



Appeal Decision

Site visit made on 28 June 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/Q0505/W/21/3288162

Land adjacent King Hedges Road, Cambridge CB4 2UE

- 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 Yusuf Allyjaun against the decision of Cambridge City Council.
 - The application Ref 21/03991/FUL, dated 2 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is the construction of 2 no. 2 bed flats with associated bin and cycle stores.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area; and,
 - The living conditions of neighbouring occupiers, with particular regard to outlook.

Reasons

Character and Appearance

3. Kings Hedges Road is a long thoroughfare the character of which changes along its length. However, around the appeal site it is characterised primarily by the highway itself and the mature greenery that bounds it to either side. In a number of locations buildings can be seen backing on to the road, but this is primarily only in glimpses through this vegetation. An exception to this is the large commercial buildings on the opposite side of the road from the appeal site. Given their size and positioning, they sit prominently within the street scene. Nevertheless, given its position the appeal site is not read in connection with these buildings and instead forms a long and narrow open space on the inside of the bend.
4. The appeal site is therefore a prominent feature as part of a long strip of mature vegetation which provides a sense of openness and a defined boundary between Kings Hedges Road and the residential area behind the site. The proposal would include the provision of a tall and solid timber fence along the front of the site, close to the back of the pavement, and a pair of semi-detached bungalows. These features would, by way of their physical and visual presence, erode the openness of the site as well as form a jarring intrusion into the green strip bounding the highway.

5. Although I note the proposed hedging along part of the proposed fence, I find that this would take a considerable amount of time to effectively soften the hard appearance of the fence and even then, it would only do so across a short portion of the overall fence. Furthermore, whilst the appeal site may not be used for any formal uses, such as a recreational space, it nevertheless contributes to the overall visual appearance of the area as set out above the loss of this would be unacceptable.
6. The jarring appearance of the proposal in an otherwise green space would be further exacerbated by the loss of trees and other vegetation on site. I note the appellant has suggested only one tree would need to be felled but, lacking evidence to the contrary, I find that due to the close proximity of other trees within the site, others would also need to be felled. Furthermore, trees close to the proposed dwellings would have the potential to affect the living conditions and safety of future occupiers and the buildings through the shading of the plots, leaf litter and falling branches. Consequently, it is likely that there would be pressure on any retained or replacement trees to be removed along with any contribution they provide towards the character and appearance of the area.
7. Whilst the proposed bungalows may not directly face towards Kings Hedges Road, given their close proximity, prominence and the entrance gates, they would still be read in relation to Kings Hedges Road, rather than the residential area behind. Moreover, I find it likely that residential paraphernalia, such as house numbers or bins out for collection, would be visible from the front of the site. Collectively, this would result in the site clearly appearing residential in nature and out of keeping with the character of Kings Hedges Road as set out above.
8. In light of the above, the proposal would result in harm to the character and appearance of the surrounding area due to its siting, scale and the loss of trees. The proposal would therefore conflict with Policies 55, 56, 57 and 59 of the Cambridge Local Plan (the CLP, October 2018). It would also conflict with character and appearance requirements of Paragraphs 120, 126, 130 and 134 of the National Planning Policy Framework (the Framework) as well as the National Design Guide.

Living Conditions

9. The appeal site backs on to the rear garden serving, what I understand to be, number 9 Bassett Close. The site is separated from the neighbouring property by a fence, trees and hedging. The proposed bungalows, and in particular Flat 2, would sit close to the neighbour's boundary. Given the length of the building it would extend alongside a significant portion of the neighbour's garden.
10. Although a bungalow, and whilst a large area of the roof pitches away from the shared boundary, the two large gable ends facing towards number 9 would appear as dominant and intrusive features to neighbouring occupiers when using their garden. However, as the gables do not extend along a significant portion of the garden, and as the other outlooks from the neighbour's garden are open, I do not find that they would result in a sense of enclosure. Nevertheless, their overbearing nature would harm the neighbouring occupier's enjoyment of their garden to the detriment of their living conditions.

11. Although the proposal may not harm the privacy of neighbouring occupiers by way of overlooking their properties, and whilst the proposed dwellings may meet the requirements of the Technical Housing Standards – Nationally Described Space Standards, these matters are a lack of harm rather than a benefit and as such do not outweigh the harm identified above.
12. Therefore, I find that, by way of its height and siting the proposal would harm the living conditions of the neighbouring occupiers by way of their outlook. Whilst the Council have referred to CLP Policy 55, I do not find that this is particularly relevant to this matter. I have therefore relied upon the Framework. The proposal would conflict with Paragraph 130(f) which requires that developments create places that promote well-being with a high standard of amenity for existing and future users.

Other Matters

13. The appellant has made reference to a number of further paragraphs within the Framework, including Paragraphs 8, 11 and 38. In considering this appeal I have been mindful of the presumption in favour of sustainable development and its overarching economic, social and environmental objectives. I have also been mindful, in line with Paragraphs 55-58 of the Framework, as to whether conditions could have been used to make the proposal acceptable, but I find that given the nature of the issues raised above, it would not be possible in this instance. The appellant has also made reference to Framework Paragraphs 110, 111 and 123 but these are not particularly relevant to the appeal before me and have not been determinative in my considerations.
14. I understand that the Council may not have raised concerns with a number of the issues considered above under planning application 20/05259/FUL which was withdrawn. However, a formal decision was not made on that application and advice cannot bind a planning authority in their assessment and determination of a subsequent planning application.

Planning Balance

15. The government's objective is to significantly boost the supply of housing and the proposal would provide two new dwellings in an urban area with good access to shops, services and sustainable transport options, in compliance with CLP Policy 3. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as social and economic benefits resulting from future occupiers. Given the small scale of the proposal, these benefits collectively attract moderate weight.
16. Whilst the proposal may not result in any harm to a specific or important habitat, this is not a benefit in itself and as such I attach this matter neutral weight.
17. Conversely, the proposal would result in harm to the character and appearance of the surrounding area as well as to the living conditions of neighbouring occupiers, in conflict with the development plan. These matters afford significant weight and outweigh the benefits associated with the proposed development.

Conclusion

18. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR