
Appeal Decision

Site visit made on 26 October 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 3rd November 2017

Appeal Ref: APP/Q0505/W/17/3180757

Land at rear of 106 Wulfstan Way, Cambridge CB1 8QJ

- 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 Ke Xie against the decision of Cambridge City Council.
 - The application Ref 16/2050/FUL, dated 18 November 2016, was refused by notice dated 9 March 2017.
 - The development proposed is erection of a dwelling house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the future occupiers of the proposed dwelling with particular regard to overlooking privacy and amenity space.

Reasons

3. The appeal site forms part of the rear garden area at No. 106 Wulfstan Way (No. 106), a two storey semi-detached dwelling within a mature established residential area. The proposal would involve the construction of a 2 bedroomed detached dwelling with an attached garage set back behind a grass verge and a new vehicular access off Hulatt Road running along the rear of the site. The proposed dwelling would incorporate first floor accommodation into the roofspace that would be served by front dormer windows and rear rooflights.
4. Planning permission has been granted for a new two storey terraced dwelling (No. 106a) at the side of No. 106¹, which has not yet commenced. The windows to the habitable rooms on the rear elevation of the proposed dwelling would be about 13.5m and 11.8m from the first floor windows at Nos. 106 and 106a respectively. The proposed dwelling and the associated rear garden area would be separated from Nos. 106 and 106a by a 2m high close boarded fence with 600mm of trellis on top.
5. Whilst I accept that there would be some overlooking of the windows on the rear elevation of the proposed dwelling from the first floor windows at Nos. 106 and 106a, given the separation distance, boundary treatment and modest size of the windows, I do not consider that the proposal would cause significant

¹ 15/1686/FUL

harm to the privacy of the future occupiers of the proposed dwelling, nor result in significant overlooking of the future occupiers in their private rear garden. However, this is not a determinative factor on its own.

6. The appellant states that the size of the rear garden area would be sufficient for the potential number of occupiers of the proposed dwelling. However, as no other outdoor amenity space would be provided with the appeal site, the future occupants would need sufficient space to carry out all of the leisure and household activities one would normally expect for this size of dwelling. I consider based on the evidence provided that the proposed amenity area would not be sufficient to meet the reasonable expectations of the future occupiers of the proposed dwelling.
7. These shortcomings would be exacerbated by the height and the position of the proposed boundary fencing which introduces an overbearing and enclosing structure in close proximity to the rear garden and would result in overshadowing of the small enclosed garden area to a more limited extent. As such I consider that the proposed development would result in a poor living environment for the future occupants.
8. I have considered the appellant's statement that the proposed design and layout of the development has been carefully considered in order to minimise any impacts on the living conditions of the future occupants and the occupiers of the adjacent properties. I note the appellant's changes since the previously refused scheme on the appeal site². Whilst the proposed amendments to the design, boundary treatment and the orientation of the proposed garden area would reduce the impact of the proposal to some degree, these aspects do not overcome the adverse effects outlined above. I therefore accord these matters limited weight.
9. I note the appellant's willingness to carry out further work including omitting the attached garage to provide a paved parking area. Whilst this would provide an opportunity to enlarge the amenity area associated with the proposal, in the absence of any detailed information to inform what this further work and measures might be, I can only judge this case based on the evidence provided. I therefore afford this limited weight in this case.
10. I have noted the other development in the area drawn to my attention by the appellant. However, the proposed dwelling and the size of the amenity space approved at No. 104³ is of a different scale and form to the appeal scheme. On the basis of the limited evidence provided I am not convinced that the circumstances are compellingly similar to the appeal proposal and as such accord this limited weight as a precedent in this case.
11. Consequently, I conclude that the proposal would result in harm to the living conditions of the future occupiers of the proposed dwelling with particular regard to amenity space. The development conflicts with the overall aims of Policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006. These policies seek to ensure that new development provides attractive, high quality, living environments that respond well to their context, offer a satisfactory level of residential amenity and provide adequate amenity space for the existing and

² 16/1350/FUL

³ 15/2221/FUL

proposed dwellings within the curtilage of existing properties subdivided for residential development.

Other matters

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

Conclusion

13. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR