



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: 31 March 2022

Appeal Ref: APP/Q0505/D/21/3274062

27 Parsonage Street, Cambridge, CB5 8DN

- 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 Dr Silvia Stanescu against the decision of Cambridge City Council.
 - The application Ref: 20/05311/HFUL, dated 22 December 2020, was refused by notice dated 12 March 2021.
 - The development proposed is described as 'demolition of existing single storey rear extension to end-terrace house. New two storey rear extension. New roof extension and loft conversion including rooflights. Associated refurbishment including replacement windows and new external wall insulation'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on the 20 July 2021 and the parties have been provided an opportunity to comment on the implications of this for their case.
3. As part of the appeal, the appellant has submitted a Daylight and Sunlight Study dated 28 April 2021. As this document did not form part of the original application, I have sought the views of the Council and third parties and taken these into account in the determination of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring occupants with regards to outlook, light and privacy.

Reasons

Privacy

5. The neighbouring dwelling at 25 Parsonage Street (No 25) includes a modest sized rear garden. Albeit the close arrangement of dwellings within a tightly knit urban area can lead to significant levels of overlooking, the arrangement of dwellings around No 25 is such that this property presently enjoys a good level of privacy within its rear garden.
6. The proposed two-storey extension to the existing outrigger would broadly align with rear elevation of No 25. The inclusion of a window at first floor level would result in a direct line of sight from this window towards the private amenity area of the neighbouring dwelling. This would significantly alter the

level of privacy experienced by the occupants of that dwelling and materially compromise their living conditions.

7. At the time of my site visit I observed that there was already an opportunity for some overlooking towards the neighbouring rear garden from the existing first floor window within the outrigger. However, as a result of its set-back position, this substantially curtails the extent of the view available. As a consequence of the appeal scheme, there would be little if any area of the neighbouring garden that would remain private.
8. Accordingly, I conclude that the appeal scheme would result in an unacceptable standard of living conditions for the neighbouring occupiers of No 25 with regards to privacy and thus there would be conflict with Policy 58 of the Cambridge Local Plan (2018)(LP). Among other things, this policy requires alterations and extensions to existing buildings not to unacceptably overlook neighbouring properties.

Outlook and light

9. The attached neighbouring dwelling at No 29 includes a broadly similar mirrored footprint to the appeal dwelling. It includes a number of windows within its rear outrigger and the main rear elevation, including those that I am advised serve a living room at ground floor level and a bedroom at first floor level. The outlook from these windows is towards the rear garden and patio areas, boundary treatment and the existing two-storey outrigger of the appeal property.
10. The two-storey depth of the existing outrigger would be increased by some 4 metres, resulting in a total depth of outrigger of 8.6 metres, approximately, taking the Council's measurements, which have not been disputed by the appellant. The increased depth of extension would breach the 45 degree line by a further 4 metres, approximately.
11. However, along the boundary between the houses are wooden fencing of substantial height with a communal access passage positioned in-between the boundary treatments. Notwithstanding the narrow width of the passageway, this would provide additional separation between the proposed extension and the neighbouring dwelling. By reason of the intervening boundary treatment, the separation distance involved and the roof structure sloping upwards away from the neighbouring dwelling, I find that the proposed development would not therefore have a significant enclosing or tunnelling effect on the outlook of neighbouring occupiers.
12. The Council's reason for refusal, in part, concerns the loss of light to the first-floor bedroom window of the neighbouring dwelling. The appellant's daylight and sunlight study¹ concludes that the proposed development will have a 'low impact' on light received by No 29 and in particular, no adverse impact is attributed to the first-floor window.
13. Consequently, although a 45 degree line would be technically breached, I am satisfied that the appeal scheme would not unduly harm the living conditions of neighbouring occupiers with regards to their outlook and light.

¹ Smith Marston Building Surveyors, Daylight and Sunlight Study (Neighbouring Properties) dated 28 April 2021

Other Matters

14. Reference is made to a number of windows within the side elevation of No 25, however, it is not clear to me what rooms are served from these windows, nor is it clear whether substantial views from their position are possible. Moreover, they are set back from the rear garden of the appeal dwelling and views towards the rear garden and patio of the appeal dwelling would appear to be partly obscured based upon my observations at the time of the site visit. The relationship of these windows as compared to the proposed first floor window is not comparable, and as such, their presence does not justify the appeal scheme.
15. Similarly, any views from first floor windows within the rear elevation of No 25 towards the appeal dwelling are restricted to views of the furthest part of the garden. The appeal proposal would result in views across the majority of the garden of the neighbouring dwelling including patio areas in closest proximity to the dwelling.
16. The appeal property lies within a sustainable location and the proposal would enhance the accommodation available to the appellant. However, these benefits do not overcome the harm I have described above.
17. My attention is drawn to similar schemes at 27, 29 and 31 Parsonage Street. However, there is limited information before me relating to the particular circumstances of these developments and whether the circumstances that led to the grant of planning permission are therefore comparable to the appeal proposal. A comparison is therefore of limited relevance in this instance, and I have considered the appeal before me on its individual planning merits.

Conclusion

18. Whilst I have found there would be no unduly harmful effect on the living conditions of neighbouring occupiers at No 29 with regards to outlook and light, the harm I have identified in relation to the living conditions of occupants at No 25 by reason of their privacy is decisive.
19. The proposed development conflicts with the development plan and the material considerations in this instance do not outweigh this conflict. For these reasons, I conclude that the appeal is dismissed.

E Brownless

INSPECTOR