



Appeal Decision

Site visit made on 5 December 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/W0530/W/23/3323399

69 Cambridge Road, Milton, Cambridgeshire, CB24 6AW

- 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 Godden against the decision of South Cambridgeshire District Council.
 - The application Ref 23/00926/FUL, dated 09 March 2023, was refused by notice dated 18 May 2023.
 - The development proposed is the erection of a new single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the lodging of the appeal, a revised National Planning Policy Framework (Framework) has been published. This has not raised any new matters which are determinative in this appeal.
3. Within the third reason for refusal on the decision notice, it is indicated that the proposals would cause harm to the living conditions of number 71 Cambridge Road (number 71), with respect of outlook. However, similar concerns have been raised by the occupier of number 67 Cambridge Road (number 67). As the dwelling would be sited closer to the shared boundary with number 67, it is also necessary to consider the effect of the proposals on the living conditions of the occupiers of that property. The main parties, who have had the opportunity to comment on interested party representations would not be prejudiced.

Main Issues

4. The main issues are the effect of the development on;
 - highway safety;
 - the character and appearance of the area;
 - the living conditions of the occupiers of neighbouring properties, with particular regard to outlook; and
 - whether future occupiers would be able to secure adequate living conditions, with particular regard to noise and disturbance.

Reasons

Highway safety

5. A section of the appeal site comprises part of an overspill parking area associated with a nearby auto repair garage owned by the appellant. Even if the section of the appeal site within this area is currently used for temporary

- storage purposes, during my site visit a couple of parked vehicles were also observed within it. I cannot therefore conclude that this area is under-utilised.
6. Even if there has been a reduction in the need for overspill parking, details of the amount of parking required in association with the operation of the auto repair garage have not been provided. As such, it is not possible to ascertain whether adequate parking provision on land under the control of the appellant would be retained. Furthermore, and notwithstanding the low number of cars observed in the relevant part of the overspill parking area, it is possible that the demand for replacement parking provision would be equal to the significantly greater parking capacity of that area.
 7. Although a snapshot in time, during my late morning and mid-week site visit, and close to the appeal site, Cambridge Road was found to have a fairly steady and frequent number of motorised vehicles travelling along it. A reasonable number of cyclists and pedestrians were also using the nearby footways and cycleway. That cars were also observed parked on grass verges close to the appeal site, indicates that there is pressure for parking in the area. I have no reason to doubt that the conditions I experienced were not typical of the area.
 8. Any displaced vehicles would be likely to be parked as close as possible to the auto repair garage. Given the limited amount of nearby on-street parking provision, and the pressure for such spaces, I consider this would lead to instances of dangerous and obstructive parking, such as at road junctions, on footways, on the cycleway or across driveways. Such parking would contribute to highway congestion and significantly compromise highway safety for other road users, pedestrians, and cyclists.
 9. At the time planning permission was granted on appeal for a dwelling to the rear of number 63 Cambridge Road (ref: APP/W0530/A/01/1079278), the site comprised a garden. However, differences in both the site and planning policy contexts since the determination of the earlier appeal (including the subsequent use of part of the appeal site as an overspill parking area) mean that the schemes are not directly comparable in respect of this main issue.
 10. Vehicular access from Cambridge Road to the proposed house, would be via an existing track between the houses at numbers 63 and 63a Cambridge Road (numbers 63 and 63a). There are wide gates at the far end of the track, through which access into the overspill parking area can be secured. The level of vegetation witnessed on the track indicates that it is not currently in frequent use. This, and its location further from the access adjacent to the auto repair garage, indicate that it provides a secondary and lesser used access to the overspill parking area. Notwithstanding these considerations, I have no reason to doubt that the level of use of the track between numbers 63 and 63a, could be increased at any time.
 11. As such, the use of the track to provide access to a single additional dwelling instead of the overspill parking area, is not reasonably likely to lead to an intensification above that which could already occur. That being the case, and in respect of this particular consideration, no harm would be caused in respect of highway safety. It would not therefore be reasonable or necessary to require improvements to the access close to its junction with Cambridge Road.
 12. For the reasons given, and notwithstanding that there would be no intensification of the access between numbers 63 and 63a, dangerous and

obstructive parking of displaced vehicles from the overspill parking area, would be harmful to highway safety. Consequently, the development would conflict with policies TI/2 and TI/3 of the South Cambridgeshire District Council South Cambridgeshire Local Plan dated 2018 (the Local Plan). Amongst other things, these policies require appropriate parking provision, taking into account the type and mix of uses and highway safety issues, and, the protection of existing cycle routes to ensure their effectiveness and amenity. Furthermore, Chapter 9 of the Framework, supports the prevention of a scheme on highway grounds, where there would be an unacceptable impact on highway safety.

Character and appearance

13. The appeal site is within a built-up area. It occupies land between residential properties fronting onto Cambridge Road, and the Winship Road Industrial Estate (the industrial estate). Nearby development comprises a mix of mainly 2-storey pitched roof houses of various designs and styles, which utilise a range of different external construction materials, and, a range of commercial buildings which are of varying sizes, scales and appearances.
14. The properties alongside and addressing Cambridge Road close to the appeal site provide a strong and clear building line. Notwithstanding this, when travelling along Cambridge Road close to the appeal site, built development to the rear of this frontage, which include houses, other residential out-buildings, and commercial buildings are clearly visible in the gaps between the frontage buildings. The addition of a dwelling to the rear of the frontage, would not therefore be incongruous with the established pattern and grain of development in the area.
15. Although parts of the upper walls and roof of the proposed single storey dwelling would be visible through gaps between the houses along Cambridge Road, it would not be prominent or intrusive in such views. This is because the dwelling would be located to the rear of, and have a lower height than, the houses it would be visible between. It is also because of its relatively simple design detailing; its limited scale and bulk; and its location forward of a significantly taller existing building within the industrial estate.
16. While the access to the proposed dwelling is relatively narrow, to the rears of 63a to 69 Cambridge Road the appeal site is much more spacious. Following the construction of the relatively modest single storey dwelling, circulation space would remain around it, which would be of sufficient size to accommodate bicycle and bin storage, as well as to enable pedestrian access to the reasonably sized patio and grassed areas. Furthermore, parking provision for 2 cars would be provided within the appeal site as well as space for the manoeuvring of vehicles clear of the highway. As such, and although it would have a smaller garden than nearby houses on Cambridge Road, the proposals would not constitute overdevelopment, nor would the development be cramped within the site.
17. Furthermore, and although the design, scale and massing of the dwelling would be different from both the nearby houses and commercial buildings, given the wide variety in the design, scale and appearance of such buildings, the addition of a relatively modest and simply detailed and single storey dwelling, would not be inappropriate.

18. For these reasons, the proposed development would not cause harm to the character and appearance of the area. In respect of this main issue, it would comply with policies HQ/1 and H/16 of the Local Plan. Amongst other things, these policies require new development to be of a high-quality design which preserves the character of the local area, but which also includes variety and interest. It would also comply with the South Cambridgeshire District Design Guide Supplementary Planning Document¹ (the design SPD) and the Framework, where they require development to be well designed, to add to the overall quality of the area, and be sympathetic to local character.

Living conditions – neighbouring properties

19. Between the appeal site and the gardens to the rear of numbers 67, and 71 are tall close boarded fences.
20. Despite being smaller than the gardens of some neighbouring properties, number 67 retains a good-sized rear garden. Although the proposed dwelling would be constructed parallel to a large proportion of the rear boundary of number 67, it would be set back from it by areas of both hardstanding and grass. Furthermore, the section of the single-storey house that would be located closest to this common boundary, would be flat roofed, before sloping up and away from this neighbouring house and garden. Consequently, and although the outlook through the glazing within the rear of the house at number 67 is towards the rear boundary, from within that house and garden, only parts of the uncluttered upper walls and roof of the dwelling would be visible above the boundary fencing. As such, and even though the development would change the outlook from within the house and garden of number 67, it would not create an oppressive sense of enclosure or appear visually dominant or overbearing.
21. The gable end of the proposed dwelling would address the comparatively large garden area to the rear of number 71. Although the dwelling would be visible above the boundary fence, its limited height; the modest bulk and massing of its roof form; and the decent separation distance that would exist between it and shared boundary, would prevent it from having overbearing impact or creating an oppressive sense of enclosure, within the garden to the rear of number 71.
22. For these reasons, the proposed development would not cause harm to the living conditions of the occupiers of neighbouring properties, with particular regard to outlook. Consequently, and in respect of this main issue it would comply with policies HQ/1 and H/16 of the Local Plan. Amongst other things, these policies seek to ensure that the amenity of occupiers and surrounding uses is protected from development that is overbearing, and to protect any significant harm to the residential amenity of nearby properties. It would also comply with chapter 12 of the Framework, and the design SPD where they seek to ensure that development creates places with a high standard of amenity for existing users, and which does not harm local amenity.

¹ The South Cambridgeshire District Design Guide: High Quality and Sustainable Development in Cambridgeshire Supplementary Planning Document dated 2010.

Living conditions - future occupiers

23. Although a snap-shot in time, during my site visit, there was a relatively constant and fairly loud hum associated with moving vehicles on the nearby road network, including the A14. Notwithstanding this, it was possible to discern a separate source of noise associated with the use of the neighbouring industrial estate. However, such noises were fairly low in frequency and mainly restricted to that arising from vehicle movements and the occasional opening and closing of vehicle doors. These noises were not striking or disturbing. Furthermore, the evidence, including the consultation response from the Council's Principal Officer (Environment Planning), demonstrate that the levels of noise encountered were not atypical.
24. On the basis that the warehouse building closest to the appeal site is used for distribution purposes (Use Class B8), associated plant and machinery could be used. However, given the nature of the use, it is unlikely that the operation of such plant or machinery would result in levels of noise or activity which would be of a type, level and frequency which would differ significantly from those currently experienced within the appeal site.
25. For the reasons given above, and even though no noise assessment report has been provided, the use of the neighbouring industrial estate, would not prevent future occupiers of the dwelling from being able to secure adequate living conditions, with particular regard to noise and disturbance. In this respect, the proposed development would comply with policies SC/10 and HQ/1(n) of the Local Plan. These policies require it to be demonstrated that the development would not be subject to unacceptable noise levels, and to prevent development where such an unacceptable impact would result. It would also comply with the part of chapter 12 of the Framework which requires new development to create places with a high standard of amenity for future users.

Other Matters

26. Benefit would result from the creation of a dwelling suitable for family occupation in a built-up location, with good access to a range of services and facilities. Furthermore, the development would contribute towards the Government's objective to significantly boost the supply of homes. In addition, it would contribute to the local economy and help to support a strong, vibrant and healthy community. However, given the scale of the scheme these benefits would be small.
27. Even if the site were deemed to comprise previously developed land, this does not justify a development that would cause significant harm to highway safety.
28. The absence of identified harm in respect of ecology, flood-risk, drainage, and contamination matters, as well as the lack of an objection from the Parish Council are all neutral considerations.

Conclusion

29. The proposed development would not cause harm to the character and appearance of the area or to the living conditions of the occupiers of neighbouring properties. It would also provide adequate living conditions for future occupiers. Notwithstanding these considerations, it would cause harm to highway safety, and as such it would conflict with the development plan when taken as a whole.

30. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR