
Appeal Decisions

Site visit made on 20 September 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2023

Appeal A Ref: APP/Q0505/W/22/3309820

82 Arbury Road, Cambridge CB4 2JE

- 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 Pradeep Sakthivel, Whitfield Portfolio Ltd against the decision of Cambridge City Council.
 - The application Ref 22/03397/FUL, dated 26 July 2022, was refused by notice dated 21 October 2022.
 - The development proposed is the erection of 2 no. two and a half storey dwelling houses.
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Appeal B Ref: APP/Q0505/W/23/3316544

82 Arbury Road, Cambridge CB4 2JE

- 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 Pradeep Sakthivel, Whitfield Portfolio Ltd against the decision of Cambridge City Council.
 - The application Ref 22/04737/FUL, dated 22 October 2022, was refused by notice dated 13 January 2023.
 - The development proposed is the erection of 2 no. two-storey dwelling houses.
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Decision

1. The appeals are dismissed.

Main Issues

2. In both cases the main issues are:
 - the effect of the proposal on the character and appearance of the street scene;
 - the effect of the proposal on the living conditions of the occupiers of No 78 Arbury Road (both appeals) and No 8 Maio Road (appeal A only) in relation to outlook, light and privacy;
 - whether the proposal would provide acceptable living conditions for future occupiers in relation to outdoor amenity space; and
 - whether the proposal would provide satisfactory cycle parking arrangements.
3. Both cases raise the same issues, having similar footprints and differing only in relation to detailed design. They are consequently dealt with together in this decision letter unless stated otherwise.

Reasons

Character and appearance

4. The two similar proposals are for a pair of semi-detached dwellings located within the rear garden area of the North Cambridge Guesthouse, No 82 Arbury Road, but facing onto Maio Road, a short cul-de-sac which runs to the rear.
5. The new dwellings would only be glimpsed from Arbury Road but would front onto Maio Road where they would become an integral part of the street scene. This cul-de-sac comprises two-storey semi-detached and small detached properties set well back behind open grass frontages with driveways, but also benefits from an open aspect to the south-west due to the essentially undeveloped rear gardens of Milton Road. The proposals would face onto the turning head at the end of the cul-de-sac at right angles to Nos 8 & 9, reducing the openness of the close, and would be set back behind two parking spaces without a grassed frontage or any opportunity for meaningful landscaping. As a result, both proposals would be overly intrusive and out of character in the relatively verdant street scene.
6. In addition, in the case of Appeal A, the proposal would involve two and a half storey houses with dormer windows breaking the eaves and a tall, bulky south-east facing gable end. The cul-de-sac consists of solely two storey housing and in this context the proposal would appear unduly bulky and over dominant in the road, particularly noticeable when turning the corner in Maio Road.
7. For these reasons both proposals would significantly harm the character and appearance of the street scene and both would conflict with Policies 55, 56, 57 and 59 of the Cambridge Local Plan 2018 (the CLP). These require development proposals to respond positively to their context and setting in terms of location, scale and form, to create attractive and appropriately scaled built frontages to enhance adjoining streets, and for external spaces and public realm to be coordinated with adjacent sites.

Living conditions – near neighbours

8. The new dwellings would be sited immediately adjacent to the rear garden of No 78 Arbury Road about 14 m at an angle from the rear extension behind the property. In this location, the close proximity of the building would unduly dominate the rear garden and, notwithstanding the intervening tall tree (which could be removed), would be overbearing in the outlook from rear facing ground floor windows. Overlooking windows, albeit from an angle, would also unduly reduce privacy. Whilst the impact would be reduced in the case of Appeal B, it would not be acceptable.
9. In addition, in the case of Appeal A, the more bulky design would appear overbearing in the outlook from the front facing windows of No 8 Maio Road and, being located immediately to the south west, would adversely restrict sunlight to the ground floor windows during the latter part of the day.
10. For these reasons both proposals would significantly harm the living conditions of the occupiers of No 78 Arbury Road in relation to outlook and privacy and in the case of Appeal A the occupiers of No 8 Maio Road in relation to outlook and sunlight. The Council state that this would conflict with CLP Policies 56 and 57 but these do not appear to be relevant.

Living conditions – future occupiers

11. In the case of Appeal B, the rear gardens of the two new properties would be the width of the plot but just 3 m and 2.85 m deep respectively. As two-bedroom dwellings likely to accommodate a family, this would be insufficient to provide a satisfactory external amenity space for table & chairs, children's play/recreation and maybe washing.
12. In the case of Appeal A, the situation would be even worse, with the rear gardens only about 1.8 m deep and one of the dwellings having three bedrooms and thus likely to accommodate a larger family.
13. In both cases, the limited rear garden space would also feel unduly hemmed-in and enclosed by the rear elevation of the dwellings, the surrounding boundary fencing, and the close proximity of the extension behind No 78.
14. For these reasons, neither proposal would provide acceptable living conditions for future occupiers in relation to outdoor amenity space. This would conflict with CLP Policies 50 and 52 which require adequate amenity space for the proposed properties and the design of amenity space to be of a shape and size to allow effective and practical use by residents.

Cycle parking

15. In the case of Appeal A no cycle parking would be provided whilst in the case of Appeal B a shared facility would provide (according to the Council) three spaces, less than the requirement in CLP Appendix L for one space per bedroom. Whilst more could be provided, this would be at the expense of the dedicated parking space for one of the dwellings leading to the likelihood of on-street parking in the vicinity where there are no parking controls.
16. Consequently, neither proposal would provide satisfactory cycle parking arrangements which would conflict with CLP Policies 57, 81 and 82. These require new buildings to be safe and accessible for all users, the provision of cycle parking to the standard set out in CLP Appendix L and measures to encourage sustainable modes of transport.

Conclusion

17. The proposals would occupy underused land and provide two additional family size dwellings which would make a useful contribution to local housing needs and have economic and social benefits for the city. However, in both cases these benefits are outweighed by the harm that would result to the character and appearance of the street scene, the impact on the living conditions of near neighbours, the poor living conditions provided for future occupiers and the lack of satisfactory cycle parking provision.
18. Having regard to the above both appeals should be dismissed.

David Reed

INSPECTOR