
Appeal Decision

Site visit made on 1 April 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/Q0505/W/24/3353657

1 Daws Close, Cambridge CB1 9LE

- 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 Mingyu Zhu against the decision of Cambridge City Council.
 - The application Ref is 24/02869/FUL.
 - The development proposed is described as: Conversion of existing dwellinghouse to two three-bedroom residential flats, involving replacement of existing front and rear windows with new windows and a ground floor rear door with a new window; insertion of a new side door on the ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has sought to amend the plans during the appeal referring to amended plans it submitted to the Council. However, given the level of objection from nearby residents it would not be reasonable to accept these plans without these residents having opportunity to comment. I must, therefore, make my assessment based on the original submissions.

Main Issues

3. The main issues are:
 - The effect on the character and appearance of the local area.
 - The provision of car parking spaces and the effect on the character of the local area.
 - The effect of the proposed extension on the living conditions of the occupants of 2 Daws Close and future occupiers of the proposed flats, with particular reference to noise and disturbance.
 - The provision of external amenity space for the proposed upper floor flat.

Reasons

Character and appearance

4. Daws Close is a cul-de-sac with a mix of detached and semi-detached one and a half storey dwellings with a strong uniformed architectural style, which includes large ground and first floor windows. The appeal property is located on the corner of Daws Close, Mill End Road and Sidney Farm Road. The rear of 1 Daws Close faces towards to Mill End Road and its side elevation faces Sidney Farm Road.

Mill End Road in this locality does have a mix of dwelling styles with Sidney Farm Road being more defined by soft landscaping, than built form near the appeal property.

5. The change in fenestration on the front elevation would detract from the uniformity of design on Daws Close and would unbalance the front elevation. The rear elevation alterations to fenestration will have no impact on the design character of Daws Close and there is no uniformity on Mill End Road to be preserved.
6. The change in fenestration to the front of a dwelling is permitted development. However, the change is linked to the conversion of two flats that do not benefit from permitted development rights. It is also unlikely that the windows, which would include relevant structural work, would be altered if it was not linked to the subdivision of the host dwelling. On this basis I can give only limited weight to the fallback position
7. The proposal to change the front elevation of the dwelling would cause harm to the character and appearance of Daws Close. Therefore, the proposal does not comply with Policy 53 of the Cambridge Local Plan 2018 (Local Plan), which seeks to ensure subdivision of a dwelling into flats does not harm the character of the area.

Car parking

8. The proposal is seeking to provide one parking space per flat. Policy 82 of the Local Plan states 'providing no more than the car parking standards for new residential and non-residential development set out in Appendix L'. While no copy of Appendix L has been provided the policy set a maximum and not a minimum. Given that the Council is not setting a minimum amount of parking, there is always the potential for additional cars to park on the public highway.
9. Policy 53 of the Local Plan does state that 'would not have a negative impact on the amenity or character of the area or on highway safety in streets already experiencing parking stress'. Given that the Local Highways Authority are not objecting to the proposal and there is no evidence to suggest that the area is already experiencing stress on parking spaces, I see no conflict with this element of Policy 53 of the Local Plan.

Living conditions

10. The proposed first floor flat places its kitchen/dining/living room space next to the bedroom of the adjacent property, 2 Daws Close. While not a recommended condition by the Council, it is possible to impose a condition to provide sound insulation to protect the adjacent neighbour. However, there would still be times when there could be disturbance to 2 Daws Close for instance when windows are open, but this is not considered to be of a level to constitute material harm.
11. Regarding the ground floor flat, its bedroom 2 is likely to be disturbed by car noise and/or light for the first floor flat entering and leaving the site. However, this harm is intermittent and depends on time of day/year for disturbance by light and type of car, as hybrids/electrical cars are likely to cause less noise pollution. The ground floor flat's bedroom 3 will look directly onto the garden fence of the upstairs flat that could lead to disturbance when people are using the garden at less social hours as well as having a poor outlook.

12. With two of the bedrooms for the ground floor flat potentially being disturbed there is significant harm the living conditions of the occupiers. Therefore, the proposal does not comply with Policy 53 of the Local Plan, which seeks to ensure a good level of amenity for future residents.
13. Policy 50 of the Local Plan relates to space standards and it is not clear on how it relates to impacts of disturbance on residential amenity.

External amenity space

14. Policy 53 of the Local Plan states that only ground floor flats should have access to garden areas. However, Policy 50 of the Local Plan states 'All new residential units will be expected to have direct access to an area of private amenity space'.
15. With the first floor flat having three bedrooms it is likely that the unit would accommodate children as future occupants and on this suitable private amenity space is expected. The proposed shape of the first floor flat's garden is an atypical shape that makes areas of this private amenity space likely unusable for future residents enjoyment. The nearby street trees will place a substantial amount of the proposed garden in shadow that will further limit the ability of future residents to enjoy this space. The proposal, therefore, does not comply with Policies 50 and 53 of the Local Plan, as the amenity space is not of a shape to provide effective and practical use for future residents.

Other Matters

16. The appellant states that the Council did not proactively engage with them. However, the way in which the Council has dealt with the application is not a matter for me to consider in this appeal.

Conclusion

17. The proposal conflicts with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

A Phillips

INSPECTOR