

# Appeal Decision

Site visit made on 8 September 2016

**by K E Down MA(Oxon) MSc MRTPI MSB**

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

**Decision date: 20 September 2016**

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**Appeal Ref: APP/H0520/W/16/3144063**

**Land at 23 Stow Road, Kimbolton, Cambridgeshire, PE28 0HU**

- 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 AWJ Usher & Sons Ltd against the decision of Huntingdonshire District Council.
  - The application Ref 15/01008/FUL, dated 19 June 2015, was refused by notice dated 20 August 2015.
  - The development proposed is the erection of two bungalows and associated works.
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## Decision

1. The appeal is dismissed.

## Preliminary matters

2. A Unilateral Undertaking (UU) has been completed which would provide for a financial contribution towards the provision of wheeled refuse bins. The proposal would clearly generate a need for such facilities, the amount of the contribution is appropriate to the proposed development and the provision of a contribution is supported by Policy CS10 of the Local Development Core Strategy (CS), 2009. I conclude that the contribution is necessary and I have no evidence to suggest that it would not meet the tests set out in the Community Infrastructure Regulations 2010. The copy of the UU before me lacks a plan showing the site although this is referred to in the document. However, had I been minded to allow the appeal, a complete copy of the UU could have been requested.

## Main Issues

3. There are two main issues. Firstly, the effect of the proposed development on the character and appearance of the appeal site, the street scene of Stow Road and the surrounding area; and secondly, the effect of the proposed development on the living conditions of occupiers of neighbouring dwellings with respect to disturbance including noise, lighting and emissions; privacy and outlook.
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## **Reasons**

### *Character and appearance*

4. The appeal site comprises most of the residential plot at 23 Stow Road, a two storey, detached dwelling located between two bungalows and in a row of dwellings of variable size and design facing Stow Road. The prevailing pattern of development in the immediate vicinity of the appeal site is of dwellings set behind relatively small front gardens and having large, open gardens to the rear. There are gaps between properties which, on the appeal site side of the street, provide views to the rear of dwellings in Hunters Way, an estate development of two storey dwellings set on relatively small plots.
5. The pattern of development changes at either end of Stow Road where, at the south-west end, terraced houses are set around two sides of an open grassed area with the terrace facing Stow Road being set well back from the street. Just beyond the other end the street a track leads to two dwellings set back from the road, behind the frontage dwelling. However, owing to their different siting and location, in neither case do I consider the situation to be comparable with the proposed development at the appeal site.
6. The appeal proposal comprises an access road from Stow Road to the rear garden of No 23 that would pass between that dwelling and No 21, parking and turning areas and two bungalows with accommodation in the roof space, linked by a single garage. No 23 would retain a garden some 8m in depth and the bungalows would have rear gardens of between 6m and 8m in depth and be separated from No 23 by the parking and turning area. The bungalows would have a ridge height of just over 6m.
7. The appeal site lies within a residential area in a key service centre where new dwellings are acceptable in principle and the development of the site would make efficient use of land. Nevertheless, it would introduce a block of built development into an area which is at present characterised by its open and well vegetated appearance. The built development would dominate the plot with the garden sizes considerably smaller than others nearby in Stow Road. This would be at odds with the prevailing pattern of development. The height of the proposed dwellings, necessary to accommodate bedrooms in the roof space, would emphasise the incongruous appearance of a significant area of built development in the surrounding open garden land. I note that a higher density of development exists in Hunters Way but that is a planned estate of materially different character and not readily comparable with the proposed development.
8. The bungalows would be clearly visible from neighbouring dwellings and their gardens, intruding into the existing undeveloped residential garden landscape. The gable ends of the bungalows would lie within about 1m of the side boundaries with unbroken development extending across almost the entire width of the plot, resulting in a cramped appearance when seen from adjacent gardens. Plot 2 would, in addition, be seen from Stow Road from where it would dominate the view between Nos 21 and 23. I accept that at present the houses in Hunters Way can be seen between dwellings in Stow Road but the proposed bungalow would be appreciably closer and with a long, hard surfaced driveway, over 4m wide, between it and the street which would emphasise the built up nature of the site and detract from the character of Stow Road.

9. Policies H32 and H35 of the Huntingdonshire Local Plan (LP), 1995, and Policy HL5 of the Huntingdonshire Local Plan Alteration (LPA), 2002, taken together and in the context of Policy CS1 of the CS, expect new housing to demonstrate good design and layout that respects the townscape and landscape of the wider locality, including the local pattern of streets and spaces. It should maintain open spaces and important gaps in development and vegetation that contributes to the quality of the local environment. In particular Policy H32 resists the subdivision of large curtilages unless the resultant dwelling and curtilage would be of a size and form sympathetic to the locality while Policy H35 normally resists tandem development. Emerging local plan policies have the same thrust as those in the adopted Development Plan.
10. The adopted policies accord with the National Planning Policy Framework (NPPF) which expects development to make positive improvements to the quality of the built and natural environment, respond to local character and reinforce local distinctiveness. Paragraph 53 also supports the adoption of local policies to resist inappropriate development of residential gardens.
11. The proposed development would thus conflict with both local and national policies and as such, notwithstanding the location of the site within a settlement with a wide range of services, would not amount to sustainable development in the context of paragraph 14 of the NPPF.
12. It is therefore concluded on the first main issue that the proposed development would materially harm the character and appearance of the appeal site, the street scene of Stow Road and the surrounding area.
13. The appellants argue that tandem development is not prohibited by LP Policy 35 and that other tandem development has been permitted elsewhere in the district. However, in this case, it is not only the tandem nature of the development which would give rise to the detrimental effects on the character and appearance of the area. Moreover, the examples of other development provided in the evidence, of which I have only limited details, appear to relate to more comprehensive development of back land which is not readily comparable with the proposed piecemeal development of the appeal site.
14. The appellants note that the proposed bungalows would be designed as low energy dwellings that would contribute to environmental sustainability objectives. That may be so. However, it would not overcome or outweigh the harm identified to the character and appearance of the locality.

#### *Living conditions*

15. Turning to the effect on the living conditions of neighbours, the proposal would introduce vehicular movements and a more intensive level of activity into the rear garden area and along the driveway between Nos 21 and 23. This would be apparent to adjoining neighbours. However, in view of the proposed erection of 1.8m high fencing, including acoustic fencing between the rear of No 21 and the front of Plot 2, and the limited level of traffic likely to serve the two dwellings I am not convinced by the evidence that there would be undue disturbance due to noise. Likewise, car headlights and any emissions would be substantially contained within the site by the intervening boundary treatments.

16. With respect to privacy, only the first floor roof windows facing houses in Hunters Way would provide potential for overlooking of neighbouring property. However, as these are set 10m from the rear boundary fence and, due to the angle of the roof, would not allow the same degree of outlook as conventional windows, I do not consider that material loss of privacy would occur.
17. In terms of outlook from existing dwellings, in all cases occupiers would clearly see the proposed development. Nevertheless, the separation distances, orientation and 1.5 storey design of the bungalows would ensure that they were neither overbearing when seen from nor had a material effect on light reaching the neighbouring dwellings.
18. It is therefore concluded on the second main issue that the proposed development would have no materially harmful effect on the living conditions of occupiers of neighbouring dwellings with respect to disturbance including noise, lighting and emissions; privacy or outlook. It would therefore comply with LP Policy H31 which resists new dwellings unless, amongst other things, adequate privacy and amenity can be provided and with the NPPF insofar as it expects development to provide a good standard of amenity for all existing and future occupants of land and buildings.

#### *Other matters*

19. The Council is able to show a five year supply of land for housing. However, this has not influenced my decision since the five year supply is a minimum requirement and, where it is met, is generally a neutral factor in determining applications for housing.
20. The appellants state that No 21 is the subject of an enforcement investigation into its partial use for commercial purposes. However, it has the appearance of a dwelling and I have no evidence that it should be treated other than as a dwelling. I have therefore assumed a residential use, which appears from the evidence to be the lawful use, for this property.
21. The appellants stress that they tried to negotiate a satisfactory scheme with the Council. That is not disputed. However, even where parties enter into positive negotiations it will not always be possible to resolve fundamental issues.

#### **Conclusions**

22. Notwithstanding the lack of harm to the living conditions of neighbouring occupiers, this would not overcome or outweigh the identified harm to the character and appearance of the area. Therefore, for the reasons set out above and having regard to all other matters raised, including third party representations, I conclude that the appeal should be dismissed.

*KE Down*  
INSPECTOR