
Appeal Decision

Site visit made on 3 October 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 19th October 2016

Appeal Ref: APP/W0530/W/16/3153091

7 Bakers Lane, Linton, Cambridgeshire CB21 4NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr James O'Malley against South Cambridgeshire District Council.
 - The application Ref S/1023/16/FL, is dated 17 April 2016.
 - The development proposed is garage block with flat above (future annex).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on (i) the character and appearance of the area, (ii) the living conditions of the occupants of No 22 Crossways, with particular regard to privacy, and (iii) the safety of pedestrians, cyclists and drivers using Bakers Lane.

Reasons

Character and appearance

3. The proposed garage block with flat above would be located in the corner of an undeveloped site, close to its southern and western boundaries, around which a footpath passes. The land is towards the end of Bakers Lane, which is a narrow, unmade access which runs north from Bartlow Road and serves a number of existing dwellings.
 4. The site is within the main part of the village and surrounded by housing of a varying character. There is a full permission for a dwelling here, indicated in this proposal as the future development in the northern part of the appeal site, for which this development would serve as a future annex. However, the Council advises that this proposal would prevent the approved scheme from being implemented.
 5. Given this proposal would not permit the dwelling consented to be built, and that there is no certainty that an alternative dwelling would materialise that this proposal would serve as an annex for, this scheme must be considered on its own merits, as an independent dwelling.
 6. Whatever might be approved on the land in the northern section of this site is not a consideration of this appeal, but it is reasonable to consider this proposal
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would be a dwelling that would occupy just the southern part of the site, separated from the adjacent land by the 1.8m fence shown on the drawings.

7. The proposed garage/flat, sited hard up to the rear and side site boundaries and lacking a private rear garden, would provide for a cramped and contrived form of development. This would be out-of-keeping and contrast unacceptably with the varied, but generally quite spacious arrangement of the immediately surrounding housing.
8. Consequently, this proposal would have a detrimental effect on the character and appearance of the area and would not comply with the Council's Development Control Policies¹ (DCP) DP/2 and DP/3 which seek that new development be compatible with its location, appropriate to the surrounding area in respect of its siting and not have an unacceptable adverse impact on village character.

Living conditions of the occupants of No 22 Crossways

9. The main lounge window of the proposed flat would directly overlook the remaining vacant area to the north and there would be somewhat more oblique views to the north-west, towards the south elevation of 22 Crossways and the garden area in front of this dwelling.
10. Although there would be some degree of overlooking of No 22, the oblique angle of view and the intervening distance, with the possibility to impose a condition requiring the side panel of the lounge window be maintained as obscure-glazed, would mean this proposal not giving rise to a significant loss of privacy, such as would materially harm the living conditions of these neighbouring occupiers. As a consequence, this development would not further conflict with DCP Policy DP/3 due to it resulting in an unacceptable adverse impact on residential amenity.

Safety of pedestrians, cyclists and drivers using Bakers Lane

11. Bakers Lane is an unmade access, of some 3m width, that has poor visibility at its exit onto Bartlow Road, due to the development sited close to the highway at the junction. Its narrow width would prevent vehicles travelling in opposite directions to conveniently pass each other. This would give rise to occasions where vehicles have to back out onto Bartlow Road or wait on the main highway for other vehicles to exit Bakers Lane. The lack of a separate footpath on Bakers Lane would also create conflict between motor vehicles and cyclists and pedestrians using this access.
12. Due to these reasons, Bakers Lane would not provide a safe access for further development. As the Council has approved a house already on this site a highway safety objection cannot be substantiated for a single dwelling. However, given the absence of a host building allowing this scheme to be considered an annex and that any approval would therefore be for a separate dwelling, with space clearly shown for further development on the submitted plans, were this scheme to be allowed this would create a situation where it would be difficult for the Council to resist future proposals leading to two separate dwellings.

¹ South Cambridgeshire District Council Local Development Framework - Development Control Policies Development Plan Document – adopted July 2007.

13. Bakers Lane would not provide an acceptable access to safely accommodate more than the single dwelling currently allowed. Due to this proposal providing for a unit capable of independent occupation, sited in such a way that would quite clearly permit space for a further dwelling, I consider that to permit this scheme would have the potential to adversely affect the safety of users of Bakers Lane contrary to the objectives of DCP Policy DP/3.

Conclusion

14. The proposed garage block with flat above, in the context of a plan indicating future development on the northern part of the appeal site, would lead to a development that would cause harm the character and appearance of the area and intensify the use of a substandard access to the detriment of the safety of pedestrians, cyclists and drivers using Bakers Lane. Having taken into consideration all other matters raised I conclude that this appeal should be dismissed and planning permission refused.

Jonathan Price

INSPECTOR