



Appeal Decision

Site visit made on 1 February 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2022

Appeal Ref: APP/Q0505/W/21/3280165

70 Mowbray Road, Cambridge CB1 7SY

- 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 Des Vesey against the decision of Cambridge City Council.
 - The application Ref 21/01841/FUL, dated 21 April 2021, was refused by notice dated 16 June 2021.
 - The development proposed is described as change of use of existing annex to a separate dwellinghouse at the rear of 70 Mowbray Road, Cambridge CB1 7SY.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the development would provide appropriate living conditions for future occupants in terms of privacy and the quality of garden space, and (ii) its effect on the character and appearance of the area.

Reasons

Living conditions

3. The subject building is positioned centrally on the site and is near to the boundary fencing on all sides. Slabbed areas between the building and the boundaries would provide the garden space for the proposed dwelling.
4. The appeal property and the rear of adjacent houses can be seen from the site. These all have rear fenestration at first floor level and 2 Glebe Road has a dormer window in its rear roof slope. Moreover, the adjoining houses are arranged in a curve so that the rear windows tend to face towards the site.
5. By reason of their height above the ground, their proximity and orientation, the neighbours' upper floor windows would allow a range of views over the boundary fence towards the outdoor area to serve the proposed dwelling. The subject building would partially obstruct sight of the garden from some directions. However, the number and different positions of the neighbours' first floor windows relative to the plot means that almost all of the outdoor space would be overlooked from nearby. Therefore, occupiers of the proposed dwelling would have very little privacy when in their garden.
6. The existing trellis on the fence would partially screen views from the first floor windows of 68 and 70 Mowbray Road. Nonetheless, it would not be high enough to prevent overlooking of most of the garden to the south of the building. Moreover, the windows would be near enough to significantly

undermine the privacy of future occupiers. Only a small part of the garden immediately next to the boundary would be concealed from the adjoining houses and this would be inappropriate for sitting out as it would feel enclosed by the fence and subject building.

7. The garden would be large enough to accommodate a shed for domestic storage, refuse bins, clothes drying equipment and a table and chairs. However, acceptability in these regards would not address the significant level of overlooking to the outdoor space.
8. The back gardens at 1a and 2a Glebe Road are shorter than most others in the locality. However, they tend to follow the established building line and so the relationship between the adjoining properties and their gardens is different to the appeal site. As such, the proposal would be subject to a more significant level of overlooking compared to these existing properties. In any event, other examples of houses with unacceptable outdoor space would not justify granting permission for a new dwelling with similar faults.
9. For these reasons, I conclude the proposal would not provide appropriate living conditions for future occupants in terms of privacy and the quality of garden space. In these regards, it would not accord with policies 50, 52 and 56 of the Cambridge Local Plan 2018 (LP). Amongst other things, these seek to ensure all development provides appropriate and enjoyable amenity space. The Council's refusal reason refers to LP policy 57 but this is irrelevant as it relates to the design of new buildings rather than a change in use of existing property.

Character and appearance

10. The surrounding area is residential. Most dwellings are 2 storeys high, face directly onto the street and have front and back gardens. In contrast, the proposed house would be single storey, set behind other properties away from the road and positioned near to all of the plot boundaries. In these regards, it would be out of keeping with the surrounding pattern of housing development and so it would not comply with the provisions of LP policies 52, 55 and 56.
11. However, the subject building is already in place with authorisation to be used as a garden/games room incidental to the enjoyment of the appeal property. The proposal is unlikely to lead to any meaningful change in the appearance of the site given its authorised use and as no building works are proposed. Also, the plot is set back from the road and though seen along the access drive it is not prominent in the street scene. As such, the proposal would result in no changes of consequence to the nature or visual qualities of the locality.
12. For these reasons, I conclude the development would not have a harmful effect on the character or appearance of the area. It would not fully accord with LP policies 52, 55 and 56 for the reasons given above. However, the absence of any significant visual effect as a result of the scheme is a factor of sufficient strength to outweigh that non-compliance.

Other Considerations and Planning Balance

13. The appellant highlights a development at 1 Corrie Road that has been granted planning permission by the Council. However, this is away from the appeal site and so it would have been assessed having regard to a different context to the current scheme. Also, it is unclear from the submissions as to the factors that

were taken into account in the Council's decision. As such, this other development does not set a precedent I am bound to follow with this appeal.

14. The proposal would allow occupiers convenient access by foot, cycle and public transport to a broad range of services and facilities. It would make a minor contribution to the housing stock, although there is no suggestion of a current shortfall in housing land supply. The Council does not dispute the claim of a particular need for small units and the proposal would help meet this demand. The scheme may lead to the need for internal works and so create short term employment. Also, occupiers would support local businesses. These benefits provide support for the proposal, although they attract modest weight as only a single new dwelling would be provided.
15. I have found the development would not have a harmful effect on the character and appearance of the area. However, this does not address or override the harm identified in respect of the first main issue. The shortcomings in terms of overlooking and the quality of the garden to serve the dwelling means the proposal would not accord with the LP policies when read as a whole. This is the overriding factor and the benefits of the scheme and other matters are of insufficient weight to justify granting planning permission contrary to the development plan.

Conclusion

16. For the above reasons, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR