
Appeal Decision

Site visit made on 27 April 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/Q0505/W/21/3285467

4 Highworth Avenue, Cambridge CB4 2BQ

- 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 Pinnacle Highworth Ltd against Cambridge City Council.
 - The application Ref 21/01330/FUL, is dated 23 March 2021.
 - The development proposed is conversion and extensions to provide nine flats (Use Class C3) along with access, cycle parking and associated infrastructure.
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Decision

1. The appeal is dismissed and planning permission is refused for conversion and extensions to provide nine flats (Use Class C3) along with access, cycle parking and associated infrastructure.

Procedural Matter

2. The Council failed to determine the application within the prescribed period. However, following submission of the appeal, the Council have prepared an appeal statement. This advises that had the Council determined the application, planning permission would have been refused. Putative reasons for refusal are given and identify that the principal concerns relate to the main issues set out below.

Main Issues

3. The main issues are:
 - The provision of family housing;
 - The effect of the proposed development upon the character and appearance of the host property and area; and
 - Whether the proposed development would provide satisfactory living conditions for future occupiers with regard to amenity space and cycle facilities.

Reasons

Provision of family housing

4. Policy 53 of the Cambridge Local Plan (2018) (LP) sets out circumstances where the conversion of single family dwellings or non-residential buildings into self contained flats will be supported. It makes clear in criterion b that

proposals should provide a family unit with at least 2 bedrooms with access to a garden.

5. The scheme proposes nine 1-bedroom flats over three floors and would not be capable of occupation by families due to the number of bedrooms proposed in each flat. It would not provide a suitable mix of units resulting in a detrimental impact upon the Council's family housing stock.
6. I acknowledge that the property is being used as a House in Multiple Occupation. However, the Policy requires the provision of family units where developments for flat conversions are proposed. Whilst the appellant has suggested that the internal layout could be amended to overcome this issue the details are not before me. Therefore, I afford it limited weight in coming to my decision.
7. I conclude that the proposed development would have an adverse impact upon the provision of family housing in the area contrary to LP Policy 53 b.

Character and appearance

8. The appeal site is formed of a semi-detached dwelling located on a prominent roundabout junction. The property sits on a corner and is dual aspect responding to the road layout and incorporates an imposing bay column gable feature and large windows.
9. The host property and adjoining dwelling, whilst displaying some variations, were originally built as an identical pair and are prominent but attractive dwellings within the street scene and positively contribute to the area.
10. The road layout and width and the gaps between houses results in a spacious and open environment. The property sits comfortably within its plot with a good margin of land around it contributing to the sense of spaciousness that exists at this junction.
11. I acknowledge that the proposed development adopts a modern design approach and would not exceed the height of the building ridge. However, the proposed development would extend the dwelling considerably and would unacceptably dominate the host property through its scale, form and design. It would also unbalance the pair of dwellings. The combination of extensions would result in a development that would be significantly large and disproportionate, and the modern detailing and window proportions would be visually discordant with the host property.
12. The alterations to the roof would involve the insertion of dormer windows. The dormers would be set in from the eaves, but not by a significant amount, and the ridge would be the same as that of the main roof. Whilst the dormers would not occupy the entire roof slope, they would dominate the roof and would be visually prominent on account of their bulk and design.
13. Despite the separation with 6 Highworth Avenue, the scale and form of the proposed development would erode the sense of openness that currently exists on this corner. Its uniform height and projection would elongate the property along the road frontage resulting in an unduly prominent and dominant presence within the street scene.

14. The proposed development would be readily visible in the street scene, despite the existing landscaping, and the stepped profile of it and the varying roof designs, at the side and rear, would be jarring elements compared to the simple form and appearance of the existing building undermining the character, appearance and integrity of the host property and the area.
15. The appellant contends that much of the ground floor could be constructed utilising their permitted development rights, but I have seen nothing to suggest that they would genuinely pursue this option if the appeal failed or that such a scheme would be similar to what is currently proposed. As such, I give that argument limited weight.
16. I conclude that the proposed development would adversely effect the character and appearance of the host property and the area contrary to LP Policies 53c, 55, 57 and 58 which, amongst other things, require development to respond positively to its context and use appropriate local characteristics to help inform the massing, scale and form of new development, have a positive impact on their setting in terms of height, scale and form, materials and detailing and respect the space between buildings where it contributes to the character of an area.

Living conditions for future occupiers

17. The proposed development would include covered cycle storage along the boundary with No 6. I note that the Council contend that the storage proposed is cramped and contrived and does not allow for enough circulation space. From my site visit I observed there would be adequate space in the garden area to accommodate larger secure and covered cycle storage which could be secured by condition if I were minded to allow the appeal.
18. Whilst 3 of the ground floor flats would benefit from direct access to the garden space, this would leave 6 flats without any external amenity space. In my view this arrangement would be inadequate for future occupiers resulting in unacceptable living conditions for future occupants, notwithstanding the degree of flexibility set out in LP Policy 50. The proximity of nearby parks and green spaces would not compensate for the inadequate amenity space provision proposed.
19. As such, due to the lack of external amenity space the proposed development would result in a substandard form of accommodation and would not provide adequate living conditions for future occupiers. This would be contrary to LP Policy 53 which, amongst other things, requires proposals to have a good standard of amenity for its occupiers.

Other Matters

20. The appellant has made reference to permission for the conversion of a property into flats in the area. However, the circumstances in each proposal are likely to be different and is not a reason, on its own, to allow unacceptable development. In any event every appeal must be considered on its own merits, as I have done.
21. I acknowledge that the proposed development would exceed internal residential space standards and would not unduly affect the living conditions of neighbouring residents. I also note that it would be located within an accessible location within close proximity of services and facilities and would contribute

towards housing in the city. However, these factors individually or cumulatively do not outweigh the harm that I have identified.

Conclusion

22. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR