



Appeal Decision

Site visit made on 18 May 2022

by D J Barnes MBA BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2022

Appeal Ref: APP/Q0505/D/22/3296516 52 Verulam Way, Cambridge CB4 2HN

- 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 Iulian Ungureanu against the decision of Cambridge City Council.
 - The application Ref 22/00177/HFUL, dated 17 January 2022, was refused by notice dated 14 March 2022.
 - The development proposed is described as the erection of a first floor extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the site visit I was unable to access the rear of 50 Verulam Way but I have been able to make an assessment of the effects of the appeal scheme on the neighbouring dwellings based upon the visit to the appeal property and the drawings provided.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Reasons

4. The appeal property is a 2-storey semi-detached dwelling with a single storey rear addition located within a primarily residential area. Planning permission has been granted for a single storey rear extension which would replace the existing addition (Ref 21/04219/HFUL). Significant weight has been given to this approved scheme in the determination of this appeal.
5. For personal needs and the limited difference in the cost of construction, the appellant is proposing to additionally erect a rear extension which includes a first floor element. Although the appellant has suggested that amendments could be made to the appeal scheme, no alternative drawings have been provided and nor has the Council had the opportunity to comment upon any suggested changes, including obscured glazing being erected within the proposed bedroom window or the erection of rooflights. Accordingly, this appeal has been determined based upon the proposed development assessed by the Council.

6. At first floor level, the rear elevation of the proposed development would include openings associated with a bedroom that would have an outlook towards the rear elevation and garden of 2 Somerset Close. Although the outlook would be an angled one, a person standing in proposed bedroom looking out of the window would unacceptably overlook the amenity space and rear elevation of No. 2 which would adversely affect the privacy of the occupiers of this neighbouring property. Further, the siting and scale of the proposed rear elevation would be an overbearing form of development for the occupiers of No. 2.
7. As noted, a single storey extension has been granted planning permission and, if erected, its side elevation would be sited close to the shared boundary with 50 Verulam Way. This relationship would not alter because of the appeal scheme. However, the appeal scheme does include a first floor element but this would be sited away from the shared boundary with No. 50. This boundary is currently dominated by trees of a significant height albeit it is recognised that they could be felled at a later date.
8. There are habitable room windows within the rear elevation of No. 50 close to the shared boundary. However, because of the siting and scale of the approved single storey extension and the siting of the proposed first floor extension, the appeal scheme would not materially alter the outlook from these windows to such an extent to be a visually dominant form of development. This assessment applies equally to the outlook from the rear garden of No. 50.
9. Although there would be an impact on the living conditions of the occupiers of No. 50 this would represent only a limited harm. However, this degree of harm would be significantly and demonstrably outweighed by the unacceptable harm caused to the living conditions of the occupiers of No. 2.
10. For the reasons given, it is concluded that there would be unacceptable harm caused to the living conditions of the occupiers of neighbouring properties and, as such, there would be a conflict with Policy 58 of the Cambridge Local Plan (LP) which, amongst other matters, requires residential extensions not to unacceptably overlook, overshadow or visually dominate neighbouring properties. LP Policy 56 does not include specific criteria related to the main issue. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR