



Appeal Decision

Site visit made on 15 August 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 30th August 2017

Appeal Ref: APP/Q0505/W/16/3150434

57 Hartington Grove, Cambridge CB1 7UB

- 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 Ms Marukh Akhtar against the decision of Cambridge City Council.
 - The application Ref 14/0848/FUL, dated 26 May 2014, was refused by notice dated 22 January 2016.
 - The development proposed is conversion of existing first floor and ground floor HMO (7 occupants) into 6 self-contained bedsits.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on
 - (i) the character and appearance of the area;
 - (ii) the living conditions of the occupiers of the neighbouring properties with particular regard to noise, disturbance and activity; and
 - (iii) the living conditions of the future occupants of the proposed bedsits with particular regard to outlook, privacy and amenity space.

Reasons

Character and appearance of the area

3. The appeal site comprises of a detached two storey property set back from the road and currently in use as a House in Multiple Occupation (HMO). It is located in a mature established residential area, typically characterised by detached and semi-detached properties of varying styles and ages set back from the road behind front gardens/driveways with some landscaping and established trees. To the north and west are the garden areas and the outbuildings associated with the adjacent properties on Rock Road with mature landscaping and established trees which adds to attractive and verdant appearance of the area.
4. The surrounding area appears to be predominantly characterised by single family dwellings. The proposal is to convert the HMO into six self-contained bedsits including a two storey rear extension and dormer windows. This would still be a residential use which, in itself, would not significantly alter the

character of the street. However, the submitted plans propose bin and cycle storage on the open car hardstanding area to the front of the property. Whilst I note the appellant's proposal to box in the refuse area with timber cladding, the additional facilities associated with the proposed use on the open frontage of the property represents a poor quality design that would adversely harm rather than positively contribute to the verdant character and appearance of the area.

5. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along Hartington Grove. As such, I consider the proposed development would fail to promote or reinforce the distinctive characteristics of the area and would adversely harm the character and appearance of the area.
6. I have considered the appellant's comments regarding the aims of the appeal scheme are to meet the specific local needs in providing a high quality development for students and the need for updating the standard of accommodation at the property. Whilst I recognise that the proposal would boost the supply of affordable housing and would make efficient use of the land in an accessible location in accordance with the National Planning Policy Framework (the Framework), I consider that these factors would not mitigate the overall harm this scheme would cause to the character and appearance of the area nor achieve the standards of design the Framework seeks to promote.
7. I also note the appellant's changes since the previously refused scheme¹ on the appeal site and the willingness to allow the imposition of a condition or legal agreement to restrict the use of the building to student accommodation only. However, no condition or legal agreement has been provided and the description of the development makes no reference to student accommodation. Whilst the appellant's statement indicates that a local land charge is commonly used to restrict the use on land, planning legislation requires that the proposal is considered against the policies contained in the development plan. I therefore accord limited weight to these matters in making my decision.
8. Consequently, I conclude that the development would adversely harm the character and appearance of the area. It would conflict with Policies 3/4, 3/7, 3/14 and 5/2 of the Cambridge Local Plan 2006 (LP). These policies, amongst other things, seek to ensure that all development will be of a high standard of design that responds positively to local context and the key characteristics of their surroundings and, that the conversion of large properties to self-contained dwellings and the extension of existing buildings will only be permitted where satisfactory bin storage and cycle parking is to be provided.
9. In addition, it would not accord with the aims of the Framework that development should seek to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and to promote or reinforce local distinctiveness (paragraph 60).

Living conditions of the occupiers of the neighbouring properties

10. The appeal property is a detached building and due to the number of people living independently there is a greater chance of noise issues than with properties occupied as a single household. I observed during my site visit that

¹ 13/1255/FUL

the residential area although generally quiet, experienced some noise and disturbance associated with traffic and pedestrian movements and the surrounding uses and activities in the area. The occupiers of the neighbouring properties in particular at No. 59 Hartington Grove (No. 59) and Nos. 37 and 39 Rock Road would therefore be used to a certain degree of noise and activity.

11. The appellant states that a total of seven people live in the HMO at present and that the proposed development would accommodate a total of six occupants in the proposed self-contained bedsits. I note the Council's comments that the number of occupants could range from between 6 to 12 and no limit could be placed. However, even if this were the case, the likely additional noise and disturbance arising from use as six small bedsits is unlikely to be significantly greater than might arise from the current HMO and would not be of such a degree as to significantly harm the living conditions of nearby residents.
12. The development proposes a rear communal amenity area for the occupants of the bedsits. To gain access to this area, future residents would need to walk along the access at the side of the building adjacent to No. 59 as there is no direct rear access from any of the bedsits apart from unit 2. I share the concerns of the Council in this respect as it would represent a poor design. However, whilst this would result in some increased coming and goings along this side access and potential increased noise and disturbance, in light of the evidence provided and my observations during my site visit, I consider that the proposed use of the rear amenity area and side access would not significantly materially change the current situation nor result in an unacceptable level of noise, disturbance and activity to the occupiers of the neighbouring properties.
13. Consequently, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of the neighbouring properties with particular regard to noise, disturbance and activity. Given the site specific circumstances, I consider that the proposal would accord with the overall amenity aims of Policies 3/7 and 5/2 of the LP, which I consider relevant in this case. These policies seek to ensure that new development provides attractive, high quality, living environments and offers a satisfactory level of residential amenity to nearby land uses. In addition, it would accord with the Framework that development should seek to secure a good standard of amenity for all existing occupants of land and buildings (paragraph 17).

Living conditions of the future occupants

14. The side windows on ground floor unit 1 which face onto the shared side passage adjacent to No. 59. Whilst unit 1 has a poor outlook onto the shared side passage and a lack of privacy it is also served by a bay window on the front of the property, which would provide an alternative outlook for the future occupiers. It is considered the potential use of obscured glazing in these side windows via an appropriate planning condition could deal with the privacy issues. However, this is not a determinative factor on its own.
15. The windows of the rear ground floor unit 2 would face the proposed 1.7m high hedge. Whilst this hedge once fully grown would provide a satisfactory level of privacy from the rear amenity area, given its close proximity to the rear windows of unit 2, it would result in an unacceptable sense of enclosure and outlook for the occupants of unit 2.

16. The ground floor unit 3 has two side windows only on the west elevation of the appeal building which face onto the shared right of way and the side blank wall of the adjacent outbuilding at the rear of No. 41 Rock Road (No. 41). These windows serve a bedroom and a kitchen, both of which are habitable rooms. Given the proximity of the shared right of way and side wall to the outbuilding at No. 41, the future occupants would have a poor outlook and unacceptable level of privacy to the detriment of their living conditions. Whilst I note that the appellant has suggested that this matter could be addressed by use of obscured glazing in the side windows of unit 3 via a planning condition I am not satisfied that this would achieve an acceptable solution given there are no alternative windows in this case.
17. The appellant states that a rear communal amenity area of around 60sqm is proposed for the occupants of the bedsits plus a private garden for unit 2. The Council has not referred me to any specific requirements for the amount of amenity space required. I consider that based on the evidence before me, the size of the amenity area proposed for the bedsits would be sufficient to meet the reasonable expectations of the future occupiers of these bedsits. That is to say the space would be of a size to allow occupiers to carry out all the domestic activities one would normally expect for the size of the bedsits. Nevertheless, this does not outweigh the harm I have found.
18. Consequently, I conclude that the proposal would result in harm to the living conditions of the future occupiers of the proposed bedsits with particular regard to outlook and privacy. The development conflicts with the overall amenity aims of Policies 3/7, 3/14 and 5/2 of the LP, which I consider relevant in this case. These policies seek to ensure that new development provides attractive, high quality, living environments and offers a satisfactory level of residential amenity. In addition, it would not accord with the Framework that development should seek to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Other matters

19. I have noted the objections raised by local residents to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

20. Notwithstanding my findings on the lack of harm to the living conditions of the occupiers of the neighbouring properties, this is significantly outweighed by the harm found to the character and appearance of the area and the living conditions of the future occupiers of the proposed bedsits. The proposal would conflict with the development plan and the Framework taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR