



Appeal Decision

Site visit made on 30 January 2024

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2024

Appeal Ref: APP/Q0505/W/23/3323330

100 Perne Road, Cambridge, Cambridgeshire CB1 3RR.

- 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 Andrew Gardener against the decision of Cambridge City Council.
 - The application 23/00189/FUL, dated 17 January 2023, was refused by notice dated 28 April 2023.
 - The development proposed is the location of a single storey garden annexe known as an Annexa 745 (also classed as a caravan) within the curtilage of the property domestic garden for the proposed occasional use as an Air B&B.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the period since the appeal was submitted the Government has published a revised version of the National Planning Policy Framework. None of the changes are relevant to this appeal but I have used the paragraph referencing from the new Framework in my decision below.
3. Although the appellant indicates that the application is for a certificate of lawful use this is not what is before me. The application was submitted as a full planning application for the annexe and its use as occasional Airbnb accommodation. I have determined the application on that basis.

Main Issue

4. The main issue is whether the proposed development and its intended use would have an adverse impact on the living conditions of existing and future neighbouring occupants in the host dwelling and at No 90A as a result of noise, disturbance and loss of privacy.

Reasons

5. The appeal property sits on the east side of Perne Road and is a semi-detached property standing in a long narrow plot. The depth of plot is typical of this area of Perne Road, although to the north and south of the appeal site there is backland residential development that has been introduced at No 90A and to the rear of Nos 106 and 108.
6. The annexe building would sit at the eastern end of the garden with main windows facing towards the host dwelling and would be well screened from the east and partially screened from north and south by fencing and hedging.

7. There is no dispute between the parties that the structure would meet the definition of a caravan under *The Caravan Act 1968* (As Amended 2006) and can be sited in the garden. As an application has been made for the annexe there is also acceptance that the use proposed for the annexe requires permission.
8. I have been referred to other properties in the area where ancillary buildings have been placed in the rear gardens to the frontage buildings, notably to the rear of 104 Perne Road, which the appellant considers justifies the appeal proposal for an annexe. However, whilst this supports the principle of an ancillary annexe to the main house it does not support the intended use for occupation by a separate and unrelated household albeit on a temporary basis. I will therefore determine the appeal proposal on its own merits.
9. It has been put to me that the appellant, whilst residing elsewhere wishes to rent out the main house but retain the annexe for his use on return visits to Cambridge and that whilst he is not using the annexe for his own use it would be let out as Airbnb accommodation. This means that although the services to the annexe may be physically linked to those serving the main house, the annexe would be self-contained and would not be functionally linked to the main house. Whether the annexe was being used by the appellant (as owner) on an occasional basis or used for Airbnb there would be no functional link to the main house as it would be occupied by a separate and unrelated household.
10. The property is not set up in a way that would allow the main house and the annexe to be occupied by two separate households without there being the potential for noise, disturbance and loss of privacy. Although there is a side access to No 100 that would allow independent access to the annexe, from my observations on site, it is very narrow and passes in front of a window and through the garden to the main house. Moreover, although the proposed site plan shows parking for 3 vehicles on the frontage, once adequate access to vehicles, wheelie bin storage and side access is allowed for there would only realistically be parking for 2 vehicles on the forecourt to the main house and no explanation is before me as to how this would be controlled. Finally, although there would be significant depth to the garden between the main house and the proposed annexe there is no existing screening between them and none proposed. There would be intervisibility between the annexe and the garden room and garden area at the rear of the main house that would compromise privacy for the occupants of the main house.
11. Particularly, in respect of the proposed use as an Airbnb which can mean very short term occupancy and a frequent turnover of guests, the comings and goings of visitors and cleaners etc to the annexe down the side of the house and through the garden would result in a loss of privacy and security to the occupants of the main house. Moreover, these comings and goings and guests' use of the annexe for socialising would give rise to the potential for noise and disturbance for occupants of the main house.
12. Regarding the impact on living conditions to No 90A, at the nearest point this house would be approximately 17 metres from the proposed annexe and divided by two garden boundaries which are fenced and hedged. As such I am not persuaded that the potential for noise and disturbance from the Airbnb use of the annexe would be much different to what might arise between neighbouring gardens in any event.
13. The Framework at paragraph 135 states that, amongst other things, planning decisions should ensure that development should create places with a high standard of amenity for existing and future users and in this respect the proposal fails. Policy 35 of the *Cambridge Local Plan* (CLP) reflects the Framework in

ensuring development does not lead to significant adverse effects and impacts on health and quality of life from noise and in CLP Policy 55 that development should respond positively to its context - in this case private gardens to residential properties. For the above reasons, i.e. the proposed use and the positioning and access to the annexe, the development would have an unacceptable impact on the present and future living conditions for occupants particularly of No. 100 Perne Road in terms of noise, disturbance and a perceived loss of privacy.

Other Matters

14. I understand the appellant's wish to make efficient use of the property and to retain a base to return to in Cambridge. However, the inevitable consequence of the applicant's stated intention as to how the annexe would operate is that two separate households would be occupying one residential curtilage. The use as an Airbnb is not ancillary to the main house and, although I note the appellant offered a Unilateral Undertaking to manage the operation of the Airbnb, nothing is before me.
15. It has been put to me that there have been no neighbour objections to the proposal but I must consider both the impact on existing neighbours and future neighbours. Notwithstanding my conclusion in respect of No 90A, the absence of neighbour objections currently does not automatically make the proposal acceptable in terms of the impact on living conditions for future occupants of the main house when this is occupied independently to the annexe.

Conclusion

16. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR