
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: 1st February 2021

Appeal Ref: APP/Q0505/W/20/3253459

32 Gray Road, Cambridge CB1 3TA

- 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 John Granahan against the decision of Cambridge City Council.
 - The application Ref 19/0683/FUL, dated 17 May 2019, was refused by notice dated 24 April 2020.
 - The development proposed is construction of 4 No. 1 Bedroom Flats on land to rear of 32 & 32A Gray Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the area;
 - The living conditions of nearby occupiers with particular regard to privacy and outlook;
 - Future occupants of the proposed development with particular regard to the building's accessibility, and the impact on living conditions with particular regard to internal and external space;
 - On-street parking; and,
 - Surface water drainage.

Reasons

Character and appearance

3. The appeal site is surrounded by gardens, and comprises an unkempt parcel of land which lies to the rear of 32 and 32A Gray Road. Gray Road forms part of a grid pattern of connected streets where dwellings are arranged in rows. With the exception of several examples at either end of the street, Gray Road is made up of two-storey dwellings with simplistic facades and a consistent building line.
4. The prevailing pattern of development in the immediate area is of dwellings whose principal elevations face the road, whereas the proposed building would

be set away from the road and would occupy a large proportion of existing rear garden space. Its position amidst elongated rear gardens associated with neighbouring properties would fail to reflect the grain of development in the area, appearing wholly out of keeping with the established character.

Moreover, the introduction of a flat roof two storey block, which would be readily apparent from neighbouring gardens and visible from part of the street, would appear as a disparate building form. Its insipid design, backland location and overall scale would not be in keeping with the simplistic pitched roof, domestic scale and street facing position of dwellings in the area.

5. Whilst several elements of the proposed design and materials would be in keeping with other properties in the locality, this would not compensate for the obtrusive and incompatible appearance of the built form when considered as a whole. Furthermore, I have been made aware of a recent development of a block of flats in the locality which the appellant suggests is comparable. However, I have not been provided with any details of this case, so I am unable to draw any meaningful parallels between the schemes. In any event, I have assessed this appeal on its own merits, and the proposal would be contrary to paragraph 122 of the National Planning Policy Framework (the Framework) and the desirability of maintaining an area's prevailing character and setting, including residential gardens.
6. Consequently, I conclude that the proposed development would conflict with Policies 52, 55, 56, and 57 of the Cambridge Local Plan 2018 (Local Plan) and paragraph 122 of the Framework which requires, amongst other matters, that development respects the pattern of development in the area, uses appropriate local characteristics in the design, and has a positive impact on their setting in terms of location on the site, height, scale and form, materials and detailing.

Living conditions

7. The proposed residential block would be positioned so that the south and north facing habitable room windows at ground floor and first floor levels would directly face the rear gardens associated with No's 45 and 47 Chalmers Road, and No 30 Gray Road respectively. Notwithstanding the fact that the proposed block would be sufficient distance from the neighbouring dwellings, there would be limited separation from the common boundaries such that the gardens associated with these properties would be acutely overlooked by future occupiers of the proposed flats, mainly from the upper floor windows. The development would significantly undermine the function of these gardens as a place to relax, lacking the degree of privacy that one would reasonably expect.
8. Moreover, the residential block would appear as a large structure within the relatively open rear garden setting of surrounding properties and would be significantly taller than the surrounding boundary fencing, appearing as a dominant, intrusive feature. When viewed from several of the rear gardens associated with properties on Chalmers Road, and No 30 Gray Road, the building would be a jarring intrusion into the outlook from the rear gardens and would appear oppressive and overpowering.
9. I conclude therefore that the development would cause significant harm to the living conditions of nearby occupiers in terms of outlook and overlooking. It would conflict with Policies 52 and 55 of the Local Plan which require, amongst other things, that the amenity and privacy of neighbouring properties is protected and integrates well with the locality.

Future occupants

10. Policy 50 of the Local Plan sets out internal space standards for new residential developments¹. The Council's officer report states that two out of the four flats proposed would have a gross internal floor (GIA) area of 35m², which is less than the 39m² required by Policy 50. I have taken the Council's figures on face value and they are not contested by the appellant. Consequently, the development would fail to meet the internal space standards for residential development as set out in the Local Plan.
11. Moreover, the development would fail to provide outdoor amenity space sufficient in quality and in area to adequately serve the needs of future occupiers. The outdoor space associated with the ground floor flats would be limited in area, and the amount of sunlight penetrating this area would be diminished due to the narrowness of the space and the proximity of boundary fencing and the built form. The upper floor flats proposed would not include balcony space, relying instead on ground floor areas to the side of the building. However, this space would be compromised as it would not be directly accessible for occupiers of the upper floor flats.
12. I accept that the GIA would only be slightly deficient for two of the flats proposed, in comparison with the standards set out in the Local Plan. Furthermore, external amenity space would be provided for all of the proposed flats. However, taken together, future occupants of the development would not have good access to high quality external amenity space, and internal space would be deficient in some cases, resulting in an inferior living environment, contrary to the requirements set out in the Local Plan .
13. In respect of the proposal's accessibility, Policy 51 of the Local Plan requires all new housing to be of a size, configuration and internal layout to enable Building Regulations requirement M4(2) 'accessible and adaptable dwellings' to be met. Irrespective of the appellant's assertion that level access or a lift cannot be provided to the upper floor, the development would fail to provide dwellings which would be accessible to as many people as reasonably possible. I therefore conclude on this matter that, in the absence of any evidence to the contrary, the proposed units would not represent inclusive design, and would not be accessible and adaptable.
14. Overall, the development would result in substandard accessibility for all users, and unacceptable living conditions for future occupiers. It would conflict with Policies 50 and 51 of the Local Plan which require, amongst other matters, that homes are accessible and adaptable, that good access is provided to good quality external amenity space which addresses day-to-day needs, and that homes provide sufficient floor space internally.

Car Parking

15. The proposal would involve the removal of the existing garage and driveway associated with the appeal properties, replacing them with two spaces which would serve the proposed flats. The Local Plan sets the maximum levels of car parking required in residential development, taking into account local circumstances, with the overarching aim of promoting lower levels of car parking.

¹ Which is based on the Government's Technical Housing Standards – national described space standards 2015

16. Gray Road is an uncontrolled parking area. On my site visit I saw several vehicles parked on the street close to the appeal site, but long stretches of road were available for on-street parking. Furthermore, I did not observe any obstructive or dangerous parking on the street. Whilst I would expect demand to be heavier at evenings and weekends, and my observations are only a snapshot in time, the County Council Highway Authority in responding to the planning application did not consider that additional parking demands as a result of the development would lead to significant adverse highway safety impacts. Furthermore, the Council does not suggest that the appeal site is poorly located in relation to local services and public transport links. Therefore, sustainable transport options are likely to exist in the area thus reducing reliance on the private car.
17. I accept that finding an available on-street parking space at certain times can be a source of frustration for local residents in the event that on-street parking capacity is limited. In such a scenario, residents will be likely to drive along nearby streets looking for a space as close to their property as possible, resulting in inconvenience. However, the evidence before me in this case does not suggest that on-street parking capacity is a significant issue.
18. Therefore, even in the event that the two off-street parking spaces proposed would be insufficient to serve the needs of the development and the appeal property, there is no evidence before me to suggest that vehicles associated with the development could not be safely accommodated on the street, nor that the street would suffer from undue parking stress as a result.
19. I therefore conclude on this that the proposal would not lead to an unacceptable increase in on-street parking. The development would comply with Policy 82 of the Local Plan which requires that allocated parking spaces are considered in the local context, having regard to the impact on the road network.

Surface water drainage

20. Policy 31 of the Local Plan outlines a range of measures which should be provided in any new development to address flood risk and contribute towards tackling climate change. As the proposed building would have a flat roof, this Policy requires that a green or brown roof is provided.
21. Whilst not specified on all of the submitted plans, the appellant has confirmed that the development would include a green roof. In the absence of any further comments from the Council on this matter, I am satisfied that full details of the green roof design could be secured by a suitably worded planning condition. In addition, I note no overall objections from the Council relating to surface water drainage management.
22. Therefore, the development would adequately respond to climate change and appropriately manage surface water runoff, in line with the requirements of Policy 31 of the Local Plan.

Other Matters

23. The appellant raises a number of concerns relating to the way in which the planning application was handled by the Council. However, these are matters between the parties which have had no bearing upon my decision.

Conclusion

24. I find no unacceptable effect on the living conditions of neighbours or highway safety due to the effect of the development on car parking, nor do I find unacceptable effects in relation to drainage and flood risk. However, the development would result in unacceptable harm to the character and appearance of the area, the living conditions of future occupiers of the proposed development, and the living conditions of neighbouring occupiers in respect of privacy and loss of outlook.

25. Therefore, the appeal is dismissed.

Matthew Woodward

INSPECTOR