



Appeal Decision

Site visit made on 20 February 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 19 APRIL 2023

Appeal Ref: APP/W0530/W/22/3309437

16 Dowding Avenue, Waterbeach, Cambridgeshire CB25 9LJ

- 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 Tim Hilder against the decision of South Cambridgeshire District Council.
 - The application Ref 22/02960/FUL, dated 28 June 2022, was refused by notice dated 2 September 2022.
 - The development proposed is 3-bedroom detached dwelling and parking on side garden of existing dwelling.
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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 and appearance of the area; and
 - the living conditions of the occupiers of 18 Capper Road with regard to privacy.

Reasons

Character and appearance

3. The appeal site comprises the side garden of 16 Dowding Avenue, positioned on the corner of Capper Road. Corner plots in the immediate vicinity of the appeal site appear more spacious than in the case of dwellings situated in between. The larger corner plots, with the set back of built form from the road in these locations is a clear design feature of the estate layout which contributes to a feeling of openness.
4. There is some variation in the dwellings in the immediate vicinity of the appeal site, however, there is a consistency in the scale, form and massing of dwellings. All dwellings that front onto the central greenspace of Dowding Avenue are orientated so that the gable ends of properties form the side elevations that do not front onto the avenue. Single storey porches attached to front elevations are a common feature in the surrounding area.
5. Whilst the proposed dwelling would be set back behind the grass verge and would largely maintain the front building lines along both Dowding Avenue and Capper Road, the proposed replacement of the undeveloped corner space with built development, particularly given the depth of the proposed dwelling, would

be visually prominent. This would be particularly so when approaching along Capper Road from the west. The proposal would disrupt both the built form pattern of development as well as the spaciousness of the area.

6. The orientation of the roof would respond to the roof design of other dwellings fronting onto Capper Road, however, it would be the side elevation facing Capper Road. This means that the proposed dwelling would be orientated so that the front elevation fronting onto the central greenspace of Dowding Avenue would be formed of a gable end. This would be at odds with the orientation of the front elevations of all other dwellings along Dowding Avenue, meaning that it would add further to the incongruity of the proposed dwelling. The use of matching materials would not overcome these concerns.
7. The height of the eaves and ridge line of the proposed dwelling would be in line with adjacent dwellings. Therefore, given that the overall height of the proposed dwelling would be sympathetic to the surrounding dwellings, the presence of the accommodation in the roofspace would not be an overly dominant feature, particularly given the proposed use of rooflights in the side elevation facing Capper Road, which would be the most visible from the road.
8. The proposed single storey projections to the front elevation and the side elevation facing Capper Road would be limited in width and height and would respond to the massing and scale of single storey porches that are located at other adjacent properties on a similar building line along both the road and the avenue. Whilst I have found that the proposal would not be harmful in these respects, that does not mitigate the harm that I have found above.
9. I therefore find that the proposal would be harmful to the character and appearance of the area. It would therefore conflict with policies HQ/1 and H/16 of the South Cambridgeshire Local Plan Adopted September 2018 (LP). These policies seek, amongst other things, to ensure developments preserve or enhance local character, respond to local context and respect local distinctiveness. The proposal would also be contrary to paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure that developments are sympathetic to local character and establish or maintain a strong sense of place.

Living conditions

10. Four windows would be located above ground floor level in the rear elevation of the proposed dwelling, facing towards 18 Capper Road. Two windows would serve the bathroom on the first floor and one window would serve the shower room in the roofspace. A condition could be imposed, should the appeal be allowed, to ensure these windows would be obscure glazed to limit any overlooking of No 18.
11. The window serving proposed bedroom 2 would face the side elevation of No 18 and would largely align with the single storey projection, above which are two relatively narrow windows. Views from the proposed bedroom 2 would not directly overlook the rear garden space of No 18, however, views towards the private garden area could be gained at an angle. Whilst there would be separation between the rear elevation of the proposed dwelling and the side elevation of No 18, given the proximity, the elevated position and that it is closer than the existing dwelling and others in the row, it would result in the

occupiers of No 18 having an increased feeling of being overlooked, which would be unacceptable.

12. I note that the appellant asserts that a window could be provided in the side elevation to serve bedroom 2, instead of the rear elevation, however the Council have assessed the proposal provided on the drawings which includes the bedroom window in the rear elevation only, and therefore so have I. The use of obscure glazing, even in part would reduce outlooks from bedroom 2 resulting in a detrimental effect on the living conditions of the future occupiers of the proposed dwelling.
13. I therefore find that the proposal would be harmful to the living conditions of the occupiers of 18 Capper Road with regard to privacy. The proposal therefore conflicts with policies HQ/1 and H/16 of the LP. These policies seek, amongst other things, to ensure developments protect the amenity of occupiers and surrounding uses from overlooking and the residential amenity of nearby properties. The proposal would also be contrary to paragraph 130 of the Framework which seeks to ensure that developments result in a high standard of amenity for existing and future users.

Other Matters

14. Even if I were to agree with the appellant that the site is located in an area with good transport links, this would not outweigh the harm that I have found above.

Conclusion

15. The proposal is contrary to the development plan as a whole and the approach in the Framework. All other relevant material considerations do not outweigh that conflict and the appeal is therefore dismissed.

G Dring

INSPECTOR