



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/21/3279973

207 Cherry Hinton Road, Cambridge CB1 7DA

- 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 Murfet against Cambridge City Council.
 - The application Ref 21/00188/FUL, is dated 18 January 2021.
 - The development proposed is erection of a two storey dwelling, with associated amenity space, parking, bin and cycle store following demolition of garage (resubmission of application 20/0056/FUL).
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Decision

1. The appeal is dismissed and planning permission for the erection of a two storey dwelling, with associated amenity space, parking, bin and cycle store following demolition of garage (resubmission of application 20/0056/FUL) is refused.

Preliminary Matter

2. No particular development plan policies have been highlighted by the Council as being important in the determination of this appeal. However, on request, it has provided copies of all policies considered to be relevant to the proposal. The appellant has had the opportunity to submit comments on these policies and so I am satisfied no injustice would be caused by taking them into account in my assessment.

Main Issue

3. The Council has not issued a formal decision notice on the planning application. Also, it has not indicated whether it would have granted or refused planning permission if still in a position to make a determination. Therefore, I have turned to the appellant's statement and representations from others in order to establish the relevant factors in my assessment. In light of these documents, I find the main issue is the effect of the proposal on the living conditions of occupiers of 209 Cherry Hinton Road (No 209) in terms of outlook and light.

Reasons

4. The appeal property lies on the corner of Cherry Hinton Road and Coniston Road. The proposed house would face Coniston Road with its rear elevation adjacent to the side boundary of No 209.
5. The dwelling would be positioned away from No 209's rear elevation but it would be near to an outbuilding in the neighbour's back garden which is used as a studio for music and craft activities. This building contains fenestration at

ground floor level which faces back towards the rear of No 209. The proposed house would be significantly taller than the boundary fence and so it would be clearly seen from the studio windows as well as from No 209's back garden.

6. To avoid overlooking, the rear wall of the proposal contains no windows. However, as a consequence, the occupiers of No 209 would be faced by a blank wall and roof slope with a single rooflight. By reason of its close proximity, height and bland rear elevation, the development would appear as an oppressive feature from the neighbour's back garden and the studio windows. The house would stretch along only part of the boundary with No 209 but even so, it would be seen from all parts of the back garden. As No 209's plot is narrow, the proposal would also cause a sense of enclosure and significantly diminish the outlook from the neighbour's garden.
7. Moreover, the house would project out in front of the studio's windows by a significant distance. By reason of its height and relative position, it is likely the development would cause overshadowing to these windows in the afternoon during times of the year. This would exacerbate the overbearing effects of the scheme. The absence of any overlooking from the house and any benefits in terms of enhanced security would not address or override the identified harm.
8. For these reasons, I conclude the proposal would be detrimental to the living conditions of occupiers of No 209 in terms of outlook and light. In these regards, it would be contrary to policy 52 of the Cambridge Local Plan 2018 (LP). Amongst other things, this seeks to ensure that proposals involving the sub-division of residential plots protect the amenity of neighbouring properties.

Other Considerations and Planning Balance

9. The development would provide sufficient internal space for future occupiers and a private garden and parking. Also, outdoor space would remain for occupiers of the units in the appeal property and so satisfactory living conditions would be retained for those residents.
10. The development would be located so as to provide convenient access by foot, cycle and public transport to a range of services and facilities. Parking spaces with electric vehicle charging points are proposed to serve the scheme as well as the occupiers of the appeal property, although parking is allowed on Coniston Road and on other nearby streets at certain times. In light of its accessibility by means other than the private car, I am satisfied the development would not result in a level of displaced parking that would cause a nuisance or prejudice highway safety.
11. The maps provided by the appellant indicate the site is outside of any area subject to surface water flood risk, although surrounding properties and roads are identified. The proposal has the potential to reduce surface water runoff through the provision of permeable surfaces and drains. However any benefit to the wider area in this respect would be modest given the limited scope to retain water on the site.
12. In terms of its appearance and position to the road, the house would be similar to the adjacent extension to the rear of the appeal property. As such, the scheme would reflect its context. Furthermore, it would introduce a more interesting building than the simple garage on the site and so the proposal would lead to a minor visual improvement to the street scene. Also, the

development would make a small contribution to the housing stock in a suitable urban location, although there is no suggestion that there is a shortage of housing supply. Even so, these factors attract positive weight in my assessment.

13. However, the harm identified in respect of the main issue means the proposal would not comply with the LP policies when read as a whole. This is the overriding factor. I find the benefits of the scheme and other considerations are of insufficient weight to justify granting planning permission contrary to the provisions of the development plan.

Conclusion

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

Jonathan Edwards

INSPECTOR