



Appeal Decision

Site visit made on 13 January 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2020

Appeal Ref: APP/Q0505/D/19/3238430
162 Chesterton Road, Cambridge CB4 1DA

- 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 Mr and Mrs Commins against the decision of Cambridge City Council.
 - The application Ref 19/0623/FUL, dated 12 December 2018, was refused by notice dated 16 July 2019.
 - The development proposed is a kitchen extension across rear at sub ground/ ground level and bedroom extension to first floor.
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Decision

1. The appeal is allowed and planning permission is granted for a kitchen extension across rear at sub ground/ ground level and bedroom extension to first floor at 162 Chesterton Road, Cambridge CB4 1DA in accordance with the terms of the application, Ref 19/0623/FUL, dated 12 December 2018, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the following schedule:

Location Plan,
Site Plan,
Ground Floor - Existing (November 2018),
First Floor - Existing (November 2018),
Second Floor - Existing (November 2018),
Front Elevation - Existing (November 2018),
Back Elevation - Existing (November 2018),
Side Elevation - Existing (November 2018),
Side Elevation / Section - Existing and Proposed (May 2019),
Ground Floor - Proposed (May 2019),
First Floor - Proposed (May 2019),
Second Floor - Proposed (May 2019),
Front Elevation - Proposed (May 2019),
Back Elevation - Proposed (May 2019),
Proposed Side Elevation (May 2019),
Arboricultural Site Plan - Existing (Ref P1331 - ASP01, 6 December 2018),
Arboricultural Site Plan - Proposed (Ref P1331 - ASP02, 6 December

2018),
Arboricultural Site Plan - Proposed (Ref P1331 - TPP01, 10 December 2018).

- 3) No development above slab level shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) The approved tree protection methodology will be implemented throughout the development and in accordance with the agreed means of protection as set out in the arboricultural plans under Condition 2 and shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Preliminary Matters

2. The description of development above is as set out on the planning application form. The Decision Notice and Appeal Form both use an alternative description, i.e. part 2 storey, part single storey rear extension. However, as the description on the application form accurately describes the proposal I have dealt with the appeal on that basis.
3. There is an apparent anomaly between the Decision Notice which indicates the date when the application was received as 21 May 2019 some 5 months after the date on the application form. Clarification on this was sought from the Council who have indicated that the application was invalid when it was first received and the correct information was not received until 21 May 2019.

Main Issue

4. The main issue is the effect on living conditions of occupiers of the adjoining dwelling, No 164 Chesterton Road.

Reasons

5. No 162 Chesterton Road is a 2 storey semi-detached dwelling. The rear garden faces to the south. The appeal proposals comprise a rear extension to provide a kitchen-diner on the ground floor with a new bedroom on the first floor. The proposed extension would replace an existing ground floor extension, extending 6.5m from the rear wall across the entire width of the main house. The first floor extension would be 4.6m in depth set back by 2.7m from the common boundary with No 164. In order to help reduce the effects of the proposals on the neighbouring dwelling the extension is set down from the ground floor level of the main house. This is possible as the level of the rear garden falls away.
6. On my site visit I noted that construction work had started on a new development including a new block of apartments directly adjacent to the appeal site at No 160 Chesterton Road. The proposed apartment block would extend beyond and be built to a greater height than the proposed extension.

Living conditions

7. At No 164 there are 2 rooms on the ground floor and a patio area that need to be considered in terms of effect on living conditions. The closest room is used as a bedroom reflecting that the house is in multiple occupation. There is also a single storey rear extension which is used as a kitchen and W.C. The Council have evaluated the daylighting effects by using BRE advice. They find that daylighting to the bedroom would be affected, but only just, by using a 45 degree plane from the roofline of the first floor element of the extension to the mid-point of the bedroom window. They also suggest the kitchen would be affected since a 25 degree horizontal plane drawn from the mid-point of the window would be crossed by the roof of the new extension. As such, the Council considers the proposals would be in breach the recommended guidelines.
8. In my mind the effects on the ground floor bedroom are the most important concern. This is because of its proximity to the new extension and the fact that the main opening to the neighbouring extension is for a partially obscure glazed back door into the kitchen. The main window to the kitchen is located on the other side of the extension, i.e. facing towards No 166 Chesterton Road. The clear glazed window on the side of the neighbouring extension facing towards the appeal proposal is a W.C., and therefore is not classed as a habitable room. The patio area serving No 164 lies alongside the rear extension and the common boundary. It seems likely this would receive some loss of daylight as a consequence of the proposed extension.
9. On the other hand, the construction of the proposed extension below the ground floor level of No 164 coupled with the setting back of the first-floor element from the boundary and the design of the lean-to roof is likely to help reduce any loss of daylighting. I also take note that the south facing direction of the rear of the dwellings would be of significance in helping mitigate the impacts on loss of daylighting because any losses would only be most apparent late in the day as the sun sets.
10. The first floor of the proposed extension does not include any side windows so there are no concerns regarding overlooking. Since the height of the proposed extension falls away I do not consider the proposals would have an overbearing effect on the occupiers of No 164.
11. On the basis of the above analysis the design of the proposed extension is such that any breach of the daylighting guidelines in respect of the ground floor bedroom is marginal. Since the window in the extension at No 164 does not serve a habitable room and that the door to the kitchen is obscure glazed and does not provide the main means of daylighting, I consider that the proposal would not harmfully change the living conditions of the occupiers of no. 164 in respect of any overshadowing effect. In relation to the patio area the south facing direction means that daylighting should be available for sufficient periods of the day. The proximity of the new apartment block at No 160 should not be a cause for concern since this will have been taken into account at the time those proposals were considered.
12. Accordingly, I conclude that the proposed extension is sensitive to the living conditions of the neighbouring property and as such is consistent with Policies 55 and 58 of the Cambridge Local Plan, 2018 (LP) which aim to ensure high

quality developments that do not unacceptably overlook, overshadow or visually dominate neighbouring properties.

Other Matter

13. The Council have indicated that the contemporary design of the proposed extension, with its shallow lean-to roof and extensive glazing, would be acceptable subject to a condition regarding detail of the roofing to ensure compliance with green/brown roof requirements set out in LP Policy 31. I have no reason to take a different view. Therefore, subject to an appropriate condition the design of the appeal proposal would comply with Policies 31, 56 and 58 of the LP which seek to secure well-designed sustainable development.

Conditions

14. I have considered conditions in relation to the Government's National Planning Policy Framework and the Planning Policy Guidance. All of the conditions are considered to be reasonable and necessary to make the approved development acceptable.
15. Condition 1 refers to the standard time limit with condition 2 defining the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission. To safeguard the character and appearance of the area and a sustainable development it will also be necessary to require the submission of details of external materials including detail of the roofing as suggested by the Council (condition 3). Condition 4 relates to protection for trees during the construction period. This was requested by the Council's tree officer but I have removed reference to damage since this element lacked clarity, for example over the time period over which it would operate and when works would be carried out. Consequently, this part of the condition as proposed did not meet the tests for conditions.

Conclusion

16. For the reasons stated above the appeal is allowed, subject to conditions.

David Carter

INSPECTOR