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## 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: 15<sup>th</sup> October 2020**

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**Appeal Ref: APP/Q0505/W/20/3250449**

**620-622 Chartwell House, Newmarket Road, Cambridge CB5 8LP**

- 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 Paddock Street Holdings Ltd against the decision of Cambridge City Council.
  - The application Ref 19/1283/FUL, dated 10 September 2019, was refused by notice dated 31 January 2020.
  - The development proposed is rear three storey extension to contain one 2 bedroom flat and four studio flats with bin and cycle storage at ground floor and retention of office at Chartwell House.
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### 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 host building and surrounding area;
  - whether the proposal would provide adequate provision for parking and refuse; and
  - whether the proposed development would provide a suitable living environment for future occupiers with particular regard for external amenity space.

### Reasons

#### *Character and appearance*

3. The site lies to the rear of Chartwell House, a pitched roof building with a basement level and accommodation in the roof space. Given the location of the site to the rear of this building, it is more closely related to the residential area of Malden Close than the frontage of Newmarket Road. Malden Close is generally characterised by modest two storey dwellings in a traditional form, that due to the site levels, appear to be a low height when viewed from street level. As such, the area has a pleasant spacious feel. Since the site is currently largely surface car park, it contributes positively to the spacious character and appearance of the area.

4. The proposal consists of a three-storey rear extension that would occupy the majority of the width of the car park. It would have a flat roof that would be roughly at the eaves height of the host building. However, the flat roof would be a similar height as the ridge level of the pitched roof of the adjacent dwellings. Therefore, while I note the changing site levels, the proposal would appear to have a significantly larger mass than the adjacent dwellings, in particular No 1 Malden Close (No 1). As such, the height and massing of the extension would result in the scheme appearing dominant when viewed against the nearby properties and would be an incongruous addition to the area, thereby significantly diminishing its spacious quality.
5. Since the proposal would be roughly at the eaves height of the existing building and the proposed materials would be in line with those in the surrounding area, the proposal would not appear discordant against the host building. However, for the foregoing reasons it would nevertheless appear dominant when viewed against the neighbouring dwellings.
6. I acknowledge the similarities with the extension opposite on Malden Close in terms of materials, however, that extension is part single storey and therefore, retains the spacious feeling of the area.
7. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policies 55, 56, 57 and 58 of the Cambridge Local Plan October 2018 (LP) which together require, among other things, developments that respond positively to its context and setting and achieves the successful integration of buildings.

#### *Parking and refuse*

8. The proposal would result in a reduction of 10 parking spaces. Of the eight spaces provided as part of the proposal, three residential spaces would be provided for five dwellings. While I note the requirements of LP Appendix L, these are maximum standards as such the proposal would not directly conflict with this document in this particular respect.
9. However, while four of the dwellings would be studio flats and I note the level of accessibility to services and facilities, there is no certainty that the future occupiers of the proposed dwellings would not require parking spaces.
10. Furthermore, even if the occupiers of the proposed studio flats subject of this appeal did not require parking spaces, the proposal would result in a significant reduction of parking spaces overall. While I acknowledge that the neighbouring dwellings benefit from off street parking spaces, given the number of driveways and crossovers in this area, Malden Close has limited on street parking availability. Therefore, an increase in on street parking on Malden Close would be likely to lead to increased instances of dangerous and obstructive parking, such as on footways and across driveways, to the detriment of the free and safe flow of traffic, in particular emergency service vehicles.
11. While I note the evidence relating to a Travel Plan, since there is no certainty that it would fully mitigate the effects of on street parking on Malden Close, a relevant condition would not be effective.
12. Parking spaces 6, 7 and 8 do not appear to indicate a 6m reversing distance. Given the constrained nature of the under-croft parking area and the siting of the columns, manoeuvrability in and out of the parking spaces would be

difficult such that the proposal would be likely to result in an increased risk of collision and therefore an unacceptable impact on highway safety. While I acknowledge that the Highway Authority has not objected to the proposal, since there is no substantial evidence before me to demonstrate that the vehicles could safely manoeuvre in and out of these spaces, I am not persuaded that there would not be an unacceptable impact on highway safety.

13. In addition, the proposal does not provide any disabled parking bays. Given the sizes of the parking bays indicated on the plans, and the constrained nature of the parking area, it is not clear that disabled parking spaces could be provided such that a suitably worded condition would be unlikely to be effective. Therefore, the proposal would conflict with LP Appendix L in this respect which states that developments should provide at least one accessible on- or off-street car parking bay designated for Blue Badge holders, even if no general parking is provided. For any development providing off-street parking, at least two bays designated for Blue Badge holders should be provided. Therefore, the proposal would also conflict with LP Policy 82 which requires developments to provide at least the disabled and inclusive parking requirements in Appendix L.
14. The appellant has submitted revised drawings as part of the appeal which seek to rectify errors regarding door width of the refuse store. Having had regard to the Wheatcroft principles, these changes would not fundamentally alter the proposal or deprive consultees of the opportunity to comment. I have therefore had regard to the revised drawings which indicate adequate door widths to the refuse store.
15. With regard to the distance from the refuse store to the highway, I see no reason why a suitably worded condition requiring the submission of a refuse strategy could not be attached that would address this matter. However, this would not override the harm to highway safety that would result from the parking arrangement as identified above.
16. Consequently, the proposed development would not provide adequate provision for parking. Therefore, it would conflict with LP Policy 57 which seeks, among other things, developments that successfully integrate functional needs such as refuse and recycling, bicycles and car parking. It would also conflict with LP Policy 82 in this regard.

#### *Living environment*

17. While the proposed private amenity space for Plot 1 would be an irregular shape and could be occupied by a family, the space would be of an adequate width that could accommodate common uses and would meet the needs of future occupiers.
18. Given the ground levels of the adjacent recreation ground and the length and width of the courtyard, the retaining wall would not be so tall as to result in an unacceptable outlook for future occupiers. In addition, the distance to Newmarket Road would be substantial such that the noise and pollution would not be so great as to result in undue harm to the living environment of future occupiers in this respect.
19. The stepped access to the cycle parking area may result in overlooking to the private amenity space of Plot 1. However, given the size of the private amenity space, this matter could be dealt with by a suitably worded condition. The

spiral staircase appears to be an emergency exit and would therefore be used infrequently such that there would not be any undue harm in terms of overlooking from this direction.

20. The balconies to the other flats would be of an adequate size given the limited number of future occupiers of the studio flats. While the flats would overlook the car park and recreation ground, the living environment of future occupiers would be acceptable in terms of outlook.
21. Consequently, the proposed development would provide a suitable living environment for future occupiers with particular regard for external amenity space. Therefore, it would not conflict with LP Policies 50 and 56 which seek among other things, private amenity spaces that are designed to allow effective and practical use of the space by residents and to be inclusive, usable, safe and enjoyable.
22. LP Policy 51 relates to accessible homes and is not directly relevant to this main issue.

### **Other Matters**

23. I acknowledge the presumption in favour of sustainable development as set out in the Framework as well as the other paragraphs noted by the appellant including those relating to effective use of land. However, given the development plan conflict identified above, these have not altered my overall decision.

### **Conclusion**

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

*R Sabu*

INSPECTOR