



Appeal Decision

Site Visit made on 6 September 2021

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

an Inspector appointed by the Secretary of State

Decision date: 06 January 2022

Appeal Ref: APP/Q0505/W/21/3275143

Land at Trefoil Terrace, Budleigh Close, Cambridge, CB1 3BJ

- 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 Park Hill Homes (UK) Ltd against the decision of Cambridge City Council.
 - The application Ref: 20/04244/FUL, dated 14 October 2020, was refused by notice dated 12 March 2021.
 - The development proposed is the erection of a single storey bungalow together with associated external works, drainage and access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey bungalow together with associated external works, drainage and access at Trefoil Terrace, Budleigh Close, Cambridge, CB1 3BJ in accordance with the terms of the application, Ref: 20/04244/FUL, dated 14 October 2020, and the plans submitted with it, subject to the schedule of conditions to this decision.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on the 20 July 2021. The Framework represents the Government's up to date planning policies and how they should be applied. The Council's reason for refusal refers to paragraph 158, which has been re-numbered 162 in the revised version. The main parties have been provided an opportunity to comment on the implications of this for their case.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring occupants of 4 Trefoil Terrace, with particular regard to outlook and enclosure.

Reasons

4. The appeal site is a parcel of land forming part of the rear garden of 56 Natal Road. The appeal scheme would introduce a single storey dwelling in close proximity to the common boundary with Nos 4, 5 and 6 Trefoil Terrace, a short terrace of two storey dwellings, each incorporating a modest sized rear garden area of limited depth. The outlook from the rear amenity space of these dwellings is towards the common boundary which consists of a close boarded fence of substantial height.

5. The side elevation of the proposed dwelling would extend for some distance adjacent to the common boundary and would be clearly visible above the existing boundary treatment. However, a low eaves height together with a pitched roof structure sloping away from the boundary would result in the dwelling appearing less harsh and intrusive and thus reduce the impact on the neighbouring dwellings (nos 4,5 and 6).
6. I note that the Council's concerns primarily relate to the impact on the private amenity space of 4 Trefoil Terrace (No. 4). Whilst the proposed side and rear elevations would be visible from within the rear garden, the ridge height of the roof would be set at some distance away from the common boundary and it would be partly obscured by the existing garden outbuilding sited in the corner of the neighbouring garden. Furthermore, the Council's concerns, in part, relate to the proposed dwelling spanning the full width of the garden of No 4, which from my consideration of the submitted drawings, does not appear to be so.
7. Although the ridge of the dwelling would extend to some 5.6 metres in height, by reason of my findings above, I am not persuaded that this amounts to an excessive height in the circumstances. In my view, the proposed dwelling would not loom over the rear gardens of the neighbouring dwellings nor would it create an unwelcome sense of enclosure or an unacceptable loss of amenity in terms of outlook.
8. Overall, I conclude that the proposed development would not be unduly harmful to the occupiers of Nos 4, 5 and 6 Trefoil Terrace with regards to outlook and enclosure and therefore the appeal scheme would accord with Policies 52, 55 and 57 of the Cambridge Local Plan (2018) insofar as these policies require high quality development that protects the amenity of existing neighbours.

Other Matters

9. I have had regard to the comments of a number of interested parties. Reference is made to overlooking and the resultant size of the garden serving 56 Natal Road. However, the Council consider that a sufficient amount of garden land would be retained by this dwelling and no adverse harm has been identified with regards to privacy. Similarly, I have had regard to potential noise impacts on the adjacent property, 58a Natal Rd. I note the Council gave consideration to this matter and concluded that a single dwelling would not result in a significant number of trips such that the scheme would not result in significant noise disturbance to the detriment of the living conditions of neighbouring occupiers. Overall, having regard to all of these issues and based upon my observations at the time of my site visit, I see no reason to take a different view.

Conditions

10. The Council did not provide a draft list of conditions. I therefore suggested a number of conditions I would consider imposing on a grant of planning permission and allowed the parties to comment on the application of these in the appeal. The Council suggested a number of additional conditions which I have had regard to in my consideration of this appeal.

11. In addition to the standard time condition relating to the commencement of development, a condition specifying the plans and documents is necessary as it provides clarity.
12. To protect the living conditions of neighbouring occupiers, a condition restricting construction, demolition and delivery working hours is necessary.
13. Conditions regarding the finished floor levels and the provision of a sustainable urban drainage system are necessary to safeguard the living conditions of future occupiers of the dwelling from flood risk and to ensure adequate drainage of the site.
14. Conditions requiring a plan and written statement for the operation of the parking spaces during the demolition and construction phases and for the lifetime of the development are necessary in the interests of highway safety. To encourage more sustainable modes of transport a condition requiring the provision of electric vehicle charging points is necessary.
15. Conditions requiring schemes of carbon reduction, water efficiency and ecological enhancements are necessary to minimise environmental impacts.
16. A condition to ensure that a scheme of boundary treatment works are implemented is necessary to safeguard the surrounding visual amenity and the living conditions of both the occupiers of existing nearby dwellings and the future occupants of the proposed dwelling.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions herein.

E Brownless

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 29219.P100B; Floorplans 29219.P101B; Elevations 29219.P102B; Section AA 29219.P103A; Permeable Paving Detail 29219.P104A
- 3) Demolition or construction works or deliveries shall take place only during the following hours:
07:30-17:30 Mondays to Fridays
09:00- 13:00 Saturdays
Not at any time on Sundays or on Bank or Public Holidays.
- 4) The finished ground floor levels of the development hereby permitted shall be set no lower than 8.8m above ordnance datum in accordance with the Flood Risk Assessment for Residential Development at Trefoil Terrace, Cambridge, Ref: ECL0155/Park Hill Homes Ltd, dated January 2020.
- 5) No development shall take place until a scheme for disposing of surface water by means of a sustainable drainage system shall have been submitted to and approved in writing by the local planning authority. The submitted details shall:
 - i) provide information about the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
 - ii) include full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;
 - iii) include detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers, details of all SuDS features;
 - iv) include a plan of the drained site area and which part of the proposed drainage system these will drain to;
 - v) provide full details of the proposed attenuation and flow control measures;
 - vi) provide site investigation and test results to confirm infiltration rates;
 - vii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
 - viii) measures taken to prevent pollution of the receiving groundwater and/or surface waters.

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 6) No development above slab level shall take place until details of a revised parking layout plan showing dimensions and tracking for all car parking have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 7) No development shall take place, including any works of demolition, until a written statement detailing the management of parking during demolition and construction phases shall have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 8) No development above slab level shall take place until details of a dedicated electric vehicle charge point shall have been submitted to and approved in writing by the local planning authority. The details shall demonstrate that at least one active electric vehicle charge point with a minimum power rating of 7kW shall be installed in accordance with the approved details prior to the first occupation of the development hereby permitted and thereafter retained in operation.
- 9) No development above slab level shall commence until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning. This shall demonstrate that all new residential units shall achieve reductions in CO2 emissions of 19% below the Target Emission Rate of the 2013 edition of Part L of the Building Regulations, and shall include the following details:-
 - a. Levels of carbon reduction achieved at each stage of the energy hierarchy; and
 - b. A summary table showing the percentage improvement in Dwelling Emission Rate over the Target Emission Rate for each proposed unit. Where on-site renewable or low carbon technologies are proposed, the Statement shall also include
 - c. A schedule of proposed on-site renewable energy technologies, their location, design and a maintenance schedule; and
 - d. Details of any mitigation measures required to maintain amenity and prevent nuisance

There shall be no occupation of the development until the carbon reduction measures have been implemented in accordance with the approved details.

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.
- 10) The dwelling shall not be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010

(2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that the dwelling is able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

- 11) No development above ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments (including gaps beneath fencing for hedgehogs where appropriate) to be erected. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation or the bringing into use of the development (or other timetable agreed in writing by the Local Planning Authority) and retained as approved thereafter.
- 12) No development above slab level shall commence until a biodiversity enhancement scheme has been submitted to and approved in writing by the Local Authority. It shall include the consideration of native planting, hedgehog habitat and connectivity and the proposed specification, number and locations of internal and / or external bird and / or bat boxes on the new buildings and any other measures to demonstrate that there will be a net biodiversity gain on the site of at least 10% (unless an alternative target is otherwise agreed by reason of viability). The biodiversity enhancement scheme as agreed shall be carried out prior to the occupation of the development and subsequently maintained in accordance with the approved scheme for the lifetime of the development.