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# 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: 14<sup>th</sup> February 2023**

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**Appeal Ref: APP/Q0505/W/22/3301659**

**158 Mowbray Road, Cambridge CB1 7TG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr T Mendham against the decision of Cambridge City Council.
  - The application Ref 21/05497/S73, dated 14 December 2021, was refused by notice dated 17 February 2022.
  - The application sought planning permission for demolition of existing dwellings and outbuildings and construction of 2x2bed semi-detached dwellings, 4x1bed apartments and 1x2 bed apartment including bin, cycle and landlord store and external works, dated 21 April 2021 without complying with a condition attached to planning permission ref. 21/00603/S73.
  - The condition in dispute is No 2 which states that "*The development hereby permitted shall be carried out in accordance with the approved plans as listed: SE-740-10D, SE-740-11C, SE-740-12D, 2119-06, 2119-07, 2119-08.*"
  - The reason given for the condition is: "*In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.*"
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## Decision

1. The appeal is dismissed.

## Background and Procedural Matters

2. This proposal relates to a condition on permission ref 21/00603/S73, as referenced in my heading. That permission was itself granted under Section 73, pursuant to planning permission 17/1615/FUL, and it is from that permission that I have taken the description of development.
3. The permission which this application seeks to vary was subject to a number of conditions. Condition no 2 specified the approved plans. The appellant wishes to vary this condition and replace it with a condition specifying plans that reflect an amended design which incorporates dormer windows to the front elevation, alterations to the roof of the front projection of the apartment building and a change in materials to the front projection. The Council refused this application due to its effects on the character of the area.

## Main Issue

4. The main issue is the effect of the alternative design on the character of the area.

## Reasons

5. The appeal site is located on Mowbray Road which consists predominantly of two storey dwellings set back from the highway within spacious plots. Dwellings are of varied designs: some have undergone extensions and alterations and others incorporate small, pitched gable features above two storey bay windows to the front elevation. Within the surrounding area the front roof slopes remain unbroken and free of dormer windows. The appearance of the dwellings makes a positive contribution to the character of the area.
6. The appeal proposal would introduce 3 dormer windows within the front roof slope. There would be clear views of the altered roof profile from the property frontage and in views along Mowbray Road. The 3 dormer windows would be at odds with the character of dwellings in the surrounding area and would therefore appear as an incongruous addition to the appeal property.
7. For the above reason I conclude that the effect of the proposed alterations would be harmful to the character of the surrounding area. Such would be in conflict with those aims of Policies 55 and 57 and Appendix E (Roof Extensions Design Guide) of the Cambridge Local Plan (LP) (2018) which seek to ensure that development is of a high quality which reflects existing building forms and is sympathetic to the surrounding area and that roof extensions relate well to the proportions, roof form and massing of the existing house and neighbouring properties.
8. Whilst referenced by the Council in their reason for refusal, I find no conflict with LP Policy 59 which relates to landscape and the public realm. Therefore, the content of this policy is largely irrelevant to the specific harm I have identified.

## Other Matters

9. The appellant states that the proposed amendments would create a higher quality living space within one of the units. Even if this were the case, this would be insufficient to outweigh the harm I have identified in relation to the main issue.
10. I note that the proposal did not receive any objections from statutory consultees or neighbouring residents and that the Council do not object to the revisions to the front projection or the amendment to the materials. However, this does not outweigh the specific harm I have found above.

## Conclusion

11. For the reasons given above, the appeal is dismissed.

*Nichola Robinson*

INSPECTOR