

## Appeal Decision

Site visit made on 26 September 2016

**by Graham Chamberlain BA (Hons) MSc MRTPI**

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

**Decision date: 30<sup>th</sup> September 2016**

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**Appeal Ref: APP/W0530/D/16/3157139**

**The Boathouse, 43 Green End, Fen Ditton, Cambridgeshire CB5 8SX**

- 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 Mrs Emma John against the decision of South Cambridgeshire District Council.
  - The application Ref S/1157/16/FL, dated 2 May 2016, was refused by notice dated 16 June 2016.
  - The development proposed is described as 'demolition of side extension. Refurbishment, re-cladding and upgrading of existing building fabric, new replacement roof terrace and external access, internal re-planning.'
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the side extension, refurbishment, re-cladding and upgrading of existing building fabric, new replacement roof terrace and external access and internal re-planning at The Boathouse, 43 Green End, Fen Ditton, Cambridgeshire CB5 8SX, in accordance with the terms of the application, Ref: S/1157/16/FL, dated 2 May 2016, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The Council's first reason for refusal refers to 41 Green End (No 41) as a property neighbouring the appeal site. However, the property immediately adjoining the side boundary of the appeal site is 41a Green End (No 41a). From a consideration of the Council's submissions it is apparent that the reference to No 41 is an error and therefore I have considered the effect of the proposed development on the living conditions of the occupants of No 41a.

### Main Issues

3. The main issues in this appeal are: 1) Whether the proposed development would preserve or enhance the character or appearance of the Fen Ditton Conservation Area; and 2) The effect of the proposal on the living conditions of the occupants of 41a and 45 Green End with particular reference to privacy.

### Reasons

*The effect on the Fen Ditton Conservation Area (CA)*

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Fen Ditton Conservation Area
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- (CA). I have not been directed to any conservation area appraisal or relevant assessment by the Council outlining the significance of the CA. Nor is it clear whether the Council reached its decision having regard to advice from a conservation specialist.
5. Nevertheless, I observed that the CA is focused on the historic core of the village around the High Street, Church and River Cam. This ensemble provides a historic and pastoral setting and character to the CA. Green End radiates out from the historic core and is characterised by attractive period properties mixed with later, predominantly 20<sup>th</sup> Century, infill development. As such, the properties in Green Lane exhibit a varied architectural heritage. The 20<sup>th</sup> Century development within and adjoining the CA is generally of less historic or architectural significance. The appeal property could reasonably be described as falling within this category. But, due to its settled appearance, the property has a neutral effect on the character and appearance of the CA as a whole.
  6. The Council is concerned by the protrusion of the roof of the proposed spa extension above the existing ridge line and its effect on the CA. It has not objected to any other part of the appeal scheme in respect of the effect on the CA and I have no reason to disagree. The roof of the proposed spa extension would project above the ridge of the existing house by approximately 0.6m. It would be flat and metal clad with an over sailing detail. There would be fixed glass windows in a hardwood timber frame immediately below the roof.
  7. As an architectural detail the roof projection would be unusual. Nevertheless, it would provide some articulation to the ridge and visual interest to an otherwise unremarkable building. It would also be in keeping with the material pallet proposed elsewhere on the appeal property. The addition would be visible from the street, but not prominent due to the position of the property back from the edge of the road behind a front boundary wall and landscaping. The projection would be an idiosyncratic feature that would provide some subtle character and interest to the street scene. As such, my overall assessment is that the proposal would have a neutral effect on the varied architectural and pastoral character of the CA and thus its overall significance. The character or appearance of the CA would be preserved.
  8. I therefore conclude that the proposal would adhere to Policies CH/5 and DP/2 of the South Cambridgeshire Local Development Framework, Development Control Policies 2007 (DCP), which seek to preserve or enhance the character or appearance of CAs as well as the visual amenity and character of the district more generally. These aims are consistent with Paragraph 58 and Section 12 of the National Planning Policy Framework (the Framework).

*The effect on living conditions*

9. The appeal property is flanked by 45 Green End (No 45) and 41a Green End (No 41a). No 41a is set at an angle to the appeal property with the rear elevation facing away from the common boundary. No 41a has a long rear garden, the middle section of which is overlooked by the existing larger rear balcony at the appeal property. Given the height and nature of the boundary treatment between the appeal site and No 41a there is a high level of inter visibility and thus overlooking.
10. The appeal property is set back from the road whereas No 45 is located close to the back of the pavement. This places the front elevation of the appeal

property broadly level with the rear of No 45. At present there are oblique views towards No 45 from the first floor bedroom contained within the side extension. There is a very thick and tall hedge along the boundary between No 45 and the appeal site, which significantly restricts inter visibility.

11. The proposed first floor balcony would be of a sufficient size to enable an occupant of the appeal site to sit out on it. Such a use has the potential to facilitate overlooking of both Nos 45 and 41a. However, any overlooking of neighbouring properties from the balcony would be towards the middle sections of very large gardens. This is due to the proposed siting of the balcony off the rear elevation of the appeal property, which is situated a significant distance from the rear elevations of both neighbours. As such, it would not be possible to view from the balcony the rear elevation of No 45 and the space immediately behind the property, which in my experience are generally the spaces most sensitive to overlooking. Likewise, given the splayed angle of No 41a, it would not be possible to look into this property, or view the space immediately to its rear, from the proposed balcony.
12. Nevertheless, the balcony would result in some overlooking of neighbouring properties from an elevated angle. But this could be mitigated through the provision of privacy screens along the sides of the balcony. The appellant's suggested this to the Council during its consideration of the application, but this is not discussed in the Case Officer's report. Privacy screens of a sufficient height, depth and material would focus views from the balcony over the appellant's garden and towards the River Cam. With such mitigation the balcony would not harmful erode the privacy of the neighbours at either of the adjoining properties.
13. The proposed roof terrace and spa would be positioned at roof level and would thus afford opportunities to overlook neighbouring properties. However, having stood in the location of the proposed terrace it was apparent that views towards No 45 would be limited due to the thick boundary planting, which would be supplemented by the green roof proposed, and the existing roof of the appeal property. Nonetheless, landscaping alone cannot be relied upon to safeguard privacy as it is impermanent. Moreover, the existing roof would not wholly obscure views towards No 45 due to the elevation of the terrace and the gap in the roof proposed for the access stairs.
14. There is nothing before me to suggest obscured glazing to the side of the spa facing No 45, along with a privacy screen of a sufficient height depth and solidity, could not be employed to screen views towards No 45 from the terrace and spa. The same would be required on the other side of the terrace to screen overlooking towards No 41a, which would be increased due to the elevated position of the terrace relative to the existing balcony. The privacy screens would focus views from the spa and terrace along the appellant's garden. There is also nothing before me to suggest a privacy screen could not be used to prevent overlooking from the staircase that would provide access to the spa and roof terrace. This mitigation could be secured through a suitably worded planning condition, which is what I have done.
15. As such, I conclude that the proposed development, with the mitigation I have identified, would not result in a harmful loss of privacy for the occupants of Nos 41a and 45. As a result, the proposal would adhere to Policy DP/3 of the DCP,

which seeks to safeguard residential living conditions. An aim consistent with Paragraph 17 of the Framework.

### **Other Matters**

16. I note the concerns regarding possible noise nuisance from the proposed roof terrace. Nevertheless, if it is used for purposes ancillary to the main house then the extent and nature of any noise and activity is unlikely to be harmful.
17. Whilst the proposal could result in some additional light spill, I have no substantive evidence before me to suggest this would be to an unacceptable level. The alterations proposed to the appeal property would not be unduly viewed or experienced in the context of Lode House and therefore I find no harm to the setting of this Grade II listed building. As such, my conclusions on the main issues are unaltered.

### **Conditions**

18. In my consideration of possible planning conditions I have had regard to the advice in the Planning Practice Guide. In addition to the standard commencement conditions I consider it necessary in the interests of safeguarding the character and appearance of the area and the living conditions of neighbours to require the development to be undertaken in accordance with the approved drawings. This would include all annotations such as the obscuring of the glass in some first floor side windows.
19. It must be noted that adherence to the approved drawings is subject to further details being approved in relation to privacy screens and glazing, which is to be required through a planning condition, in the interests of safeguarding the privacy of neighbours. The details of the privacy screens and obscured glazing must be submitted and approved before development works commence, as the installation of this mitigation is fundamental to the acceptability of the first floor balcony, staircase, terrace and spa.

### **Conclusion**

20. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

*Graham Chamberlain*  
INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall commence before the expiry of three years from the date of this permission.
2. Subject to Condition 3 of this permission, the development hereby permitted shall be carried out strictly in accordance with the following approved plans (or any approved non material amendment to these plans or any plans approved pursuant to a planning condition attached to this permission):
  - Site Location Plan – No 136.99
  - Proposed Elevation Sheet 1- No. 136.115
  - Proposed Elevation Sheet 2- No. 136.116
  - proposed Model Images Sheet 1 – No. 136.117
  - Proposed Model Images Sheet 1 – No. 136.118
  - Proposed Model Images Sheet 3 – No.136.119
  - Ground Floor Plan Proposed- No. 136.110
  - First Floor Plan Proposed – No. 136.111
  - Second Floor Proposed – No. 136.112
  - Roof Plan Proposed – No. 136.113
  - Section A Proposed – No. 136.114
3. Notwithstanding the approved plans, no development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
  - Details of the height, depth and materials to be used in privacy screens to the sides of the approved first floor balcony and roof terrace;
  - Details of the height, depth and materials of a privacy screen to the stairs leading to the roof terrace; and
  - Details of obscure glazing to be installed in the side elevation of the spa.

Privacy screens and obscured glazing must be installed in accordance with the approved details before the roof terrace, spa, balcony and stairs are first used and must be retained thereafter.