



Appeal Decision

Site visit made on 24 June 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2020

Appeal Ref: APP/Q0505/D/20/3245619

35 Garden Walk, Cambridge CB4 3EW

- 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 Jonathan Williams against the decision of Cambridge City Council.
 - The application Ref 19/1382/FUL, dated 7 October 2019, was refused by notice dated 2 December 2019.
 - The development proposed is a rear extension to provide new kitchen, dining, cloakroom and utility areas.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 37 Garden Walk.

Reasons

3. The appeal site is a two storey detached dwelling, read as part of a street scene of terraced and semi detached units set back from and facing Garden Walk. This is a narrow street with dwellings lining both sides. The rear garden is slim and rectangular, similar to others in the area. Both No 35 and 37 sit close to their shared boundary. The ground floor of No 35 is a rough L shape. The narrow rearmost section containing the kitchen and a dining room. The latter is in a single storey flat roof extension. This element has a lean to mostly glazed entrance hall attached to its side, adjacent the boundary with No 37. The proposals would extend the ground floor further rearward, as well as increasing the width, wrapping around the existing kitchen to join to the main body of the house.
4. This increase in width would bring built form of a not insignificant scale closer to the shared boundary with No 37. Whilst only being single storey, its bulk and length would give rise to an oppressive appearance when viewed from the small side windows in the single storey rear extension of No 37 which serve a kitchen and ground floor bedroom. This oppressive appearance would give rise to a feeling of overbearing for occupiers of the rooms in question.
5. As I have said, the ground floor rear projections of Nos 35 and 37 already sit close to the shared boundary and thus have an effect on one another's

occupiers. This effect is one of being restricted and somewhat hemmed in by buildings and built boundaries. This is arguably par for the course in a densely developed, mostly back to back terraced residential environment. However, that is not to say that development should be allowed that would make that situation noticeably worse. Particularly in the case of the appeal scheme that would site substantial new built form in such close proximity to windows serving habitable rooms and of considerable length that would have an effect on a number of windows to more than one room.

6. The Council express concerns regarding over shadowing, leading to an unacceptable loss of light into the rooms I have mentioned above. Whilst the rooms may experience a reduction in light, I do not consider it would be excessively so. When the sun is lower in the sky at certain times of the year its influence on the side windows concerned would be interrupted significantly by the main two storey section of No 35, which also includes an additional rear projecting bedroom at first floor level. There would be a fairly short period of time when the furthest rear of the three windows impacted by the extension would experience a more noticeable light reduction but from my site visit I noted that this window is at rough right angles to a set of taller and wider double patio style doors which would offer a substantial amount of unimpeded light later in the day.
7. Whilst I have found that there would be an overbearing effect arising out of the appeal scheme, I do not feel that this would also result in a loss of light sufficient to withhold planning permission. Nevertheless, the findings I have made in regard to the overbearing effect the proposed extension would have would still result in a poor standard of living conditions for the occupiers of No 37. This would lead to conflict with Policies 56 and 58 of the Cambridge Local Plan 2018. These policies seek to ensure, amongst other things, that design of new development is of high quality that does not unacceptably overlook, overshadow or visually dominate neighbouring properties.

Other Matters

8. The Council's evidence considers that there would not be a significant impact on the living conditions of No 33. The appellant notes their comment that *'whilst no. 33 would experience a degree of overbearing to the rear garden resulting from the proposed single storey rear extension, this is not considered significant due to the PD fallback position of a 2 metre boundary fence, 0.6 metres lower than the proposed eaves height.'*
9. The appellant argues that the same consideration and thus conclusion should have applied to how No 37 would be affected. Firstly, I would say that the rear extensions of Nos 35 and 33 are almost back to back with each other and occupiers of No 33 would mostly notice No 35 projecting slightly further rearwards. This would be fundamentally different to how the new extension, and the size and projection of it, would move sideways towards No 37. It is true that a two metre fence could be erected on the shared boundary between No 35 and 37 albeit I cannot be certain it would given there is a perfectly serviceable one in place. The overall height of the new extension would sit a contextually small amount taller than this. However, putting aside what I have said here and as I have said above, the existing situation in terms of the relationship between Nos 35 and 37 is already cramped and restricted. This gives an impression of being hemmed in by each other. To make that situation

worse would not amount to good planning in my view. Regardless of what could be done under development permitted without planning permission which, in any case, is out of my control.

10. The appeal site is within the Castle and Victoria Road Conservation Area (CVRCA). The proposed development would be to the rear of the dwelling and well screened from public view. It would be of a design, scale and use of materials appropriate to the host building and contained entirely within its curtilage. With these factors in mind, I share the Council's conclusions that the appeal scheme would ensure neither the character or appearance of the CVRCA would be adversely affected. It would be preserved.

Conclusion

11. I have had regard to matters raised by third parties and found that the appeal scheme would not result in an unacceptable loss of light. It would however be overbearing to the occupiers of No 37 Garden Walk in the manner I have described it above. This would result in conflict with the development plan. It is for this reason that the appeal is dismissed.

John Morrison

INSPECTOR