



Appeal Decision

Site visit made on 7 August 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/Q0505/W/19/3230603

3 Spalding Way, Cambridge, Cambridgeshire CB1 8NP

- 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 Vanessa See against the decision of Cambridge City Council.
 - The application Ref 19/0155/FUL, dated 04 February 2019, was refused by notice dated 29 April 2019.
 - The development proposed is a new single storey dwelling to the rear of no. 3 and no. 5 Spalding Way Cambridge CB1 8NP.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Vanessa See against Cambridge City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues raised by this appeal are the effect of the proposal on the character and appearance of the area; and the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular reference to loss of garden amenity space, noise disturbance, overlooking and loss of light.

Reasons

Character and Appearance

4. The appeal site is situated within the large combined back garden to nos. 3 and 5 Spalding Way both of which are two-storey semi-detached dwellings. The surrounding area is largely residential, comprising a mixture of detached and semi-detached dwellings with large back gardens within a suburban setting. These dwellings and their back gardens follow a linear development pattern along Spalding Way which contributes to the established character of the area.
5. The proposal relates to the construction of a large single-storey 'H'-shaped dwelling and an associated detached double garage which would both be located within the combined rear garden. The proposed detached garage would be closer to the shared boundaries with nos. 1 and 3 Spalding Way than the proposed dwelling. It would also extend the existing vehicular access to serve the new dwelling and provide two off-street parking spaces to the front of nos. 3 and 5 Spalding Way. A new bin storage area would also be installed on the shared boundary with no. 5.

6. The appeal site currently contributes to the character of the area by maintaining the established linear and uncluttered pattern of development along Spalding Way. However, I consider that the proposed development would not follow this established linear development pattern. The proposal by virtue of its location, design and size would constitute a cramped form of backland development due to the sub-division of the back garden. This would interrupt the established development pattern therefore harming the character and appearance of the area.
7. Consequently, I conclude that the proposed development would conflict with Policies 52 and 55 of the Cambridge Local Plan (adopted October 2018) which support development which respects local character, context and established development patterns.

Living Conditions

8. Given the scale, massing, location and orientation of the proposed development combined with the separation distances between it and the shared boundaries with nos. 1, 3, 5 and 7 Spalding Way, I am satisfied that it would not lead to unacceptable overlooking or loss of light in relation to neighbouring properties.
9. I am also satisfied that given the low levels of both pedestrian and vehicular movement arising from a single dwelling, that it would not cause unreasonable noise or disturbance to neighbouring properties. Further, I consider that the size of the garden space to be left for the occupiers of nos. 3 and 5 would be adequate for dwellings of their size. Consequently, I conclude that the proposal would not materially harm the living conditions of neighbouring occupiers with reference to overlooking, loss of light, loss of garden amenity space or noise disturbance.

Other Matters

10. The appellant has raised concerns regarding the handling of the case by the Council, and in particular with regard to perceived unfairness in the determination of the application. In any event, this matter would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.
11. I also note the points made by the appellant regarding other examples in the area of similar residential development resulting from the subdivision of back gardens. However, I am not aware of the particular circumstances in those cases and so cannot be sure that they represent a direct parallel to the appeal scheme. Furthermore, there do not appear to be any similar developments to the appeal proposal on this part of Spalding Way. The closest other example of backland development would be 1A Spalding Way and although in a rear garden it has direct frontage to the highway unlike the appeal proposal. In any event I have determined the appeal scheme on its own merits. The existence of other similar backland development in the locality does not outweigh the harm to the character and appearance of the area that I have identified above.

Conclusion

12. Although I have found that the appeal scheme would not harm the living conditions at neighbouring properties, it would harm the character and appearance of the area. Consequently, for the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR