
Appeal Decision

Site visit made on 14 August 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 1st October 2020

Appeal Ref: APP/Q0505/W/20/3248858

99 Hills Road, Cambridge CB2 1PG

- 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 Coppola against the decision of Cambridge City Council.
 - The application Ref 19/0548/FUL, dated 17 April 2019, was refused by notice dated 20 September 2019.
 - The development proposed is one bed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development from the application form in the interests of certainty.

Main Issues

3. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of Central Conservation Area and the Building of Local Interest and its effect on their significance;
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard for outlook and light; and
 - whether the proposal would provide a suitable living environment for future occupiers with particular regard for internal space.

Reasons

Central Conservation Area and the Building of Local Interest

4. The site lies to the rear of No 99 Hills Road (No 99) which is at the end of a terrace of dwellings known as Eastbourne Terrace and within the New Town and Glisson Road part of the Central Conservation Area (CCA). The significance of the CCA lies in the evidence of a mix of historic architecture including modest terraces such as Eastbourne Terrace. No 99 is a Building of Local Interest, the significance of which lies in the evidence of original detailing that is common to the wider terrace.
5. Vinter Terrace is a road that lies immediately to the rear of the site and provides the frontage for a modern three storey block of residential dwellings.

Eastbourne Terrace generally has rear gardens that are undeveloped aside from a number of small ancillary buildings such that the area to the rear of Eastbourne Terrace and in the vicinity of Vinter Terrace has a pleasant spacious character and appearance. As such, the site, in being part of the undeveloped rear garden of No 99, is in keeping with the spacious quality of the rear of Eastbourne Terrace and provides a positive contribution to the significance of the CCA.

6. The proposal consists of a detached dwelling sited in the rear garden of No 99 and would occupy most of the width and a significant portion of the private amenity area. In addition, it would be located within close proximity of the rear boundary. The proposed dwelling would be one and a half storeys high with a pitched roof and gabled ends that would project a significant distance above the rear fence. Therefore, the proposal would appear bulky and incongruous when viewed against the host building and wider terrace and would be a harmful departure from the prevailing pattern of development. As such, it would be detrimental to the spacious character and appearance of the CCA.
7. I acknowledge that the appellant considers that historically, detached secondary buildings would be part of the character of the original houses. While there are outbuildings in a number of the other gardens, they are generally of a modest height and lightweight design such that they do not detract from the spacious character and appearance of the area. I also acknowledge that the frontage of No 99 would remain unchanged. However, given the harm identified above and that the proposal would be clearly visible from the rear of No 99 and from Vinter Terrace, these matters do not override the harm identified.
8. Consequently, the proposed development would not preserve or enhance the character or appearance of Central Conservation Area and the Building of Local Interest and would harm their significance. Therefore, it would conflict with Policies 52 and 57 of the Cambridge Local Plan October 2018 (LP), which together require, among other things, that the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and has a positive impact on their setting. It would also conflict with LP Policies 61 and 62 which require proposed developments to preserve or enhance the significance of the heritage assets of the city and retain the significance, appearance, character or setting of a local heritage asset.
9. The harm would be less than substantial in the terms of paragraph 196 of the National Planning Policy Framework and the proposal would fail to preserve or enhance the CCA.

Living conditions

10. The undeveloped garden of No 99 currently provides a pleasant outlook for its occupiers together with wider views across Vinters Terrace. The proposed dwelling would have a one and a half storey height and would occupy most of the width of the rear garden. Therefore, together with its close proximity to the host building and the tall proposed fence that would separate the gardens, the proposal would appear overbearing from the ground floor window and door as well as rear garden of No 99. Accordingly, the outlook of the neighbouring occupiers at No 99 would be unduly diminished by the proposal.

11. Turning my attention to light, while the outlook from No 99 would be dominated by the proposal, there would be sufficient space between the host dwelling and the proposed fence and building to allow enough daylight from other directions to the rear garden and rear windows of the host property. As such, the proposal would not unduly affect the levels of light to cause harm to the occupiers.
12. While the proposed dwelling would be visible from the rear of the neighbouring property, No 97 Hills Road, since it would not be directly opposite this building, the living conditions of the occupiers of this dwelling would not be unduly affected in terms of outlook and light.
13. Consequently, the proposed development would harm the living conditions of neighbouring occupiers with particular regard for outlook. Therefore, it would conflict with LP Policy 52 which requires, among other things, that the amenity and privacy of neighbouring, existing properties is protected.

Living environment

14. The submitted drawings indicate that the ground floor of the property would have a modest floor to ceiling height and the maximum height at first floor would not meet the requirements of LP Policy 50 which seeks a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area.
15. Therefore, while the proposal would provide sufficient internal floor area, the modest ceiling heights of the internal spaces would feel oppressive for future occupiers.
16. Consequently, the proposal would not provide a suitable living environment for future occupiers with particular regard for internal space. Therefore, it would conflict with LP Policy 50 which sets out residential space standards.

Conclusion

17. There are no public benefits in the terms claimed by the appellant and any benefit including securing optimum viable use that would outbalance the harm found to the significance of the CCA.
18. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR