



Appeal Decision

Site visit made on 25 January 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Thursday, 04 February 2021

Appeal Ref: APP/Q0505/W/20/3255078

Land to the rear of 95 Cherry Hinton Road, Cambridge CB1 7BS

- 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 Richard Fella of Rana Developments against the decision of Cambridge City Council.
 - The application Ref: 20/01273/FUL, dated 12 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is the erection of new one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would provide satisfactory living conditions for future occupiers of the proposed dwelling and the existing occupants of the host dwelling, with particular regard to the provision of outdoor amenity space and safe and convenient access arrangements.

Reasons

Outdoor amenity space

3. The host dwelling is a terraced house in multiple occupation with a number of single storey extensions that extend into the rear garden area. The appeal site is a rectangular parcel of garden land bordered by a substantial wooden fence and positioned at the furthest part of the garden. It is partly occupied by a large dilapidated wooden building and has an unkempt appearance with discarded items scattered around.
4. The Council state that the outside amenity space for the proposed dwelling would be approximately 11.5 sqm, which is not disputed by the appellant. It would consist of a south facing, walled courtyard of conventional rectangular shape. The proposed walls would be in the region of 2.3metres in height which would enclose the area to allow for privacy and prevent overlooking.
5. It has not been put to me that the proposed outdoor amenity space would contravene any minimum space standard. Cycle storage would be provided separately and would not impinge on the proposed outdoor space. Nevertheless, given its constrained size and the inclusion of a substantial boundary of some 2.3 metres in height, it would appear cramped, dominant and have a significant enclosing effect resulting in a significantly oppressive

effect on the future occupants when using their courtyard and from within their ground floor open plan living area.

6. By reason of the position and extent of the proposed boundary treatment there is no clear evidence before me to demonstrate that the outdoor amenity area would be capable of receiving sunlight for the majority of the day. An unduly overshadowed outdoor amenity area would further limit its quality.
7. I have given consideration to the use of an appropriately worded condition to control the overall height of the courtyard walls. However, on the basis of the evidence before me, I am not persuaded that a reduction of the height of the boundary would be possible without compromising privacy as a result of overlooking. This in itself would have an unduly adverse impact upon the living conditions of the future occupants.
8. In addition, there would be an overall reduction in the amount of outdoor amenity space available for the use of current occupants of the host dwelling. Albeit the scheme would replace the existing dilapidated shed, it would also encroach upon part of the undeveloped area of the rear garden. I accept that the current untidy state of this part of the appeal site discourages its use by the existing residents, however, access to it is not restricted and the proposal would serve to permanently preclude its use by existing residents. Given that a large part of the remaining outdoor amenity space is occupied by the accessway and the existing cycle and bin storage, this limits the useable area. The resultant size and quality of the host dwellings' outdoor amenity space would result in an unacceptable standard of living conditions for existing occupants.
9. The availability of nearby green space and tennis courts at Coleridge Road provides an alternative opportunity for the enjoyment of open space, however, this is not a substitute for an acceptable standard of space. The ability to access alternative amenity space further afield may be limited if the occupants were elderly or less mobile.
10. I conclude that the proposed development would result in a significantly unacceptable standard of living conditions for existing occupants and the future occupants of the proposed dwelling. Therefore, it would conflict with Policies 50, 52, 55 and 57 of the Cambridge Local Plan (2018)(LP) insofar as these policies require new development to be inclusive, useable and enjoyable. It would also conflict with the National Planning Policy Framework (the Framework) insofar as development needs to ensure healthy living conditions.

Access arrangements

11. Access to the proposed dwelling would be taken from Cherry Hinton Road via the existing arched gateway and passageway. Given the location of the gateway close to shops, other public facilities and dwellings there is activity around the entrance to the passageway.
12. An accessway in the region of 33 metres in length would lead to the proposed dwelling. It would be bounded to its sides by high fencing, walling and existing residential development. The accessway would be a narrow and relatively enclosed corridor, however, there would be a clear line of sight and a number of windows overlook the access route from within the rear elevation of the host dwelling, its rear extensions and neighbouring dwellings. Additionally, the

installation of a keypad lock on the gated entry and additional external lighting would enhance security and safety for users of the shared accessway.

13. The proposal would meet the minimum number of cycle parking spaces. The Council's Cycle Parking Guide for New Residential Development states that cycle parking should avoid narrow access ways. Although the access pathway is long and narrow, there is a greater amount of space around the cycle parking store such that a cycle can be easily manoeuvred. At the time of my site visit, I observed the store was in use by a number of bicycles and as such I am not persuaded that the access arrangements for bicycles would be poor.
14. The Council's concerns, in part, relate to the ability of a disabled user accessing the proposed scheme. Although the proposed accessway reduces in width size to approximately 1 metre in some places, it has not been satisfactorily demonstrated to me that the nature of the route, which is predominantly straight and flat, would be inaccessible to disabled users including those reliant on the use of a wheelchair or mobility scooter.
15. Accordingly, I find that the proposed accessway would be safe, convenient and accessible to all potential users of the scheme. It would accord with the provisions of LP Policies, 51, 55 and 57 insofar as these policies require development to demonstrate they are convenient, safe and accessible to all users. For similar reasons, it would accord with the provisions of the Framework which seeks healthy, inclusive and safe places.

Other Matters

16. The proposal would provide an adequate size of internal living space for the future occupiers. It would be conveniently located within an area accessible to local shops, facilities and public transport. The scheme would provide an additional dwelling towards housing supply. However, these considerations do not outweigh the harm I have identified above.
17. Reference has been made to other examples of similar developments within the locality¹ including a neighbouring property. However, there is little information relating to the particular circumstances of these developments and whether the circumstances are therefore comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits. I am not persuaded that the general existence of other limited areas of private amenity space or boundary treatments of similar heights within the locality justifies the harm that I have identified above.

Conclusion

18. I have found that there would be no adverse harm arising from the scheme's access arrangements. Nevertheless, the harm I have identified with regards to the provision of outdoor amenity space is decisive. Accordingly, the appeal is dismissed.

E Brownless

INSPECTOR

¹ Land to the rear of 91 and 93 Cherry Hinton Road and 254A Cherry Hinton Road.