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## Appeal Decision

Site visit made on 7 August 2017

by **Zoe Raygen Dip URP MRTPI**

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

Decision date: 21<sup>st</sup> August 2017

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**Appeal Ref: APP/Q0505/D/17/3167314**  
**6 Kingston Street, Cambridge CB1 2NU**

- 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 Oliver and Anna Greene against the decision of Cambridge City Council.
  - The application Ref 16/1542/FUL, dated 19 August 2016, was refused by notice dated 30 November 2016.
  - The development proposed is a rear extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposal would preserve or enhance the character or appearance of the Central Conservation Area
  - The effect of the proposal on the living conditions of the occupiers of 8 Kingston Street and whether the proposal would provide an acceptable level of living conditions for the future occupiers of 6 Kingston Street.

### Reasons

#### *Character and Appearance*

3. The Central Conservation Area covers a large area of Cambridge, thereby incorporating a wide variety of architecture. The area in which the appeal site is located is within the Mill Road Area of the conservation area and is formed from a series of rows of traditional terraced buildings, mainly in residential use, mostly set at right angles to Mill Road, a largely commercial street. The properties have fairly uniform characteristics either set slightly back from, or at the back edge of the footway with a rear outrigger.
4. 6 Kingston Street is set within one of a number of terraces within the area, the houses in which are identified as 'positive unlisted buildings' in the Mill Road Area Conservation Area Appraisal 2011 (CAA). Some have been altered, but most are identifiable as traditional terraced buildings with a two storey half width rear outrigger, reflecting the overall character and appearance of the area. While No 6 has a two storey rear outrigger, the dwelling has been altered to provide a single storey extension, balcony and two roof dormers.

Nevertheless, the main rear elevation is visible and the rear outrigger and extension maintain a subservience to that elevation reflecting the character of the terrace.

5. When viewed from the rear, the proposal would appear as a full width two storey extension. Although it would incorporate a pitched roof and be constructed from materials to match the host dwelling, it would obliterate the main rear elevation of the house contrary to the dominant pattern of development of half width outriggers. It would extend a significant distance beyond neighbouring outriggers. This, together with its uncharacteristic width, would result in a dominant, obtrusive extension that would render the original form of the house indistinguishable.
6. The extension would be clearly visible from Mill Road to the rear. I note that within that view there are a number of large extensions to the rear elevations of the properties on Mill Road. However, these properties are in commercial use and distinct from the residential terrace on Kingston Street. The appellant has drawn my attention to planning permission 14/1867/FUL which was granted for a similar extension at 24 Priory Road. However, I do not have full details of the circumstances that led to this proposal being accepted and so cannot be sure that it represents a direct parallel to the appeal proposal including in respect of the character and appearance of the area within which it is located. In any case, I have determined the appeal on its own merits.
7. Accordingly, the appeal proposal would result in material harm. Whilst the harm to the character and appearance of the conservation area would, in this instance, be less than substantial, it is a consideration of significant weight and, under the terms of the National Planning Policy Framework (the Framework) requires justification by way of public benefits the development may bring.
8. There is no evidence before me of any public benefit that would outweigh the harm caused to the conservation area. While the extension would likely improve the accommodation for the occupiers I conclude that this is not a public benefit which would outweigh the harm caused to the conservation area.
9. For the reasons above I conclude that the proposal would not preserve or enhance the character or appearance of the Central Conservation Area. It would therefore be contrary to saved Policies 3/4, 3/7, 3/14 and 4/11 of the Cambridge City Council Local Plan 2006 (LP), the CAA and paragraphs 56 and 137 of the Framework. These require, amongst other things, that development should be of good design which responds positively to historic character and preserves or enhances the character or appearance of the conservation areas by reflecting its context.

#### *Living conditions*

10. No 8 Kingston Street is the adjacent terrace to the north of the appeal site. It has windows at ground and first floor level within the main rear elevation and its two storey outrigger which face the appeal site. Apart from the first floor window to the rear outrigger, all windows are clear glazed, which, according to the Council, serve habitable rooms. This has not been disputed by the appellant.

11. The outlook from the windows is towards the existing ground floor extension with balcony above and two storey outrigger to the rear at the appeal site. The proposal would introduce a two storey extension adjacent to the boundary between the properties with a considerable depth beyond the outrigger of No 8. Although there would be some relief from a light well immediately adjacent to the main rear elevation of No 6, the side wall would only be inset by a small distance. As a result the extension would be close enough to dominate the outlook from the rear windows of No 8. Because of its height and depth, it would have an unpleasantly enclosing and overbearing effect on the outlook of the clear glazed rear windows of No 8.
12. Furthermore, the appellant's submitted shadow analysis demonstrates that while the extension would cause little difference within the summer, in winter/spring the extension would cause the ground floor windows to No 8, in particular, to lose some light in the mornings. While this in itself may not be particularly determinative, in association with the overbearing effect of the extension, then material harm would be caused to the outlook and light enjoyed within habitable rooms by the occupiers of No 8.
13. The proposed extension would necessitate the relocation of the first floor bedroom window of No 6. Its new position would be adjacent to the side wall of the light well incorporated into the two storey extension. The outlook from the window would be over a short distance directly towards the side wall of the light well. The extension would enclose the southern outlook of the window, and the side wall of the outrigger of No 8 would be visible. However, given the constrained urban grain here, there would be sufficient distance to allow a limited, but acceptable, outlook to the window.
14. The appellant's submitted shadow analysis demonstrates that the window would not be in shade for a time materially above that experienced by the current window. In this instance therefore I am satisfied that the living conditions of the future occupants would not be materially harmed.
15. While therefore the proposal is acceptable in some aspects, for the reasons above I conclude that it would be harmful to the living conditions of the occupiers of 8 Kingston Street. It would therefore be contrary to saved Policies 3/7 and 3/14 of the LP and paragraph 56 of the Framework. These require, amongst other things, that development should be of good design that does not unreasonably overshadow or visually dominate neighbouring properties.
16. The Council also refer to saved Policy 3/4 of the LP within its reason for refusal. However, this policy relates to the design implications of relating to context and therefore has not been determinative in relation to the issue of living conditions.

## **Conclusion**

17. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Zoe Raygen*

INSPECTOR