



Appeal Decision

Site visit made on 16 August 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/Q0505/W/20/3263815

106 Wulfstan Way, Cambridge CB1 8QJ

- 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 Ke Xie against the decision of Cambridge City Council.
 - The application Ref 19/0221/FUL, dated 12 February 2019, was refused by notice dated 1 July 2020.
 - The development proposed is described as “erection of a single dwelling in the rear garden of 106 Wulfstan Way together with forming drop kerbs for access onto Hulatt Road and Wulfstan Way”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council raise no objection to the proposed dropped kerbs. The main issue therefore is whether the development would provide satisfactory living conditions for the future occupiers of the proposed dwelling, with particular reference to the quantity and quality of the private amenity space.

Reasons

3. The appeal site comprises the rearmost section of the back garden of No 106 Wulfstan Way that fronts onto Hulatt Road. The submitted plan indicates that the area to the side of the proposed dwelling would be utilised as an off-street parking space and bin storage area which would be overlooked by users of Hulatt Road. A small area of garden to the front of the dwelling would also be overlooked by users of Hulatt Road. These areas therefore would not comprise private amenity space. The private amenity space would therefore be limited to a small narrow strip to the rear of the proposed dwelling.
4. The proposed dwelling would have one bedroom and therefore is likely to be occupied by 1 or 2 people and therefore outdoor space would not be required for children to play. However, future occupants would need sufficient space to accommodate usual leisure and household activities associated with a dwelling, such as the drying of clothes or the siting of a table and chairs. I consider that the proposed private amenity space would not be of a sufficient size or shape to meet the reasonable expectations of future occupiers of the proposed dwelling.
5. The private amenity space would be enclosed to the rear by a proposed 2m high closed boarded fence with a 600mm trellis on top, a 2m high closed boarded fence to either side with a bin storage area to one end, and the blank

rear wall of the proposed bungalow that would be higher to the rear due to the mono-pitch design of the roof. The limited depth of the private amenity space together with the height and solidity of the dwelling's exterior rear wall and closed boarded fences, would be overbearing and would result in a sense of enclosure that would make the space unpleasant for occupiers to use.

Furthermore, the surrounding structures would result in some overshadowing of the private amenity space, particularly in the morning and evening. Overall, the amenity space would be of an unacceptable quality.

6. The proposed development would not comply with Policies 50, 52 and 56 of the Cambridge Local Plan, adopted 2018, that together seek to ensure that all new residential units provide appropriate private amenity space that is of a shape, size and location to allow effective and practical use of the space by residents.

Other Matters

7. The proposal has been designed with no windows or doors in the rear of the dwelling to ensure there is no overlooking of the proposed dwelling from the rear of No 106 Wulfstan Way. I also note that there would be no overlooking from the recently constructed house to the rear of No 104 Wulfstan Way. However, these are neutral factors that do not outweigh the harm I have found in respect of the main issue.
8. I have had regard to other matters raised by third parties comprising but not limited to, highways matters and the effect of the proposed dwelling on the occupiers of neighbouring properties. As I am dismissing the appeal, I have not addressed these matters further.

Conclusion

9. For the reasons given above, and having regard to all other matters raised, I conclude that the proposal would fail to accord with the development plan taken as a whole and therefore the appeal is dismissed.

A Berry

INSPECTOR