
Appeal Decision

Site visit made on 12 June 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/Q0505/W/24/3336796

184 Thoday Street, Cambridge, Cambridgeshire CB1 3AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs K Edwards against the decision of Cambridge City Council.
 - The application Ref is 23/03417/FUL.
 - The development proposed is a side and rear extension to create 6 bedroom HMO including change of use from C3 residential to Sui Generis Large HMO (8 people).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed layout would provide a satisfactory standard of accommodation for future occupiers of the appeal property, particularly in respect of natural light, privacy and disturbance; and,
 - Whether the proposed development would make adequate provision for cycle parking.

Reasons

Living conditions

3. The appeal site comprises a semi-detached dwelling in a residential setting, neighboured by 182 Thoday Street (No 182), also a semi-detached dwelling. No 182 has a part two-storey, part single-storey extension adjacent to the boundary with the appeal site, which is marked by a garden fence. The proposed development involves extending the appeal property to the side and rear, and the creation of a kitchen dining room in the centre of the ground floor. The proposed kitchen diner would occupy the full width of the extended property and be the sole communal area in an HMO for up to 8 people.
4. A window and door in the flank elevation of the appeal property would be the only source of natural light in the proposed kitchen diner. Though these openings would be south-facing, the gap between the appeal property, as extended, and No 182, also as extended, would reduce significantly. This would create an enclosed, shadowed area around the boundary, therefore any benefits of a south-facing orientation would be eroded. To my mind, much of the proposed kitchen diner would be dark and gloomy even during the day and future occupiers would likely be reliant on using artificial lighting. Even if the door were fully glazed, the number and size of openings relative to the size of

the proposed kitchen diner would be insufficient to provide suitable levels of natural light into this space.

5. The proposed layout would allow indirect access from the communal room to the garden, and offer an additional, alternative entrance to the appeal property. Nevertheless, the proposed window and door within the kitchen diner would offer no view of the appeal site garden; instead, only the boundary fence and the largely featureless flank walls of No 182 would be visible. Both would be in uncomfortably close proximity, and there would be little direct view of the sky as a result. Whilst not specifically mentioned in the Council's reason for refusal, to my mind this outlook would be oppressive and unpleasant. In combination with the lack of natural light, the proposed layout would make the only communal area in the appeal property one that future occupiers would be unlikely to want to spend time in, either separately or together.
6. The proposed layout also incorporates two rear, ground floor bedrooms, both of which would have windows and glazed double doors onto the garden. An enclosed store for up to 8 bicycles would be located outside these rear windows and doors, oriented so the opening to the cycle store would face the bedrooms. The gap between the store and the bedrooms would not be much greater than the minimum required to manoeuvre bikes in and out of the store. An HMO has an intrinsic potential to be occupied by a changing set of unrelated individuals with differing schedules, therefore, the cycle store may be in regular and frequent use at different times of day.
7. The proximity of the cycle store to the bedrooms would also mean there would be significant potential for direct overlooking, and by persons who may have little or no personal relationship to the occupiers of the bedrooms, resulting in a more pronounced sense of intrusion. The future occupiers of the rear bedrooms would also potentially be subject to disturbance associated with the manoeuvring and locking/unlocking of bikes. As the cycle store could be used at any time of the day or night, the occupiers of these bedrooms would potentially be disturbed while they are at rest, especially if they have windows open.
8. If windows were obscured to ensure adequate privacy, it would deprive the rooms of natural light and outlook, creating a wholly oppressive feel in the bedrooms. It would also not prevent loss of privacy if the windows were open. Given the proximity of the cycle store to the bedroom doors and windows, even if planting or fence screening were provided, it would similarly reduce the outlook but still not adequately mitigate for the harm in respect of disturbance from movements associated with it.
9. Overall, I consider that the proposed layout would fail provide a satisfactory standard of accommodation for future occupiers of the appeal property, particular in respect of natural light, outlook, disturbance and privacy. The proposed development would therefore be contrary Policies 35, 48 and 56 of the Cambridge Local Plan (2018) (the Local Plan), insofar as these require high quality developments that protect residential amenity.

Cycle parking

10. Policy 82 of the Local Plan requires compliance with parking standards set out in Appendix L, including minimum cycle parking levels. Appendix L requires the same standards as set out in the Council's Cycle Parking Guide for New

Residential Developments, but applies to all residential cycle parking, and to the appeal proposals, therefore. The requirement is for proposed cycle parking to be at least as convenient as any car parking also being provided.

11. The proposals would maintain off-street parking spaces to the front of the appeal property whilst placing the cycle store in the rear garden, accessed via a single side gate and footpath. There is no access to the rear garden other than over the front parking spaces, and any cyclist using the store would have to travel a longer, less accessible route to park their vehicle than a driver would to park a car.
12. For these reasons I consider that the proposed development would fail to make adequate provision for cycle parking, which would be contrary to Policy 82 and Appendix L of the Local Plan insofar as they require proposed cycle parking to be at least as convenient as any car parking provided.

Other Matters

13. The appellant has drawn my attention to a proposed development at 31 Fairfax, suggesting ways the appeal proposals differ (number of bedrooms, layout, impact of a proposed extension), and where they may be comparable (privacy for ground floor bedrooms). I do not know the specific planning and policy considerations in that case and so cannot be sure that the proposals before me are usefully comparable. In any event, I have made my decision on the merits of the appeal proposal and the site-specific circumstances.

Conclusion

14. I recognise the potential for a large HMO to contribute to a mix of accommodation in the area, and that the Council have raised no objections in this respect. Nevertheless, I have found that the proposed development would materially harm the living conditions of future occupiers of the appeal property and fail to make adequate provision for cycle. On balance, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
15. I therefore conclude that the appeal should be dismissed.

A Knight

INSPECTOR