
Appeal Decision

Site visit made on 28 June 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Ref: APP/Q0505/W/22/3293446

Land adjacent to 22 Mill End Close, Cambridge CB1 9HS

- 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 S Dudley of Wickman Properties Ltd against the decision of Cambridge City Council.
 - The application Ref 21/03439/FUL, dated 22 July 2021, was refused by notice dated 12 January 2022.
 - The development proposed is described as “proposed development of three 1 bedroom duplex dwellings with associated landscaping, parking, bin and cycle storage”.
-

Decision

1. The appeal is allowed, and planning permission is granted for the “proposed development of three 1 bedroom duplex dwellings with associated landscaping, parking, bin and cycle storage” at land adjacent to 22 Mill End Close, Cambridge CB1 9HS in accordance with the terms of the application, Ref 21/03439/FUL, dated 22 July 2021, and the plans submitted with it, subject to the conditions in the schedule to this decision below.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of No 32 Wedgewood Drive and No 20 Mill End Close.

Reasons

No 32 Wedgewood Drive

3. No 32 Wedgewood Drive is a semi-detached, two-storey dwelling that has its side elevation and rear garden adjacent to the appeal site. It has a rear ground floor window closest to the boundary shared with the appeal site, described by the council as serving a kitchen/diner. The proposed building would extend beyond the rear elevation of that neighbouring property. However, the building would not encroach into the field of view from that window, as demonstrated by the analysis of the line of 45 degrees from the kitchen/diner window as shown on drawing PL(90)02 P1. Therefore, the proposed building would not have an overbearing effect on this window.
4. No 32 Wedgewood Drive has a rear patio/seating area adjacent to the appeal site, and there is another patio/seating area sited further away. A closed boarded fence is located along the shared boundary that screens the nearest patio/seating area from the appeal site. The proposed dwelling would have a lower eaves and ridge height than No 32 Wedgewood Drive and the roof would slope away from the neighbouring property’s rear garden. Although there

would be some effect to the neighbouring property's patio, it would be to a very limited degree, with an open outlook maintained to the rear and sides. Therefore, the proposed building would not significantly enclose the rear patio area of the neighbouring property.

5. I note that the occupiers of No 32 Wedgewood Drive have raised concern in respect of a loss of light and overshadowing. Given the position of the proposed building to the south of No 32, there may be some effect from shadows cast. However, from the evidence before me, this would be very limited and for much of the day, this would only impact upon the narrow strip of land between the boundary and the side of No 32, rather than the main part of the garden or other external amenity space. Given the distance of the proposal from the building and garden of No 32, I do not consider that there would be any significant loss of ambient daylight. The council has also not raised concern in this regard.

No 20 Mill End Close

6. No 20 Mill End Close is a semi-detached, two-storey dwelling that has its side elevation and rear garden adjacent to the appeal site. The council state that the neighbouring property has a patio area along the boundary shared with the appeal site, which is screened by a closed boarded fence. The proposed building would continue beyond the rear elevation of No 20 Mill End Close for an extended length. However, it would be sited away from the shared boundary, with the intervening gap to form a garden to plot 3. The proposed building would have an eaves and ridge height that is lower than No 20 Mill End Close and the roof of the proposed building would slope away from the neighbouring property's rear garden. Although there would be some effect to the neighbouring property's patio, it would be to a limited degree, with an open outlook maintained to the rear and sides. Therefore, the proposed building would not significantly enclose the rear patio area of the neighbouring property.

Conclusion on the Main Issue

7. In relation to the main issue, the development would not have a harmful effect on the living conditions of the occupiers of No 32 Wedgewood Drive and No 20 Mill End Close. The proposal would therefore comply with Policy 52 of the Cambridge Local Plan, adopted October 2018 (LP), which requires developments to protect the amenity and privacy of neighbouring, existing and new properties. The council also refused the development with respect to Policies 55, 56 and 57 of the LP. However, those policies do not raise matters that are relevant to the reason for refusal or the main issue that I have set out above. The proposal would also comply with the advice within the National Planning Policy Framework to ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

8. I have had regard to the comments of interested parties in respect of parking including the effect the development would have upon on-street parking. However, the Highways Authority in their consultation response state the proposed development is unlikely to result in any significant adverse impact upon highway safety. The site is within an accessible urban area where there should not be an over-reliance upon private vehicles. However, even if there

may be some increased pressure for on-street parking, that could generally be achieved safely, given the attributes of the surrounding roads.

9. Concerns are also raised that the proposed development would be out of character with the street scene. The development would be set back from the cul-de-sac and would not be prominent within the corner location. The development would satisfactorily integrate with the immediate area and street scene.
10. Whilst the construction phase of the development could potentially be disruptive, it would be short-term, and some effects can be mitigated by way of conditions. Damage to road surfacing and boundary walls from construction vehicles could also occur, but from the information before me, there is no indication that this would be overly likely to occur in this instance. I also have no reason to consider that these matters will not be controlled by provisions separate from the planning regime.
11. Planning permission for a pair of semi-detached dwellings on the appeal site has been brought to my attention, with a preference for that scheme over the proposed development. However, I must consider each development on its own merits.

Conditions

12. The council has provided a list of conditions which I have had regard to with respect to the tests for conditions set out within the NPPF. I have undertaken some minor editing and rationalisation of the conditions proposed in the interests of precision and clarity. In addition to the standard condition, which limits the lifespan of the permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions relating to the submission and approval of materials, boundary treatments and curtilages are necessary to ensure the appearance of the development would be satisfactory.
13. I attach conditions restricting the hours of working on the site and deliveries to and from the site to between specified hours, and for details of any piling to be agreed, to safeguard the living conditions of adjacent occupiers. I also attach a condition removing permitted development rights for alterations and additions to the roof of the building to safeguard the living conditions of adjacent occupiers. I attach conditions to secure site drainage and the future maintenance of the surface water drainage system to ensure an adequate system for the drainage of the site is provided. I attach conditions in respect of electrical vehicle charging point(s) and the submission and approval of bike storage facilities, to increase the sustainability of the proposed development and to promote the use of more sustainable modes of transport.
14. I do not consider that a condition in respect of a requirement for the proposed building to be constructed in compliance with Part M4(2) of the Building Regulations 2010 is necessary. The proposed building would have to be constructed in accordance with Building Regulations in any event.
15. I note a request from third parties for conditions to be attached to restrict large vehicle movements to one vehicle at a time and for mud to be cleaned from the highway. These would attempt to impose controls on the operation of vehicles and land beyond the site and are unreasonable and unenforceable. The second

is also a matter for the Highway Authority, and so it is not necessary in planning terms. I therefore will not impose such conditions.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Berry

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: Location Plan, PL(21)01 Rev P1, PL(21)02 Rev P2, PL(90)01 Rev P1 and PL(90)02 Rev P2.
- 3) Prior to development above slab level, details of the materials to be used in the construction of the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until details of facilities for the covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the local planning authority. The details shall include the means of enclosure, materials, type and layout. The facilities shall be provided in accordance with the approved details and shall be retained as such thereafter.
- 5) Prior to the occupation of the development hereby permitted, the curtilages of the approved dwellings shall be fully laid out and finished in accordance with the approved plans. The curtilages shall be retained in such a form thereafter.
- 6) Prior to development above slab level, a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed in accordance with the approved details prior to the occupation of the development hereby approved and shall be retained in such a form thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), any roof additions or alterations under Schedule 2, Part 1, Classes B and C shall not be undertaken, other than those expressly authorised by this permission.
- 8) No construction work or demolition work shall be carried out, plant operated, or deliveries to and from the site, other than between the

following hours: 8am to 6pm on Monday to Friday, 8am to 1pm on Saturday and at no time on Sundays, Bank or Public Holidays.

- 9) In the event of the foundations of the development hereby approved requiring piling, prior to the construction of the building, the applicant shall provide the local planning authority with a report/method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.
- 10) Prior to the installation of any electrical services, information to demonstrate that at least one dedicated active electric vehicle charge point will be designed and installed on site in accordance with BS EN 61851 with a minimum power rating output of 7kW, shall be submitted to and approved in writing by the local planning authority. The active electric vehicle charge point as approved, shall be fully installed prior to the first occupation of the development hereby approved and shall be maintained and retained thereafter.
- 11) No development above ground level, other than demolition, shall commence until a scheme for the provision and implementation of both surface and foul water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme that is first agreed in writing with the local planning authority.
- 12) Prior to the first occupation of any dwellings hereby permitted, details for the long term maintenance arrangements for the surface water drainage system (including all Sustainable Drainage Systems (SuDs)) shall be submitted to and approved in writing by the local planning authority. The submitted details should identify runoff sub-catchments, SuDs components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

*****End of Conditions*****