The Planning Inspectorate

Appeal Decision

Site visit made on 6 October 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date:02 November 2020

Appeal Ref: APP/W0530/W/20/3252435
42, Shirley Road, Histon, Cambridge CB24 9JR

- 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 Declan Deane against the decision of South Cambridgeshire District Council.
- The application Ref S/3117/19/FL, dated 06 September 2019, was refused by notice dated 22 November 2019.
- The development proposed is conversion and extension of existing garage to provide dwelling house.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - the effect of the proposal on the character and appearance of the area, and
   - the effect of the proposal on the living conditions of occupiers of the existing neighbouring property number 7 Aingers Road and whether the proposal would provide satisfactory living conditions for future occupiers.

Reasons

Character and appearance

3. The residential area within which the site is located consists of dwellings of varying types, sizes and architectural styles. Although most of the properties are 2-storey, semi-detached dwellings, there are a few detached properties and several semi-detached and detached bungalows in the area plus a short terrace of 2-storey dwellings on Aingers Road, where the site would be accessed from.

4. The proposed dwelling would be sited close to the western end of the terrace on Aingers Road, orientated such that a front gable elevation would front Aingers Road. Although this contrasts with most of the properties on Aingers Road, which have roof slopes fronting the road, there is a 1.5-storey dwelling that would be directly opposite the proposed dwelling which has a gable frontage fronting the street, similar to the proposal.

5. The eaves height of the proposed dwelling would be similar to the eaves height of the dwelling it would be closest to, ie number 7 Aingers Road. Due to the

shallow pitched roof proposed, its roof ridge height would be lower than number 7 and the other 3 dwellings that form the terrace on Aingers Road. However, there is a variation in eaves and ridge heights on properties within proximity of the site.

6. Within the context described above, I conclude that the design, scale, height and mass of the proposal would not appear out of keeping in the street scene and as such would not harm the character or appearance of the area. Therefore, the proposal would accord, in this regard, with policies HQ/1 and H/16 of the South Cambridgeshire Local Plan – 2018 (LP) and guidance in the District Design Guide SPD – 2010 (SPD). Collectively, these policies and guidance require development to be of high-quality design and preserve or enhance the character of the area, having regard to aspects such as scale, mass, siting and the design of surrounding properties.

Living conditions – existing occupiers

7. The proposed dwelling would be sited immediately north-west of number 7 Aingers Road, forward of its front elevation and very close to its western side boundary. Although I have not been inside number 7, the occupier has stated, and I have no grounds on which to disagree, that the 2 windows on the front elevation of the property serve a lounge and a bedroom.

8. The proposal would therefore be sited very close to habitable room windows on the front elevation of number 7. It would also be within the angle of vision from both these rooms, which are located at ground and first-floor levels. I consider that the mass of the building, resulting from the 2-storey elevations and increased roof height, would be overbearing on, and harmful to the outlook from, the lounge and bedroom at the front of number 7.

9. Consequently, the proposal would not accord with policies HQ/1 and H/16 of the LP which, among other things, require new development not to harm the living conditions of occupiers of existing neighbouring properties.

Living conditions – future occupiers

10. The western facing side elevation of the proposed dwelling would be located around 18-19 m from the rear elevations of the host property, number 42 Shirley Road, and its adjoining semi-detached dwelling, number 40.

11. The proposal would have an open plan living, dining, kitchen area at ground-floor level with bi-fold glazed doors on the side elevation that would face the rear elevations of Nos 42 and 40. The outdoor amenity space of the proposed dwelling would be sited in between this side elevation and the rear elevation of No 42, following the sub-division of the garden. Numbers 42 and 40 appear to have habitable room windows at first-floor level on their rear elevations. Even with a 2 m boundary fence and/or appropriate planting along the boundaries of the site, I consider occupiers of Nos 42 and 40 would, to some degree, be able to see from their respective first-floor habitable room windows into the primary habitable space on the ground-floor of the proposed dwelling.

12. Moreover, No 40 has a large rear dormer located at what is in effect a second-floor level, which appears to have provided additional living accommodation in the roof space. The dormer has 2 windows in it, one of which I consider is likely to serve a habitable room. From the height of the

dormer, I consider both the ground-floor habitable space of the proposed dwelling and the rear outdoor amenity area would both be significantly overlooked. The existing Willow tree would not provide screening in respect of the viewing points of concern.

13. Due to the above factors, I conclude that the proposal would not provide satisfactory living conditions for future occupiers of the proposal in respect of privacy levels. As such, the proposal would not accord with Policy HQ/1 of the LP which requires, among other things, development to provide suitable living conditions for occupiers.

Other considerations

14. The appellant suggests that there are numerous situations in the locality where garden/amenity areas are overlooked. I do not have the details of these cases and do not know the extent to which they may be comparable to the appeal proposal. Notwithstanding this, each case must be assessed on its own merits.

15. I note that the proposal would provide an additional dwelling which would be a minor social benefit. In addition, there would be minor economic benefits resulting from the construction phase. However, such benefits do not outweigh the harm I have identified in respect of living conditions for both existing and future occupiers.

Conclusion

16. Notwithstanding my conclusion regarding character and appearance, for the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR