
Appeal Decision

Site visit made on 17 January 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2023

Appeal Ref: APP/Q0505/W/22/3300706

11A Garry Drive, Cambridge CB4 2PD

- 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 Kelvin Webb against the decision of Cambridge City Council.
 - The application Ref 21/05255/FUL, dated 29 November 2021, was refused by notice dated 07 February 2022.
 - The development proposed is conversion and extension of existing double garage to self-contained 1 bed single storey apartment.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide an acceptable living environment for future occupiers, with particular regard to light levels, outlook and external amenity space.

Reasons

3. The appeal property comprises a double garage which is located within a row of 3 units, 2 of which appear to have been converted to residential use. To the front of the property is a parking area which is bordered by the side elevation of No 17 Garry Drive.
4. It is proposed to convert the garage to a one-bedroom dwelling. The dwelling would contain window openings within the northern elevation, a window in the side elevation and 4 roof lights. An area of amenity space is proposed to the front, which would be located next to the parking area.
5. The amenity space would be north-facing and flanked by the side elevation of No 17. Thus, this space would receive limited levels of daylight at certain times of the year. Nonetheless it would provide a small space for future occupiers for relaxing and is of a size that would offer suitable functionality for future residents of the dwelling.
6. The parking area accommodates a limited number of vehicles. Thus, vehicular movements would be limited and furthermore would be separated from the amenity space by boundary treatment. Therefore, any noise and disturbance from engines and vehicles manoeuvring would be limited and would not be harmful to the enjoyment of internal and external spaces by future occupiers.
7. Outlook from the proposed window openings would be onto private amenity space and a parking area. The parking area is of an open aspect. Outlook onto

this space would not be unpleasant and would not be compromised by the stationing of a limited number of vehicles within the car park. The bedroom would contain openings onto amenity space which would be enclosed by boundary treatment. The full details of this boundary treatment are not before me. Planning Practice Guidance (PPG) advises that conditions may be imposed where doing so is necessary to avoid a refusal of planning permission. The Council suggest a condition relating to the approval and provision of boundary treatment. I agree that such a condition would meet the tests sets down in the PPG. Consequently, were the appeal acceptable in all other regards, the provision of appropriate boundary treatment which would not enclose views from this window could be controlled by condition. Thus, outlook from the proposed dwelling would not be unacceptable.

8. However, given the orientation of the building and its siting in relation to No 17, direct sunlight would not enter the dwelling via the doors and windows to the front elevation or the proposed opening to the side elevation. The 4 rooflights are small and would provide limited additional natural light. Thus, the openings would fail to provide adequate levels of natural light to the dwelling. Consequently, the dwelling would be a dark and uninviting space in which to spend time, in particular the living spaces to the rear of the building, to the detriment of the living conditions of future occupants.
9. Pulling all these points on living conditions together I have found that the proposal would provide acceptable external amenity space and outlook. However, I have found that the proposal would fail to provide adequate light levels to internal spaces and thus would not provide acceptable living conditions for future occupants. Therefore, overall, the proposal conflicts with those aims of Policy 52 of the Cambridge Local Plan (LP) (2018) which seek, amongst other matters, to permit high quality development where the amenity of new properties is protected.
10. Whilst referred to by the Council in their reason for refusal, LP Policy 56 guides proposals to ensure that development is attractive, high quality, accessible, inclusive and safe. The content of this policy does not appear to be applicable to the specific harm I have identified.

Other Matters

11. I acknowledge the social, environmental and economic benefits of the proposal which include the contribution towards the city's housing supply on a site at low risk of flooding with reasonable access to facilities and public transport. Additionally, I note that the conversion of the building to residential use would require limited alterations. However, these benefits do not outweigh the harm I have identified above.
12. The proposal is likely to be able to meet with the relevant local and national policies in terms of the effect on the character and appearance of the area, internal and external space standards, car and cycle parking, energy efficiency, trees and biodiversity. However, as these would be policy requirements in any event, I attribute these matters limited weight.
13. Additionally, the Council found that the proposal would not result in harm to the living conditions of the occupiers of neighbouring properties. This is noted but does not outweigh the harm I have found above.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Nichola Robinson

INSPECTOR