
Appeal Decision

Site visit made on 5 December 2024

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/Q0505/D/24/3344469

61 Garden Walk, CAMBRIDGE, CB4 3EW

- 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 Mr & Mrs Veress against the decision of Cambridge City Council.
 - The application Ref is 23/04832/HFUL.
 - The development proposed is Single storey rear extension, first floor rear Juliet balcony and rear dormer roof extension.
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Decision

1. The appeal is dismissed insofar as it relates to rear dormer roof extension. The appeal is allowed insofar as it relates to the remainder of the application and planning permission is granted for single storey rear extension and first floor rear Juliet balcony at 61 Garden Walk, CAMBRIDGE, CB4 3EW in accordance with the terms of the application, Ref 23/04832/HFUL, and subject to the following 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 so far as they are relevant to that part of the development hereby permitted: JPT/VRS/0623/002 E PROPOSED PLANS AND BLOCK PLANS, JPT/VRS/0623/001 B EXISTING PLANS AND BLOCK PLANS.
 - 3) The external materials of the development hereby permitted shall match those used in the existing building/dwelling.
 - 4) The development, hereby permitted, shall not be occupied until the proposed ground and first floor windows in the side elevations of the development have, apart from any top hung vent, been fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity) and shall be fixed shut or have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area; including whether or not the proposed development would preserve or enhance the character or appearance of the Castle and Victoria Road Conservation Area.

Reasons

3. The appeal site is within the Castle and Victoria Road Conservation Area (CA). The appeal property is a two-storey end of terrace dwelling which is set back from the road behind a low level brick wall and a small front garden area. The property is part of a terrace of other very similar properties; constructed in brick with ground floor bay window projections, prominent chimney stacks and attractive detailing. The consistency of appearance creates a strong sense of uniformity and character.
4. Due to its end of terrace location and a significant gap between properties, the side elevation of No. 61 with its stepped roof heights, flat roofed outrigger and prominent chimney stacks is highly visible in views along Garden Walk.
5. Other properties within the area have a somewhat more varied character and appearance, however, the CA plan indicates that many of these other properties are not within the CA.
6. The Castle and Victoria Road Conservation Area Appraisal, 2012 (the Appraisal) outlines that Garden Walk started to be developed at the end of the 19th Century and highlights that the CA comprises terraced streets with a strong unity, despite some variances in detailing. The appraisal also notes that such terraces are characterised by consistent materials including gault brick with occasional red brick or limestone detailing and natural slate roofs.
7. The rear of the property comprises a significant rear outrigger. The proposal includes a number of alterations such as a single storey rear extension which would infill the gap to the side of the existing outrigger and push the rear building line forward and a first-floor Juliet balcony to a rear outrigger window. The Council consider these alterations to be acceptable and I concur that they would be sympathetic to the host dwelling and would not cause harm to the character and appearance of the area. These elements of the proposal would sit comfortably within their surroundings and would integrate well with neighbouring properties.
8. The proposal would also add an L-shaped loft conversion and dormer window at roof level. The proposed roof extension would extend over the majority of the roof area of the appeal property and would protrude around 7.7m from the ridge of the existing roof. Though the proposed alterations would be set slightly in from the rear elevation and would follow the height of the existing ridge the extension would, nevertheless, be large.
9. When viewed from the rear the roof extension would present a large box-like and featureless elevation over the outrigger. The flat roofed appearance of the dormer would not reflect the roof form of the host dwelling. Viewed from Garden Walk, the proposed roof extension would appear as an obtrusive feature which would undermine the simple design and clean lines of the property. The stepped nature of the roof profile and the prominence of the chimney stack would also be significantly eroded.
10. Overall, due to its excessive size and unsympathetic scale and proportions the proposed roof extension would overwhelm the existing roof profile and visually dominate the host dwelling.
11. I accept that the appellant has approached the scheme with the aim of minimising any impact it would have. I also note that intervening landscaping

would serve to somewhat conceal the roof alterations. However, this would be only at certain times of the year when the trees were in full leaf and the surrounding trees are not of such a height so as to fully conceal the alterations. Moreover, it would appear that these trees are not within the ownership of the appellant and their longevity cannot be guaranteed.

12. The proposed roof extension is considered excessively dominant to the existing building and the roof form and would not preserve or enhance the special character or appearance of the Conservation Area and would cause harm to the character and appearance of the area. The proposal, in respect of the roof alterations, is therefore contrary to Policies 55, 56 and 58 of the Cambridge Local Plan, October 2018 (LP). Amongst other things, these policies seek to ensure that development responds positively to its context in respect of siting, scale and form and creates distinctive and high quality places.
13. The proposal would also conflict with LP Policy 61 which relates specifically to the historic environment and states that development should be of an appropriate scale, form, height, massing, alignment and detailed design which would contribute to local distinctiveness, complement the built form and scale of heritage assets and respect the character, appearance and setting of the locality.
14. Additionally, the proposal would fail to comply with guidance set out within Appendix E of the LP which states that roof extensions should relate well to the proportions, roof form and massing of the existing house and neighbouring properties. They must be appropriate in size, scale and proportion to the existing house and adjoining properties and must not be so large as to dominate the existing roof or to overwhelm their immediate setting.
15. Furthermore, the proposal would fail to conform with the National Planning Policy Framework's expectation that new development within the setting of heritage assets should seek opportunities to enhance or better reveal their significance. The Framework also states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. The proposal would fail to achieve these aims.

Other Matters

16. I note that the appellant has made changes to a previously refused scheme with the aim of overcoming the harm which was identified and recognise that no objections were made by neighbouring residents and that the proposal would be constructed using matching materials. However, in my view, the revised scheme would, nevertheless, cause harm to the character and appearance of the area.
17. The appellant highlights that other properties within the area have been extended in a similar fashion. Indeed, I noted a number of other rear dormer windows at my site visit. However, each case must be determined on its own merits based on the specific circumstances at each site. These circumstances will rarely, if ever, be identical.
18. Perhaps most notably, the neighbouring property at No. 59 has a similar ground floor extension and an L-shaped roof extension and dormer window. The evidence before me indicates that the extensions to No. 59 were permitted

individually over time between 2014 and 2017. The roof alterations were permitted in 2017 under a different policy context.

19. Moreover, the extensions I identified, including that at No. 59, are situated on properties within the terrace rather than at the end of a row and only glimpse views are possible from the public realm. Furthermore, Appendix E of the LP is clear that proposals for roof extensions are unlikely to be acceptable where they perpetuate forms of existing, but poorly designed roof extensions. Appendix E is also clear that the more visible a roof is from public areas, the more important it will be for it to be well designed.
20. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached.

Conditions

21. The National Planning Policy Framework (the Framework) makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
22. In the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions proposed by the Council. Alongside the standard time limit condition, I have imposed a condition specifying the relevant plans as this provides certainty. In order to ensure that the proposal has a satisfactory appearance, given the sensitive nature of the location, I have imposed a condition requiring the materials to match.
23. To ensure that the proposal does not lead to any unacceptable degradation to the living conditions of neighbouring residents I have imposed a condition requiring any windows in the side elevations of the proposed development to be obscure glazed and fixed shut.

Conclusion

24. I have found that the proposed roof alterations would cause harm to the character and appearance of the area. However, as the elements of the proposal are clearly physically and practically severable, I have taken the approach of issuing a split decision in this appeal.
25. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed in part and planning permission should be granted and dismissed in part and planning permission should be refused.

L J O'Brien

INSPECTOR