



Appeal Decision

Site visit made on 8 October 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2019

Appeal Ref: APP/Q0505/W/19/3233495

Land Rear of Nos. 305 - 307, Milton Road, Cambridge CB4 1YL

- 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 A De Simone (Hawkswren Ltd) against Cambridge City Council.
 - The application Ref 19/0515/FUL, is dated 11 April 2019.
 - The development proposed is introduction of a pair of 2xbed semi-detached dwellings to the rear along with car parking and associated landscaping and the introduction of an in/out access arrangement to the site. Following demolition of existing single storey garage to the side of No. 305 Milton Road.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matter

2. The Council resolved that had it been in a position to determine the application, it would have refused planning permission for reasons relating to the effect of the proposal on (1) the character and appearance of the area (2) the living conditions of the future occupants and (3) highway safety.

Main Issues

3. The main issues are therefore effect of the proposed development on:
 - the character and appearance of the site and surrounding area;
 - the living conditions of the future occupants, with particular reference to outlook; and
 - highway safety.

Reasons

Character and appearance

4. The site is located opposite the junction of Milton Road and Kendal Way, to the rear of Nos 305-307 Milton Road (Nos 305 -307). The area is predominantly residential and is characterised by 2-storey semi-detached dwellings. The dwellings nearest the appeal site share similarities in their overall style and design, albeit some have been extended and altered over time. The dwellings in the immediate area, are predominantly set back from the road, with gardens and driveways to the front with long gardens and mature planting to the rear.

Overall, the area has a formal, spacious and verdant character and appearance.

5. The appeal site forms part of the rear gardens to Nos 305-307. The existing boundary of the site is formed by a mixture of hedging, trees and close boarded fencing. In order to access the rear gardens, the proposal seeks to demolish the existing single storey garage to the side of No 305. This would allow a one-way entry and exit system to the site, which would route around the rear of the existing dwellings. Flow plates would be used to control the route of entry and exit. The front gardens of Nos 305-307 would be made into an open driveway by removing the boundary wall that currently separates the properties.
6. Whilst I note that properties near to the site have been extended, there are no other backland developments, such as the proposed appeal scheme, in the immediate vicinity. The introduction of 2 properties at the rear of Nos 305-307 would be an unexpected feature in this row of properties. The existing structures of Nos 305-307, due to their positioning, would obscure some of the views towards the rear. However, the gaps between the neighbouring dwellings would mean the proposed dwellings would be readily visible from the highway, particularly when entering Milton Road from Kendal Way.
7. Nos 305-307 are designated as Buildings of Local Interest (BLI), a Non-designated heritage asset. They form part of a group of no-fines concrete houses completed in the 1920s and are of historic and social value. Although part of a larger group comprising of Nos 301 – 353 Milton Road and Nos 1, 3 and 5 King's Hedges Road, only two properties, Nos 305 – 307, have been selected for BLI status, as they are the least altered externally and show the original form.
8. The properties provide examples of how the city grew during the inter-war period, and the need for novel and economically viable construction techniques for the production of mass housing. They were originally part of the suburbs, however over time they have become part of the city as it has expanded. The houses were originally built as family homes on large plots, which were used to grow vegetables and fruit. Originally the properties had lawns to the front and were based on the 'Garden City' concept, with a wide tree planted road running adjacent providing an attractive entrance to the city.
9. The appellant has provided a Heritage Assessment¹ for the proposed development. The Heritage Statement argues that the reason for the designation is predominantly the means of construction and that the setting is of less significance. However, this pair of dwellings has been selected as they are the best example of this house type. The layout and large mature gardens form part of the setting for the BLI and demonstrate how the city grew during the interwar period. The appeal scheme would mean that the gardens of the existing properties would be significantly reduced in size.
10. Paragraph 197 of the National Planning Policy Framework (the Framework) states that, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage

¹ Heritage Statement 305-307 Milton Road, Cambridge CB4 1YL – John Selby (March 2019)

assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

11. Although the proposal causes no direct loss to the non-designated heritage asset itself, the subdivision of the existing plots would damage the character and setting of the BLI. The proposed subdivision would be out of character and harmful to the settings of the BLI. The large gardens are characteristic of these 'no fines' house and are important to understanding the history of the houses and the expansion of Cambridge. Therefore, the proposal would cause significant harm to the pair of BLI.
12. The appellant has highlighted that there has been subdivision of plots on Milton Road, such as at Middleton Close. However, I do not consider this is directly comparable due to the location of the development. Although I have been provided with the planning application decision, I do not have any other details before me. In any case I must assess the proposal on its own merits and context.
13. The proposal would result in a pair of one and half storey dwellings with small gardens and limited outdoor space around it. Given the predominant development pattern of rows of two storey semi-detached properties that front on to the road, I consider that the proposed dwellings within a small backland site, would not be in keeping with its context. The proposal would be out of character with the established pattern of development in the area.
14. Consequently, I conclude that the proposal would significantly harm the character and appearance of the site and the surrounding area. Therefore, it would be contrary to policies 52, 55, 56, 57, 59 and 62 of the Cambridge Local Plan (CLP) (2018). These policies, amongst other things, seek to ensure new development is appropriate to the surrounding pattern of development and the character of the area and protect local heritage assets.

Living conditions of the future occupants

15. The proposed dwellings would be located in close proximity to the rear gardens of Nos 305-307, as well as being adjacent to the ends of the gardens of Nos 303 and 309 Milton Road. The proposed dwellings would have first floor windows facing the rear of the neighbouring properties. To protect the privacy of the neighbouring properties the windows a large proportion of the windows would be obscure glazed. The Council has also suggested that they would need to be on restrictors to prevent opening beyond 45 degrees. The bedrooms at the rear of the proposed developments would only have a rooflight. Whilst the measures above would provide privacy for the nearby properties on Ramsden Square and Milton Road, it would not provide adequate outlook for the intended future occupiers of the proposed development.
16. I acknowledge that conditions could be imposed to require obscure glazing, window opening restrictors and the restriction of Permitted Development Rights for windows at and above first floor. However, I consider the proposed dwellings would not provide an adequate level of outlook and that with such restrictions the proposal would result in oppressive living conditions for future occupiers.

17. The appellant has suggested that similar developments have been approved by the Council, such as at No 220 Milton Road², which had obscure glazing included as a condition. However, whilst I have been provided with the Decision Notice, I do not have the all the details and plans before me, or the circumstances which lead to their approval. They have also suggested that rooflights are not an uncommon feature in Cambridge, however, I do not have any substantive evidence before me to support this claim. Therefore, I only afford this limited weight. In any case I must assess the proposal on its individual merits and its own context.
18. Consequently, I conclude that the proposal would significantly harm the living conditions of the future occupants, with particular reference to outlook. Therefore, it would be contrary to policies 52 and 56 of the CLP (2018). These policies, amongst other things, seek to ensure that development is high-quality and that the amenity and privacy of the occupants of neighbouring, existing and new properties is protected.

Highway Safety

19. The proposal seeks an access scheme that would be routed alongside and behind the existing dwellings, using flow plates to restrict the route of entry and exit. The Highways Authority (HA) objected to the access arrangements, stating that the proposed flow plates would be noisy and there would be no guarantee that they would be maintained in perpetuity. If the flow plates were not retained, it would allow access and ingress at both points of entry, neither of which would be adequately wide enough for two-way traffic. The HA also stated that no visibility splays had been provided. As well as there being no pedestrian footway access provided, which would make it difficult to access the site with a wheelchair or buggy, due to the flow plates.
20. In response to the HA comments, the appellant has provided an additional access Technical Note³. The appellant has suggested that a Site Management Company would be setup to ensure that the future maintenance of the flow plates and external areas are secured. The Technical Note also states that the required visibility splays for the site can be achieved and secured by a condition. I agree that were I minded to allow the appeal, these issues could be dealt with by appropriately worded conditions. In terms of noise, due to the location of the flow plates and the limited number of vehicle movements, I do not consider that this noise would be significantly harmful for the neighbouring properties. In terms of safe access for pedestrians, I do not have any substantive evidence before me to suggest how the issue of access for wheelchair users or those with a buggy, would be overcome, therefore, I find harm in this regard.
21. The appellant has suggested that, the management of the in/out arrangement at the site could be suitably controlled by signage if the flow plates were considered unnecessary. However, without the flow plates in place there is a risk that vehicle users may not follow the correct route which would create safety issues.
22. Consequently, I conclude that proposed development would have an adverse impact on the highway safety of pedestrians. This would therefore be contrary

² Planning application reference 16/1591/FUL

³ Technical Note for 305-307 Milton Road Cambridge – SLR (May 2019)

to policies 51, 52, 55, 56, 57, 59, 80 and 81 of the CLP (2018). These policies, amongst other things, seek new development to be of high-quality design meet the principles of inclusive design, in particular the needs of disabled people, the elderly and those with young children, and to support and encourage sustainable access.

Other Matters

23. The appellant has suggested that the proposed dwellings would provide a small contribution to new housing in the City, and would be desirable and obtainable accommodation for first time buyers. I acknowledge that the appellant has outlined how the site is in a sustainable location, with public areas of open space in close proximity. The appellant has also suggested that the proposed development would be energy efficient, building regulation compliant, of high-quality design and would recycle previously developed land. Whilst these are commendable, the benefits do not outweigh the significant harm that I have identified above.

Conclusion

24. For the reasons set out above, I conclude that the appeal should be dismissed, and planning permission refused.

D Peppitt

INSPECTOR