



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: 20th August 2024

Appeal Ref: APP/Q0505/W/23/3331695

12 Silverwood Close, Cambridge, Cambridgeshire CB1 3HA

- 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 E Shanahan against the decision of Cambridge City Council.
 - The application Ref is 23/00456/FUL.
 - The development proposed is a residential development consisting of a one and half storey detached dwelling with associated access, parking and amenity.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an amended plan Ref TL-4797-23-10A as part of their appeal. The procedural guide for planning appeals advises that the appeal process should not be used to evolve a scheme as it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage.
3. Established case law states that, in considering whether, or not, to accept amendments to a proposal during the appeal process, it must be considered whether the proposed change involves a "substantial difference" or a "fundamental change" to the application and whether the proposed amendments would cause unlawful procedural unfairness to anyone involved in the appeal.
4. The plan shows a parking space removed, replaced by a space where vehicles could turn. The effect is a change from a scheme with two parking spaces to one with one. As such, the amendments would substantially alter the layout and appearance of the development, when compared to those upon which the Council made its decision. These are material matters affecting the determination of this appeal. The changes have not been consulted upon. I find that neither part of the necessary test set out in the relevant case law has been satisfied and so I will not accept the amendments. Accordingly, I have determined the appeal having regard to the same proposal on which the Council made its decision. I have removed the words 'revised proposal following a withdrawal' from the description of the proposal as this is not a form of development.

Main Issues

5. The main issues in this appeal are the effect of the proposed development on:

- The character and appearance of the area;
- The living conditions of occupiers of 12 Silverwood Close, with regard to privacy, noise and disturbance, and the provision of sufficient garden space, and;
- Highway safety.

Reasons

Character and appearance

6. The appeal site comprises an end of terrace dwelling with a shared vehicular access on a bend in the road in Silverwood Close, a residential cul-de-sac. The area around the entrance to Silverwood Close is noisy and busy, characterised by a main road serving numerous large industrial and commercial estates. Silverwood Close itself is, by contrast, quiet and secluded, increasingly so as one travels further into the cul-de-sac and away from the main road.
7. The appeal site is located just past the first bend in Silverwood Close, at a point where the sounds and sights of the busy main road begin to recede. The rear garden of 12 Silverwood Close (No 12) is open and green and combines with other neighbouring gardens on the same side of the road, and which are also beyond the first bend, to form a continuous corridor of open green space marked by several mature trees.
8. This green corridor provides separation and screening between houses in Silverwood Close and those backing onto it from St. Matthew's Gardens, as well as a tranquil, calm, retreat. This peaceful effect is derived in large part from having a long, uninterrupted row of green, quiet rear gardens alongside one another. The overall space provides benefits to surrounding occupiers who either have use of a garden themselves, or who look out upon it from rear windows.
9. The appeal proposal would introduce a hardsurface providing vehicular access, and a new dwelling over six and a half metres tall, into the approximate centre of the current rear garden at No 12. Because of its height, depth and position, the dwelling would be an intrusive, dominant feature in the local setting, significantly harming the current open feel of the green corridor referenced above. It would be strikingly at odds with, and harmfully erode, the overall undeveloped, green, peaceful character which the garden of No 12 both benefits from and contributes to at present.
10. I recognise that domestic garden buildings are common in Silverwood Close, but these generally do not involve a hard-surfaced vehicular access and are modest enough in scale to not impinge on the open character of the green corridor described above. In these ways, the existing garden buildings in the area are not directly comparable to the appeal proposals, and I have attached very limited weight to them, therefore.
11. I appreciate that the footprint of the new dwelling would be slightly smaller than the sum of the existing domestic garden buildings at No 12, which would be removed. These buildings are flat roofed and single storey, and their

visibility within the green corridor referred to above is minimal as a result. The appeal proposal involves a building far taller, with visual impacts far greater and more harmful than those of the existing structures at No 12, therefore. For this reason, the benefits of removing the existing buildings have carried very limited weight in my decision.

12. I recognise the presence within the area of 8a and 9a Silverwood Close (No 8a and No 9a), two dwellings erected behind houses near the appeal site. No 8a is located on a larger plot than the appeal site and maintains a significant gap to nearby homes on Silverwood Close as a result. In that respect it does not impinge unduly on the sense of openness created by nearby gardens in the same way that the appeal proposals would. Behind No 8a, the gardens on New Street are reasonably deep. This allows an acceptable separation distance in that direction, and the maintenance of a continuous open green space formed by those gardens. This in turn means that 8a does not erode the sense of openness behind homes on New Street in the way the appeal proposal would in its setting.
13. No 9a is located at the very far end its plot and, as a result, also maintains the open feel of the rear gardens in Silverwood Close to a far greater degree than the appeal proposal would.
14. In addition, both 8a and 9a are located closer to the busy main road end of Silverwood Close. As set out above, the character of Silverwood Close becomes increasingly quiet and secluded further from the main road, and particularly once the first bend in the road is passed. When viewed from the green corridor that the appeal site is part of, 8a and 9a are seen against the backdrop of tall buildings on Coldham Lane and Newmarket Road, making them less striking and discordant than the appeal proposal would be in its more open, undeveloped setting.
15. Insofar as they relate to the character and appearance of the area, No 8a and No 9a differ from the appeal proposal in the ways described above, and are not directly comparable to it, therefore. As a result, I have attributed modest weight to their presence in the area.
16. In all, the appeal proposal would cause significant harm to the character and appearance of the area. As a result, the proposal conflicts with Policies 50, 52, 55, 56 and 57 of the Cambridge Local Plan 2018 (the Local Plan) where they require development to respond positively to context, be appropriate to the local pattern of development and the character of the area, and have a positive impact on its setting.

Living conditions

17. As above, the appeal scheme would locate a new dwelling directly to the rear of the existing house at the appeal site, No 12, on land currently used as its residential garden.
18. The new dwelling would incorporate rooflights to the front roof slope, facing back towards the rear of No 12. The base of these rooflights would be some 1.5m from the internal first floor level, and mainly serve habitable rooms. Whilst the pitch of the roof may discourage occupiers of the new dwelling from standing directly next to the rooflights, they would nevertheless be low enough to allow a direct line of sight into the rear garden of No 12 over a relatively

short distance from inside the proposed dwelling. As a result, the proposals would cause direct overlooking, harmful to the privacy of occupiers of No 12.

19. The modest size of the proposed dwelling may restrict the number of additional pedestrian and vehicular movements associated with it. Nevertheless, there would be an inevitable increase in pedestrian and vehicular movements around No 12, beyond those already associated with No 14. No 12 currently has a glass conservatory and an external door facing onto the shared drive, and occupiers of that property would therefore be particularly vulnerable to the effects of increased vehicular and pedestrian movements in the shared drive.
20. Every movement to and from the proposed dwelling would be visible inside the conservatory, leading to disturbance for occupiers within, as well as resulting in intrusive inward visibility. In addition, the noise and vibration from passing cars would be particularly pronounced and invasive when experienced inside the conservatory, having regard to the close relationship with the shared drive.
21. No 12 is a large enough dwelling to be occupied by a family, whether now or in the future. In that context, and whilst I recognise that there are no applicable minimum dimensions, the proposal would nevertheless result in No 12 having a garden too small to properly accommodate the uses required by its occupiers. The supporting text of Policy 50 of the Local Plan offers a list of such uses, and though I appreciate a bin store could be located in the shared drive, the resulting garden space would still be insufficient for domestic activities to occur alongside each other in the usual way. For example, this would include when washing is drying, the space for children to play would be severely restricted; a family table and chairs would fit, but would restrict circulation and play space.
22. The availability of public open space nearby would benefit occupiers of No 12 but offers fundamentally different qualities to the greater security and privacy of a rear garden. I therefore attach very little weight to it as a suitable alternative to garden space.
23. Overall, for the reasons set out above, the appeal proposal would cause significantly detrimental harm to the living conditions of occupiers of 12 Silverwood Close, with regard to privacy, noise and disturbance, and the provision of adequate amenity space. As a result, the proposal conflicts with Policies 50, 52, 56 and 57 of the Local Plan where they require development to protect residential amenity and provide suitable garden space, as well as the similar aims of Section 12 of the National Planning Policy Framework.

Highway safety

24. The Council have confirmed that, following the submission of plan Ref TL-4797-23-10A and subsequent correspondence with the Local Highways Authority, their concerns over highway safety set out in the third reason for refusal of the planning application have been overcome. However, I have already set out my reasons for restricting my determination to the original submitted plan.
25. A shared, single width drive leads between the dwellings at No 12 and No 14. It is too narrow for a vehicle to turn in. The appeal proposal would rely on this access to serve the new dwelling which, by virtue of one undercroft parking space and another parallel to the front elevation, could accommodate two cars. This arrangement would prevent a car from being turned around inside the site, compelling occupiers of the proposed dwelling to reverse a significant distance

over the shared drive and, on occasion, onto the public highway. In this way, the vehicular access arrangement would be unsafe and inappropriate.

26. The removal of a streetlight outside the appeal site, as required to provide access to the existing dwelling at No 12 in the event of the appeal development proceeding, can properly be addressed through an agreement with the Local Highways Authority and is not part of the scheme in front of me, though I note the broad acceptance of this proposal within the evidence.
27. Overall, as a result of the lack of a dedicated turning area on the appeal site, the proposals fail to demonstrate that a vehicle can enter and leave the site in a forward gear and would therefore cause significant detriment to highway safety in the local area, contrary to Policies 80 and 81 of the Local Plan.

Planning Balance

28. I recognise that the appeal scheme would be in an established residential area within walking distance to important local facilities, including Cambridge City Centre and, as such, would adhere to the overarching objective of the planning system to provide new homes in accessible locations. The proposal would also support the Government's objective of significantly boosting the supply of homes and is likely to be built-out relatively quickly.
29. In addition, the proposal would incorporate a highly energy-efficient property for use by up to four people, as well as providing features that promote biodiversity, again in adherence to overarching policy aims. While the proposal may make a more efficient use of land, which the Framework is supportive of, in doing so it would not secure a well-designed and beautiful place, which the Framework requires to achieve this aim. Cumulatively, given the magnitude of the development, these benefits would be afforded no more than moderate weight in favour of the appeal scheme.
30. Notwithstanding the above, in terms of harm, the proposed development would not comply with the policies of the development plan regarding its significant effects on the character and appearance of the area, the living conditions for occupiers of No 12, and highway safety.
31. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, and I find that the adverse impacts of the proposal are matters of significant weight against its approval that outweigh the moderate weight to the stated benefits.

Conclusion

32. 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. The appeal is dismissed.

A Knight

INSPECTOR