



Appeal Decision

Site visit made on 8 September 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/Q0505/W/25/3367256

1 Stansgate Avenue, Cambridge CB2 0QZ

- 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 J Miah against the decision of Cambridge City Council.
 - The application Ref is 24/04743/FUL.
 - The development proposed is erection of addition to 1 Stansgate Avenue and use of new building for 1 x 1 bedroom and 1 x 2 bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for erection of addition and use of new building for 1 x 1 bedroom and 1 x 2 bedroom dwellings at 1 Stansgate Avenue, Cambridge CB2 0QZ in accordance with the terms of the application, Ref 24/04743/FUL, subject to the conditions set out in the attached schedule.

Application for Costs

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

Main Issues

3. Whether the proposal would
 - secure acceptable living conditions for existing and future occupiers, with particular regard to the quality of garden space,
 - provide adequate refuse and cycle storage, and
 - cause any material harm to visual amenity or biodiversity, through effects on trees.

Reasons

Living conditions - gardens

4. The proposal is to extend an end terrace house laterally to provide two new dwellings. Their adjacent front doors would be on the extended gable end, with the addition divided vertically to provide a one and a two bedroom dwelling, with aspects front and rear respectively. This plot subdivision would leave the host dwelling with a smaller back garden but one nonetheless comparable to others in this particular neighbourhood. The further parts of this smaller back garden would

be over-looked from the upstairs window of the two-bedroom dwelling proposed. However, such a situation is entirely typical of many housing layouts where only the near parts of back gardens can achieve seclusion. In view of this, the proposal would not result in unacceptable living conditions at the host dwelling, either in respect of the size or level of privacy offered by its remaining back garden.

5. The Council's statement introduces concerns over the loss of rear access to this back garden. However, this house has an integral garage and porch, so sizeable items, such as bins and cycles, could be stored and accessed from the front. Separate access to the rear garden might be desirable for exterior maintenance purposes and other practical reasons, achievable had minor amendments been made to the scheme. However, as the scheme stands, this factor alone would not mean the host dwelling at No 1 no longer provided acceptable living conditions.
6. Regarding the garden area proposed for No 1a, there is no reasonable justification for subtracting a notional turning area for bicycles from the size estimate. However, there is no dispute that the remaining garden shown is adequately sized for the two-bedroom dwelling proposed. Because this garden abuts a separate outside area for No 1b, it would be L-shaped. The Council has not adequately reasoned why this would not be particularly well considered or usable for any future occupiers, such as to offer poor living conditions. The Council refers to the garden to 1a being open to public view above the enclosed bin and bike stores but acknowledges that sufficiently high boundary fencing could address this.
7. Like with the two-bed dwelling at No 1a, the kitchen/living area proposed for the one bedroom dwelling at No 1b would have direct access to a private garden area. This would be a lot smaller at around 12 m². The Council does not set size standards for gardens. A one-bedroom dwelling would tend to suit a single occupier or couple without children. This small garden would be sufficient for a table and chairs for sitting outside, some plants and perhaps a small rotary clothesline. It would be adequate without the further 19 m² of enclosed private garden located further away. There is no justification for finding No 1b would be provided inadequate living conditions just because part of its garden would be detached, in tree shade and a short walk away via a roadside footway. Whilst this garden arrangement might be a little contrived, any concerns might have been resolved through minor amendments to the scheme, perhaps by allocating all this rear space to the small family-sized dwelling proposed at No 1a.
8. The location and tree shading of the satellite garden space proposed for No 1b, would influence its use. For sitting out in the sun, occupiers might prefer the smaller garden next to the front door. However, the further garden area might still be useful for outdoor enjoyment on very hot, sunny days or for alternative recreational use, such as gardening. The extent of tree shade to this area of garden hardly amounts to a reasonable ground for finding that future occupiers at No 1b would have unsatisfactory living conditions.
9. The existing and proposed dwellings would all have direct access to an area of private amenity space of an appropriate form, satisfying the external standards sought by Policy 50 of the Cambridge Local Plan 2018 (LP). No 1 would retain sufficient garden space and its amenity and privacy would be adequately secured. Along with the new dwellings being afforded adequate garden space, the proposal as a whole satisfies LP policies 52 and 58 by providing acceptable living conditions for existing and future occupiers.

Refuse and cycle storage

10. The Council's second refusal reason relates to the storage arrangements proposed for cycles and for waste and recycling bins. The bin stores would open onto Red Cross Lane, a few steps from the front doors and conveniently located. Usage would not be so frequent as to cause any significant harm to pedestrian safety, with footfall appearing insufficient to cause much inconvenience. In the interests of visual amenity, odour control and security, it might be better to have lockable gates to these bins stores, rather than leave them open. An approved refuse and recycling management plan could be made conditional to address any outstanding concerns.
11. Regarding the cycle storage behind the bin stores, that for No 1b would open onto the front door path, being both accessible and correctly sized to meet the Council's adopted standards¹. The bike store for No 1a would be accessed from within its garden, with a separate gate onto Red Cross Lane that cyclists could conveniently use. The Council has noticed that the 1.8m boundary fence appears from the drawings to block the cycle store entrance. This is obviously an unintentional drafting error, as a gate from the bike store opening into the garden area is clearly shown. The Council finds the two cycle store proposed for No 1a significantly below the standard dimensions, making it unlikely two bikes could be kept and conveniently accessed. Judging by the plans this store is slightly below the guidance width. Even if it would not have enough space to conveniently store two cycles, which I find rather unlikely, this seems to be a minor element of harm, which could have been rectified by a small amendment or now suitably addressed by condition.
12. The Council has retracted its finding of conflict with LP Policy 52, which concerns garden protection and plot subdivision, as this makes no reference to cycle and bin storage. Subject to a condition governing the detailed arrangements for refuse, recycling and bicycle storage, the proposal is capable of successfully integrating these functional requirements, in accordance with LP Policy 57. Such a condition would address any doubt over this proposal satisfying the cycle parking requirements of LP Policy 82. On this basis, the proposal would provide adequate refuse and cycle storage

Trees

13. The Council's third refusal reason was over the gardens for the two new dwellings being partly beneath mature tree canopies. Exposed to shade and leaf litter, this was considered to then lead to pressure for tree surgery detracting from the amenity and biodiversity value provided by this foliage. The appellant's arboricultural assessment² refers to the large ash and the beech located off-site close to the rear boundary of the appeal site. When in leaf, these are noted to cast afternoon shade over the garden. No significant root protection area impacts are identified from the proposed construction works. This is a residential area containing a relatively high amount of mature tree growth, which adds to its overall environmental quality. The proposal would provide adequate residential living conditions, without the necessity to carry out works to these trees. Whilst such urban trees may well need to be the subject of management over their lifetime, this

¹ Cycle Parking Guide for New Residential Developments, first edition February 2010, Cambridge City Council.

² OMC Associates BS 5837 Arboricultural Impacts Assessment 10 December 2024.

proposal would not lead to any appreciable risk of harmful tree surgery. Therefore, the conflict found by the Council with the relevant parts of LP policies 52, 58, 59 and 71 gains no material support.

Conditions and conclusion

14. In addition to standard conditions imposing a three year period for commencement (1) and establishing the approved plans (2), another is necessary to secure the optional requirements of Part M4(2) of the Building Regulations to comply with LP policy for accessible dwellings (3). However, as one electric vehicle charging point would be required under the Building Regulations, the suggested planning condition to this effect is not deemed necessary. For certainty over the final storage arrangements for bins and cycles, a condition reserves agreement over these (4). Another condition is needed to secure an agreed Refuse and Recycling Management Plan to ensure satisfactory arrangements (5). To preserve acceptable living conditions, a condition is necessary removing permitted development rights to enlarge the approved dwellings (6). In the interests of the appearance of the finished development and the seclusion of the garden areas, a condition covers boundary treatments (7). The measures set out in the Preliminary Ecological Appraisal and Biodiversity Net Gain report need to be secured by condition (8). However, a further condition requiring the appointment of an ecological clerk of works or similar is disproportionate to the scale of development and its likely impacts. In the interests of neighbourhood amenity, a condition is necessary controlling construction hours (9). There is no evidence a condition addressing any likely piling operations is justified.
15. Subject to the conditions deemed necessary, this proposal would secure acceptable living conditions for existing and future occupiers, provide adequate refuse and cycle storage and cause no material harm to visual amenity or biodiversity through any effects on trees. The proposal would comply with the development plan considered as a whole and, on this basis, I conclude the appeal succeeds.

Jonathan Price

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 24032-0001 existing and proposed site plans (revision rev p2) 18.12.2024, 24032-1300 proposed elevations (revision rev p2) 18.12.2024, 24032-1100 proposed ground and first floor plans (revision revp2) 18.12.2024, 24032-0000 location and block plan (revision rev p1) 18.12.2024, 24032-1101 proposed roof plan (revision rev p2) 18.12.2024.
- 3) Notwithstanding the approved plans, the dwellings hereby permitted shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).
- 4) The bin and bicycle stores indicated in the approved plans shall be provided before occupation in accordance with details that shall have had the prior

written approval of the local planning authority. The approved bin and bicycle stores shall thereafter be retained for these purposes.

- 5) The dwellings hereby permitted shall not be occupied until a Refuse and Recycling Management Plan (RRMP) has been submitted to and approved in writing by the local planning authority. The approved RRMP shall thereafter be adhered to.
- 6) Notwithstanding the provisions of Schedule 2, Part 1, Class A, B, C, E and G of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement of the dwellinghouses shall not be allowed without the grant of express planning permission.
- 7) The dwellings hereby permitted shall not be occupied until boundary treatments (including gaps for hedgehogs) have been provided in accordance with details that shall have had the prior written approval of the local planning authority. The boundary treatments shall thereafter be maintained as approved.
- 8) The development hereby permitted shall be constructed and provided in accordance with the measures for species protection and enhancement set out in the Preliminary Ecological Appraisal and Biodiversity Net Gain (PEABNG) report by Denny Ecology dated 10 December 2024 . Development shall not commence above slab level until the arrangements to secure the delivery of 10% Biodiversity Net Gain (BNG), as set out in the PEABNG report, have been submitted to and agreed in writing by the local planning authority.
- 9) No construction or demolition work shall be carried out and no plant or machinery operated other than between the following hours: 0800 and 1800 on Monday to Friday, 0800 and 1300 on Saturday and at no time on Sundays, Bank or Public Holidays.
