



Appeal Decision

Site visit made on 27 July 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/Q0505/W/22/3312063

Land to the rear of 40 and 42 Natal Road, Cambridge

- 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 Natu Pankhania against the decision of Cambridge City Council.
 - The application Ref 22/03492/FUL, dated 1 August 2022, was refused by notice dated 7 October 2022.
 - The development proposed is erection of 2no. dwellings following demolition of existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2no. dwellings following demolition of existing garage at land to the rear of 40 and 42 Natal Road, Cambridge in accordance with the application, Ref 22/03492/FUL, dated 1 August 2022, subject to the conditions in the schedule at the end of this decision.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area; and
 - The effect of the proposal upon the living conditions of the occupiers of 40 and 42 Natal Road with regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises a parcel of land sited behind 40 and 42 Natal Road. The site accommodates a large outbuilding and at the time of the site visit the site was being used to store miscellaneous items. Neighbouring the site is a pair of two and a half storey contemporary dwellings under construction.
4. Dwellings in the area are predominantly individual and vary in terms of design, size, height and distance from the highway and side boundaries. Many properties have been extended and altered and a notable number display prominent roof forms with dormer windows visible from the street. As such, there is considerable variation in the configuration of the built form which has evidently evolved in a more ad hoc manner.
5. The proposed development would have the form of a two-storey dwelling and a smaller building neighbouring it. The contemporary scale and form of the

proposed development and the juxtaposition between plots 1 and 2 and neighbouring properties would result in a pleasing contrast creating a localised but interesting street scene. In my view the proposal would successfully integrate into the area.

6. There is no doubt that the roof design of plot 1 would be different, but I do not find that this would be incongruous. Overall, the roof design would not be unduly dominant, nor would it appear contrived. Rather it would fit in well with in the area, which includes properties with varying roof forms.
7. The proposed development would have an adequate setback from the road and would leave a reasonable open margin around it. Taking this into account and the degree of separation between side boundaries and buildings that exists locally I am of the view that the proposal would not result in a cramped development that would be harmful to the area.
8. As such, the proposed development would not adversely affect the character and appearance of the area. It would accord with Policy 57 of the Cambridge Local Plan (2018) (LP) which, amongst other things, supports high quality design that has a positive impact on the wider townscape. It would also accord with paragraph 130 of the National Planning Policy Framework (the Framework), which amongst other things, requires developments to add to the overall quality of the area and that are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Living conditions of existing occupiers

9. No 40-42 is occupied as a House in Multiple Occupation and has habitable room windows facing the appeal site. Its amenity space neighbours the appeal site. Plot 1 would extend along the boundary with Nos 40-42 for just over half its length; it would have a maximum height of approximately 6.4m, which would not be unduly tall and it would be set away from the boundary. In my view, there would be adequate separation between the two properties and the proposed development would not result in a sense of enclosure or overshadowing.
10. I conclude that the proposed development would not adversely affect the living conditions of the occupants of No 40-42. The proposal would therefore accord with paragraph 130 of the Framework which, amongst other things, requires developments to provide a high standard of amenity for existing and future users.
11. I note the council have referred to Policy 58 in the second reason for refusal, however, I find that with specific regard to this appeal I have given it negligible weight in coming to my decision.

Conditions

12. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.
13. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty.

14. In the interests of highway safety and the living conditions of nearby occupiers a condition has been imposed for a Construction Method Statement.
15. Conditions in relation to the external materials, hard and soft landscaping and external lighting are necessary in order to ensure the satisfactory appearance of the development. In the interests of sustainability conditions for details of a foul water and surface water drainage scheme and renewable energy have been imposed.
16. The Council has suggested removing permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse, additions or alterations to the roof and a building or enclosure incidental to the enjoyment of a dwellinghouse falling within Classes A, B, C and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
17. I acknowledge that paragraph 54 of the Framework advises planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In the interests of maintaining a satisfactory appearance and adequate amenity space and living conditions for future occupiers I have determined that permitted development rights should be removed in respect of Class A, B, C and E of the GPDO.
18. The Council has suggested a condition for details of the storage facilities for waste and recycling. However, sufficient information is shown on the submitted plans and thus has not been imposed.
19. The Council has sought details of a biodiversity net gain plan and ecological enhancements. However, given the condition of the site and its suburban location it is unlikely that any notable wildlife and planting species are present on site. As such and in the absence of any clear justification as set out in the PPG for the suggested conditions, I do not find that they would be reasonable and thus they have not been imposed.
20. The Council have suggested conditions in relation to contractor parking; construction activity hours; and airborne dust, noise and vibration. These details would be required as part of the Construction Method Statement and therefore it is not necessary to impose separate conditions.
21. A separate condition in respect of the boundary treatments has been suggested, however, as they would be submitted as part of the landscaping details it is not necessary to impose it.

Conclusion

22. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Proposed Site Plan Drawing Number P(001) Rev P2 and Elevations and Sections Drawing Number P(002) Rev P2.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control dust, mud and debris on the highway;
 - v) measures to control the emission of noise, vibration, dust and dirt during construction;
 - vi) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) planting plans;
 - ii) existing and proposed finished levels;
 - iii) boundary treatments;
 - iv) vehicle parking layouts;
 - v) other vehicle and pedestrian access and circulation areas;
 - vi) hard surfacing materials;
 - vii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 5) The development shall not be occupied until foul and surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 6) No development shall commence, above ground, until details of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall commence, above ground, until an Energy Statement scheme to secure at least 10% of the energy supply of the development from renewable or low carbon energy sources have been

submitted to and approved in writing by the local planning authority. The measures shall be thereafter retained in operation for the lifetime of the development.

- 8) No external lighting shall be installed and brought into use until details of its nature and luminance have first been submitted to and approved in writing, and any external lighting shall then be installed and used in accordance with the approved details only.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellinghouses, additions or alterations to the roofs, buildings or enclosures incidental to the enjoyment of the dwellinghouses falling within Classes A, B, C and E shall be constructed.