



Appeal Decision

Site visit made on 29 September 2026

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2026

Appeal Ref: APP/Q0505/C/25/3364436

179 Coleridge Road, Cambridge, Cambridgeshire CB1 3PW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Patrick Patterson against an enforcement notice ("EN") issued by Cambridge City Council.
 - The EN was issued on 1 April 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission: (a) The construction of a detached one bed studio apartment.
 - The requirements of the EN are:
 - (i) Cease to use the detached one bed studio apartment as living accommodation.
 - (ii) Demolish the detached one bed studio apartment.
 - (iii) Remove all resultant materials from the site.
 - The periods for compliance with the requirements are: 4 months for (i) and 6 months for (ii) and (iii).
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Decision

1. The appeal is dismissed, the EN is upheld, and planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act.

Preliminary Matter

2. Since the appeal was lodged, a revised National Planning Policy Framework ("the Framework") has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers where necessary.

Appeal on Ground (c)

3. An appeal under ground (c) is that the matters alleged in the EN do not constitute a breach of planning control. The onus of proof is on the appellant to show there has been no breach of planning control. The relevant test is the balance of probability.
4. The alleged breach of planning control is the construction of a detached one bed studio apartment ("apartment") as living accommodation. The appellant states that in the spring of 2024, they had *"a self-contained studio flat with a wooden exterior"* erected, and it was then let for a short period of time. They assert that the builder advised them that planning permission would not be required as it fell under permitted development.
5. The appellant has not directed me to a section of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO") that they

consider is applicable to the alleged breach of planning control. However, they assert that the development is incidental to the enjoyment of the dwellinghouse, which suggests they are relying on Schedule 2, Part 1, Class E of the GPDO.

6. Schedule 2, Part 1, Class E of the GPDO allows the provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse. However, a building constructed and used as an independent dwelling is not incidental to the enjoyment of a dwellinghouse. Consequently, it does not comply with Schedule 2, Part 1, Class E of the GPDO.
7. I am not aware of any other part of the GPDO that is of relevance to the alleged breach of planning control.
8. The appellant asserts that the breach of planning control ceased prior to the issuing of the EN and a Local Authority Building Control Regularisation Certificate was issued for the use of a building to the rear of the appeal site as a garden office. However, an appeal under ground (c) is that the matters alleged in the EN do not constitute a breach of planning control. Accordingly, the issue before me is whether the apartment constitutes a breach of planning control, as opposed to whether any subsequent use of the building constitutes a breach.
9. Taking the above into consideration, on the balance of probability, the appellant has failed to show that the apartment does not constitute a breach of planning control. Therefore, the appeal under ground (c) fails.

Appeal on Ground (a) and the Deemed Planning Permission

10. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are the effect of the apartment on:
 - the character and appearance of the surrounding area, including refuse, recycling and bicycle storage, and car parking;
 - the living conditions of its occupiers, with reference to privacy.

Reasons

Character and Appearance

11. Coleridge Road is a predominantly residential street with a mix of two-storey detached, semi-detached and terraced dwellings. The dwellings are set at varying distances from the road but all face towards it. Rear gardens vary in size and shape and include outbuildings. I have not been directed to any backland development within the vicinity, nor did I see any during my site visit.
12. The appeal site comprises a two-storey, semi-detached dwelling that has been extended to the rear with single and two-storey extensions/conservatories and a dormer window. The main dwellinghouse is used as a House in Multiple Occupation. The apartment is single storey and constructed of horizontal timber boarding to the exterior walls and a shallow mono-pitch roof. It is positioned within the rear garden, adjacent to the boundary shared with 181 Coleridge Road.
13. Refuse and recycling bins were positioned within the front garden at the time of my site visit and bicycles were stored within the rear garden. Two off-street parking

spaces are available within the front garden, and the evidence before me does not indicate that they fail to comply with the Council's adopted parking standards.

14. Although the bins and bicycles were not contained within a designated storage area, I am satisfied that sufficient space is available within the site for these to be provided and could be conditioned accordingly. Consequently, the functional needs of refuse, recycling and bicycle storage and car parking could be successfully integrated.
15. The apartment has the appearance of a garden outbuilding and therefore, it does not appear incongruous within the rear garden. At the time of my site visit it was of sound construction and was well maintained. Furthermore, it is not readily visible from the street due to its low height and siting. However, the apartment results in backland development, which is not characteristic of the surrounding area. Consequently, it does not respond positively to its context.
16. For these reasons, the apartment substantially harms the character and appearance of the surrounding area. It is contrary to Policies 55, 56 and 57 of the Cambridge Local Plan, adopted 2018 ("LP") which, amongst other things, seek to ensure developments respond positively to their context; that buildings are successfully integrated; and that they have a positive impact on their setting in terms of location on the site.

Living Conditions

17. The apartment contains floor-to-ceiling windows and fully glazed patio doors that directly face towards the rear garden of 177 Coleridge Road. However, the height of the existing close boarded fence positioned along the shared boundary limits views into the apartment from people within the rear garden of No 177.
18. Views into the apartment can be gained from the first and second floor windows within the rear elevation of No 177. However, these views are oblique and therefore, do not significantly harm the living conditions of the apartment's occupiers.
19. The rear garden is not segregated to provide separate private areas for the occupiers of the main dwelling and the apartment. Given that the apartment comprises a single room used for living, sleeping and dining purposes, together with a separate shower room, the shared use of the garden gives rise to unacceptable impacts on the privacy of the apartment's occupants.
20. The appellant has suggested that screening could be erected to address concerns. However, no details of the proposed screening have been provided. I accept that a condition could require details to be submitted to create separate garden areas and screen the apartment's glazing. However, I am not persuaded that this could be achieved without diminishing the quality and usability of the outdoor space available to the occupiers of the main dwelling or affecting the outlook of the occupiers of either property.
21. The appellant has also suggested that the apartment's fenestration could be obscure glazed. However, this would significantly harm the living conditions of the apartment's occupiers by restricting their outlook.
22. For these reasons, the apartment substantially harms the living conditions of its occupiers with reference to privacy. It is contrary to Policy 56 of the LP which,

amongst other things, seeks to provide a comprehensive design approach that achieves the successful integration of buildings, the routes and spaces between buildings; and creates clearly defined private amenity spaces.

Other Matters

23. An interested party has raised concern that the apartment affects their privacy as the apartment's occupiers can see into their rear windows. However, for the reasons given above, the view towards those windows is oblique. In addition, the degree of intervisibility would be comparable to that already experienced from the appeal site's rear garden. Consequently, I am satisfied that the apartment does not cause significant harm to the living conditions of the occupiers of No 177 regarding privacy.

Planning Balance

24. The appeal site is located within the city of Cambridge and therefore, Policy S4 of the Framework is applicable. It requires development proposals to be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework.
25. Policy L2 of the Framework states that substantial weight should be given to the benefit of a development creating additional homes within settlements. However, I have concluded that the apartment substantially harms the character and appearance of the surrounding area and the Framework makes clear at Policy DP3 that developments should be refused where, in the absence of clear justification, they fail to respond to their context. Furthermore, the living conditions of the occupiers of the apartment are substantially harmed through a lack of privacy. The absence of harm to the living conditions of the occupiers of neighbouring properties is a neutral matter.
26. Accordingly, I find that the benefits of the apartment are substantially outweighed by the adverse effects when assessed against the national decision-making policies in the Framework.

Conclusion on Ground (a) and the Deemed Planning Permission

27. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal on ground (a) is dismissed, and the deemed planning permission is refused.

Appeal on Ground (f)

28. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy the breach of planning control or any injury to amenity.
29. The EN's requirements are for the use of the apartment to cease; that the apartment is demolished; and that all resultant materials are removed from the land. The purpose of the EN is therefore to remedy the breach of planning control.
30. The appellant questions why the demolition of the building is necessary. However, retaining the outbuilding for a purpose incidental to the enjoyment of the dwellinghouse would require the submission of a planning application.

31. The purpose of the EN is to remedy the breach of planning control. Therefore, there are no steps lesser than those outlined within the EN that would achieve its purpose. Consequently, the appeal under ground (f) fails.

Conclusion

32. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN and refuse to grant planning permission on the application deemed to have been made under s177(5) of the 1990 Act.

A Berry

INSPECTOR