



Appeal Decision

Site Visit made on 7 June 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2021

Appeal Ref: APP/Q0505/W/21/3268872

17-19 Radegund Road, Cambridge CB1 3RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr D Whitfield on behalf of Whitfield Associates against Cambridge City Council.
 - The application Ref 20/01681/FUL, is dated 10 March 2020.
 - The development proposed is the construction of 4no 1-bed flats and 1no 2-bed unit and associated external works to rear.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. Potential revised plans¹ (the revised plans) make up part of the appellant's submission. The evidence before me indicates that these were formulated in response to an email dated 22 September 2020, which outlined the Council's main concerns and its intention to refuse planning permission based on various grounds. No request for amended plans made up part of the 22 September 2020 email and the revised plans were not formally accepted nor consulted upon by the Council.
3. The appeal process should not be used to evolve a scheme and, in the interests of ensuring that no one with an interest in the outcome of the appeal is prejudiced, it is important that the plans considered at appeal stage are essentially the same as those considered and consulted upon by the Council at planning application stage.
4. The intended revisions include the omission of a 2-bed unit, the reconfiguration of external amenity spaces, the addition of balconies, alterations to internal access arrangements and the omission of on-site parking provision. The revised plans noticeably evolve and materially alter the scheme as originally submitted. I thus do not accept the revised plans and shall consider the appeal based on the initial plans² submitted to the Council.
5. The Council has indicated that it would have refused planning permission had it been in a position to do so. Its main concerns relate to the accessibility of the development for its future occupiers, the standard of the intended shared amenity area, potential overbearing effects for the occupiers of No 19 Radegund Road (No 19), potential loss of privacy for the occupiers of No 21

¹ 19/1499/01A; 19/1499/02A

² 19/1499/L01; 19/1499/01; 19/1499/02; Existing Floor Plans - Nos 17 and 19 Radegund Road

Radegund Road (No 21), the possible introduction of undue noise/disturbance and the effect of the proposal upon the character and appearance of the area. I shall formulate the main issues accordingly.

Main Issues

6. The main issues are:

- The effect upon the character and appearance of the area;
- Whether or not the proposal would provide acceptable living conditions for existing and future on-site occupiers, having particular regard to the intended makeup of external areas;
- Whether or not the proposal would be likely to lead to unacceptable levels of noise/disturbance to the detriment of neighbouring living conditions;
- The effect upon the living conditions of residential occupiers at No 19, having particular regard to outlook;
- The effect upon the living conditions of residential occupiers at No 21, having particular regard to potential loss of privacy; and
- Whether or not the proposal would provide suitably accessible homes.

Reasons

Character and appearance

7. The appeal site contains a pair of semi-detached houses that sit to the western end of a linear row of similarly designed properties (the row) that are set upon individual plots of broadly consistent length and size. Moreover, the wider local area tends to be comprised of rows of often similarly designed properties positioned upon consistent building lines and spacious well-vegetated plots. Thus, notwithstanding the presence of occasional non-residential buildings/uses (including a church to the site's rear), there is a formal, spacious and green residential character and appearance in place local to the site.
8. The scheme involves the introduction of considerable two-storey built form to the immediate rear of No 17 Radegund Road (No 17), which would be readily appreciable from a range of publicly accessible vantage points. Indeed, the additions would cover most of the rear garden space that currently serves No 17 and would dominate the site.
9. The intended elevation treatments and roof forms have been designed to harmonise with buildings that comprise the row, whilst the ridge of the highest part of the proposals would be stepped down in comparison. Nevertheless, owing to factors that include the additions' excessive plot coverage and associated bulk and massing, the scheme would be insensitive to the formal and spacious residential character and appearance that I have identified local to the site. An unduly cramped and over-intensive development proposal is before me.
10. Whilst I am unpersuaded that the provision of a screened low-level facility for the storage of bins to the front of the site would have an adverse influence in visual terms, significant car parking to the front part of the site is intended. This level of provision would have a noticeable visual influence at odds with the

typical composition of the row and would further erode the area's formal, spacious and green characteristics.

11. For the above reasons, the scheme would cause harm to the character and appearance of the area. The proposal conflicts with Policies 52, 55, 56, 57 and 58 of the Cambridge Local Plan (October 2018) (the Local Plan) in so far as these policies set out that proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where the form, height and layout is appropriate to the surrounding pattern of development and the character of the area.

Living conditions – existing and future on-site occupiers (makeup of external areas)

12. As set out under Policy 50 of the Local Plan, all new residential units will be expected to have direct access to an area of private amenity space. The supporting text to this policy confirms that private amenity space can make an important contribution in improving the quality of life of the city's residents and also sets out that developments with flats will need to provide a high-quality shared amenity area on site to meet the needs of residents, including play space for children.
13. In clear conflict with Policy 50, no directly accessible private amenity space would be provided for each of the new units. Indeed, the shared amenity space that is intended to be provided to the rear of the site, whilst not insignificantly sized, would serve all future occupiers as well as existing occupiers of Nos 17 and 19. These are large houses, and the evidence before me (and my own on-site observations) indicates that both are currently in multiple occupation. Particularly when factoring in the lack of private amenity space to be provided for each of the new units, the proposed communal garden area would be of insufficient expanse to suitably serve the anticipated needs of all existing and future occupiers of the appeal site.
14. For the above reasons the scheme would cause harm by not providing acceptable living conditions for existing and future on-site occupiers, having particular regard to the intended makeup of external areas. The proposal conflicts with Policies 50, 52, 56 and 58 of the Local Plan in so far as these policies set out that provision is made for adequate amenity space and that all new residential units will be expected to have access to an area of private amenity space.

Living conditions – neighbouring occupiers (noise/disturbance)

15. The proposal would inevitably lead to external areas of the appeal site being used in a more intensive manner when compared to the current on-site situation. This is not least due to the extended built footprint that is intended and the increased level of residential occupation that would result.
16. Whilst there would be some potential for increased levels of on-site activity to generate noise and possible instances of disturbance, it remains the case that the site would continue to be used in an exclusively residential capacity. Indeed, the proposal, being centred upon the provision of five additional units of relatively small size, would not realistically be anticipated to lead to a noticeable change in the local noise environment. It is also relevant to note that the Council's Scientific Officer has raised no objections.

17. For the above reasons, the scheme would be unlikely to lead to unacceptable levels of noise/disturbance and, on this basis, would not cause harm to neighbouring living conditions. The proposal accords with Policies 35, 52 and 56 of the Local Plan in so far as these policies set out that development will be permitted where it will not lead to significant adverse effects and impacts on health and quality of life/amenity from noise and vibration.

Living conditions – occupiers of No 19 (outlook)

18. The new building would not be set directly to the rear of No 19. Indeed, its intended eastern building line would be stepped such that the southernmost element of the new building would be set a not insignificant distance away from the rear elevation of No 19. This is an important factor that would assist in ensuring that the proposal would not have an overbearing impact upon No 19's occupiers.
19. For the above reasons, the scheme would not cause harm to the living conditions of residential occupiers at No 19 having particular regard to outlook. In the context of this main issue of the appeal, the proposal accords with Policies 52 and 58 of the Local Plan in so far as these policies set out that proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where the amenity and privacy of neighbouring, existing and new properties is protected.

Living conditions – occupiers of No 21 (privacy)

20. East-facing window openings are intended at first-floor level, which would serve bedrooms and be orientated to face towards the private rear garden space that serves No 21. However, the positions of these openings would be setback a considerable distance from the site's eastern boundary which runs alongside the grounds of No 21. When also factoring in the presence of an existing intervening boundary treatment of robust specification, I do not accept that wide or unduly sensitive views across No 21's rear garden area would be created by the proposal.
21. For the above reasons, the scheme would not cause harm to the living conditions of residential occupiers at No 21, having particular regard to potential loss of privacy. In the context of this main issue of the appeal, the proposal accords with Policies 52 and 58 of the Local Plan in so far as these policies set out that proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where the amenity and privacy of neighbouring, existing and new properties is protected.

Accessible homes

22. Policy 51 of the Local Plan sets out that all housing development should be of a size, configuration and internal layout to enable Building Regulations requirement M4(2) 'accessible and adaptable dwellings' to be met. It is my understanding that this standard requires step-free access to be provided to any new residential unit. It is apparent that proposed Units 3 and 4 would be accessible via internal staircases only. For this reason, with specific respect to Units 3 and 4, the scheme would cause harm by not providing suitably accessible homes in conflict with the requirements of Policies 51 and 56 of the

Local Plan in so far as these policies require proposals to meet the principles of inclusive design.

Other Matters

23. I have noted objections/concerns raised by interested parties with respect to matters including potential loss of privacy for local occupiers (other than at No 21, as covered under a main issue in this appeal), bin collection arrangements, church bell noise, the construction phase of development and parking/highway safety. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.
24. In terms of the scheme's benefits, it is the case that five additional residential units would be created that I am led to understand would incorporate various carbon reduction measures in broad accordance with the requirements of Policy 28 of the Local Plan. Indeed, the National Planning Policy Framework (February 2019) reaffirms the Government's objectives of significantly boosting the supply of homes and meeting the challenge of climate change.
25. Nevertheless, the housing provision that is intended would not make a clear or noticeable difference to the City-wide housing supply situation and attracts relatively limited weight as a scheme benefit. The proposal would also create jobs during the construction phase and provide support to the local economy and local community facilities once occupied. However, these benefits attract limited weight due to the somewhat modest scale of development under consideration.
26. The contributions associated with the delivery and subsequent occupation of the scheme, when considered in cumulative terms, would be relatively modest and would not outweigh the various harms and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

27. I have found that the proposal would be unlikely to lead to unacceptable levels of noise/disturbance and would not cause harm to the living conditions of residential occupiers at Nos 19 and 21 (having particular regard to standards of outlook and privacy respectively). However, I have identified that significant harms would be caused to the character and appearance of the area, to the living conditions of existing and future on-site occupiers (having particular regard to the makeup of external areas) and due to the provision of homes that would not be suitably accessible. These harms are the overriding considerations in this case.
28. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR