



Appeal Decision

Site visit made on 22 August 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2023

Appeal Ref: APP/Q0505/W/22/3310594

31 Fairfax Road, Cambridge CB1 3AZ

- 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 21/05267/FUL, dated 2 December 2021, was refused by notice dated 9 May 2022.
 - The development proposed is change of use to 8 bed HMO for 8 persons (sui generis) and drop kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although the description of the development refers to a change of use and installation of a drop kerb, the proposal also incorporates a two-storey side extension. The application was assessed on this basis and I have determined the appeal on the same basis.

Main Issues

3. The main issues are the effect of the proposal on: i) the character and appearance of the area; and ii) the living conditions of the occupiers of the appeal property and neighbours.

Reasons

Character and appearance

4. Fairfax Road is residential in character and the majority of the dwellings along this road and nearby are arranged in pairs. Although there is some variations in the designs of the pairs of dwellings, in general a dwelling within a pair corresponds to the design and form of the adjoining dwelling. This results in a cohesive street scene.
5. Whilst the adjoining dwelling to the appeal property has been extended to the side, this retains a hipped roof form and a similar fenestration arrangement to the appeal property. Therefore, this arrangement reinforces the character and appearance of the street scene.
6. In contrast and notwithstanding its setback, the proposed side extension would change the existing hipped roof form to a gable design and the extended roof would also incorporate an uncharacteristic front dormer. In addition, the front elevation of the side extension would be dominated by brickwork.

7. Consequently, the two-storey side extension because of its form and design would contrast poorly with the appearance of the appeal property and fail to reflect the adjoining dwelling.
8. As such, the appeal property, as extended, would appear discordant within the street scene to the detriment of the character and appearance of the area. This would be contrary to policies 55, 56 and 58 of the Cambridge Local Plan ('LP'). Together, these policies require that development responds positively to its context and has drawn inspiration from the key characteristics of its surroundings to help create distinctive and high-quality places. This includes proposals which reflect, or successfully contrast with, the existing building form and architectural detailing.

Living conditions

9. I acknowledge that the occupants of a House in Multiple Occupancy ('HMO') may have a different lifestyle, resulting in people movement, noise and disturbance at different times of day and night in comparison with a single-family dwelling. This can, in turn, have an effect on the activity generated by both people and vehicles. Even so, in this case, the appeal property is already occupied as a small HMO and the increase in the number of maximum occupants would be modest relative to the extant use.
10. There are no on street parking restrictions along Fairfax Road and although my visit only represents a snapshot in time, I did not observe any significant parking stress, nor have I been provided with any evidence of this. The proposal also incorporates two off-street parking spaces. In particular, and in light of the extant use of the appeal property, there is no strong evidence to support the Council's supposition that the proposal would generate a high number of vehicle movements to the appeal property, resulting in noise and disturbance.
11. In terms of external amenity space, I have not been referred to any specific size requirement for this in relation to the proposed larger HMO. Instead, Policy 50 of the LP and the supporting text to this identify criteria to assess the overall quality and suitability of external amenity space. In this case, the amenity space would be logically sited to the rear of the appeal property and adjacent to neighbouring garden areas. The bulk of this area would be laid out as a practical rectangular area which would be accessible and available to the occupants of the property. This space would be enclosed and private and is of an appropriate size to accommodate seating, storage and drying out areas.
12. Although the amenity space would be located to the rear of bedrooms 1 and 2, there is provision for some screening to these bedrooms. This arrangement would provide some defensible and private space for bedrooms 1 and 2, whilst also providing a degree of privacy for their occupants.
13. Therefore, the property would provide sufficient private external amenity space to meet the needs of its occupants. In reaching this conclusion, I am mindful that in a HMO, the routines of individuals are likely to vary. As such, it is unlikely that all the residents would be using the external amenity space together at any given time.
14. The amenity space is screened from allotments to the west, and gardens to the north and east. Furthermore, this space would be used in association with a

residential use. Consequently, the use and arrangement of this space would not adversely affect neighbouring land uses or neighbours.

15. For the above reasons, the proposal would not unacceptably harm the living conditions of occupiers of the appeal property or neighbours. Accordingly, I find no conflict with the overall aims of Policy 50 of the LP. The proposal also accords with LP Policy 56, which amongst other things requires that proposals should create clearly defined public and private amenity spaces that are designed to be inclusive, usable, safe and enjoyable.
16. The Council's reason for refusal also refers to Policy 51 of the LP. However, the details of this are not before me.

Other Matters

17. I have taken account of an email and images of recent developments submitted by the appellant, insofar as these relate to the second main issue. Irrespective and notwithstanding that the scale of the appeal scheme was reduced relative to a previous scheme, for the reasons set out above the proposal would harm the character and appearance of the area.

Conclusion

18. I have found that the use of the appeal property as a larger HMO and the arrangement of the proposed external amenity space would not unacceptably harm the living conditions of the occupiers of the appeal property or neighbours. Nonetheless, the proposal would harm the character and appearance of the area, for this reason and conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR