



Appeal Decision

Site visit made on 3 August 2022

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2022

Appeal Ref: APP/Q0505/D/22/3299597

41 Highworth Avenue, Cambridge CB4 2BQ.

- 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 and Mrs J Vargas against the decision of Cambridge City Council.
 - The application 21/03966/HFUL, dated 23 August 2021, was refused by notice dated 31 March 2022.
 - The development proposed is demolition of existing rear extensions and erection of two storey extension to original house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether there would be a detrimental effect on:
 - the living conditions of present and future occupiers at Nos 39 and 43 Highworth Avenue in respect of proximity, loss of privacy and levels of light and
 - the character and appearance of the host dwelling and its surroundings.

Reasons

3. The appeal site sits on the south-west side of Highworth Avenue which is characterised by mainly detached, two storey dwellings in a mix of styles. The houses typically have shallow front gardens but deep plots to the rear. The side separation between the properties is limited although on the north-west side of the appeal property adjacent to No 43 the side separation is more generous.
4. No 41 retains its original style and design to the street frontage but to the rear has been the subject of a number of extensions. A two storey, rear gabled offshoot appears to be part of the original design but a flat roof, two storey infill extension in the middle of the house has been constructed adjacent to it and a single storey, pitched roof extension completes the property on the west side of the property .
5. These additions to the property would be removed in the scheme and replaced by a large, full width, two storey, asymmetric extension in a contemporary style across the back of the property. The two storey section would extend in depth along the boundary adjacent to No 43 and a single storey section of the extension would occupy the middle of the rear elevation.

Living Conditions

6. The two storey rear extension would be a very substantial addition to the property

and particularly on the north-west side would extend in depth along the side boundary. The extension would be wider than the current house and would step out into the side separation between Nos 41 and 43. Thus, although as noted above, the side separation on this side is greater than elsewhere on Highworth Avenue the result of the proposal would be to reduce this.

7. No 43 Highworth Avenue has a side kitchen window, side first floor bedroom window and a rear conservatory/garden room facing towards No 41. Currently the side separation and the single storey rear extension to No 41 results in a reasonable relationship between the two properties. The effect of the proposed extension extending to a full two storeys, close to the side boundary, would be overbearing and enclosing on the side windows and garden room dominating the outlook from these. It has been put to me that the extension's ridgeline is both lower than the neighbouring property and lower than the roof to the main house with a roof sloping down to the side boundary. Nevertheless, the increase in height over the current single storey extension to a full two storeys that would also be closer to No 43 would represent an unacceptable relationship that would be detrimental to living conditions.
8. The appellant has commissioned a lighting assessment which purports to show that the effect of the proposal on sunlight and daylight and overshadowing would be acceptable. I accept that No 43 would retain sunlight from the south and west but given the height and proximity of the proposed extension there would be a loss of morning sunlight, especially in the winter, and particularly to the ground floor side kitchen window, (not shown on the lighting assessment visuals), which would adversely affect living conditions in No 43.
9. In terms of privacy I note there are ground floor windows proposed in the side elevation of the extension. However, there are already side windows in the existing side elevation of No 41 and I am satisfied that the additional overlooking of No 43 as a result of the proposal would be limited.
10. Although the proposal would see the construction of a full height two storey section adjacent to No 39 the extension on this side would not extend to the same depth as would be the case on the north-west side. Moreover, No 39 has its own extension to the rear which means the relationship between the appeal proposal and No 39 and the effect on living conditions on that side would be acceptable.
11. The *National Planning Policy Framework* (the Framework) at paragraph 130 requires that developments must create places with a high standard of amenity for existing and future users and in that respect the proposal would fail. Policy 58 of the *Cambridge Local Plan* (CLP) is consistent with the Framework in requiring extensions to existing buildings to avoid overlooking, overshadowing and dominating neighbouring properties. For the reasons above the proposal conflicts with the policy as it would result in an unacceptable relationship to No 43, damaging the living conditions for its occupants.

Character and Appearance

12. The principle of rear extensions in this location is acceptable provided the terms of CLP Policy 58 are met but in this case, because of the excessive scale and full width extension proposed, the result would be an extension that would be disproportionate to the original house dominating and subsuming its character.
13. It has been put to me that the extension would have no impact on the streetscene as it would be contained to the rear of the property. I acknowledge that, other than a small section which would be visible in the side gap next to No 43, the

extension would not have any significant impact on the street scene. However, this in itself does not mean that to the rear anything would be acceptable just because it cannot be seen.

14. I have been referred to the fact that there is a mix of extension styles to the rear of the properties in Highworth Avenue and in that context the extension would be acceptable. The difference in style is not the issue in this case however and in principle there would be no objection to the contemporary design proposed in the location. However, it is the failure of the design to respect the existing building form and demonstrate a subservience to the original dwelling that results in the conflict with Policy 58 of the CLP and the Framework.
15. Paragraph 130 of the framework requires development to be sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal would also fail. In addition to the fact that the proposal would fail to be sympathetic to the existing building and surrounding area required in CLP Policy 58, the design would also fail to respond positively to its context by being overlarge and dominant and would not result in a high quality addition to the original dwelling. As such the proposal would also conflict with Policies 55 and 56 of the CLP.

Other Matters

16. I understand the appellant's wish to achieve additional family accommodation in this large extension and in that way make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting nor should developments adversely affect the living conditions for neighbouring occupiers. As such, sustainable and effective use of the dwelling would not outweigh the harm to the living conditions of present and future occupiers of No 43 Highworth Avenue and the harm to the character and appearance of the dwelling and its surroundings as a result of the proposal.

Conclusion

17. In reaching my decision I have had regard to the matters before me but, for the reasons above, the appeal should be dismissed.

P. D. Biggers

INSPECTOR

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