



Appeal Decision

Site visit made on 4 December 2024

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

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/Q0505/W/24/3344601

Orchard House, Fendon Close, Cambridge, Cambridgeshire, CB1 7RU

- 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 Professors S & K Hawkes & Buse against the decision of Cambridge City Council.
 - The application Ref is 23/03568/FUL.
 - The development proposed is Change of use of building at rear to separate dwelling, dropped kerb to serve new dwelling and associated works, new dropped kerb to Orchard House and installation of a side gate and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of building at rear to separate dwelling, dropped kerb to serve new dwelling and associated works, new dropped kerb to Orchard House and installation of a side gate and associated works at Orchard House, Cambridge, CB1 7RU in accordance with the terms of the application, Ref 23/03568/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether or not the proposal would provide satisfactory living conditions for future residents with particular regard to amenity space; and
 - whether the proposal would provide adequate bicycle storage with particular regard to relevant adopted local planning policies.

Reasons

3. The appeal site consists of Orchard House and a separate annexe to the rear. The appeal site is located on a corner plot at the junction of Fendon Road and Fendon Close. Fendon Close is a small residential cul-de-sac off Fendon Road, a wider residential street.
4. Orchard House is a semi-detached three-storey dwelling with an area of parking to the front and an enclosed rear garden. Access to Orchard House, and the elevation considered to be the principal elevation by the appellant, is from Fendon Close. The annexe is a two-storey, one-bedroom building with its own front door, parking and garden.

5. The evidence before me indicates that from 2011, for a period of around ten years, the annexe was occupied by a family member as a separate dwelling. After the family member passed away, despite Council Tax arrangements, the lawful use of the annexe reverted to use as ancillary to Orchard House. The Council indicate that the annexe was originally constructed, and had permission for use, as a garage but that evidence has indicated that, due to its previous use as an ancillary annexe, the use of the building for those purposes is considered lawful.
6. The proposal is for the change of use of the annexe building to a separate dwelling, a dropped kerb to serve the new dwelling and associated works, a new dropped kerb to Orchard House and the installation of a side gate and associated works.

Character and appearance

7. The annexe is sited to the rear of Orchard House, fronting Fendon Close. Fendon Close comprises a number of residential properties with a varied character and appearance. Properties along this road are set back behind front garden areas of varying sizes.
8. The resultant plot sizes of Orchard House and the proposed dwelling would be smaller than appears to be commonplace in the area. However, due to its size and position within the site, the annexe, even in its existing ancillary use, has the effect of visually reducing the plot size of Orchard House. I recognise that functionally the use of the structure as an annexe would be ancillary to the host dwelling. However, the annexe has its own front door, street facing windows, a letterbox, a garden area and a driveway. Thus, due to its position within the site, its design and the existing subdivision, the annexe nevertheless visually reads as a separate entity within its own functional plot.
9. The proposed development would result in limited physical changes in terms of the appearance of the area. In my view, the proposed development in and of itself would not result in a dwelling which would appear cramped or incongruous in its setting. The annexe is set back from the road behind an area of parking in a similar way to a number of other properties along Fendon Close and, in terms of its form, reflects the gabled design presented on this elevation by the property of the opposite side of the road.
10. Furthermore, the area has an established residential character and I do not consider that the proposed dwelling would be at odds with this but would rather add an additional active frontage which would complement the established character of the area.
11. For these reasons, I consider that the proposal would sit comfortably within its setting and would not appear as a cramped or incongruous addition to the street scene. The proposal would therefore, accord with Policies 52, 55, 56 and 57 of the Cambridge Local Plan, 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.

Future living conditions

12. The proposed new dwelling would have an area of private amenity space accessed via a side door from the main living space. The strip immediately

outside of the door would be narrow but would open out into a larger area. The amenity area would be enclosed by brick walls and laid to hardstanding.

13. The proposed amenity space would be to the front and side of the proposed dwelling and would run along the boundary with the rear garden area associated with Orchard House. Both Orchard House and its neighbouring pair have outbuildings along the rear garden boundary.
14. Policy 50 of the LP sets out the requirement for new residential units to have access to an area of private amenity space. The supporting text to the policy goes on to specify that external amenity space should be sufficient to accommodate a table and chairs suitable for the size of dwelling, where relevant, provision of a garden shed for general storage (including bicycles where no garage provision or cycle storage to the frontage of the dwelling is possible), space for refuse and recycling bins, an area to dry washing, circulation space and an area for children to play in. The supporting text, however, is then clear that one-bedroom dwellings, as is the case in this instance, would not be expected to provide space for children to play.
15. Though small, the proposed garden would be of a sufficient size to accommodate a table and chairs, an area to dry washing and circulation space. A storage shed and refuse storage would be provided elsewhere.
16. LP Policy 50 also sets out that, in providing amenity space, developments should address issues of overlooking. Due to the fairly small garden sizes and the arrangements on site, the proposed amenity area would be close to the rear elevation of Orchard House. However, at the time of my site visit I was able to access the rear windows of Orchard House and observed that, whilst close, intervening screening prevents direct or intrusive overlooking of the private amenity space to the annexe. Indeed, more direct views were available of other neighbouring rear gardens. The proposed dwelling would, therefore, in my view, have an adequately sized area of private amenity space which would not be unduly overlooked by neighbouring properties.
17. Consequently, I consider that the proposed outdoor amenity space would be of a sufficient size and quality so as to provide a satisfactory living environment for future occupiers of the proposed dwelling. As such the proposal would accord with Policies 50, 52, 56 and 57 of the LP. Amongst other things these policies seek to ensure that development is of a high quality which provides appropriate amenity space.

Bicycle parking

18. The proposal includes cycle parking to serve the existing dwelling at Orchard House which would be sited alongside the principal elevation of the property at the edge of Fendon Close and would be readily accessible and convenient. The proposal also includes a cycle parking area to serve the proposed new dwelling.
19. Policy 82 of the LP sets out that developments should provide at least the cycle parking levels set out within Appendix L to the plan. Appendix L states that one cycle parking space per bedroom is required for dwellings with up to three bedrooms. The proposed development would provide in excess of this level of bicycle parking.

20. Appendix L goes on to state that cycle parking should be located in a purpose-built area at the front of the house or within a garage and only be located within a rear garden if locating it at the front of the house is shown to not be in keeping with the character of the surrounding area, and there is no garage provision. The Appendix is also clear that the cycle parking should be at least as convenient as the car parking provided.
21. The bicycle parking area serving the proposed new dwelling would be behind the property in a narrow strip between the building and the boundary with the neighbouring garden. Though the storage area would not be in front of the proposed dwelling per se it would, nevertheless, be located close to the front door and would not be within an enclosed rear garden area.
22. Whilst this cycle parking arrangement would mean that bicycles would have to be wheeled out from behind the dwelling and up the driveway, past any vehicles parked, I do not consider that this would result in a situation whereby the proposed cycle parking arrangements would not be as convenient as the car parking provided.
23. I therefore find that the proposed cycle parking arrangements would be adequate and would meet the broad thrust and aims of Policy 82 of the LP and Appendix L insofar as they relate to the Council's expectations for the provision of cycle parking.

Conditions

24. 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.
25. 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.
26. In order to ensure appropriate standards of residential amenity I have included a condition specifying the arrangements for the amenity space and refuse storage to be provided. As I have found the existing bicycle parking arrangements to be satisfactory I have also included an amended version of the Council's suggested cycle parking condition in the interests of promoting sustainable transport.
27. To ensure that the proposal would not cause harm to highway safety I have added a condition requiring visibility splays of 2m x 2m to be provided to both vehicular accesses, specifying the materials to be used and preventing water draining from the site onto the highway.
28. To protect the amenity of neighbouring residents and the character and appearance of the area I have included conditions restricting permitted development rights.

Conclusion

29. For the reasons set out above, and having regard to all other matters raised, I allow the appeal.

L J O'Brien

INSPECTOR

Schedule of 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: Location Plan Drawing No. 509/P/04, Plans as Existing and Proposed Drawing No. 509/P/01, Site Plan as Existing Drawing No. 509/P/02, Site Plan as Proposed Drawing No. 509/P/03, Gate Elevation Drawing No. 509/P/05.
- 3) The proposed private amenity spaces and bin storage facilities for the dwelling hereby permitted shall be laid out in accordance with the approved drawings prior to the occupation of the dwelling and shall thereafter be retained in the configuration as approved for the benefit of future occupants of the scheme unless otherwise agreed in writing by the local planning authority.
- 4) Prior to the first occupation on the approved dwelling, the proposed covered, secure area for the parking of bicycles shall be provided in accordance with the submitted plans. This area shall thereafter be retained for the benefit of future occupants of the scheme unless otherwise agreed in writing by the local planning authority.
- 5) Pedestrian visibility splays of 2m x 2m shall be provided each side of both vehicular accesses, as measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway.
- 6) Prior to the first occupation of the development, the refuse and recycling storage shown on approved drawings shall be provided and shall be retained for the users of the development and for no other purpose.
- 7) Both accesses shall be constructed so that their falls and levels are such that no private water from the site drains across or onto the adopted public highway.
- 8) Both accesses shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.
- 9) Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed without the granting of specific planning permission.
- 10) Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.
- 11) Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any

Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.