
Appeal Decision

Site visit made on 9 October 2024 by Darren Ellis MPlan MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Appeal Ref: APP/Q0505/W/24/3343119

87-89 Perne Road, Cambridge CB1 3SB

- 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 Nattu Pankhania of Rudra Shiva Limited against the decision of Cambridge City Council.
 - The application Ref is 23/03993/FUL.
 - The development proposed is 'Demolition of existing buildings at Nos. 87 and 89 followed by a new building containing 6 flats/units to the front and a single flat to the rear along with bike and bin storage'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. The description on the planning application form includes superfluous text which is not a description of development. In the interests of conciseness and clarity, the description of the proposal has been taken from the Council's decision notice. The appellant confirmed that they had no issue with the reworded description and has included it on their appeal form.

Preliminary Matters

4. Prior to the making of this recommendation, a revised National Planning Policy Framework (the Framework) was published. Both parties have had the opportunity to comment on the changes to the Framework and any comments received have been taken into consideration as part of the recommendation.

Main Issues

5. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) the effect of the proposal on the living conditions of the occupants of 85 and 91 Perne Road and 1 Langham Road, with particular regard to privacy, noise and disturbance and whether there would be any overbearing effects; and
 - c) whether acceptable living conditions would be provided for occupiers of the development, with particular regard to light within private amenity spaces.

Reasons for the Recommendation

Character and appearance

6. The appeal site is situated to a section of Perne Road predominantly characterised by two-storey and semi-detached dwellings with hipped roofs. Some dwellings in the area have gable ended roofs, and some roof spaces accommodate dormers to the side or rear. To the rear of the site, the dwelling at 1 Langham Road (No 1) has a stepped, three-storey, rear projection of contemporary design and there are a few examples of extensions to individual dwellings on that street which depart from the prevailing traditional characteristics of the area. Even so, to this part of Perne Road, the general consistency in terms of the overriding two-storey scale and traditional aesthetic of the dwellings gives this road a cohesive residential character and appearance.
7. The street elevation in the appellant's design and access statement demonstrates that to the front elevation the proposed building's gable ends and ridge line would give the proposal a notably taller profile than the adjacent dwellings. The greater scale would be even more accentuated to the rear elevation where, even accounting for the stepped design, the building's deep rear projection, predominantly flat roofed appearance and the proliferation of windows and balconies across three levels would combine to form an uncharacteristic, wide three-storey block. This would be visible from surrounding windows and gardens on Perne Road and Langham Road from which the proposal's considerable bulk, mass and three-storey appearance would sit uncomfortably between the semi-detached dwellings on Perne Road. The use of zinc cladding to the rear second floor would not disguise the dominant scale of the rear elevation.
8. Outbuildings are a common feature in the nearby rear gardens. However, they are more often of a modest scale. In contrast, the proposed building for 'Unit 7' would be of a large footprint, extending alongside and in close proximity to the boundary with No 1. Moreover, its use as a separate dwelling would be at odds with the ancillary uses of neighbouring outbuildings. Consequently, its form and use would be an incongruous addition that would be at odds with the surrounding pattern of development and would detract from the existing character of rear gardens along this stretch of Perne Road.
9. The semi-detached dwellings at 200 Perne Road (No 200) are some distance from the appeal site. In that instance there is more intervening space between the building at No 200 and its nearest neighbouring dwellings on Perne Road and so any difference in height between neighbouring dwellings is not as noticeable in the street. Furthermore, from the evidence before me, that particular development is not comparable to the bulky three-storey rear elevation of the appeal proposal. As such that development does not justify the site-specific harm that would result from the appeal proposal.
10. Overall, the proposed development would cause significant harm to the character and appearance of the area. In that regard, the proposal would conflict with the requirements in Policies 55, 56 and 57 of the Cambridge Local Plan (2018) (LP) for development to have a positive impact on its setting and context, including with regards to its scale and massing, and to achieve a successful integration of buildings. The proposal would also fail to comply with LP Policy 52, insofar as it

requires development on sites which form part of a garden to be appropriate to the surrounding pattern of development and the character of the area.

11. The proposal would also conflict with paragraph 135 c) of the Framework, which requires development to be sympathetic to local character.

Living conditions of the occupants of neighbouring properties

12. The proposal would include windows and balconies at the first and second floors of the rear elevation with the potential that they would provide opportunities for elevated views into neighbouring properties. Furthermore, balconies are often used for extended periods particularly during summer months which could prolong any effects on privacy. However, the windows on the rear projection would be set well in from the boundaries with Nos 85 and 91. Furthermore, the proposed obscure-glazed side-screens would channel the aspect towards the rear of the site from the upper floor windows and balconies closest to the side boundaries. Consequently, any overlooking of the properties to either side would likely be limited to the more peripheral parts of the rear gardens of these neighbouring properties which is not uncommon within a residential setting.
13. Given the position of 1 Langham Road to the rear of, and side on to, the appeal site, there is the potential for more direct views from windows and balconies towards the patio area and rear ground floor windows at No 1. According to the Council's evidence the glazing at No 1 most likely to be affected serves a dining room. However, the site section provided indicates that the line of sight over the top of 'Unit 7' from the proposed second-floor windows would be oblique and unlikely to facilitate a clear view of activity at No 1. The proposal's rear projecting element would also somewhat restrict the extent of the aspect from the balconies which in turn are also set further away from No 1. Overall, there would not be a material effect on the privacy of neighbouring occupiers.
14. The current dwellings at the appeal site, which have previously been extended, contain a total of seven bedrooms and would be suitable for medium or large families. The proposal would result in a total of 9 bedrooms in seven smaller units which would likely be more suited to individuals, couples or small families. Although the proposal would create more dwellings and more bedrooms, the total number of occupants would not be significantly more than could be accommodated by the existing dwellings. With regards to the individual balconies, these would be modest in size and would not facilitate large gatherings. As such, it is unlikely that the proposal would result in a harmful increase in noise and disturbance to neighbouring residents.
15. The three-storey rear element would project beyond the two-storey rear elevations of Nos 85 and 91. Even so, the stepped design and the distance of the rear projecting element from the side boundaries would prevent any harmful overbearing effects when experienced from the rear windows and garden areas serving these neighbouring properties.
16. However, I accept that 'Unit 7' would be single storey, set about 1m away from the boundary with No 1, and would reduce in height towards this boundary. Nevertheless, the higher part of the roof would sit well above the level of the boundary fence. Taken together with its extensive length and close proximity to the boundary, this building would undoubtedly be a very prominent feature when experienced from the garden, patio and ground floor rear windows at No 1. As a

result, it would have an unacceptable overbearing presence for occupiers of No 1 to the detriment of the enjoyment of their property.

17. I conclude the proposal would cause harm to the living conditions of the occupants of No 1 by way of an overbearing effect from 'Unit 7'. The proposal would therefore fail to comply with LP Policies 52, 56 and 57 insofar as they require development to protect the amenity of neighbouring properties and ensure that private amenity spaces are enjoyable.
18. The proposal would also conflict with paragraph 135 f) of the Framework, which requires development to have a high standard of amenity for existing users.

Living conditions of future occupiers

19. The proposed terrace serving 'Unit 1' and the balconies for units '3' and '5' would be on the southern side of the two-storey rear projection, and as such would receive adequate levels of direct sunlight in the afternoons and evenings, particularly in the summer.
20. However, the terrace and balconies for units '2', '4' and '6' would be on the northern side of the property. While there is also a communal garden, these areas would provide the only private outdoor space for occupiers of these units. The appellant's shadow study indicates that at 'summer solstice' the two-storey rear projection would largely overshadow the terrace at 'Unit 2' and the balconies at units '4' and '6' until the evening. The private amenity areas for units '2', '4' and '6' are therefore likely to be in shade for most of the day at a time of the year where occupants would be more inclined to sit out. The shadow study also indicates that these areas would be overshadowed all day at the '23rd March/September – Equinox' and at 'Winter Solstice'. The balcony at 'Unit 4' would also have the balcony at unit '6' directly above it, which would further limit the amount of natural light this area would receive. Consequently, the occupiers of these units would not be served by private outdoor space with a high standard of amenity.
21. I conclude, the proposal would not provide adequate living conditions with particular regard to light within the private amenity spaces serving proposed units '2', '4' and '6'. Consequently, the proposal would conflict with LP Policy 52, insofar as it requires development to protect the amenity of new properties and provide adequate amenity space. In this regard, the proposal would also conflict with paragraph 135 f) of the Framework, which requires development to have a high standard of amenity for future users.
22. The reason for refusal also cites conflict with LP Policy 50, which relates to internal residential space standards. The Council noted that the proposed bedroom for 'Unit 6' did not meet the space standard for a double bedroom and therefore considered it to be a one-person flat and made their assessment accordingly. Neither the Council's report or the reason for refusal include any objection to the proposed internal space, and as such there is no conflict with LP Policy 50. Even so, this does not overcome the other harm identified under this main issue or the conflict with LP Policy 52.

Other Matters

23. The provision of five additional units above the existing situation would make a modest contribution to the provision of housing in the area. Economic benefits

would also arise from the construction and occupation of the development, although some of these would be temporary and limited by the scale of the scheme.

24. While the proposed green roofs may provide surface water attenuation and enhanced biodiversity, the amount of green roof space would be relatively limited. Furthermore, the development would result in the loss of some areas which currently contain planting or grass.
25. The limited benefits identified are in the context that there is no evidence before me to suggest that the Council is not meeting its housing requirements. Overall, taking all these matters into account, there are not overriding factors which justify the harm identified under the main issues.

Conclusion and Recommendation

26. The proposal would be contrary to the development plan and the material considerations in this instance do not indicate that a decision should be made other than in accordance with it. I therefore recommend the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR