



Appeal Decision

Site visit made on 22 July 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/Q0505/W/25/3363191

51 Cromwell Road, Cambridge, CB1 3EB

- 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 Barry Tiffen against the decision of Cambridge City Council.
 - The application Ref is 24/04163/FUL.
 - The development proposed is the change of use of detached residential outbuilding and land to a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of detached residential outbuilding and land to a dwelling at 51 Cromwell Road, Cambridge, CB1 3EB in accordance with the terms of the application, Ref 24/04163/ FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Prior to first occupation of the dwelling the proposed fencing to be erected between the appeal dwelling and No.51 Cromwell Road shall be put in place in accordance with details submitted to and approved in writing by the local planning authority and shall be maintained thereafter.
 - 3) Prior to first occupation of the dwelling, the cycle and bin stores shall put in place in accordance with details that shall have been submitted to and approved in writing by the local planning authority and shall thereafter be maintained for that use and for no other purpose .
 - 4) Notwithstanding the provisions of Article 3(1) and Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), except for Class H, no development other than that authorised by this permission shall take place within the curtilage of the dwellinghouse hereby permitted.

Application for costs

2. An application for costs was made by Mr Tiffen against Cambridge City Council and this is the subject of a separate Decision.

Main Issues

3. The main issues in this case are the effect of the proposed dwelling on the character and distinctiveness of the local area, and whether the proposed dwelling would provide satisfactory living conditions for future occupiers.

Reasons

4. No.51 Cromwell Road is situated within a largely residential area. This part of the street is lined with two-storey, semi-detached and terraced dwellings with at least two bedrooms, on- and off-site parking, small front gardens, and larger gardens to the rear. It abuts the Ridgeons Development Opportunity Area to the west. The application seeks to change the use of the detached ancillary building to the rear of No.51 Cromwell Road from a residential annexe to a separate dwelling. It comprises a single bedroom, an open-plan kitchen and living area, a shower room, an outdoor seating area, and a refuse bin store. The building measures approx. 2.7m in height, 7.5m in width, and 10.7m in depth, with a gross internal footprint of 46m².
5. The starting point (as in legislation and paragraph 2 of the National Planning Policy Framework (NPPF), is the policies of the development plan. Policy 52 of the Cambridge Local Plan, adopted October 2018, is the most relevant in respect of the appeal proposal. This policy sets out that proposals for the sub-division of residential gardens will only be permitted where: a) the development is appropriate to the surrounding pattern of development and the character of the area; b) sufficient garden space is retained for the existing dwelling; c) the amenity of neighbouring, existing and new dwellings is protected; d) provision is made for adequate amenity space, car parking, and vehicular access from the existing and proposed dwellings; and e) there is no detrimental impact on the potential comprehensive development of the wider area.
6. The supporting text to Policy 52 states that the policy relates to sites where “an existing house or houses are retained and new dwellings are erected in the garden or multiple garden areas or curtilage; and/or the existing buildings are demolished and the plot(s) subdivided in order to make way for further residential development” (para. 6.39).
7. The appellant argues that Policy 52 is not applicable to proposals for the conversion of an existing annexe into a separate dwelling, because it refers to new dwellings being erected in a garden, whereas the proposal is the change of use of an existing building. I do not agree, the policy is clearly intended to deal with relevant matters where there is a proposal for the sub-division of a residential garden. That is the case here. At present the existing annexe is within the residential garden of No.51 Cromwell Road, and what is proposed is the separation, or sub-division of that garden to create a separate curtilage. Indeed, the ‘Combined Planning, Design and Access Statement’, submitted with the application to the council, dealt with this policy, among others, and described it as positively worded and considered that the proposal accords with the general principles that it establishes.

8. The surrounding pattern of development, particularly in the length from No.29 to No.53 Cromwell Road, undoubtedly exhibits a considerable number of substantial buildings in the rear garden areas. Furthermore, the existing building would effectively remain exactly as it is visually, and there is an unadopted access track that separates the site from the rear garden fences of the houses in Clara Rackham Street. With a height of approximately 2.7m, the building does not intrude much above fence height, and in any event, it has been a feature in the view of those who can see it for some considerable time. The subdivision has already been made in the curtilage of No.51 and the building is equipped and could be lived in with an appropriate connection of the inhabitant to the host dwelling. Taking all these matters together, I consider that the proposal would not have a material effect on the character and distinctiveness of the local area.
9. The second refusal reason is concerned with the living conditions that would result from the proposal due to overlooking resulting from the close proximity of the appeal building with the host dwelling and through the size and surroundings of the amenity space.
10. The delegated report acknowledges that the space standards set out in the government's Technical Housing Standards – nationally described space standards (2015) are exceeded, and the dwelling would be large enough to accommodate a single occupant. However, it is said that the 2m close-boarded fence would significantly reduce outlook to three habitable windows and the patio, resulting in a confined and dim living environment; and in addition, occupiers of the new dwelling would be significantly overlooked due to its orientation and proximity to No.51 Cromwell Road.
11. At my site visit I was able to assess the proposal since in essence the features that are criticised were largely in place. From what I saw I consider that the internal environment was suitable for a dwelling of this character and would provide sufficient comfort and well-lit environment for the intended single occupant. As to the external space, this was sufficient for a table and chairs, with room for clothes drying and to place small planters, etc, to provide some visual pleasure. In addition, there are areas of this space that do afford privacy, particularly close to the dividing fence. I therefore find that the proposed dwelling would provide satisfactory living conditions for future occupiers.
12. As a result of the reasoning and the conclusions I have drawn above, the appeal will be allowed.

Conditions

13. The statutory condition that provides a time limit on the start of development must be imposed. In this case the council has not suggested any conditions in the event that the appeal is upheld. I have therefore considered what conditions should be applied, having regard to Planning Practice Guidance. I consider that the conditions that I have imposed are necessary for the following reasons: 2 is to ensure that the appearance of the fencing enclosure of the proposed dwelling and the privacy of the occupant are safeguarded; 3 is to ensure that suitable bin and cycle storage is provided for reasons of recycling and the encouragement of sustainable travel and to maintain an appropriate appearance; 4 is to enable the Local Planning Authority to maintain

control over any additional development, which is necessary in view of the small size of the dwelling and the limited area of the site and proximity to other development.

Terrence Kemmann-Lane

INSPECTOR