
Appeal Decision

Site visit made on 4 May 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2022

Appeal Ref: APP/Q0505/W/21/3284767

46 Perne Road, Cambridge CB1 3RT

- 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 P Sodha against the decision of Cambridge City Council.
 - The application Ref 19/1465/FUL, dated 22 October 2019, was refused by notice dated 28 June 2021.
 - The development proposed is described on the application form as 'conversion of existing HMO (C4) into 2 no flats to include rear extensions and loft extension/conversion'.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of existing HMO to 2no 4bed flats, including part two, part single storey rear extensions and roof extension, including the installation of two glass balustrades at first and second floors. New bin and bike store at 46 Perne Road, Cambridge CB1 3RT in accordance with the terms of the application, Ref 19/1465/FUL, dated 22 October 2019, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council has described the development as 'Change of use of existing HMO to 2no 4bed flats, including part two, part single storey rear extensions and roof extension, including the installation of two glass balustrades at first and second floors. New bin and bike store'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides an accurate description of the proposal and I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the area;
 - the effect of the proposed development on the living conditions of neighbouring occupiers having regard to privacy and noise;
 - whether the proposal would provide an adequate amount of suitable and useable outdoor amenity space for its future occupiers; and
 - the effect of the proposed development on highway safety having regard to parking provision.

Reasons

4. The proposal would convert the existing house in multiple occupation (HMO) into extra-care accommodation comprising one four bedroomed flat and one three bedroomed flat. This accommodation would be managed by a healthcare provider. To facilitate this the existing building would be substantially extended to the rear at ground floor level. A sizeable new box dormer extension would be installed in the rear roof slope with a flat roofed rear extension/balcony at first floor level. The proposed ground floor rear extension would also have a flat roof with a balcony on top of a small portion of it. Other elements such as a shared outdoor amenity space, a bike store and bin stores would be installed externally at ground floor level. The existing single storey detached garage to the rear of the appeal property would be demolished.

Character and Appearance

5. The council has raised a concern in relation to the scale and design of the proposed rear first and second floor flat roofed extensions/balconies which it argues would emphasise the 'boxiness' of the rear elevation. However, as acknowledged in the Council's officer report the adjacent properties, nos. 48 and 50 Perne Road have sizeable box dormer extensions on their rear roof slopes and that the proposed flat roof extensions/balconies would match the depth of these dormer extensions.
6. Furthermore, given the presence of the nearby large box dormer extensions I consider that the proposal would not be out of keeping with the character and appearance of the rear elevations of the properties on this part of Perne Road. Consequently, even though the proposed flat roof extensions/balconies are not a common feature on the rear elevations of many of the properties on Perne Road, given that they would not project further to the rear than the nearby box dormers and would have a character and appearance like them, I consider that they would not have an adverse visual impact on this part of the road.
7. The Council has also raised a concern in relation to the location of the proposed bin store for flat 2 being at the front of the appeal property. However, as acknowledged in the officer report, I am satisfied that any potential adverse visual impact could be mitigated via the imposition of a suitably worded condition requiring the location of the proposed bin store for flat 2 to be at the rear of the property.
8. I therefore conclude that the proposed development would not materially harm the character and appearance of the host property and the area. Accordingly, it would not conflict with the relevant requirements of policies 53, 55 and 58 of the adopted Cambridge Local Plan (CLP).

Living Conditions

9. The council have raised a concern that the proposed first and second floor balconies would cause a degree of overlooking of the rear amenity space of neighbouring properties if it provided unobstructed views of this private amenity space. However, according to the submitted plans and the other evidence before me the proposed balconies would be obscure glazed up to a height of approximately 1.7 metres on both of their side elevations which would in my view mitigate any potential adverse impact by direct overlooking of these neighbouring rear amenity spaces.
10. I note that the glazing on the rear elevation of the proposed balcony rails would not be obscure glazed, however even so given the oblique angle of any potential

views from this vantage point I consider that there would not be an unacceptable degree of overlooking as a result.

11. I also note that the proposed first floor side kitchen window would also face the rear of no. 44 Perne Road, however as acknowledged in the officer report I am satisfied that any potential impact could be adequately mitigated via the imposition of a suitably worded condition requiring that this window be obscure glazed.
12. In the officer report the Council have also stated that neighbouring occupiers of would be able to see and hear the users of the proposed balconies through the obscure glass and that this would affect the use of their rear amenity space. However, given the proposed obscure glazing on their side elevations, I consider it unlikely that the users of the proposed balcony would be fully visible from such a vantage point.
13. Furthermore, given the nature of the proposed accommodation and the fact that its future occupiers would require a degree of medical care I also consider it unlikely that they would make so much noise while using the balcony as to cause any unacceptable disturbance to neighbouring occupiers. Indeed, the Council have not provided any substantive evidence that noise disturbance is currently an issue given its existing use as a HMO which is likely used as student accommodation in this university city. Moreover, for similar reasons I also consider that the proposal's future occupiers would be likely to only use the proposed balconies occasionally.
14. I therefore conclude that the proposed development would not materially harm the living conditions of neighbouring occupiers having regard to privacy and noise. Accordingly, it would not conflict with the relevant requirements of policies 53, 55 and 58 of the adopted Cambridge Local Plan (CLP).

Outdoor Amenity Space

15. The Council has raised concerns that the shared outdoor amenity space that the proposal would provide would be accessed indirectly by the future occupiers of the flats who would use it. However, just because the proposed communal/shared amenity area for the proposed flats is located on the other side of the paved area where the bin and bike store would be situated does not mean that it could not be easily accessed either on foot or by wheelchair given the relatively short distance between it and these flats. Moreover, the supporting text to policy 50 states that external amenity space could accommodate space for refuse and recycling bins and circulation space as well as an area for children to play in which the proposed paving area and lawn to the rear of the proposal would provide.
16. I therefore conclude that the proposed development would provide suitable and useable outdoor amenity space for its future occupiers. As a result, it would not conflict with the relevant requirements of policies 53 and 58 of the CLP.

Highway Safety

17. As stated in the Council's officer report the proposal constitutes extra care accommodation where its future residents would live semi-independently and have mild/moderate needs where carers would occasionally visit or complex needs where carers would live in. The glossary to the CLP defines extra care housing as self-contained housing, but with other facilities provided on-site where people can receive care and support but still retain their independence, as opposed to residential care homes where occupants do not have their own tenure or 'own front door'. Appendix L to the CLP does not contain specific car and cycle parking standards for this type of development.

18. The Council has raised a concern that the single parking space and the lack of on-street parking is not considered to be sufficient for the extra care use. The Council therefore argues that there is no information provided to indicate that the additional needs of the occupiers would not give rise to additional parking requirements and therefore that this could result in highway safety issues. However, according to the evidence the appeal site is not located within a controlled parking zone. In addition, policy 82 of the CLP states that planning permission will not be granted for developments that provide no more than the car parking standards for now residential and non-residential development set out within Appendix L, taking into account the accessibility of the site to public transport and the nature of the use.
19. Furthermore, the proposal would retain the existing single car parking space to the front of the appeal property and would provide secure covered cycle storage for approximately 10 bikes. In addition, according to the evidence the appeal site is in a sustainable urban location that is well served by public transport. Consequently, and given the size of the proposal I consider it likely that any visiting carers would travel to and from the property using public transport or bicycle with the single parking space to the front being sufficient for the likely occasional use of a private car.
20. Moreover, given the nature of the proposed accommodation I also consider that its future residents, who would require a degree of medical care, would be less likely to regularly venture outside and that on the rare occasions that they did, that they would travel to and from the property via medical transport or by public transport. For similar reasons I consider it unlikely that they would own or regularly use a private car. It is also likely that in the event that any of its future occupiers required the use of a medical vehicle such as an ambulance, that it would temporarily park in front of the property rather than use the provided parking space.
21. I also have no substantive evidence before me to suggest that the appeal site is within an area of parking stress or that the proposal would create more demand of parking than the current HMO use. Indeed, the Highway Authority have not objected to the proposal on these grounds and from the evidence before me I see no reason to disagree.
22. Consequently, and taking into account the accessibility of the site to public transport and the nature of the proposed use I conclude that the proposed development would not materially harm highway safety having regard to parking provision. As a result, it would not conflict with the relevant requirements of policies 80, 81 and 82 of the CLP.

Other Considerations

23. According to the evidence, the proposal would provide extra care accommodation for which there is an identified need in accordance with policy 47 of the CLP. As a result, this consideration carries significant weight in favour of the appeal scheme.

Other Matters

24. I note that interested parties have raised a concern relating to loss of sunlight to the rear amenity areas of their neighbouring properties. However, the Council have not raised a concern in relation to this matter and I also have no substantive evidence before me to show that the proposal would have an adverse impact in this regard. As a result, these concerns are not of sufficient weight to warrant refusal of the proposal.

Conditions

25. I have imposed conditions as set out in the attached schedule in light of the use of planning conditions set out in the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance). Consequently, in the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions as suggested by the Council.
26. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. I have also imposed a necessary condition specifying that the proposal be constructed of the materials on the approved plans in the interests of the character and appearance of the area.
27. In the interests of the character and appearance of the area, the promotion of biodiversity, promoting sustainable construction and the reduction of carbon dioxide emissions, I have imposed necessary conditions requiring the submission and approval of details of: a hard and soft landscaping scheme; a biodiversity enhancement scheme; a carbon reduction statement; and a water efficiency specification.
28. I have also imposed necessary conditions requiring: the provision of the external communal garden area and bin and bike stores prior to the first use of the proposal; and that the proposed bin store for flat 2 be relocated from the front of the property to the rear, in the interests of the living conditions of its future occupiers and the character and appearance of the area.
29. In the interest of the living conditions of neighbouring occupiers I have imposed necessary conditions limiting the hours of construction and the hours of deliveries/collections and requiring obscure glazing the relevant side elevations of the proposed development. In the interest of the living conditions of the proposal's future occupiers who would require a degree of medical care I have imposed a necessary and relevant condition requiring that the proposal meets the relevant accessible and adaptable dwellings building regulations optional requirement.
30. I have chosen not to impose the condition suggested by the Council that would require the removal of the existing vehicular access/dropped kerb to the front of the appeal property as this would prevent the future use of the existing parking space which the proposal would retain.
31. Given the scale and nature of the proposal I have also chosen not to impose conditions suggested by the Council relating to the submission and approval of: a carbon reduction statement; a biodiversity enhancement scheme; and revised plans detailing the provision of letterboxes as they would neither be reasonable nor necessary in this case.

Planning Balance and Conclusion

32. The proposal would provide extra care accommodation for which there is an identified need to which I have afforded substantial weight and it would accord with the development plan as a whole. There are also no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

C Coyne

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No. 2022/04; Proposed Floor Plans and Elevations and Bin and Bike Store Details Drawing No. 2022/02 Revision C; Proposed Block Plan Drawing No. 2022/03.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on approved plan Proposed Floor Plans and Elevations and Bin and Bike Store Details Drawing No. 2022/02 Revision C and shall match those of the existing building.
- 4) No development above foundation level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) boundary treatments;
 - iii) vehicle parking layouts;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) minor artefacts and structures [e.g. furniture, play equipment, refuse or other storage units, signs, etc.];
 - vii) proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
 - viii) lighting, floodlighting and CCTV;
 - ix) water features;
 - x) an implementation programme, [including phasing of work where relevant].

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 5) The development, hereby permitted, shall not be occupied until a water efficiency specification, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that the dwelling is able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.
- 6) The proposed bin store for flat 2 shall be relocated from the front of the property to the rear.
- 7) The bin and bike stores associated with the proposed development shall be provided prior to the proposed use and in accordance with the approved layout plan pursuant and shall be retained thereafter.
- 8) The external communal garden area as shown on the approved drawings shall be provided prior to occupation of the building for the proposed use and retained for communal uses and used for no other purpose(s).

- 9) The development, hereby permitted, shall not be occupied until the proposed first floor and second floor privacy screens on the side elevations of the development have been fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity. The glazing shall thereafter be retained in accordance with the approved details.
- 10) Demolition or construction works shall take place only between 0800 – 1800 on Mondays to Fridays, between 0800 – 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 11) Deliveries shall be taken at or despatched from the site, during the demolition and construction stages, only between 0800 – 1800 on Mondays to Fridays, between 0800 – 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 12) Notwithstanding the approved plans and unless it is demonstrated to and agreed in writing by the local planning authority that due to site constraints it is not feasible, prior to the development of the scheme above foundation level, revised plans shall be submitted to and approved in writing by the local planning authority detailing the provision of letter boxes for all units to be located externally to the building facade in an accessible location from the street. The development shall be carried out in accordance with the approved plans prior to the occupation of the flats.
- 13) The development hereby permitted shall not be occupied until the Building Regulations Optional Requirement Part M4(2) 'accessible and adaptable dwellings' has been complied with.

End of Schedule