



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/19/3238419
36 Orchard Street, Cambridge CB1 1JS

- 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 Justin Fairhall against the decision of Cambridge City Council.
 - The application Ref 19/0923/FUL, dated 28 June 2019, was refused by notice dated 17 September 2019.
 - The development proposed is demolition of existing rear single storey extension, replaced with proposed 2 storey and single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development above which appears on both the Decision Notice and the Appeal Form differs from that on the planning application form which was "demolition of existing rear single storey extension, replaced with proposed 2 storey and single storey rear extension." Since the appellant has used the revised description in completing the Appeal Form, I have utilised this in the header above.
3. The Council requested that I should view the appeal proposals from both immediately neighbouring properties, i.e. Nos 35 and 37 Orchard Street. On my site visit I was unable to gain access to either of these properties. However, I was able to view the site from both the rear of No 36 and the pathway to the rear of the terrace and it is on this basis I have been able to come to a decision.

Main Issues

4. The main issue is the effect on the living conditions of the occupants of the neighbouring dwellings.

Reasons

Living conditions

5. No 36 forms part of a terrace of small (originally 2-up 2-down) dwellings. At ground floor, the proposed extension would extend across the full width of the property but its length would be shortened to c5.2m. This would enable a more useable courtyard-style garden to be created at the rear of the plot. At first

- floor the extension would be built flush with the boundary to No 35 to a width of c2.6m and a depth of c4.1m. The first-floor extension would have a hipped roof, located below the main ridge line and appear subservient.
6. In this run of terraced properties extensions are common and several dwellings already have first-floor extensions, mainly built across the whole width of the respective dwelling such as Nos 33 and 34 but to a lesser depth than the appeal proposal. The main concern, therefore, would be the potential overshadowing effect on neighbouring properties.
 7. Using the standard BRE tests in relation to No 35, the proposed extension would have a detrimental and overbearing impact on daylighting to habitable rooms on both the ground and first floors including the rear extension. Given that the side wall to the first-floor extension would be on the common boundary it is also likely this would increase the sense of enclosure. Set against this I note that the resident of No 35 has not objected and has aspirations to extend that property. However, this appeal has to be considered on its own merits.
 8. The effects on No 37 would be different. This is because the ground floor element of the extension would be built up to the shared boundary and the first-floor extension would be further from the existing window at first floor level of No 37. Using the BRE tests the main adverse impact would be loss of light to the ground floor including the kitchen window in the ground floor extension. Since the proposed ground floor extension would be built up to the boundary this would also add some greater sense of enclosure than presently exists. However, the effects of the proposed extension would not be so severe as with No 35.
 9. On this main issue I conclude that the proposed extension at No 36 by virtue of its overbearing and overshadowing effects would have a harmful effect on the living conditions of the occupiers of neighbouring properties. As such the proposals conflict with Policies 55 and 58 of the Cambridge Local Plan, 2018 (LP). Policy 55 seeks to ensure development responds to its context including massing and scale and Policy 58 which seeks to permit alterations and extensions when they do not adversely impact on the living conditions through, among other things, visual domination and over-bearing.

Other Matter

10. The appeal site is situated within the Kite Conservation Area within central Cambridge and is a designated heritage asset. The Conservation Area is named after the kite-shaped piece of land which lies between Emmanuel Road, Newmarket Road and East Road.
11. The Conservation Area Appraisal (2014) notes that it is a mainly residential area based on a grid pattern of streets which is notable for its historic terraced properties and its cohesive townscape. Nos. 32 to 41 Orchard Street, which is the terrace within which the appeal site is located, are designated as Buildings of Local Interest (BLI). These dwellings were constructed circa 1841 using grey gault brick. They feature 2 storeys, one window, sashes with glazing bars and panelled doors with arched heads.
12. The proposed extension would be constructed and be visible only to the rear of No 36 and the grid road pattern ensures it would not be visible from publicly

accessible areas. The parties agree there would be no harm to character and appearance and I have no reason to demur from that view.

13. Therefore, I conclude the proposal would preserve the character and appearance of the Kite Conservation Area and would not cause harm to its significance as a designated asset. As such the appeal proposal would be consistent with LP Policy 61 which seeks to conserve and enhance Cambridge's historic environment and Policy 62 which seek to retain local heritage assets which include BLI.

Conclusion

14. The location of the site within the conservation area adds no further harm rather than outweighing the other harm already identified under the main issue. Accordingly, for the reasons stated above the appeal is dismissed.

David Carter

INSPECTOR