
Appeal Decision

Site visit made on 20 April 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 14 May 2021

Appeal Ref: APP/Q0505/W/20/3260991
122 Malvern Road, Cambridge CB1 9LH

- 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 Andrew Powell (Cairns Didge Property) against the decision of Cambridge City Council.
 - The application Ref: 20/03194/FUL, dated 22 July 2020, was refused by notice dated 25 September 2020.
 - The development proposed is the change of use from HMO (C4 Use) to four flats and erection of two-storey side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Some of the appeal documents refer to the site falling within the area covered by South Cambridgeshire Council. However, it has been confirmed that the site falls within the area covered by Cambridge City Council. I have therefore proceeded on this basis.

Main Issues

3. The main issues are:
 - the effect of the development upon the occupiers of the living conditions of the neighbouring property at 120 Malvern Road with particular reference to outlook and light;
 - whether appropriate living conditions would be secured for the future occupiers of the development; and
 - whether appropriate cycle storage could be secured for the future occupiers of the development.

Reasons

Living conditions of the occupiers of 120 Malvern Road

4. The appeal site consists of a semi-detached dwelling. The neighbouring property at 120 Malvern Road is not attached to the dwelling on the appeal site, however, the two buildings are close to the shared boundary. In addition, the dwelling at No. 120 is located further forward of the appeal dwelling.

5. The proposed development includes, amongst other elements, a two-storey rear extension, which would be close to the shared boundary with No. 120. This means that, owing to the height and projection of the rear extension, there would be a significant enclosing effect upon the neighbouring property.
6. This enclosing effect would mean that the proposed extension would result in a loss of outlook for the occupiers of the neighbouring property. This would be most readily apparent in the rear garden of the property and rooms served by rear elevation windows. The rear elevation of No. 120 is set further forward of the appeal site, which would exacerbate the enclosing effect.
7. The proposed extension would run for a significant proportion of the adjoining dwelling's garden. This would increase the overbearing effect of the proposed development. The extension would also be closer to the shared boundary than the existing dwelling.
8. Given the height and positioning of the proposed extension, these adverse effects would occur irrespective of the roof shape of the development and the materials that the development would be constructed from.
9. In addition, owing to the orientation of the appeal site, and the height of the rear extension, the proposed development would lead to a loss of light to the rear garden and the rear elevation windows of No. 120. This would not be conducive to securing a satisfactory level of living conditions for the occupiers of the neighbouring properties. Due to the proximity of the appeal proposal to the shared boundary, the loss of light would be significant irrespective of the orientation of the site. Therefore, the design of the development does not respond to its individual context.
10. This is concerning given that the rear garden of No. 120 is the only area where residents of this dwelling might undertake outdoors recreation, or play, within a private setting. In consequence, the lack of outlook and loss of light would be particularly injurious.
11. I understand that planning permission has previously been granted for a rear extension at the appeal site. There is some debate as to whether this permission remains extant. However, even if I were to agree with the appellant that the permission had been implemented, I would observe that the evidence before me, in the form of the Council's delegated report, indicates that this extension was smaller than the appeal proposal and of a different design. In result, the scheme before me would have a greater effect and therefore the presence of the previous approval would not overcome my previous concerns.
12. The appeal site is currently in use as a House in Multiple Occupation. However, the previously identified adverse effects would occur irrespective of a potential reduction in noise generated. Furthermore, whilst the development would not have an adverse effect on the character and appearance of the surrounding area, this would not overcome the previously identified adverse effects.
13. I therefore conclude that the proposal would have an adverse effect upon the living conditions of the occupiers of the neighbouring property. The development, in this regard, would conflict with Policies 55, 56 and 57 of the Cambridge Local Plan (2018) (the Local Plan). These, amongst other matters, seek to ensure that new developments respond positively to their context;

create private amenity spaces that are designed to be usable and enjoyable; and have a positive impact on their setting.

Living condition of future occupiers

14. The appeal proposal consists of four flats, which would be spread over the existing dwelling and the proposed extension. Access to the flats would be via an entrance on the side elevation.
15. The evidence before me indicates that the proposed dwellings would not comply with the Nationally Described Space Standards (NDSS). This is a concern as although the proposed flats would have only one bedroom, there is a likelihood that they could be occupied by couples.
16. In consequence, the lack of space within the dwelling, such as the lack of room to undertake the full range of activities that residents are likely to wish to undertake and the storage of household items would prevent satisfactory living conditions from being secured. This would occur irrespective of the availability of natural light and ceiling heights within the proposed development.
17. In addition, there would be a single garden to the rear of the property. Whilst this could be accessed by all residents of the development this could not be achieved directly. This means that access would be gained via a somewhat convoluted route. This lack of convenience is likely to result in the garden space not being sufficient to meet the needs of all the occupiers of the development.
18. Furthermore, by reason of the size of the proposed extension, the garden space would also be relatively small. This is likely to limit the effectiveness of this space as an area for outdoors recreation. Furthermore, the layout of the development would mean that recreation would be carried out close to the ground floor rear elevation windows.
19. As separate dwellings, there is a likelihood that residents would not necessarily be known to one another. In result, this would fail to provide sufficient privacy for the occupiers of the rear, ground-floor flat.
20. Whilst the appeal site is close to areas of public open space, these spaces do not have the same level of privacy that might be expected within a private garden. In consequence, these areas would not serve as an adequate alternative in this regard.
21. I therefore conclude that the proposed development would not provide appropriate living conditions for the future occupiers of the development. The development, in this regard, would conflict with Policies 50 and 52 of the Local Plan. These, amongst other matters, seek to ensure that new developments meet or exceed the NDSS; and that sufficient garden space and space around existing dwellings is retained.

Cycle storage

22. The appeal site would contain a rear garden and access would be available to this space via a side entrance. Adjacent to the side entrance would be the proposed extension.

23. Although no details of cycle storage have been provided, I am satisfied that if I were minded to allow this appeal, I could have imposed conditions that would require the provision, and retention of, a suitable storage structure for bicycles
24. However, even if this were to take place, I would have significant concerns. This is because the area to the side of the dwelling would be very narrow. In consequence, it would be difficult for residents to push a bicycle through the gap.
25. Due to this lack of convenience, any bicycle storage is unlikely to be used to any great degree. This is likely to limit the success of this storage and is likely to, in turn, encourage travel by other means such as private cars.
26. Although the proposed development would be near to some facilities in the surrounding area, these are unlikely to meet all the needs of the future occupiers of the development. In consequence, some travelling can be reasonably anticipated. Therefore, the lack of available appropriate cycle storage would result in harm.
27. I therefore conclude that the proposed development would not provide appropriate bicycle storage. The development, in this regard, would conflict with Policy 82 of the Local Plan. This, amongst other matters, seeks to ensure that new developments provide cycle storage.

Other Matters

28. The proposal would add to the local housing supply, as well as support the local economy during the construction process and following the occupation of the dwellings. However, given the scale of the development, such benefits would be relatively small and, in some cases, time limited. In consequence, they would not outweigh the significant harm as identified previously.
29. I understand that the occupiers of the neighbouring properties did not raise any objections to the proposed development. Whilst this is a matter of note, it is only one of the issues that must be considered. Therefore, it does not outweigh my findings in respect of the main issues.

Conclusion

30. The proposal would harm the living conditions of the occupiers of a neighbouring property and would not provide appropriate living conditions for the future occupiers of the development and cycle storage. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR