
Appeal Decision

Site visit made on 12 December 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 11th January 2018

Appeal Ref: APP/Q0505/W/17/3181912

Rear of 82 to 84 Victoria Road, Cambridge CB4 3DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Peter Clark of Heritage Management Contractors Ltd. against the decision of Cambridge City Council.
 - The application Ref 17/0773/FUL, is dated 1 May 2017.
 - The development proposed is demolition of existing garage and erection of two bed dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A draft Unilateral Undertaking has been put before me in respect of an obligation to pay certain monies in respect of community facilities. As, however, the issue of contributions is not contested, and as the appeal is being dismissed for other reasons, I do not need to reach a finding on it.

Main Issues

3. The main issues in this case are:-
 - whether the proposed development would preserve the character or appearance of the conservation area and the effect on its significance; and
 - the effect of the proposal on the living conditions of the neighbouring occupiers.

Reasons

Conservation Area

4. The appeal site is located in a largely residential suburb, and within the Castle and Victoria Road area of the Central Conservation Area. It is an open area, set behind Nos 82 – 84 Victoria Road, in respect of which it is currently used for parking, and facing Primrose Street. It backs onto the rear garden of No 86 Victoria Road.
 5. The adjacent townscape is moderately dense, with houses set in terraces or closely spaced pairs, but with many benefitting from relatively long gardens to the rear. The styles of building vary, with modest, nineteenth
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century terraced cottages to the north of the site in Primrose Terrace and more generous Victorian and Edwardian villas lining the adjacent stretch of Victoria Street. There are also more modern houses and flatted blocks inserted into the townscape, including Nos 1a and 1b Primrose Street. While roofs in the area are largely of a simple pitched and gabled construction, there is variety, with a hipped roof at Nos 45 and 47 Victoria Road, and prominent hipped or gabled front bay extensions elsewhere.

6. Although no detailed appraisal of the character of the area has been put before me, I conclude that it is the solid and well-detailed traditional housing that determines the overall character and significance of this part of the conservation area.
7. The appeal proposal is for a double fronted house sitting on the back edge of the pavement and opening onto Primrose Street. It would be of three bays and two storeys, with a shallow, with hipped roof. Although the proposed dwelling would not faithfully replicate the design or massing of any existing house in the vicinity, it would be of traditional scale, proportions, design and materials, and in an area of architectural variety could appear as the kind of infill development which might have happened historically. I conclude therefore that it would not have a harmful effect on the character and appearance of the area or on its significance.
8. The proposal would not, as a result, conflict with the provisions of policy 3/4 of the Cambridge Local Plan 2006 (the LP) in relation to development which response positively to its context, not with those of policy 3/7, which seeks development which provides an attractive environment. It would not conflict with policy 3/10 of the LP insofar as it would not detract from the prevailing character of the area, nor with policy 3/12 in terms of its requirements regarding a positive impact on setting in terms of siting, scale, form, materials and detailing. It would not conflict with policy 4/11 of the LP in that it would preserve the character and appearance of the conservation area.

Living conditions

9. The appeal proposal would place a two storey building relatively close to the boundary of the site with the rear garden of No 86 Victoria Road, and occupying around three quarters of the width of the plot. This boundary is currently a very open one, with only a low brick wall. The development would as a result of its combined height and width create a strong sense of enclosure to this rear garden, although this would be slightly mitigated due to the setback from the boundary. It would nonetheless be more than moderately harmful to the outlook of the occupiers of No. 86.
10. The windows on the rear elevation, although obscure glazed, as they would be directly facing the garden of No 86 would be likely to create a perception of overlooking, and thereby some harm, although the actual harm would be minor.
11. The front building line of the proposed dwelling is set forward of that of 1a Primrose Street, which is set back some metres from the pavement to create an area for parking. While there is an existing garage building on the boundary of this area it is only of a single storey. The two storey appeal dwelling would be more or less directly to the south of No 1a and so there would be likely to be a significant increase in overshadowing of the habitable rooms at the front

of that dwelling, and particularly those on the first floor. The shadowing information supplied by the appellant is very limited, but appears to confirm this. There would therefore be more than moderate harm to the living conditions of the occupiers of No 1a Primrose Street.

12. When taken together therefore, these harms to the living conditions of neighbouring occupiers would add up to sufficient harm overall to mean that the development would not comply with policy 3/4 of the LP in respect of its requirement that development should be well connected to the immediate locality, nor with policy 3/10 of the LP insofar as it seeks to avoid residential development which would have a significant impact on the amenities of neighbouring properties. As it would not have a positive impact on its setting, the development would not comply with the requirements of policy 3/12 of the LP in that respect

Conclusion

13. For the reasons given above therefore, notwithstanding my findings on the effect of the development on the Central Conservation Area, I conclude that because of the harm that it would cause to the living conditions of neighbouring occupiers that the appeal should be dismissed.

S J Buckingham

INSPECTOR