



Appeal Decision

Site visit made on 9 January 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/Q0505/W/23/3327514

11A Garry Drive, CAMBRIDGE CB4 2PD

- 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 K Webb against the decision of Cambridge City Council.
 - The application Ref 23/01183/FUL, dated 27 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is the alteration and conversion of existing building to self-contained 1-bed property and associated works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. A costs application has been made by Mr Webb against Cambridge City Council. This is the matter of a separate decision.

Preliminary Matters

3. A recent appeal¹ was dismissed for a scheme that was similar to the proposal the subject of this appeal. The Inspector found that the habitable rooms would receive inadequate daylight and direct sunlight harming the living conditions of future occupiers. The proposal associated with this appeal is different to the dismissed scheme by including larger rooflights and swapping the bedroom and study spaces.
4. A revised version of the National Planning Policy Framework (The Framework) was published with immediate effect on 19 December 2023. Policies within the revised Framework are material considerations which should be taken into account in decision making. Main parties have been given an opportunity to comment on the new Framework and I have taken into account any subsequent comments received in arriving at my decision.

Main Issue

5. The main issue is the effect of the proposed dwelling on the living conditions of future occupiers, with particular respect to access to sunlight and daylight.

Reasons

6. The appeal property is a double garage, located alongside a building which appears to have been converted to residential units. The proposed conversion

¹ Planning Appeal Reference: APP/Q0505/W/22/3300706

would consist of a bedroom, a study, a shower room, a kitchen and a living/dining room and a small front extension. The property would exceed the Council's minimum internal size requirements. I concur with my colleague that the internal and external space assigned to the unit would be adequate for future occupiers. Nonetheless, the existing double garage is constrained by adjacent built form and boundaries. The conversion would result in a dwelling where most daylight and sunlight would be received from its northwest facing front elevation and roof slope. These factors would limit the proposed dwelling's access to available natural light.

7. When assessing new development, the (Building Research Establishment) BRE guide is often used to assess daylight and sunlight with regard to light that will be received in new windows/rooms. Although, this advice is not mandatory and should be interpreted flexibly, it provides a useful method for assessing natural light levels. Furthermore, the British Standard BS EN 17037:2018 is also used but again, this is not mandatory. Both comprise ways of assessing daylight and sunlight on an empirical basis. Such assessment has not been included within the submitted evidence.
8. Nonetheless, the Appellant has demonstrated that the windows and rooflights would meet Building Regulation requirements for 'effective daylight', by providing glazing for over twice the required level of 20%. Rooflights can provide more daylight than conventional windows as they can capture daylight from a wider section of the sky. Accordingly, due to the increased size of the proposed rooflights, direct sunlight and daylight levels would be improved in comparison to the previous scheme. However, meeting Building Regulation requirements is a distinct and separate matter to planning policy. Therefore, meeting this would not necessarily address the matter of the quality of light received in habitable rooms, due to broader factors including orientation and the purpose of each room.
9. The kitchen would be a long, narrow space with only a small northwest facing window. However, being a non-habitable space, natural light to this room would be less important. The study and bedroom would gain natural light from both windows and rooflights. The bedroom would have a small window, but this would be supplemented by a rooflight, affording good quality daylight and sunlight. The study, gaining daylight from an elevation and the roof slope, would be reasonably well lit, despite being on the northwest facing aspect.
10. However, the living and dining space would only be served by rooflights, that whilst large, would be the sole source of natural light for the unit's main living space. Furthermore, as one rooflight would be northwest facing, the room would be dependent on the southeast facing rooflight for most daylight and all sunlight. Therefore, due to the orientation of the building, natural light to the main living space would be likely to be poor, creating a dark and secluded space. Consequently, I am unconvinced that the amendments made to the scheme have materially improved the availability and access to natural light. As such, the proposal would continue to create a dark and uninviting space.
11. In the absence of compelling daylight and sunlight analysis, the Appellant has not demonstrated that the scheme would provide suitable daylight and sunlight levels to create acceptable living conditions or a successful place for future occupiers. Accordingly, the proposal would conflict with policies 52 and 56 of the Cambridge Local Plan [2018] (LP) and the Framework. These seek, among

other matters, for development to protect the amenity of new properties, create high quality successful places and a high standard of amenity for future users.

Other Matters

12. The Appellant asserts that the proposal would be similar to the adjacent residential units of 11B and 11C. However, as the evidence does not demonstrate that these have planning permission, I can only afford limited weight to the status of the existing neighbouring development.
13. Although the Council's Environmental Health Officer raised no objection to the scheme, this does not confirm that the living conditions of future occupiers would be acceptable in all regards. Furthermore, whilst the proposal would not affect the living conditions of neighbours, biodiversity interests, or other noted policies of the plan, an absence of harm in these respects can only be considered as neutral factors in the planning balance.

Conclusion

14. The Framework seeks to boost the supply of housing. The site is within an accessible location and would attract environmental, social and economic benefits through its development and use. However, the proposal would harm the living conditions of future occupiers and would cause conflict with the development plan when taken as a whole. This harm would outweigh the benefits of the proposal. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
15. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Ben Plenty

INSPECTOR