



Appeal Decision

Site visit made on 20 August 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2024

Appeal Ref: APP/Q0505/W/24/3342214

64 Cromwell Road, Cambridge, Cambridgeshire CB1 3EG

- 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 Richard Sykes-Popham against the decision of Cambridge City Council.
 - The application reference is 23/02487/FUL.
 - The development proposed is the demolition of the existing garage and creation of a one bedroom dwelling including outdoor amenity space and pedestrian access from Cromwell Road.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing garage and creation of a one bedroom dwelling including outdoor amenity space and pedestrian access from Cromwell Road at 64 Cromwell Road, Cambridge, Cambridgeshire in accordance with the terms of the application, reference 23/02487/FUL, subject to the attached schedule of conditions.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of future residents with regard to safety.

Reasons

3. The proposal would result in a small dwelling to the rear of the long garden of this property. A large part of the accommodation would be below ground. The above ground element would be of a size that would not be dissimilar to many of the rear garages and garden buildings that already exist in the local area. It would be set back beyond the adjacent garage to the north and alongside but extending slightly forward of the garden shed to the south. With a uniform height of just under 3m, it would be higher than the adjacent outbuildings. However, this would still represent a building of a relatively limited height, not dissimilar to other buildings in the neighbouring area.
 4. The new above ground structure would be more dominant when in the neighbouring gardens but it would not be of a height or scale that would result in it being overbearing. It would be situated in an area, adjacent to the rear service access, that has numerous similar structures of various designs and
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sizes, including garages and garden rooms. The building itself would have the appearance of a garden room and would not therefore appear out of place in this context.

5. A large part of the existing garden area would be retained, given the position of the new building beyond the garages within the neighbouring garden. However, given the large subterranean area of both the accommodation and the lower garden and access areas, a significant amount of garden would become excavated and surfaced. The planting within the lower level would have little wider prominence. The excavated area would therefore alter the character of this part of the garden. This would only be experienced by neighbouring residents but it would result in material changes to the garden's character.
6. The upper terrace would increase the use of this area of the garden and this may increase the potential for overlooking of neighbouring gardens. The property is subdivided and the garden could be partitioned to accommodate each flat in a manner similar to that currently proposed. The garden path currently provides access to and from the rear service road resulting in some activity and providing residents with views of the neighbouring gardens. This path would be terminated but the intensity of its future use and that of the very rear garden area, would increase. However, given that these properties have low boundaries between them, they have limited privacy, particularly towards the ends of their gardens. Whilst not be harmful with regard to privacy, the greater activity in this area would add to the change in its character to some extent.
7. Although the building would be in a separate residential use, it would result in similar characteristics to a well-used rear garden room and would have a similar outward appearance. The permanent use of it may bring increased illumination; and morning and evening increases in activity compared to a garden room but the details of the design, particularly the limited above ground form and its size, have been carefully considered.
8. The development would have only a very limited wider impact and the structure would sit comfortable between existing neighbouring garden buildings. It would not be dissimilar to others in the area that are in domestic use, albeit not in separate residential use. The change in activity levels and the greater permanence of activity, together with the large expanse of excavated area and the access provisions, would alter the perception of the area for neighbouring residents. Whilst the experience of the garden would change for neighbouring residents, this would not be unacceptably harmful and neither the works nor the use would materially alter the overall character or appearance of the area.
9. Policy 52 of the Cambridge Local Plan 2018 (LP) requires proposals for the subdivision of existing residential curtilages to be of a form, height and layout appropriate to the surrounding pattern of development and character of the area whilst retaining sufficient garden space and protecting the amenity and privacy of neighbours. This proposal would achieve this balance. The well thought out design would also satisfy the requirement of LP policies 55 and 57. It would not conflict with the National Planning Policy Framework 2023 (Framework) as it would function well and would sit comfortably within the wider area.

10. The council has raised concerns with regard to the safety of the access. This would be a pedestrian only access along the side of the existing house and along the route of the existing garden path. The property at present has limited security from the front, rear or sides. The rear access is already available for use by the existing residents of the three flats. Closing off the rear access would be likely to improve safety within the property overall. The new residents would share the side access to gain access to their section of the rear garden. The rear garden is overlooked by neighbouring residents and the existing residents of the flats within the house. I am not persuaded that this would materially change. There is no reason to believe that the revised access arrangements would be unsafe or that measures, set out in Secured by Design: Homes Guide 2024, could not be implemented if considered necessary. The proposal would not therefore result in conflict with the safety objectives of LP policies 56(g) and 57(b) with regard to the threat or perceived threat of crime.
11. Concerns have been raised about the inclusivity of the design and its accessibility for those with mobility issues due to the nature of the access, the two sets of stairs and the layout. The appellant has provided evidence with regard to compliance or the potential for compliance with Building Regulations 2010, Approved Document M, Optional requirement M4(2): Category 2 – Accessible and adaptable dwellings. Although the nature of the development may not suit the needs of some users, it would generally, be accessible. It would have a sufficiently wide, relatively level access path and appropriate design features that would satisfy the inclusivity and accessibility requirements of LP policies 51(a), 56(k) and 57(b).
12. The proposal would not include vehicle parking and may therefore add to increased pressure for on-street parking. However, this is an area where residents can make use of more sustainable means of transport. Noise and disturbance have also been raised as concerns. Once construction works are complete, given the location of the building and the details of the private amenity spaces, it would operate in a manner that would not be harmful to the neighbouring residents or be dissimilar to the existing use. Concern has been raised that this proposal would set a precedent. These properties and their gardens, differ from each other. Each proposal must be considered on its own merits and in the particular circumstances of each case.
13. Overall, the proposal would make an efficient use of this site and provide an additional unit of accommodation in this existing urban area. This gains support from LP policy 3. The building works and the new residents would provide both social and economic benefits. There would be little impact on the character or appearance of the area and generally, given that it would make an effective use of land in an accessible location; have measures to support biodiversity; include the micro-generation of energy; and have on-site surface water disposal, it would also meet a number of the environmental objectives of the Framework.
14. In conclusion, although the proposal would increase activity within the existing boundaries of this property and change how the garden is experienced by neighbours, this would not result in harm to the character or appearance of the area and would make a more effective use of the land. As there are no matters that weigh significantly against it, I allow the appeal.

15. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. The plans set out the details of the materials to be used and a condition would require that these details are implemented to ensure that the development would have a satisfactory appearance. I have not included the conditions suggested by the council in relation to surface water, water efficiency and renewables, save for water consumption limits and a requirement that the drainage and micro-generation proposals are implemented, as details are included within the plans or are required by separate regulations. A condition requiring the installation and management of the green roof is necessary. I have required that the development comply with Building Regulations 2010, Approved Document M, Optional requirement M4(2): Category 2 – Accessible and adaptable dwellings, to ensure that the dwelling would meet the requirements of LP policy 51(a). Given the proximity to neighbouring dwellings, I have included the council's conditions with regard to the timing of building works and noise from piling.
16. The plans provide an indicative landscape scheme and illustrate a new side boundary wall. Other fences to the subdivided garden areas are not shown. I have included a landscape condition that includes a requirement for hard and soft landscaping including materials, planting, fencing and biodiversity enhancements to be submitted and agreed. Although some details have been provided, a condition requiring the full details of the cycle stores and bin enclosures is also necessary. The suggested condition regarding the curtilage of the dwelling is not considered necessary given that the outside areas are required by the landscaping condition and as they are entirely integrated into the development, they could not be separated from it.

Peter Eggleton

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TL-3665-22-11C and TL-3665-22-12D.
- 3) The works hereby permitted shall be carried out in accordance with the description of materials illustrated on the approved plans.
- 4) Prior to first occupation of the dwelling a schedule of hard and soft landscape works, including materials, fencing and planting; and an ecological enhancement scheme to achieve measurable net gains in biodiversity, including bat and bird boxes and the provisions for hedgehogs, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details. Hard surfacing, fencing, bat and bird boxes shall be installed before first occupation of the dwelling and retained thereafter. All planting, seeding or turfing comprised in the approved details,

shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) The flat roof of the building hereby approved shall be a green biodiverse roof and shall be constructed and used in accordance with the details outlined below:
 - a) Planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick.
 - b) With suitable access for maintenance.
 - c) Not used as an amenity or sitting out space and shall only be used for essential maintenance and repair.The green biodiverse roof shall be implemented in full before the end of the first full planting season following the first occupation of the dwelling, or its completion, whichever is the sooner. The roof shall be maintained at all times in accordance with the Green Roof Organisation's (GRO) Green Roof Code (2021) or successor documents.
- 6) Prior to first occupation of the dwelling, details of the bike and bin stores shall be submitted to and approved in writing by the local planning authority. Any flat roof shall be a green roof and shall be designed, implemented and managed in accordance with the details set out in condition 5 above. The structural works shall be carried out in accordance with the approved details prior to the first occupation of the dwelling and maintained as such thereafter.
- 7) The dwelling shall not be occupied until the proposed surface water drainage and energy micro-generation provisions, shown on the plans, have been installed.
- 8) The building shall not be occupied until Building Regulations 2010, Approved Document M, Optional requirement M4(2): Category 2 – Accessible and adaptable dwellings has been complied with.
- 9) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate, of no more than 110 litres per person per day, has been complied with.
- 10) Demolition or construction works shall take place only between 0800 and 1800 hours on Mondays to Fridays; and 0800 to 1300 hours on Saturdays; and shall not take place at any time on Sundays or on Bank or Public Holidays. In the event of the need for piling, no piling shall take place until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and vibration, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved statement.