



Appeal Decision

Site visit made on 21 June 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/Q0505/D/22/3299168
18 Neath Farm Court, Cambridge CB1 3EX

- 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 Alka Srivastava against the decision of Cambridge City Council.
 - The application Ref 22/00263/HFUL, dated 18 January 2022, was refused by notice dated 22 April 2022.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at 18 Neath Farm Court, Cambridge CB1 3EX in accordance with the terms of the application, Ref 22/00263/HFUL, dated 18 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 21/1374/PL.10 Rev A and 21/1374/PL.11 Rev B
 - 2) Prior to the occupation of the development hereby permitted, the roof of the extension shall be planted/seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick. The roof shall not be used as an amenity or sitting out space and shall only be used in the case of essential maintenance of the planting or escape in case of emergency.

Procedural Matter

2. The appeal scheme includes a single storey extension to the side and rear of a dwelling. The extension has partially been erected but because it is not yet completed it is referred to as the proposed development in this decision.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the living conditions of the occupiers of 19 Neath Farm Court and (b) surface water management.

Reasons

Character and Appearance

4. Policy 58 of the Cambridge Local Plan (CLP) requires that proposals do not unacceptably overlook, overshadow or visually dominate neighbouring properties. The flank wall of the proposed extension would be sited adjacent to the shared boundary with 19 Neath Farm Court. By reason of the wall having been erected, the site visit enabled an assessment of the effect of the appeal scheme upon the living conditions of occupiers of No. 19.
5. The Council's specific concern is related to the visual impact of the proposed extension albeit the occupiers of No. 19 have raised concerns associated with the loss of light to both a patio area and a large opening within the rear elevation which serves a habitable room. By reason of the orientation of the appeal property and the siting of the proposed extension, the morning site visit enabled observations to be made concerning potential overshadowing and loss of sunlight and daylight to the rear of No. 19.
6. The flank wall of the proposed extension would project from the rear of the property along part of the shared boundary. When this projection is assessed alongside the height of the proposed extension and the overall size of the amenity space, the outlook from the garden and rear windows of No. 19 would not be visually dominated by the appeal scheme. Accordingly, the proposed extension would not be of a scale which would represent an overbearing form of development.
7. By reason of the appeal scheme's siting and scale, there would be some loss of sunlight reaching the rear window and patio area of No. 19 for part of the day, in particular the morning. However, sunlight would still reach the rear of No. 19 at least during the afternoon and evening. There may be some reduction in daylight reaching the rear window of No. 19 because of the proposed extension's scale and siting but, as also similarly assessed by the Planning Officer, this degree of change would not be sufficient to justify the failure of this appeal.
8. CLP Policy 58(d) refers to new roof profiles being sympathetic to the existing building and surrounding area. However, although no other additions were observed during the site visit, a flat roof or shallow sloped mono-pitched roof is a common approach adopted for single storey rear domestic extensions. As included as part of the proposed development, a flat roof form can minimise a proposal potentially being considered an overbearing form of development.
9. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 19 Neath Farm Court and as such, there would not be a conflict with CLP Policy 58. CLP Appendix E is directed at extensions to roof rather than provide detailed design guidance for the design of roofs for single storey extensions.

Surface Water Management

10. CLP Policy 31(f) refers to any flat roof being a green or brown roof to assist with the management of surface water. The appeal scheme would include a flat roof but it is not proposed to be a green or brown roof. However, the Council has suggested a condition which would require this type of roof to be provided. Accordingly, it is concluded that the proposed development would

provide for appropriate surface water management and, as such, it would comply with CLP Policy 3(f).

Other Matters

11. The occupiers of No. 19 have raised other matters which have been considered by the Council, including the colour of the external bricks and construction impacts. However, these matters were assessed by the Council as not being a basis for the refusal of the appeal application and there are no reasons for me to depart from the Council's assessment. Ownership and Party Wall notice matters are not directly related to planning but are addressed through other legal approaches.

Conditions

12. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. The assessment has also considered the partially constructed nature of the appeal scheme in drafting the conditions, including agreeing with the Council there is no necessity for implementation and external materials conditions.
13. For clarity, it is necessary for the proposed development to be erected in accordance with the submitted drawings albeit, as already identified, a condition is also required to secure the erection of a green roof prior to the occupation of the appeal scheme.

Conclusion

14. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR