

Appeal Decision

Site visit made on 25 July 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 18th August 2016

Appeal Ref: APP/D0515/W/16/3150468

Land to the rear of 85 Wimblington Road, March, Cambs PE15 9QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs B James against the decision of Fenland District Council.
 - The application Ref F/YR15/1110/O, dated 7 December 2015, was refused by notice dated 4 March 2016.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs B James against Fenland District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The application was submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on this basis treating the plan that shows a layout of the site as illustrative.

Main Issues

4. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of nearby residents with particular reference to privacy and outlook; and
 - Whether the proposed development makes satisfactory provision for waste facilities.

Reasons

Character and Appearance

5. The appeal site is located on the southern edge of March. The surrounding area is predominantly residential, and both sides of the road consists of linear ribbon development, with the dwellings located close to the road, and lengthy rear gardens that back onto open fields. The rear gardens are generally free of
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any significant built form, and thus have an open and rural feel similar to the adjacent countryside. The immediate area therefore has a distinctly rural fringe character.

6. Although all matters are reserved for future consideration, the appellant's evidence indicates that it is proposed to develop three dwellings within the rear garden of the host property. These would be served by a private access that would utilise the existing access to the road as the host property. As a result, the dwellings would have no frontage to the road. Given the strong linear nature of development in the vicinity, this, together with the depth of development that would be created, would not respect the prevailing character of the area.
7. The rear garden is clearly visible from road, particularly when travelling in a northerly direction along it, and so this uncharacteristic form of development would be clearly visible from the public realm. In these views it would appear an incongruous and discordant form of development.
8. It has been argued that the character of the area is going to be transformed significantly as the land to the rear of the site has been identified within the *Fenland Local Plan (adopted May 2014)* (FLP) as a 'broad location for growth'. However, Policy LP7 of the FLP indicates that the development of these areas must be planned and implemented in a co-ordinated way through an agreed overarching broad concept plan. Whilst I understand a preliminary concept plan has been prepared, the Council have indicated that there is little interest from other landowners in progressing this further at the present time.
9. Without this concept plan, it is uncertain how and when the land in the vicinity of the site may be developed in the future. Thus it cannot be determined whether the development proposed on this adjacent site would relate well to it or not. As such, I do not consider that this provides sufficient reason to justify the proposal, given the detrimental impact it has on the present character and appearance of the area.
10. My attention has been drawn to other 'backland' developments further along Wimblington Road. I do not know the circumstances of these cases, or the nature of these sites before they were developed for residential purposes. However, I observed that the area where they are located has a different character as it is not marked by shallow, ribbon development and so does not represent a direct parallel to the appeal site. In any event, I have determined the appeal on its own merits.
11. Overall, I consider the proposed development would have an unacceptable impact on the character and appearance of the area. Accordingly it would conflict with Policy LP16 (d) of the FLP which seeks to ensure that development responds to, and makes a positive contribution to, the character of the local area.

Living Conditions

12. Whilst all matters regarding the design of the scheme are reserved for future consideration, if the development is to provide three dwellings as indicated by the appellant, it is likely that the front and rear elevations would face towards the rear gardens of the neighbouring properties, as shown on the illustrative layout. I accept that the provision of higher boundary treatments around the

site could be sufficient to prevent overlooking of the rear gardens from any ground floor windows in the proposed dwellings. Similarly if the gable end of the dwelling nearest to the host property contained no windows there would be no loss of privacy to this property or its garden.

13. However, the appellant has suggested the development would comprise chalet bungalows, and so there are likely to be bedroom windows at first floor level. These would have clear views into the rear gardens of neighbouring properties. I note the suggestion that the scheme could be designed to ensure that there were no bedroom windows on the rear elevation. However, no illustrative plans have been produced to show whether this would be feasible.
14. Moreover, whilst I accept that if such a design was possible, it would ensure privacy was maintained to the gardens to the north of the site, it would result in a significant number of bedroom windows facing towards the rear garden of No 101. Although the indicative layout suggests a greater distance would be maintained to this garden, the proposal would still result in a significant increase in the overlooking of this garden, and in the perception of being overlooked.
15. The only window on the rear elevation of the host property is located on a recessed part of this elevation. This would be located a sufficient distance from the proposed rear boundary for the host property to ensure that any development on the rest of the site would not have an adverse impact on the outlook from it. The adjacent properties do not have windows that directly face the site or are close to the common boundary. Consequently, I consider the proposal would not adversely affect the outlook from these properties either.
16. Notwithstanding my findings regarding outlook, at this stage I am not persuaded that it would be possible to accommodate three dwellings on the site without it resulting in a loss of privacy to neighbouring residents. Therefore, I consider that the proposed development would be likely to have an unacceptable impact on the living conditions of nearby residents with particular regard to privacy. Thus it would be contrary to policy LP16 (e) of the FLP that requires that development does not have an adverse impact on the amenity of neighbouring users.
17. I note the letter of support from the occupier of No 83, and that no objections were received from other neighbours. However, it is important to preserve the living conditions not just of the current occupiers but also future occupiers, and in this case I am not satisfied that this would be possible.

Waste facilities

18. Policy DM4 of the *Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (adopted July 2014)* recommends that waste should not have to be moved more than 30m to storage areas, and that the storage areas should be accessible by refuse vehicles.
19. At appeal stage the appellant has submitted a plan showing that a bin storage area to be used on collection day would be able to be provided adjacent to the turning head. It is stated that this would be within the required 30m of each dwelling. As the turning head would be built to adoptable standards, it is suggested that this part of the access would be able to be used by refuse vehicles. Although the layout of the scheme is to be determined at a later

stage, it would appear that the scheme can be designed so that it accords with the requirements of Policy DM4.

20. In the light of this I conclude that the proposed development would be able to make satisfactory provision for waste facilities. As such there would be no conflict with Policy LP16 (f) of the FLP that requires developments to make adequate provision for the storage, sorting and collection of waste.

Other Matters

21. The appeal site is immediately adjacent to a bus stop and is within walking distance of schools and the town centre. As such it is an accessible location. I also note the suggestion that it is a deliverable site. These matters, together with the support of the Town Council, favour the scheme.

Conclusion

22. To conclude, I consider that the appeal scheme would have unacceptable impact on the character and appearance of the area and the living conditions of nearby residents. Although I am satisfied that adequate provision can be made for waste facilities on the site, this, together with the other factors cited in its favour, are not sufficient to outweigh the harm I have identified.
23. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR