The Planning Inspectorate

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: 08 October 2020

Appeal Ref: APP/Q0505/W/20/3251187
10 Godwin Way, Cambridge CB1 8QP

- 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 Moorwood against the decision of Cambridge City Council.
- The application Ref 19/0567/FUL, dated 25 April 2019, was refused by notice dated 4 December 2019.
- The development proposed is described as, 'construction of 1No. Detached 2 Storey, 2 Bedroom Dwelling to land rear of No. 10 Godwin Way with existing vehicle access off Wulstan Way'.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - the effect of the proposed development on the character and appearance of the area;
   - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard for privacy and outlook; and
   - whether the proposed development would provide a suitable living environment for future occupiers with particular regard for privacy and outlook.

Reasons

Character and appearance

3. The area surrounding the appeal site is generally characterised by two storey semi detached and terraced dwellings with front gardens and ample spacing such that the area has an attractive spacious character and appearance.

4. The proposal consists of a single detached dwelling sited to the rear of No 10 Godwin Way and would be accessed from Wulfstan Way. Another proposal for a pair of semi-detached dwellings and a detached dwelling in the vicinity of the appeal site to the rear of Nos 53 and 55 Wulfstan Way was granted planning permission in 2019 (2019 scheme) and was under construction at the time of my site visit. As such, I have assessed the appeal scheme in the context of these buildings.

5. Nos 53 and 55 lie adjacent to a chapel on one side, and the buildings of Godwin Way on the other which are oriented perpendicular to Wulfstan Way. The three dwellings subject of the 2019 scheme are largely confined to the area to the rear of Nos 53 and 55 such that they do not disrupt a wider pattern of development.

6. The other dwellings along this side of Godwin Way generally have undeveloped rear gardens and fairly similar forms such that this row of houses appear spacious and unified. Therefore, while I note the size of the rear garden of No 10, and other staggered buildings in the wider area, since the proposal would occupy a significant portion of the garden of No 10, the proposal would appear discordant, harmfully disrupting the prevailing pattern of development of Godwin Way.

7. The proposed dwelling would be sited close to the new dwellings of the 2019 scheme and would add to the proliferation of backland development in this area. I acknowledge that the proposed dwelling would have a similar form, height and materials to the new dwellings and may not appear incongruous in the context of the 2019 scheme. However, the spacing between the new dwellings of the 2019 scheme and the proposed dwelling would be modest such that this area would feel congested, adversely affecting the spacious character and appearance of the wider area.

8. I note other infill and backland developments such as at Missledon Court, Bullen Close and Gunhild Court as well as the developments near Queen Edith's Way. However, these are some distance from the appeal site and the community hub and primary school are of a different typology to the appeal scheme such that they do not provide a direct comparison to the proposal. While I acknowledge reference to the National Design Guide, further details are not before me and in any event from the evidence before me, it does not form part of the development plan.

9. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policy 52 of the Cambridge Local Plan October 2018 (LP) which seeks, among other things, development that is appropriate to the surrounding pattern of development and the character of the area. It would also conflict in this regard with LP Policies 55, 56 and 57 which seeks among other things, development that responds positively to its context, successful integration of buildings and have a positive impact on their setting.

Living conditions

10. The proposed dwelling would be sited behind Plot 1 of the 2019 scheme. The development plan policies before me do not specify separation distances between dwellings. However, from the evidence before me, the separation distance between the two buildings would be modest such that future occupiers would be likely to be able to overlook into the rear windows and rear garden of Plot 1 from the first-floor bedroom of the proposed dwelling.

11. While I acknowledge the tree that lies roughly between the two sites, its position to the side of the plots and gaps in the foliage would not fully mitigate the overlooking that would be likely to occur. As such, the proposal would be likely to unduly affect the privacy of neighbouring occupiers.

12. Turning my attention to outlook, the proposal would have a modest separation distance not only to Plot 1 of the 2019 scheme, but also to the proposed semi-detached dwellings. However, from the evidence before me, the kitchen and dining area of plot 1 would be double aspect and the upper rooms of this property are likely to retain outlook in other directions. Since the proposed dwelling would not be directly opposite to the semi-detached house of the 2019 scheme, it would not result in harm to the living conditions of neighbouring occupiers in this respect.

13. Consequently, the proposed development would harm the living conditions of neighbouring occupiers with regard to privacy. 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 proposed dwelling would be roughly opposite Plot 1 of the 2019 scheme with a modest separation distance. Given the siting and modest separation distance, the neighbouring occupiers of Plot 1 would be likely to be able to see into the front windows of the proposed dwelling, detrimentally affecting the privacy of future occupiers. While I note the tree that lies between the two properties, it would not fully mitigate the harm to privacy that would be likely to occur.

15. With regard to outlook, since the proposed ground floor living and kitchen spaces would be double aspect, and there would be views from the first-floor bedroom window to other directions, there would not be undue harm in terms of outlook.

16. While I acknowledge the other dwellings referred to by the appellant, limited further details are before me to enable me to make a direct comparison with the appeal scheme which I have assessed based on its planning merits.

17. Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard for privacy. Therefore, it would conflict with LP Policy 52 which seeks, among other things, that that the amenity and privacy of new properties is protected.

Other Matters

18. I acknowledge the other examples of dwellings with modest separation distances in the wider area. However, further details of those cases are not before me in order for me to make a direct comparison with the appeal scheme. In any event, each case must be determined on its individual merits.

19. I recognise that the 2019 scheme was formulated to facilitate the appeal proposal. However, I have assessed the appeal based on its individual merits and this does not override the harm identified.

20. I note the appellant has expressed willingness to alter the design of the scheme. However, I have necessarily determined the appeal based on the drawings before me which were subject to consultation during the planning application process.

21. I acknowledge the evidence regarding conditions to secure suggested changes to the scheme. However, a condition requiring the bedroom window of the proposed dwelling to have obscure glazing would harmfully affect the outlook of future occupiers. In addition, since the further changes such as high-level windows suggested by the appellant are not before me and have not been consulted upon, there is no certainty that it would mitigate the harm identified.

22. I note that there are no objections with regard to natural features, highway safety, light, drainage or biodiversity and that there were no local objections. I also acknowledge the evidence regarding effective use of land and boost housing supply. However, any lack of harm in these respects carry neutral weight and have not altered my overall decision.

Conclusion

23. For the reasons given above, the appeal is dismissed.

R Sabu INSPECTOR