



Appeal Decision

Site visit made on 24 January 2022

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022.

Appeal Ref: APP/W0530/D/21/3288151 79 Babraham Road, Sawston CB22 3DD.

- 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/Ms, Jin Seok and Hyerin, Yang and Park against the decision of South Cambridgeshire District Council.
 - The application Ref 21/02365/HFUL dated 21 May 2021, was refused by notice dated 10 September 2021.
 - The development proposed is two storey rear extension, single storey front and first floor side extensions and conversion of garage to habitable space.
-

Decision

1. The appeal is allowed and permission is granted for a two storey rear extension, single storey front and first floor side extensions and conversion of garage to habitable space at 79 Babraham Road, Sawston CB22 3DD in accordance with the terms of the application Ref 21/02365/HFUL dated 21 May 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall be begun no later than the expiration of 3 years from the date of approval.
 - 2) The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: A100; A110; A111; A112; A200; A210; A211; A212; A213; A300; A301.
 - 3) Notwithstanding Condition No 2 (Development in accordance with approved plans), prior to the commencement of construction above floor slab level, samples of the proposed materials, (including details of colour and texture), to be used in the construction of the external surfaces of the side and front extensions hereby permitted (including the front dormer) will be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development will be carried out in accordance with the approved material samples.
 - 4) The east facing window in Bedroom No 1 and the window in the north facing ensuite to Bedroom 3 hereby permitted shall be fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and its surroundings on Babraham Road.

Reasons

3. The appeal site is located on the north side of Babraham Road. The road in the vicinity of No 79 is characterised by detached, two storey houses built in brick and tile and with tile hung panelling to the front. The original design to the houses has a forward-set side garage and front porch linked by a timber portico. This remains on a number of the properties, including No 79, in the section of Babraham Road between Ashley Way and Wakelin Avenue although there have also been a number of properties where this frontage design has been changed.
4. The proposal is in part retrospective in that a two storey rear extension has already been erected without planning permission and the proposal seeks to regularise that and add a first floor side and rear extension to link with it.
5. With respect to the main first floor side extension the design would be set back slightly from the frontage at first floor level and set down from the level of the main roof. Thus viewed from the road it would appear subordinate to the original house. I accept that this would infill the characteristic gap above the garage but a number of houses in this section of Babraham Road already have extended to the side.
6. With regard to the proposed front projection at Ground Floor level this would not extend further forward than the existing canopy/portico although, having structural elements constructed in brick and with the solid panelling proposed, it would be visually less permeable than the current timber and glass structure. Nevertheless, again a number of the properties in the vicinity have solid front extensions (Nos 73, 75, 81 and 83 in particular).
7. Sitting on top of this more substantial front element and broadly in alignment with the main façade of the original house would be the proposed dormer. It has been put to me that this would be necessary to provide sufficient head height in Bedroom No 4 which, in order to keep the roof height of the main side extension subordinate, would have a compromised ceiling height without the dormer. Whilst it would have been possible to avoid the forward projecting element to the dormer and adopt a more traditional design, in the context of the proposals as a whole, I am satisfied that the contemporary design proposed would not necessarily be inappropriate.
8. It has been put to me that because the appeal property is in a prominent position in the view from the junction of Tower Road and Babraham Road that the design proposed would appear overly dominant and out of keeping with its surroundings. However, from this position it is Nos 73 to 83 Babraham Road which would be visible and of these Nos 73, 75, 81 and 83 have all been materially changed and have their own individuality. In that context I am satisfied that the changes proposed to No 79 would not appear out of character provided the finishing and materials proposed are controlled. This could be achieved by condition in the event the appeal is allowed thereby allowing the Council control over the selection and colour of materials.
9. Finally, regarding the section of the rear extension that is already complete and is being applied for retrospectively, this has been finished with a flat roof. In isolation and as currently completed the extension appears odd and incongruous in the

context of the original dwelling. However, the completion of the side extension with its pitched roof would provide a 'framing context' to this flat roof extension sufficient to resolve the incongruity of the current arrangement. As such, although the flat roof is not an ideal design solution in the context of the original house, its impact on the character and appearance would be acceptable.

10. The *National Planning Policy Framework* (the Framework) at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things whilst not preventing appropriate innovation. Moreover, at paragraph 134 innovative design is not precluded as long as it would fit in with the overall form and layout of the surroundings and in this case for the reasons above I am satisfied that it would. Policy HQ1 of the *South Cambridgeshire Local Plan* (SCLP), on design reflects the Framework in requiring high quality design that makes a positive contribution to its local context. In addition, the policy requires development to be designed to be compatible with its location in terms of scale, massing, form, design and materials amongst other things. As referred to above, provided the detail of the proposed new materials for the frontage including the dormer are carefully specified and controlled I am satisfied that overall the proposal would be in accord with Policy HQ1.

Other Matters

11. It has been put to me in third party objections that the proposed extensions would adversely affect the living conditions for the occupants of No 77 in particular in respect of the proximity of the first floor side/rear extension and its impact on light levels and privacy.
12. Although the extension would be close to the side boundary, because No 77 is set slightly deeper in its plot and has a rear single storey extension of its own the main mass and bulk of the side/rear extension would be contained by the built form of No 77. I am therefore satisfied that the extensions would not be overbearing.
13. The proposed first floor extension would sit on the east side of No 77 but again because of the deeper set positioning of No 77 the impact on light levels from the extension would be minimal.
14. The proposed extension on its west facing elevation closest to No 77 would only have high level windows to proposed bedrooms 3 and 4 to provide light but no outlook and there are no first floor windows in the side facing elevation of No 77. Therefore, there would be no overlooking. The appellant has proposed a secondary window into bedroom 1 on the east side of the property as part of the alterations which has been raised as a concern by the occupants of No 81. However, as this would be a secondary window for light it could be conditioned to be obscure glazed and non-opening thus avoiding any impact on privacy. Similarly, the Council is concerned regarding the first floor rear facing window in the 2 storey extension already built and its proximity to habitable windows in the rear of 24 Gosling Way. This window would be to an ensuite bathroom and therefore can similarly be conditioned to be obscure glazed.
15. I am therefore satisfied that the proposal would have no detrimental effects on the living conditions of present and future occupiers of No 77 and subject to a controlling condition to prevent overlooking of No 81 and properties in Gosling Way would be satisfactory in this regard. It would therefore comply with SCLP Policy

HQ1 which seeks to protect the health and amenity of occupiers from development that is overlooking, overbearing or results in a loss of light amongst other things.

Conditions and Conclusion

16. The Council suggested a number of conditions. I have considered these in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.
17. The control of materials would be important in order to retain the character and appearance of the area. Whilst the Council has proposed that the standard wording requiring materials to match the existing building should be imposed, I am not satisfied that in this case that would be appropriate as the stated intention is to use some different materials particularly on the frontage. In order to give the Council the opportunity to control material, colours and textures, etc I intend to reword the condition to require the submission and approval of material details and samples. As the appellant expected a materials condition in any event, I do not consider that this amended condition would be unreasonable in the circumstances.
18. The Council has not indicated any other conditions in its appeal questionnaire but it is clear from the case officer's report that, in the event the proposals were permitted, a condition requiring obscure glazing to two of the windows as discussed above would be required. The appellant would be aware of this and has not raised any objection. I will therefore add a condition to control glazing in the two windows in the interests of avoiding overlooking of neighbouring properties.
19. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the extensions subject to the conditions set out above.

P. D. Biggers

INSPECTOR