



Appeal Decision

Site visit made on 7 November 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/Q0505/W/22/3313253

45 Gough Way, Cambridge, Cambridgeshire CB3 9LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Langley against Cambridge City Council.
 - The application Ref 22/03766/HFUL, is dated 18 August 2022.
 - The development proposed is the demolition of single storey side extension replaced with part two-storey and single-storey side extension with two-storey and single storey rear extensions to existing dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the single storey side extension and the erection of a part two-storey and single-storey side extension, and two-storey and single storey rear extensions, at 45 Gough Way, Cambridge, Cambridgeshire CB3 9LN in accordance with the terms of the application, Ref 22/03766/HFUL, dated 18 August 2022, subject to the conditions in the attached schedule.

Procedural Matters

2. I have taken the appeal site address from the appeal form as the appellant has confirmed that address to be correct. This coincides with the address used by the Council and therefore interested parties would not be prejudiced by me using this address.
3. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. My decision is made in the context of the revised Framework and the main parties have had the opportunity to comment on the relevance of the revised Framework to this appeal. I am satisfied that no party has been prejudiced by my approach.

Background and Main Issue

4. The Council's jurisdiction to determine the planning application for the appeal development fell away when the appeal was lodged. From the evidence before me, the Council would have refused planning permission had it been able to do so. Having taken account of the Council's submitted appeal statement and its putative reasons for refusal, the main issue is the effect of the proposed development on the character and appearance of the host property, and area.

Reasons

5. Development in the area of the appeal site is generally characterised by dwellings built from similar materials with simple gabled forms, broadly

consistent roof heights and relatively wide window openings. The dwellings are set in rows comprising of a mixture of wide fronted dwellings with side facing gables, and comparatively narrower gable fronted dwellings. They are set back from the road on an irregular building line and are separated by spaces that are mostly narrow, albeit variable in width. As such, there is no strong sense of uniformity or rhythm to the pattern of development in the area. I find that the character and appearance of the area is generally defined by a mixed pattern of generally tightly spaced detached dwellings that present a strong built-up frontage and sense of enclosure to the road as it curves through the area.

6. The gabled form of the proposed side extension would respect the gabled form of the host property and those in the area, and it would follow the established building line. It would be set in a relatively secluded position in the corner plot and angled in response to the site boundary with Number 47. Although it would partly infill the gap between the side gable of the host dwelling and Number 47, this gap is not an important characteristic of the area. The retained gap would, at first floor level, be broadly comparable to the relatively tight spacings between other properties in the street scene. As such, the proposed two storey side extension would form a comfortable transition between it and Number 47, particularly given their relationship to the street and to each other.
7. In close distance views from Gough Way, the width of the façade of the proposed side extension, particularly at first floor level, would appear relatively modest in comparison to the host property and Number 47, both of which have wide facades. In this context and given its position in the street scene and relationship to Number 47, the proposed side extension would not appear as a prominent or dominant addition. Its scale would not overwhelm the host dwelling and its massing would be sufficiently absorbed into the row of dwellings in the street scene. In longer distance views, the visibility of the proposed side extension in the street scene would be substantially obscured by the presence of trees and planting, including evergreen species, growing in the highway island to the front of the property.
8. Views of the appeal dwelling from the public footpath that runs close to the rear boundary of the appeal property are limited to views over a tall fence and between the trees growing in the rear garden. As such, the proposed side and rear extensions would not be unduly conspicuous or prominent. The respective scales and massing of these proposed extensions would not overwhelm the host dwelling and would generally be absorbed into the mass of two storey dwellings in the row. The large rear gabled window would reflect the large windows to the houses in the area and the rear facing gable of Number 43, and that of the proposed rear extension.
9. The colour tones of the copper cladding to the proposed side and rear extensions would be sympathetic to the colour tones in the area. These include the colours of the brick walls of the dwellings in the locality, the green and brown hues of the trees and planting in the area, and the brown coloured vertical cladding to the front extension to Number 53. In close distance views from Gough Way or from the footpath at the rear of the site, the proposed cladding would be seen with and against the backdrop of the green and brown tones of the trees growing in the gardens of nearby properties, and the dense belt of trees to the south of the site, which includes evergreen species. In this context, the colour of the proposed cladding would not be garish or strident.

10. Whilst the proposed cladding would be used for the walls and roof of the proposed side and rear extensions, the extent of its coverage would not shroud the existing form of the host dwelling or the dominance of its existing materials. The vertical emphasis to the proposed cladding's profile would not harmfully dilute the horizontal emphasis of the existing dwelling in the street scene given the area it would cover. It would also relate to the vertical emphasis of the profiled roof tiles to Number 47, and to the vertical timber cladding to Number 53. As such, the proposed cladding would satisfactorily complement the materials of the host property and would not appear visually discordant or jarring.
11. The windows in the front elevation of the proposed side extension would be narrower than most of those in the host dwelling and other dwellings in the area. However, this element of the proposed development would not be visually prominent given its position on the plot and in the street scene, and its relationship with Number 47. Furthermore, in the context of the large number of wide windows in the area, the addition of these 2 windows would not harmfully erode this characteristic of the area, and they would sit comfortably between the standing seams of the proposed cladding.
12. Flat roofed single storey front wings are common to dwellings in the street scene. In close distance views from the road, the low height and limited massing of the single storey front extensions would have little visual impact when seen against the 2 storey massing of the host property. They would be absorbed into the massing of the rows of two storey dwellings fronting the road and they would not be dominant or intrusive. The proposed front extensions would be set a comparable distance from the road to most of the dwellings in the area and as such they would reflect the irregular building line to the street. Accordingly, the appeal property's frontage would remain as comparably spacious and open as most others in the locality.
13. For these reasons, the scale, form and appearance of the proposed extensions would not be visually dominant or incongruous, and they would not unbalance the appearance of the host dwelling in the street scene. They would reinforce the strong built frontage and sense of enclosure to the road, and the proposed materials would complement the colour tones present in the area of the appeal site.
14. I therefore conclude that the proposal would not harm the character and appearance of the host property or area. As such, it would be consistent with Policies 55, 56 and 58 of the Cambridge Local Plan, October 2018 ("the CLP"), insofar as they seek to ensure that development reflects, or successfully contrasts with, the existing building's form, use of materials and architectural detailing, and responds positively to its context and is sympathetic to the existing building and the surrounding area.
15. The proposal would also be consistent with the Council's Roof Extensions Design Guide in Appendix E of the CLP, insofar as it requires such extensions to relate well to the proportions, roof form and massing of the existing house and neighbouring properties, and allows for complementary and contrasting materials, and a less regulated approach to window design, particularly where a more innovative or unconventional design approach is being taken.

Conditions

16. The Council has suggested a number of planning conditions in the event of the appeal being allowed. I have considered them in accordance with the tests for imposing conditions set out in the Framework and the Planning Practice Guidance. Where necessary I have amended the wording of the suggested conditions to ensure compliance with the tests.
17. In the interests of certainty of the planning permission granted, conditions are imposed to necessarily indicate the time limit for implementation and specify the approved plans.
18. The evidence indicates that the site lies within an area at a high probability of flooding. Conditions are therefore necessary to ensure the development is constructed to be sufficiently resistant and resilient to flood water, and that surface water drainage is satisfactorily disposed of. Pre-commencement conditions are necessary to ensure these measures are incorporated into the development from the outset to prevent an increase in flood risk. I have simplified the drainage condition through the omission of the list of suggested requirements to give the parties flexibility as to what needs to be addressed at the time the condition is discharged.
19. A condition securing details of the materials to be used for the external surfaces of the proposed development is necessary in the interests of certainty and the appearance of the area.
20. A condition securing the submission of details of the green roof is required in the interests of certainty. Controlling its use is necessary in the interests of safeguarding the living conditions of nearby occupiers with regard to privacy. I have again simplified the condition through the omission of the list of the suggested list of requirements to give the parties flexibility as to what needs to be addressed. I have omitted reference to the Green Roof Code as that document is not before me and I cannot be certain of its content.
21. Except for the proposed garage, the drawings show that finished ground floor levels of the proposed extensions would be set no lower than the ground floor level of the existing dwelling. As such, the suggested condition setting finished floor levels would unnecessarily duplicate the approved plans condition. Although the garage would be comparatively more vulnerable to the ingress of flood water, I have no basis to find this unacceptable, particularly given its function as a garage.
22. Generous storage space would be provided to accommodate cycles either within the garage or the dedicated cycle store, or both. As the proposal would likely lead to only a modest increase in the number of persons occupying the appeal property, I find that requiring the cycle store to be used only for that purpose would not be necessary to make the development acceptable.
23. No proposal to use the garage as sleeping accommodation, or for it to be occupied as a separate unit, or for a trade or business in before me in this appeal. If a development is not built or used as proposed, then it may be at risk of enforcement action if any necessary further planning permissions are not granted. Therefore, based on these factors and the evidence before me, it is unnecessary to restrict the use of the proposed garage by a planning condition.

Conclusion

24. For the reasons given above and having considered all matters raised, I conclude that the proposed development is consistent with the policies of the development plan read as a whole. I therefore conclude that the appeal should be allowed and planning permission granted.

G Sylvester

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3138-JBA-00-00-DR-A-1202 Revision P01, 3138-JBA-00-00-DR-A-2202 Revision P02, 3138-JBA-00-00-DR-A-2202 Revision P02, 3138-JBA-00-00-DR-A-2212 Revision P01, 3138-JBA-00-01-DR-A-2203 Revision P02, 3138-JBA-00-01-DR-A-2213 Revision P01, 3138-JBA-00-RF-DR-A-2205 Revision P01, 3138-JBA-00-XX-DR-A-3201 Revision P02, 3138-JBA-00-XX-DR-A-3201 Revision P02, 3138-JBA-00-XX-DR-A-3202 Revision P02.
- 3) No development shall commence until a surface water drainage scheme for the development has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development.
- 4) No development shall commence until a scheme for the flood resistant/resilient construction of the development hereby permitted has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development.
- 5) No development shall take place above ground floor level, except for demolition, until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) The development hereby permitted shall not be occupied until details of the specification and future maintenance of the biodiverse green roof have been submitted to and approved in writing by the local planning authority. The biodiverse green roof shall be carried out in accordance with the approved details before the development is first occupied. Thereafter it shall be maintained in accordance with the details so approved and it shall only be used in the case of essential maintenance or repair, or escape in case of emergency, and not as a roof garden, terrace, patio or similar amenity area.

End of schedule