
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 November 2019

Appeal Ref: APP/Q0505/W/19/3233482
45 Cavendish Avenue, Cambridge CB1 7UR

- 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 Dr Aileen Muir against the decision of Cambridge City Council.
 - The application Ref 17/1748/FUL, dated 9 October 2017, was refused by notice dated 26 April 2019.
 - The development proposed is new 2 bedroom dwelling house to the rear of 45 Cavendish Avenue.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have, for completeness, used the appellant's full name in my decision, which is set out on the appeal form.

Main Issues

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

Reasons

Character and appearance

4. The appeal site is located in the rear garden of No 45 Cavendish Avenue, a semi-detached 2.5 storey property. The surrounding area contains similar semi-detached dwellings, as well as a mix of terraced and detached properties. To the rear of the property is Magnolia Close, a small cul-de-sac made up of chalet-style dwellings. The garden is mostly grassed with areas of border planting, shrubbery, trees and is bordered by wooden fencing.
5. The houses on Cavendish Avenue are generally set back from the road and have vehicular access from the road into side driveways with off-street parking. The pavement has grassed areas and trees along the street scene. The front gardens are generally established and well planted with landscape buffers to the pavement. The area is characterised by relatively long rear gardens.

6. The proposal seeks planning permission for the erection of a 2-bedroom bungalow in the rear garden of No 45, which would be accessed via a shared driveway with the host dwelling. There are no examples of backland development in the immediate vicinity. The proposed dwelling would be of a single storey scale and would occupy a large proportion of the existing garden. The proposal would result in a single storey dwelling with a garden and outdoor space, that would be in stark contrast to the existing style of development on Cavendish Avenue.
7. I acknowledge that the appellant has made reference to outbuildings in rear gardens and No 6 Magnolia Close, but these do not reflect the nature and footprint of the proposal. Further the properties along Magnolia Close are different in character and design to those on Cavendish Avenue. Given the immediate predominant development pattern of rows of 2 storey and 2.5 storey terraced and semi-detached properties, I consider that the proposed dwelling within a small backland site, would not be in keeping with its context and would be an unexpected feature in this location. Consequently, I consider the proposal would be out of character with the established pattern of development in the area.
8. The appellant has provided a list in Appendix 5 of their Statement of Case, of other examples of properties on garden sites, as well as a number of recent planning applications. However, their presence does not automatically mean this proposal should be allowed. Whilst an interested party has provided plans for some of these, I do not have full details of the precedents mentioned, their planning status, or the reasons why they were deemed acceptable. In any event, I must assess the scheme on its own individual planning merits and within its own context.
9. I have also been provided with examples by interested parties where backland developments have been refused, dismissed or allowed with a restrictive condition on what the development could be used for. Aside from the planning appeal, I do not have all the details of these schemes before me or the reasons why they were deemed unacceptable, or acceptable with a condition. Whilst, I note the proposed development is on the same road as the dismissed appeal, and that some of the main issues were similar, the immediate context and the proposed development of that site is not directly comparable to the one that is before me.
10. Consequently, the proposed development would significantly harm the character and appearance of the site and surrounding area. Therefore, it would be contrary to policies 52, 55 and 57 of the Cambridge Local Plan (CBL) (2018). These policies, amongst other things, seek new development to be high quality and appropriate to the surrounding pattern of development and the character of the area.

Living conditions

11. The proposed development would have garden and landscaped areas at various points around the property, although the main garden area would be to the front of the proposal, which is south facing. Whilst, the proposed garden area to the rear would be small in size compared to neighbouring properties and would be north facing, I consider the area to the front to be the principal outdoor space and to be of sufficient size for most outdoor activities for the size

of the proposed property. Therefore, I consider that the proposed development would provide sufficient outdoor space for future occupants.

12. In terms of privacy, the house at No 6 Magnolia Close is located just beyond the boundary fence of the existing boundary of the host property. The location of the proposed development would be in close proximity to No 6. The positioning of the dormer windows of No 6 would provide views to the rear garden and the bedrooms of the proposal. Whilst I note that the nearest window of No 6 to the proposal is obscure glazed, it would still give future occupants a sense of being overlooked. Furthermore, the adjacent dormer window, is not obscure glazed. Although, this window is close to the rear garden of No 43 Cavendish Avenue, views would be possible into the rear garden and the bedrooms of the proposed development.
13. At the front of the proposed development, the garden, living room, and the kitchen dining area would be directly overlooked by the host property No 45 Cavendish Avenue, with views also possible from the upper floors of Nos 43 and 47 Cavendish Avenue. Thus, the future occupants would be directly overlooked at the front and rear of the property which would be harmful to the privacy of the future occupants.
14. Consequently, the proposed development would harm the living conditions of the future occupants with reference to privacy. Therefore, in this regard, it would be contrary to policies 50, 52, 56 and 57 of the CBL (2018). These policies, amongst other things, seek new development to be high quality and to protect the privacy of occupants.

Other Matters

15. I note there are a number of supportive comments for the proposed development, citing that it would be sustainable, adhere to lifetime home standards, be energy efficient, and be of high-quality materials. It has also been highlighted that developments such as this help to preserve the city's Green Belt and boost the Councils housing supply. Whilst I recognise that the proposed development would provide such benefits, they are not sufficient to outweigh the harm of the development on the character and appearance of the area and the living conditions of the future occupants as outlined above.
16. The appellant has highlighted that she is a long-term resident of Cavendish Avenue and wishes to stay local to the area. Whilst I acknowledge this, personal circumstances are rarely determinative, and it does not outweigh the harm that I have identified above.
17. I also note the appellant's comments regarding the actions of the Council in its determination of the planning application leading to this appeal. However, this is not a matter for this appeal.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR