



Appeal Decision

Site visit made on 15 April 2014

by **Nick Palmer BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2014

Appeal Ref: APP/V0510/A/14/2213138
22 Cambridge Road, Ely, Cambridge CB7 4HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Azzam Sawalhi against the decision of East Cambridgeshire District Council.
 - The application Ref 13/00614/FUL, dated 3 July 2013, was refused by notice dated 12 December 2013.
 - The development proposed is the construction of two semi-detached houses.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Azzam Sawalhi against East Cambridgeshire District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant has alleged that the wording of the Council's decision notice does not reflect the decision made by the Council's Planning Committee. No details are before me other than the stated reason for refusal and the Council's explanation of this as set out in its appeal statement. I intend to deal with the appeal on this basis.

Main Issue

4. The main issue in the appeal is the effect of the proposal on the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Ely Conservation Area.

Reasons

5. Cambridge Road is characterised by residential development most of which dates from the 19th century, although the host property is within a row of 20th century houses and there are modern residential developments to the rear of those houses. To the south west of the appeal site there are large dwellings of two storeys with attic accommodation. The generally large gardens along that part of the road together with the tree cover within those gardens provide a spacious and verdant quality to the area. This quality is also present in Houghton Gardens which comprises modern development including bungalows.

In the vicinity of the appeal site the development has a more dense urban form with terraced houses abutting the street on the opposite side of Cambridge Road.

6. The proposed dwellings would be of two storeys plus attic accommodation and would reflect the height of the adjacent block of flats at Cambridge Court as well as the larger dwellings to the south west of the site. However the proposal would be on a narrow site and its scale and bulk would be disproportionate in relation to the width of the site. This would result in the proposal having a cramped appearance.
7. The proposal would perpetuate the line of backland development and in this respect would broadly reflect the existing pattern of development. However, the adjacent housing developments were undertaken on sites that had previous commercial uses and therefore the circumstances of those developments were different from the appeal proposal. The rear garden of the host property contributes to a sense of spaciousness at the rear which would be lost. The proposal would be viewed in conjunction with Cambridge Court giving an impression of a bulky and dominant development at the rear.
8. The proposed access and car park would occupy a large area in relation to the rear gardens to be retained for the properties and would dominate the space, adding to the visually intrusive nature of the proposal. The boundary treatments would screen the site to some extent but this would not be sufficient to overcome my concerns in this respect.
9. The parties agree that the site area is 550 square metres, a large part of which would be the access drive and car park. The area of each plot would therefore be considerably less than the recommended 300 square metres in the East Cambridgeshire Design Guide Supplementary Planning Document (SPD) (2012). The adjacent developments at Cambridge Court, Samuels Way and Marriott Drive are at high densities but for the above reasons the proposal would represent an over-development of the site that would be out of character with its surroundings.
10. The proposal would differ from the adjacent backland developments in that the width of the site and the width of the access drive would be more restricted. This would constitute piecemeal backland development which would not accord with the SPD or with policy EN 2 (d) of the East Cambridgeshire Core Strategy (CS) (2009).
11. The detailed design of the proposed dwellings and the materials to be used would be in general keeping with the character of the area but this does not overcome my concerns as set out above.
12. For the above reasons the proposal would unacceptably harm the character and appearance of the area and would not be in keeping with the generally spacious character of the Conservation Area and its pattern of development. I conclude on this basis that the proposal would not preserve or enhance the character or appearance of the Ely Conservation Area. The proposal would not accord with policy EN 2 of the CS which requires development to have regard to local context including ensuring that the scale and massing of buildings relate sympathetically to the surrounding area. For the same reasons the proposal would not accord with paragraph 58 of the National Planning Policy

Framework ('the Framework') which requires that development responds to local character.

13. The harm to the character and appearance of the Conservation Area would be less than substantial having regard to the context of the adjacent backland development. There would however be insufficient public benefit, with due regard to the additional homes provided, their sustainable form of construction and the proposed frontage planting, to outweigh the less than substantial harm caused.

Other Matters

14. The proposal would affect the amenities of residents at Cambridge Court by reducing light to the side kitchen windows in that development. It would also affect the amenities of the occupiers of 20 and 22 Cambridge Road because of the proximity of the access drive to the sides of those properties and the disturbance that would result from its use. The rear gardens to the proposed dwellings would also be heavily shaded by the Robinia tree at the rear of the site as well as by the adjacent trees, the dwellings themselves and the adjacent flats. The proposal would not therefore provide attractive rear garden spaces for the occupants of the dwellings. These matters add weight to my conclusions on the main issue.
15. The proposal would be centrally situated with regard to shops and services in the centre of Ely and would be accessible by public transport but this does not overcome the harm that would be caused as identified above.
16. I have taken account of all other matters raised including the sustainable construction of the proposal, the adequacy of the access and parking proposals, the provision of needed housing and the proposed planting on the frontage but these do not alter my conclusions on the main issues.
17. I note the appellant's submission regarding the retention of the Robinia tree but this does not alter my conclusions.
18. For the above reasons I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR