
Appeal Decision

Site visit made on 8 January 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/Q0505/W/19/3239300

1 Vinery Way, Cambridge CB1 3DR

- 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 Diep Tran against Cambridge City Council.
 - The application Ref 19/0247/FUL, is dated 12 February 2019.
 - The development proposed is erection of single storey unit, with entrance off Vinery Way, to be used as a Nail Bar.
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Decision

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

Procedural Matters

2. I have used the description of development as set out on the appellant's appeal form, rather than that given on the application form. This is because it both accurately and concisely describes the proposed works.
3. I have identified the main issues in this appeal having reviewed the Council's appeal statement, which sets out their main concerns with respect to the proposal.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the area; and
 - The effect upon the living conditions of the occupiers of the existing dwelling, having particular regard to the availability of private garden space.

Reasons

Character and appearance

5. It is apparent from the evidence before me that planning permission¹ was granted in April 2018 for various works at the site, which included extensions to the appeal property itself as well as the erection of a Nail Bar. I shall consider the scheme in this context. The proposal that is before me would introduce a differently designed Nail Bar of increased height and footprint when compared to that previously approved.

¹ 17/2015/FUL

6. Whilst a pair of commercial units and an entrance to a school are located opposite the site, the appeal property sits within an area that is predominantly residential in its makeup. Properties in the area take a variety of different types and forms, such that a mixed residential character is very much in evidence. Nevertheless, the particular short stretch of frontage that contains the appeal site is characterised by loosely spaced pairs of semi-detached properties setback from Vinery Way.
7. The proposed building would cover a considerable footprint area between neighbouring semi-detached properties and its front building line would be positioned forward of most of the appeal property's existing footprint. Whilst single storey, the proposed building's height would exceed 3.5m metres. I also note that its front-facing elevation would incorporate significant areas of glazing consistent with its intended commercial use. Taking these factors into account, the building would appear as an unduly bulky, prominent and eye-catching addition to the streetscene. Indeed, it would appear as a discordant addition to the residential frontage within which the site is located.
8. For the above reasons, the proposal would cause harm to the character and appearance of the area. The proposal conflicts with Policies 55, 56 and 57 of the Cambridge Local Plan (the Local Plan) (October 2018) in so far as these policies require that development responds positively to its context and draws inspiration from the key characteristics of its surroundings to help create distinctive and high-quality places.

Living conditions

9. The appeal site currently contains a single dwelling and an associated external garden area. Whilst the proposal would result in the loss of part of the property's garden, this must be considered in the context of the planning permission already granted in April 2018 (referenced above). Indeed, a Nail Bar and associated front yard area have already been approved but not yet implemented at the site. The proposal before me, when compared to the previously approved scheme, would lead to a further small reduction in the extent of residential garden area to be retained.
10. Policy 50 of the Local Plan sets out that all residential units will be expected to have direct access to an area of private amenity space. This policy also sets out various considerations to be taken into account on a case-by-case basis (for example, the character of the surrounding area and the enclosure and design of the space) to ensure the provision of appropriate amenity space.
11. The area of fenced-off garden space intended to be retained to the side of the existing dwelling would be relatively small in area and would be bound by the single storey flank wall of the proposed Nail Bar. However, properties in the vicinity are served by a variety of differently sized and laid out private garden spaces and the proposed space would offer a meaningfully sized area to be enjoyed by the dwelling's existing and future occupiers. The private space would also be supplemented by other areas of garden situated to the dwelling's frontage and, even though the dwelling, having been extended, is large in size, I am content that suitable external space would be retained to serve the form of housing that is in place.
12. For the above reasons, the proposal would not cause harm to the living conditions of the occupiers of the existing dwelling, having particular regard to

the availability of private garden space. The proposal accords with Policy 50 of the Local Plan in so far as this policy sets out that residential units will be expected to have direct access to an area of private amenity space that is appropriate in form.

Other Matters

13. I have noted objections raised by an interested party with respect to traffic and parking issues and to the effect upon neighbouring living conditions. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Conclusion

14. Whilst I have found no harm in relation to the effect upon the living conditions of the occupiers of the existing dwelling, the proposed building would cause significant harm to the character and appearance of the area. That harm is the overriding consideration. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.
15. For the reasons set out above the appeal is dismissed.

Andrew Smith

INSPECTOR