



Appeal Decision

Site visit made on 21 September 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2023

Appeal Ref: APP/Q0505/W/22/3313724

196-198 Green End Road, Cambridge, Cambridgeshire, CB4 1RL

- 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 S Dudley (Dudley Developments Ltd.) against the decision of Cambridge City Council.
 - The application Ref 22/01504/FUL dated 25 March 2022, was refused by notice dated 15 November 2022.
 - The development proposed is the demolition of Nos. 196 and 198 Green End Road and construction of 9 apartments (8 one-bed flats and 1 studio flat) along with ground floor commercial space and associated parking.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The revised National Planning Policy Framework ('the Framework') was published on 5 September 2023. Having reviewed this document, I am satisfied that the policy applicable to the scheme before me remains unchanged from the previous Framework¹. As a consequence, I did not consider there to be a need to reconsult the parties and have determined the appeal in light of the new Framework document, which is a material consideration that should be taken into account.

Main issues

3. The main issues are;-
 - the effect of the development on the character and appearance of the area;
 - whether the scheme would provide adequate cycle storage facilities;
 - the living conditions of future occupiers, with particular regard to amenity space.

Reasons

Appeal site context

4. The appeal site is positioned on a prominent corner plot amongst a small cluster of retail and community uses that include a convenience store, a low vision & blindness centre, a pet shop and a Methodist church. The surrounding

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

area has a suburban character and primarily consists of 2-storey terraced, semi-detached and detached housing of varying architectural styles and maturity. At the time of my inspection, the two detached residential dwellings that previously stood on the site had been demolished.

The effect of the development on the character and appearance of the area

5. By reason of the scheme's third storey projecting significantly above the eaves, the building would dominate the area and appear out of scale with the modest 2-storey surrounding built-form which is a key characteristic of the locale.
6. The development and its relationship with neighbouring buildings would also be publicly visible when approaching from both directions on Green End Road and from the west on Scotland Road, which would intensify its harmful impact.
7. I recognise that the building would be broadly the same overall height as the scheme previously granted planning permission², but this had a taller parapet wall which helped to partially conceal the third storey and soften the transition in massing from the neighbouring 2-storey buildings on Green End Road.
8. The appellant has drawn my attention to the support for the scheme from the Council's urban design officer and other interested parties. However, these responses do not demonstrate the absence of harm or overcome my concerns that the scheme would dominate the area.
9. The appellant has also drawn my attention in their design and access statement to a number of other apartment blocks that they consider to be of a similar size and scale to the appeal scheme and therefore set a clear precedent for it. However, none of the developments were directly comparable to current proposal in terms of context, position, form, scale, design or character. I am also not aware of the particular circumstances where planning permission was granted and in any event, I must consider the appeal scheme on its own merits. The existence of these other developments does not therefore set a precedent in this case.
10. In view of the above, I conclude that the scheme would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies 55, 56 and 57 of the Local Plan³ which collectively seek, amongst other things, to ensure that new development responds positively to local context and has appropriately scaled frontages that enhance the townscape.
11. I also find that the scheme conflicts with Paragraph 130 of the Framework, which seeks, amongst other things, development that is sympathetic to local character. In reaching a decision, I have also given significant weight to Paragraph 134 which states that development which is not well-designed should be refused.
12. Despite the Council having referred to Policies 58 and 59 of the Local Plan in its reason for refusal, I do not consider these to be relevant as they relate to alterations & extensions to existing buildings and designing the landscape & public realm.

² Planning Permission 20/02791/FUL for the construction of 7 apartments (5 two-bed flats, 1 three-bed flat and 1 one-bed flat) and commercial space, granted 10 February 2021.

³ Cambridge Local Plan, October 2018, Cambridge City Council.

Whether the proposal makes adequate provision for cycle storage, with particular regard to the security of the facilities proposed

13. Policy 82 of the Local Plan states that planning permission will not be granted for developments contrary to the parking standards set out in Appendix L of that document, and that this includes, amongst other things, cycle parking levels.
14. There is no dispute between the parties that the scheme meets the requirements of;- (1) Appendix L of the Local Plan in terms of amount of cycle spaces; and (2) the Council's cycle parking guidance⁴ with regard to cycle storage dimensions.
15. The Council's primary concerns are;- (1) that the horizontal sliding shutter doors would utilise a locking mechanism impractical for day to day use; and (2) the lack of surveillance given the cycle store's position fronting onto a private access road without any restrictions to non-residents.
16. I recognise that the only natural surveillance of the cycle store would be from directly outside the site on Green End Road. However, I am satisfied that security of this facility could have been adequately addressed by a planning condition to secure the provision of lockable gates restricting access by non-residents to this area.
17. I share the Council's concerns in respect of the horizontal sliding shutter doors in that occupiers seeking to access their bike would need to slide the door into the path of other cycle bays. There is also insufficient evidence before me to demonstrate that multiple horizontal sliding doors & locks could be quickly and robustly secured to the same standard as a narrow single door or single car-width vertical shutter door. However, I am nonetheless satisfied that the provision of an alternative vertical security shutter system could have been secured via planning condition to address this matter.
18. In view of the above, I conclude that the development would not conflict with Policy 82 and Appendix L of the Local Plan which seeks, amongst other things, to secure an acceptable standard of cycle parking provision.

The living conditions of future occupiers, with particular regard to amenity space

19. There are no prescribed numerical standards for private amenity space set out in the Local Plan. However, Policy 50 of this document states, amongst other things, that the form of external amenity space to be provided will be dependent on the form of housing and could include a balcony. It further states that development should also consider the location and context of the scheme. There are no specific requirements set out for the provision of communal space.
20. The scheme proposes large private balconies to each residential unit, which would provide sufficient space for circulation, a table & chairs and a small drying area for clothes, with dedicated bin and cycle storage provided elsewhere in the scheme. As a consequence, I am satisfied that it would result in a high standard of private amenity space for future residents. In reaching this conclusion, I have also taken into account the highly constrained nature of

⁴ Cycle Parking Guide For New Residential Developments, First Edition: February 2010, Produced by Transport Initiatives and Cambridge City Council.

the site and its location within an urban area with good access to local parks, play areas and greenspace, such as Stourbridge Common.

21. Although there is no dedicated on-site communal play area for children, I would not consider this necessary as all the proposed units are 1-bedroom or less and not therefore likely to attract occupiers with children. However, even if future occupiers did have children, I consider it more likely that they would use the local areas of play in close proximity to the appeal site, such as the Scotland Road recreation ground.
22. In light of the above, I conclude the function and size of the amenity space provided would be commensurate with the location and context of the scheme and therefore comply with Policy 50 of the Local Plan. I also find that the scheme would accord with Paragraph 130 of the Framework which seeks, amongst other things, to ensure that development provides a high standard of amenity for future users.
23. Notwithstanding the above, the Council asserts that the scheme should make provision for a communal amenity area and has drawn my attention to paragraph 6.35 of the Local Plan which is the supporting text to Policy 50. This states that in addition to private amenity space, developments with flats will need to provide high-quality shared amenity areas on site to meet the needs of residents, including play space for children.
24. However, this supporting text is not reflected in the wording of Policy 50 and does not therefore have the same force as it or override it. In any event, this same paragraph also states that 1-bedroom dwellings would not be expected to provide space for children to play, due to the lower likelihood of children occupying these units. As a consequence of this, and because I am satisfied that the needs of residents would be met on-site via the private balconies shown, I do not consider the scheme being unable to adhere to the aspirations of paragraph 6.35 warrant its dismissal.

Planning balance

25. Although the Local Plan is over 5 years old, Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
26. Policies 50, 55, 56, 57, 82 and Appendix L of the Local Plan are broadly consistent with the Framework insofar as they relate to the main issues of the case and I am satisfied that the proposal conflicts with the development plan when taken as a whole. In light of this, and the absence of any evidence indicating a shortfall in housing land supply or that the basket of most important policies for determining the appeal is out of date, the Framework's presumption in favour of sustainable development is not engaged in this instance.
27. I am satisfied that the scheme is located on a suitable small windfall site within an existing settlement for a home and as a consequence, I have given great weight to the benefits of using it in accordance with Paragraph 69 of the Framework. I also accept that it would result in the development of a

- brownfield site and have accordingly given substantial weight to the value of using such land in accordance with Paragraph 120 of the Framework.
28. However, whilst I acknowledge that the scheme would result in an efficient and effective use of under-utilised land as required by Paragraphs 119, 120 and 124 of the Framework, it would nonetheless conflict with Paragraph 124 insofar as it does not pay due regard to the desirability of maintaining the area's prevailing character.
29. I recognise that the scheme would result in benefits from;- (1) the provision of 9 dwellings in a sustainable location towards the Council's housing land supply; (2) the new commercial floorspace and future residential occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; and (3) local employment during construction.
30. However, whilst the new commercial unit and 9 dwellings would be of great benefit, and is supported by the great and substantial weight I have described above in relation to it being a small windfall site and brownfield land, it is my view that the adverse character & appearance impacts of the scheme would outweigh this, when assessed against the policies in the development plan and other material considerations.
31. My attention has been drawn by the appellant to a further revised scheme that was granted planning permission following refusal of the application the subject of this appeal⁵. However, I have given this little weight in my assessment as this proposal addresses the harm I have identified in the scheme before me through the provision of a taller parapet wall at second floor and therefore represents a more favourable fallback position.
32. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

33. Although I have concluded that there is no harm in respect of the main issues relating to cycle storage and amenity space, I am nonetheless satisfied that the harm identified in respect of the main issue relating to character and appearance is sufficient to still justify dismissal of the appeal.
34. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR

⁵ Planning Permission 22/05100/FUL for the construction of 9 apartments (8 one-bed flats and 1 studio flat) along with ground floor commercial space (resubmission of 22/01504/FUL), granted 27 April 2023.