



Appeal Decision

Site visit made on 31 January 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/Q0505/W/22/3303601

7 Kent Way, Cambridge CB4 2QY

- 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 Riz Rashid against the decision of Cambridge City Council.
 - The application Ref 21/03983/FUL, dated 31 August 2021, was refused by notice dated 01 February 2022.
 - The development proposed is part demolition of outbuildings, erection of single storey annexe and change of use to 6 bed HMO (Sui Generis) for 6 persons.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character of the area;
 - whether the proposal would provide satisfactory living conditions for existing and future occupiers with particular regard to amenity space provision; and
 - whether the proposal would make adequate provision for cycle storage.

Reasons

Character of the area

3. 7 Kent Way is a modest mid-terraced house set within a street scene of similar properties. Dwellings within the row have a rear access which leads to modest rear gardens, many of which contain garages and outbuildings of timber or concrete construction. There is a clear distinction in hierarchy between the more formal front elevations of the dwellings and the secondary role of outbuildings, which are detached from the dwellings and are generally located close to the rear access. Despite the various outbuildings, the rears of surrounding plots are generally relatively spacious, resulting in a pleasant, well-ordered residential character to the surrounding area.
4. The appeal property is a 5-bedroom House in Multiple Occupation (HMO) which has been extended to the rear and contains a small amenity space and timber outbuilding. The site layout generally conforms with the surrounding layout and thus makes a positive contribution to the prevailing pattern of development.
5. The proposal would demolish the existing outbuilding and erect a single storey annexe which would form part of the HMO in the main dwelling. The annexe

would be connected to the main dwelling by a link with a glazed roof and would be of brick and tile construction to match the main dwelling.

6. By virtue of its design and palette of materials the proposed building would appear more residential in character than the existing outbuildings. The proposed annexe would be a relatively sizeable addition and appear as a significant feature in relation to its surroundings, and, in combination with the proposed link and the existing extension, would cover most of the appeal site. This would result in a cramped form of development which would be of a scale, form and layout which would be inconsistent with the surrounding area.
7. Therefore, the proposal would result in harm to the character of the area. Consequently, it conflicts with those aims of Policies 52, 55 and 57 of the Cambridge Local Plan (2018) (LP) which seek to ensure that development responds positively to its context and the form, height and layout of development is appropriate to the surrounding pattern of development and the character of the area.
8. Whilst referred to by the Council in their reason for refusal I find no conflict with those aims of LP Policy 3 which set out the Council's spatial strategy for the location of residential development.

Living conditions

9. The appeal site has a small rear amenity space which contains the existing outbuilding. The proposal would result in a significant reduction in the overall amount of amenity space and an increase in site occupancy. The Council state that the 2 areas of amenity space at the rear of the site would provide approximately 17.74m² of garden space. This would not be large enough to accommodate space for activities such as sitting out and drying washing and thus would fail to provide adequate amenity space to meet the needs of existing and future occupiers.
10. I note that the Appellant states that the existing hard-standing garden serves little purpose and is not used by the existing residents. Nonetheless, it is necessary to ensure that existing and future occupants are provided with adequate usable amenity space to ensure satisfactory living conditions, which would not be achieved in this case.
11. For the reasons outlined above, the proposal would fail to provide satisfactory living conditions for existing and future occupiers with particular regard to amenity space provision. Consequently, it conflicts with those aims of LP Policies 52, 56 and 59 which seek to ensure that external spaces are designed as an integral part of new development proposals and provision is made for adequate amenity space that is inclusive, usable, safe and enjoyable.

Cycle storage

12. The existing 5-bedroom HMO has a cycle store in the rear garden. The appellant states that this store is underused and beyond policy requirements, and that current occupiers also store their bicycles in the front garden. Be that as it may, at the time of my site visit I did not observe any secure cycle storage facilities there.
13. LP Policy 82 places considerable emphasis on the provision of good, high quality and easily accessible cycle parking. It is stated that this is important to

encourage cycling and reduce the theft of bikes. LP Appendix L requires that a 6-bed dwelling should be provided with 5 cycle parking spaces.

14. The occupiers of the 6-person HMO would be provided with 2 cycle stores to the rear of the site. However, the Council identify that these stores would not be of an adequate size to conveniently store 5 bicycles and I have not been presented with sufficient evidence to demonstrate otherwise. Therefore, the proposal fails to make provision for adequate secure cycle storage for existing and future occupiers. Even if occupiers chose to store their bicycles in the front garden, facilities for the secure storage of bicycles as required by LP policy 82 are not present here. Thus, the proposal would provide inadequate secure facilities to encourage travel by sustainable means.
15. Therefore, the proposal would fail to make adequate provision for cycle storage. Consequently, it conflicts with those aims of LP Policy 82 and Appendix L which, amongst other matters, set out that development should prioritise and support cycling and provide at least the specified cycle parking levels.

Other Matters

16. The appellant states that the proposal would provide much-needed low-cost accommodation in an accessible area which is well sited in relation to local employment. However, one additional bedroom in an existing HMO would make only a small contribution in this respect.
17. I have given consideration to the matters raised in the appellant's statement of case, including the merits of the upgrade to the building fabric and insulation levels. Additionally, I note that the proposal is likely to be able to meet with the relevant local and national policies in terms of bin storage and the effect on the living conditions of the occupiers of neighbouring properties. Nonetheless, I have determined this appeal on its individual planning merits and none of the other matters outweigh or overcome my conclusion on the main issue.

Conclusion

18. The harm I have identified above and the resulting conflict with the aforementioned development plan policies leads me to conclude that the development therefore conflicts with the development plan as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. The appeal is therefore dismissed.

Nichola Robinson

INSPECTOR