



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: 16 January 2025

Appeal Ref: APP/Q0505/W/24/3348170

36 Peverel Road, CAMBRIDGE, CB5 8RH

- 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 Cairns Didge UK Ltd against the decision of Cambridge City Council.
 - The application Ref is 24/00658/FUL.
 - The development proposed is Erection of two dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes and no parties have been prejudiced as a result.

Applications for costs

3. An application for costs was made by Cairns Didge UK Ltd against Cambridge City Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in this appeal are:
 - the effect of the design of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the character and appearance of the area with particular regard to the effect on trees; and
 - whether or not the proposal would provide satisfactory levels of parking with particular regard to adopted local planning policies; and
 - the effect of the proposal on the living conditions of neighbouring residents with particular regard to outlook, light and privacy; and
 - whether or not the proposal would provide satisfactory living conditions for future residents with particular regard to amenity space; and
 - whether or not the proposal would provide adequate bicycle parking provision with particular regard to relevant adopted local planning policies.

Reasons

5. The appeal site, No 36 Peverel Road, is a reasonably sized plot of land which comprises a residential building currently in use as a House in Multiple Occupation (HMO). The existing building fronts Peverel Road. A footpath runs alongside the property onto which faces the front elevations of a number of properties along Barnwell Road.
6. The area is generally of a residential character and appearance which is characterised by a variety of properties; some detached, some semi-detached and some rows of small terraces. Large grass verges, areas of mature planting and the long linear plots create a sense of spaciousness.
7. The proposal is for the erection of a pair of semi-detached dwellings within the rear garden area serving No. 36. The dwellings would front the footpath along Barnwell Road and would be sited adjacent to Nos. 131 – 145 Barnwell Road.

Design

8. The proposed dwellings would occupy much of the existing rear garden area serving the host property and would significantly reduce the size of the existing long linear garden. Both the proposed dwellings and the host would retain only small areas of garden space. The proposal would cover the majority of the length of the boundary between the host property and Barnwell Road. As such, views between the properties would be restricted and the degree of greenery and openness would be reduced. Consequently, the sense of spaciousness which characterises the area would be harmfully and unacceptably eroded.
9. The proposed dwellings would directly address the area of green space and the footpath. The lack of any set-back or front garden area would fail to reflect the design of other properties in the area, particularly those immediately opposite the site, which are generally set back behind small front garden areas and low level boundary treatments. Overall, the proposal would appear as a cramped form of development which would fail to respect the prevailing pattern of development in the area.
10. I note that the proposal has been designed with consideration of the existing character and appearance of the area and, in terms of elements such as the overall height, would reflect other properties in the area. The proposed roof form, though not identical to others in the vicinity, would also be sympathetic to the character and appearance of the area. I also accept that the proposed dwellings would be sited away from the main road; they would, nevertheless, form a part of a wider area and would be opposite a row of other residential properties. The dwellings would be visible from a number of public and private vantage points.
11. Whilst, there is, indeed, a place for innovative and contemporary design solutions, particularly in areas such as this where architectural styles are varied, in this instance the overall design of the proposal would not complement the other buildings around it. Neither would it be of such high quality design so as to provide a material reason to warrant its approval.
12. For the reasons set out above, the design of the proposal would cause harm to the character and appearance of the area and none of the other considerations set out above are sufficient to outweigh or mitigate that harm. Consequently,

the proposal would fail to accord with Policy 52 of the Cambridge Local Plan, October 2018 (LP). This policy states that proposals for development on sites that form part of a garden will only be permitted where the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area and sufficient garden space and space around existing dwellings is retained.

13. The proposal would also conflict with Policies 55, 56 and 57 of the LP which seek to ensure that development responds positively to its context in respect of siting, scale and form and landscape design and creates distinctive and high quality places.
14. The development would also fall short of the expectations of The Framework which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Trees

15. The grassed area of public open space to the front of the development site contains a number of mature trees which contribute positively to the amenity value of the area. On the basis of the evidence before me, due to the location of the site and the proximity of the proposed works to the trees, I am not satisfied that the proposed development could be carried out without compromising the nearby trees.
16. I note the appellant's suggestion that a detailed Arboricultural Impact Assessment could be submitted at a later date should planning permission be granted. However, in my view, the effect on the trees is a key consideration and relates to the principal of whether or not planning permission should be granted. Such matters should be addressed at an early stage in order to assess whether or not the development is acceptable.
17. As such, I consider that the proposal would cause harm to the character and appearance of the area with respect to the effect on nearby trees with a high amenity value. The proposal would, therefore, fail to meet the requirements of Policy 71 of the LP. This policy states that development will not be permitted which involves felling, significant surgery (either now or in the foreseeable future) and potential root damage to trees of amenity or other value, unless there are demonstrable public benefits accruing from the proposal which clearly outweigh the current and future amenity value of the trees. In this instance, I have not identified any public benefits which would outweigh this concern.

Parking

18. Policy 82 of the LP states that planning permission will not be granted for developments that would be contrary to the parking standards set out in Appendix L to the plan. Appendix L sets out that, for two bedroomed dwellings as is the case here, no more than 1 space per dwelling should be provided. Whilst the policy does not set a minimum number of parking spaces to be provided for dwellings of this size, Policy 82 is clear that car-free development is acceptable where there is good, easily walkable and cyclable access to a district centre or the city centre, where there is high public transport accessibility and where the car-free status of the development can realistically be enforced by planning obligations and/or on-street parking controls.

19. The proposal does not include a dedicated area for off-street parking. At the time of my site visit there was clear evidence of vehicles mounting and parking along the grass verges and pavements in the area. I noted a number of vehicles parked in such a way. I accept that illegal parking within the area appears to be an existing issue, however, the addition of two dwellings would, in my view, be likely to exacerbate the issue and would lead to further pressure to on-street parking in the area.
20. On the basis of the evidence before me which includes my own observations on site as well as the submissions from the parties, I do not consider that the proposal would meet the criteria within Policy 82 for car-free development. For these reasons, I consider that the proposal would unacceptably increase on-street parking pressure and would fail to provide satisfactory levels of parking with particular regard to adopted local planning policies. The proposal would, therefore, conflict with LP Policy 82 in this regard.

Living conditions

21. The proposed dwellings would occupy much of the existing rear garden area of No. 36 Peverel Road and would be sited close to the side boundary with the neighbouring property at No. 34 Peverel Road, occupying a large proportion of this shared boundary area. Due to the height and bulk of the proposed dwellings they would appear as prominent features when viewed from the rear of these properties and would create an oppressive sense of enclosure for the residents occupying Nos 34 and 36. This would particularly be the case for residents of No. 36 due to the direct and extremely close views towards the proposed structure.
22. Furthermore, the proposed building would introduce an unacceptable degree of overshadowing to the garden areas and rear habitable rooms of these properties. The retained garden area which would serve No. 36 would be small and highly enclosed and, combined with the lack of daylight, would provide a poor quality amenity space for the occupiers of that property.
23. The proposed dwellings would be adjacent to the dwelling at No. 129 Barnwell Road. The proposal would be sited significantly forward of the principal front elevation of No. 129 and would be visually dominant in views from the front habitable rooms of this property, unacceptably eroding the outlook from these windows and degrading the quality of these spaces. The proposed dwellings, due to their orientation, would also result in the loss of morning light to these rooms further compromising the living conditions of the residents of this property.
24. Though the front elevations of the proposed dwellings would be close to the front elevations of Nos 133 – 139 Barnwell Road I consider that the layout would not be dissimilar to that which exists between the terraces further along this stretch of road. Whilst some mutual overlooking would be possible, the properties would retain an acceptable separation distance with the area of green space, the footpath and the front garden areas of the properties between them. As such, I do not consider that this arrangement would be such so as to cause an unacceptable degree of harm to the living conditions of the occupiers of these properties in this regard.
25. Nevertheless, the proposal would cause unacceptable harm to the living conditions of neighbouring residents with particular regard to outlook and

light. The proposal would, therefore, be contrary to the requirements of Policies 52, 55, 56 and 57 of the LP. Amongst other things these policies seek high quality design and state that development will only be permitted where the amenity of neighbouring, existing and new properties is protected.

Living conditions of future residents

26. The proposal would provide each dwelling with an area of rear amenity space. This area would be accessed via French doors from the main living space and via an alleyway from the front of the properties. The proposed area would be approximately 3.2m deep and 8.2m wide and would provide a garden area of around 26sqm.
27. LP Policy 50 states that all new residential units will be expected to have direct access to an area of private amenity space. Though no specific space standards are set out, the supporting text to the policy is clear that the garden 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.
28. The proposed garden spaces would each include a store, a refuse storage area and space to store bicycles. These elements would cover a significant proportion of the available space and would leave little circulation space or space for children to play. The amenity space would also not be of a sufficient size to readily accommodate a space for sitting out or for drying washing.
29. Though the orientation of the garden spaces has been designed in such a way so as to maximise levels of light, and boundary treatments could be designed to limit any sense of enclosure, the proposed garden areas would not provide adequate private outdoor amenity space for dwellings of the size proposed. I accept that other local parks and recreational areas are present locally. However, areas such as this would not provide the private space which is required and would not compensate for the lack of on-site amenity space.
30. The appellant suggests that the proposed garden areas are of a similar size to other developments in the area. However, I have not been provided with any detailed compelling evidence of these examples and the evidence before me indicates that garden sizes within the immediate vicinity of the appeal site are generally larger than that which is proposed. Moreover, 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. The existence of other examples is not a sufficient reason to justify the grant of planning permission, especially in instances such as this where a scheme is considered to be unsatisfactory. I note the appellant's suggestion that an alternative bicycle storage solution could free up additional amenity space if required. However, in my view, this would not be sufficient to mitigate the harm I have identified.
31. Consequently, I consider that the proposal would fail to provide satisfactory living conditions for future residents with particular regard to amenity space. The proposal would, therefore, fail to meet the requirements of Policies 50 and 52 of the LP which, in part, seek to ensure that new development provides adequate outdoor amenity space.

Bicycle parking

32. 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 and also states that the Council's Cycle Parking Guide for New Residential Developments, February 2010 (CPG) should be referred to as best practice. Appendix L states 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.
33. As set out above, the proposal includes space to store two bicycles per dwelling in the rear garden area. This area would be accessed via a narrow alleyway, around 1.16 meters wide, from the front of the property. The CPG states that where cycle parking is provided to the rear the access way should preferably be 1.5m wide or a minimum of 1.2m wide. The proposed access would fall short of this standard and the restricted width would make the alley way awkward to manoeuvre through and the use of the cycle storage area difficult.
34. The Appendix states that cycle parking to the rear of a dwelling would only be acceptable if such an area sited to the front of the property would be out of keeping with the character and appearance of the area. I accept that under the current scheme it would not be possible to include secure bicycle storage at the front of the property. However, I consider that theoretically such storage could potentially be provided to the front of the property without causing harm to the character and appearance of the area.
35. As such, in my view, the proposal would fail to provide adequate bicycle parking provision with particular regard to relevant adopted local planning policies. I therefore consider that the proposal would conflict with the CPG and Policy 82 and Appendix L of the LP insofar as they set out the Council's expectations for the provision of cycle parking.

Other Matters

36. I note that the appellant has made changes to a previously refused scheme with the aim of overcoming the harm which was identified. However, in my view, the revised scheme would, nevertheless, cause unacceptable harm for the reasons I have set out above.
37. I recognise the appellant's ambition to improve the condition of the site. However, such improvements could be secured through alternative means which would not cause harm in the ways I have identified.
38. The addition of new dwellings which would contribute towards the housing supply in the area would be a benefit of the scheme. I also recognise that the proposal would make efficient use of the land available. I further acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwellings utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.
39. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm.

40. I have noted a number of other issues raised; however, as this proposal is to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issue, it is not necessary for these to be explored further as part of this appeal.

Conclusion

41. For the reasons set out above, the proposal is contrary to the development plan. There are no material considerations that indicate that permission should be granted. Therefore, taking all other matters raised into account, the appeal is dismissed.

L J O'Brien

INSPECTOR