The Planning Inspectorate

Appeal Decision

Site visit made on 25 August 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2021

Appeal Ref: APP/Q0505/W/20/3253968
2 Montague Road, Cambridge CB4 1BX

- 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 and Mrs Stephen & Kathie Hemingway & Painter against the decision of Cambridge City Council.
- The application Ref 19/1413/FUL dated 11 October 2019, was refused by notice dated 27 May 2020.
- The development proposed is the demolition of the existing property (dwelling) at 2 / 2A Montague Road. Replacement single dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - Whether the development would preserve or enhance the character or appearance of the De Freville Conservation Area; and,
   - The impact of the development on the living conditions of the occupiers of No 4 Montague Road, with particular regard to outlook, overshadowing, and loss of light.

Reasons

Character and appearance

3. The appeal site consists of a pair of semi-detached dwellings located in the De Freville Conservation Area (CA). I have been provided with a copy of the De Freville Conservation Area Appraisal (2009), and I have used this, together with the evidence before me and the observations I made on my site visit, to assess the effect of the proposal on the significance of the CA.

4. Montague Road lies within the CA and forms part of a grid pattern of residential streets comprising mainly Victorian housing. It is a leafy suburban street, where the houses are mainly arranged in rows. The appearance of their façades, the use of traditional materials and architectural detailing, and the fenestration pattern and style of these dwellings makes a positive contribution to the street. These attributes contribute to the character and appearance of the area and the significance of the CA.

5. The original dwelling (No 2 Montague Road) sits at the end of a clearly defined row of dwellings with a similar traditional design and palate of materials. The composition of the original dwelling includes full height bay windows, painted stone lintels, and decorative red brick detailing and banding across the front elevation, in keeping with the general appearance of other dwellings on the row. However, a number of unsympathetic alterations to the original dwelling are also apparent, including the insertion of ill-fitting UPVC windows and large extensions to the rear of the building.

6. Significantly, the original dwelling also appears to have been extended to the side at some point in the past to form a smaller dwelling (No 2A), which is attached to the original dwelling. Whilst it comprises an unsympathetic flat roof form and lacks the architectural finesse and traditional character evident in the original dwelling, the understated design and modest proportions of No 2A means that it appears as a subservient addition to it. Nevertheless, the combined effect of the alterations to the original dwelling, including the extension which forms No 2A, diminishes the contribution the appeal site makes to the street.

7. However, even though the original dwelling is not a designated heritage asset in its own right, the traditional style and pleasing façade of the original dwelling prevails in the street and compensates for the architectural deficiencies associated with 2A. As such, the appeal site has an affinity with the key qualities of the CA, which includes the visual and architectural richness of dwellings on the street. Taken as a whole, the appeal site makes a modest contribution to the significance of the CA.

8. In respect of the proposed dwelling, it would consist of a double gable fronted roof and would be two and a half storeys in height. Features such as shallow depth bay windows would give the dwelling a modern appearance. However, the window bays would lack the three-dimensional quality of the Victorian style bay windows present in the adjacent frontages, and its gable roof design would introduce an incongruous element into this part of the street which would fail to harmonise with the roofscape associated with the existing row of dwellings. Consequently, the dwelling would be readily apparent in the street.

9. Although the scheme attempts to reflect some of the design features of housing in the area, including decorative brickwork, natural slate, and stone arches; these design features would not address the underlying unsympathetic design and prominent appearance of the dwelling, which would undermine the coherent identity of the row, to the detriment of the character and appearance of the CA.

10. I saw on my site visit examples of modern developments in the area, including a residential development with a large garage fronting the street adjacent to the appeal site. Furthermore, housing located towards the ends of the street has a more loosely defined pattern and varied appearance. However, all these examples appear appreciably separate to the row of dwellings, unlike the appeal site which is a component part of it.

11. Overall, the combined effect of the demolition of the existing dwellings and the erection of a new dwelling would lead to less than substantial harm to the significance of the CA[1]. As heritage assets are an irreplaceable resource, any

[1] Having regard to paragraph 193 of the National Planning Policy Framework

harm requires clear and convincing justification. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I must pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, which I have done in reaching my decision.

12. I have taken into account the appellants' assertion that the new house would be built to a high standard of environmental performance, and achieving even small gains to the environmental performance of the existing property would be complex and would not achieve levels comparable with the proposal. However, having considered these as potential public benefits, I am not satisfied that collectively they would be sufficient to outweigh the less than substantial harm I have identified.

13. For the foregoing reasons I conclude that the development would harm the character and appearance of the CA. It would be contrary to Policies 55, 57, and 61 of the Cambridge Local Plan 2018 (Local Plan) and paragraphs 127, 190, 192 and 196 of the National Planning Policy Framework (the Framework) which require, amongst other matters, that development responds to local context, has a positive impact on its setting, preserves or enhances the significance of heritage assets, and retains buildings which contribute to the character and appearance of the CA. Moreover, the public benefits associated with the proposal would not outweigh the less than substantial harm, as required by the Framework.

Living conditions

14. The existing dwelling has a rearward projection, and the overall mass of the side elevation facing No 4 is broken up by a varied roof form. Whilst I appreciate that the proposal would include a larger continuous rear projection in comparison with the existing, the built form proposed would be no closer to the boundary with No 4, and the roof would slope away from this boundary. I appreciate that the new dwelling would be visible from a first floor rear facing window at No 4, but the side elevation of the proposed dwelling would run generally parallel with the common boundary, and the overall height of the eaves and roof sloping away from the boundary means that it would not appear oppressive in obtainable views, thus the proposal would not significantly adversely affect the outlook for the occupiers of No 4.

15. It is also put to me by the Council that the room served by the first floor window at No 4 would experience an unacceptable loss of day light and sunlight. However, the appellants' sunlight/daylight assessment, whilst highlighting instances where the dwelling would overshadow the window at certain times of the day and year, also shows that a degree of overshadowing can theoretically occur due to the existing dwelling. Over and above the existing situation, the proposed dwelling would not give rise to unacceptable levels of overshadowing or result in an unacceptable loss of light.

16. In conclusion, the proposal would not unacceptably affect the living conditions of the occupiers of No 4. Therefore, the development would comply with Policies 56, 57, and 58 of the Local Plan which require that development achieves the successful integration of buildings, has acceptable impacts on available views, and does not overlook, overshadow or visually dominate existing properties.

Conclusion

17. Whilst I find no unacceptable harm to the living conditions of nearby occupiers, the development would harm the character and appearance of the CA. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

Matthew Woodward

INSPECTOR