



Appeal Decision

Site visit made on 1 August 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/Q0505/W/25/3365630

44 Kimberley Road, Cambridge, Cambridgeshire CB4 1HH

- 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 & Mrs Tom & Victoria Harvey against the decision of Cambridge City Council.
 - The application Ref is 24/04556/FUL.
 - The development is change of use of an existing outbuilding to a short-term holiday let and for ancillary residential use associated with the dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner above is duplicated from the Application Form. However, I have removed the word “retrospective” and the site address, as these parts of the description are not acts of development.
3. The appellants have indicated on the Application Form that the works started and completed in November 2022. The Council assessed the development as a retrospective application. During my site visit, I observed a development which appeared the same as that shown on the application plans. I have therefore assessed the development on the basis that it has been completed.

Main Issue

4. The main issue is the effect of the development on the living conditions of neighbouring residents with particular regard to noise and disturbance, privacy, and the fear of actual and perceived crime and anti-social behaviour.

Reasons

5. The appeal site comprises of a mid-terrace property with an outbuilding in the rear garden. The outbuilding can be accessed from a gated alleyway which leads from the road, between 40 and 42 Kimberley Road, and wraps around the rear garden of No 42. The alleyway has a gravel path which is largely unlit, although some properties have security lighting.
6. The appellants have indicated that the outbuilding is currently used as tourist accommodation for approximately 100 days a year and that the number of people staying in the accommodation at one time is limited by its size. Furthermore, the appellants have indicated that they screen who stays in the accommodation as the outbuilding is in the garden of their home, which they share with their children.

7. Other than to access the accommodation, the alleyway is used by occupiers of several properties, for servicing purposes only. Therefore, the use of the accommodation significantly increases the amount of activity to the rear of properties on Kimberley Road. People accessing the accommodation walk directly past the side elevations and gardens of Nos 40 and 42. In addition, given its use as tourist accommodation, people are likely to access the outbuilding throughout the day and into the evening. As such, it is likely that the change of use has led to more activity across longer periods of the day. In turn, the significantly increased activity generates more noise and disturbance. The effect of the increased activity is particularly harmful to occupiers of Nos 40 and 42, due to the orientation of the access and their properties.
8. Whilst I accept the appellants screen who stays at the accommodation, permission runs with the land and not individuals. Therefore, screening of potential occupiers cannot be secured in perpetuity. Moreover, the screening of occupiers does not ensure that they are neither noisy nor disruptive. The accommodation is occupied by tourists who use the space differently to long term residents. Also, given the size of the accommodation, there is an increased likelihood that occupiers will want to use the garden area. The increased use of the garden has led to increased noise and disturbance for neighbouring residents.
9. Although the use of the tourist accommodation has increased the number of people accessing a semi-private area to the rear of properties on Kimberley Road, it has not increased overlooking of neighbouring occupiers, as their properties are enclosed by tall boundary treatments. There is some mutual overlooking between occupiers of No 44 and the accommodation. However, this is expected for accommodation of this nature, which is ancillary to the main house.
10. As above, there is an increased number of people accessing the rear of properties on Kimberley Road, where there is limited natural surveillance. Notwithstanding this, there is no cogent evidence that this has led to increased occurrences of actual or perceived crime or anti-social behaviour. Furthermore, there is no substantive evidence that small scale tourist accommodation leads to increased crime or anti-social behaviour in residential areas, in general.
11. There is conflicting information between the appellants and interested parties with regard to whether complaints have been made in relation to the use of the accommodation. Even if no complaints have been made, a lack of complaints does not indicate that the use of the accommodation is not harmful.
12. The appellants have highlighted five examples of tourist accommodation in proximity to the appeal site. All of these examples are materially different to the appeal development as they front onto Chesterton Road, a main through road. Similarly, the appellants have highlighted two planning permissions¹ for tourist accommodation in Cambridge, both of which are sited close to the road and not accessed to the rear of a dwelling. As such, these developments are also materially different to the appeal development and do not set a precedent.
13. In addition, the appellants have highlighted seven allowed appeals² for tourist accommodation across the country. The details of those proposals are not before

¹ Planning Permission Refs. 21/04391/FUL and 18/2048/FUL

² Appeal Refs. APP/P3040/W/23/3331462, APP/J2373/W/24/3344544, APP/B3438/W/20/3253762, APP/J9497/W/22/3309696, APP/T2350/W/24/3340488, APP/M0933/W/22/3307981, and APP/C3620/W/22/3307799.

me. Regardless, each proposal is assessed upon its own merits. The acceptance of other schemes elsewhere does not set a precedent for this development that is harmful due to the specific circumstances relating to the access and the use of tourist accommodation within an area of rear gardens. This decision is therefore consistent with the highlighted appeal decisions.

14. Finally, the appellants have highlighted two planning permissions³ for outbuildings on Kimberley Road. The harm generated by the development is through its use as tourist accommodation rather than the building itself. Therefore, the granting of permission for ancillary outbuildings does not set a precedent for the development.
15. I conclude the development has a harmful effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. The development is contrary to policies 35, 52, and 77 of the Cambridge Local Plan, October 2018 (LP). These policies indicate development will be permitted where it will not lead to a significant adverse effect on quality of life from noise, and proposals for developments that form part of a garden will only be permitted where the amenity of neighbouring properties is protected, amongst other matters. The development is also contrary to paragraph 135 of the National Planning Policy Framework where it indicates that planning decisions should ensure that developments create places with a high standard of amenity.
16. On the Decision Notice, the Council indicate that the development is contrary to LP Policy 56. However, as the development does not have a harmful effect with regard to privacy and the fear of actual or perceived crime or anti-social behaviour, the development is not contrary to this policy.

Other Matters

17. The appeal site is within the De Freville Conservation Area (CA). I therefore have a statutory duty to pay special attention to preserving or enhancing the character or appearance of the CA. The special interest of the CA in part relates to its laying out as a Victorian estate and the surviving architectural quality of many of the buildings. Small scale outbuildings are a common feature of the CA. As such, the development of the outbuilding preserves the character and the appearance of the CA. Moreover, the Council is of the same view.
18. There is support for the development from the neighbouring occupiers of 41 and 46 Kimberley Road and there could be an increasing need for tourist accommodation in Cambridge due to the city's growth ambitions. Services and facilities necessary to support day to day living are accessible by sustainable transport modes from the accommodation. These factors weigh in favour of the development but do not outweigh the identified harm.

Conclusion

19. The development conflicts with the development plan, when considered as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs INSPECTOR

³ Planning Permission Refs. 24/02105/HFUL and 23/04759/HFUL.