the appeal should be dismissed.

Brendan Lyons

INSPECTOR