
Appeal Decision

Site visit made on 19 October 2016

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 10th November 2016

Appeal Ref: APP/D0515/W/16/3155149

The Chase, Gull Road, Guyhirn, Cambridgeshire PE13 4ER

- 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 & Mrs J Channing against the decision of Fenland District Council.
 - The application Ref F/YR16/0130/F, dated 18 February 2016, was refused by notice dated 3 May 2016.
 - The development proposed was originally described as "proposed residential development".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises the large residential garden of the dwelling known as The Chase. This is accessed from a long drive off Gull Road that runs behind the houses that front the street. These dwellings are separated from the site by a mixture of boundary treatments but include hedgerows of different heights. A number of trees are also located between the driveway and the rear of these dwellings. There is a detached dwelling known as Sunflower House at the opposite end of the site to The Chase, which is separated from it by a low hedge. Along the western edge of the site is a tall, dense and continuous line of trees.
 4. The site is located in the village of Guyhirn, which is classified by policy LP3 of the Fenland Local Plan (2014) as a small settlement. This states that development will be considered on its merits and will normally be limited in scale to residential infilling. There is some dispute between the parties as to whether the development constitutes 'residential infill' in terms of the policy. Whilst LP3 does not specifically define 'infilling', the Council's interpretation of filling a gap in the built-up frontage would, in my view, be most logical and appropriate in the context of the policy. Although there would be dwellings at either end of the site, it is clearly backland in nature and poorly related to the road frontage. As such, I would not identify the development as 'infill'.
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5. Notwithstanding this, I note that the policy suggests development within small settlements will be considered on its merits. Therefore, not being infill is not necessarily determinative and the other aspects of the development need to be considered, including the effect of the development on the character and appearance of the area.
6. Irrespective of whether the development would be considered infill or not, the effect on the character of the area would be the same. In this regard, it is clear that this part of the village has a predominantly linear character with very little evidence of backland development other than The Chase itself. The siting of this dwelling is somewhat uncharacteristic of the wider area and does not justify further backland development.
7. Sunflower House is also set well back from the road and shares an access with agricultural buildings. However, this dwelling does not sit behind any others fronting the roadside and is still a prominent house on the street. Therefore, I do not consider this provides significant support for the development. I acknowledge that there are a variety of dwelling types and scales in the area, with differing amounts of set-back from the road. This provides some variation in the street scene. However, the settlement pattern remains clearly linear in nature, with a strong visual relationship with Gull Road.
8. Although the dwellings would be well screened, they would still be visible to an extent in glimpsed views between the dwellings fronting Gull Road and through the access. They would also be taller than the bungalows fronting the site which, when combined with the higher levels required to mitigate flood risk, would also allow the roofline of the dwellings to be discerned from the roadside, again either through or above the landscaping and fencing. The dwellings would be more prominent from the rear of dwellings along Gull Road, including across the gardens of the relatively new dwellings to the south of Sunflower House.
9. As a result, the development would introduce an incongruous element into the area that would have an appreciably poor relationship to the established pattern of development on Gull Road by virtue of its uncharacteristic backland position. Policy LP12(d) states that development should be of a scale and location which is in-keeping with the core shape and form of the village that would not adversely harm its character and appearance. The location of the appeal site behind the established building line and the associated increase in the depth and scale of development away from the roadside would materially change the shape and form of the settlement in this location. Thus, it would serve to undermine the defining characteristic of the built form and pattern of development in this part of the village.
10. The dwellings themselves would be of a high quality of design that would reflect the character of others in the area. However, this does not outweigh my concern that the development would have an unacceptable impact on the settlement pattern of the village. I find that this would cause material harm to the character and appearance of the area. Accordingly, there would be conflict with Local Plan policy LP3 which seeks to limit development to residential infill and policies LP12(d) and LP16(d) which seek to ensure development does not harm the character and appearance of the area and makes a positive contribution to local distinctiveness.

11. Had I found compliance with policy LP3 in terms of residential infilling, the harmful effect on the character and appearance of the area would still have resulted in conflict with policies LP12(d) and LP16(d) and thus this would not have altered my overall conclusion.

Other matters

12. The appellant has drawn my attention to a number of recent developments in the village. While these confirm that the village is an appropriate location for development, in the main these appear to reflect the prevailing linear character of the street and the policy requirement of being residential infill. These examples are, therefore, materially different to the nature of the development proposed here.
13. I have considered the letters of support provided to the Council. In particular, I have noted the comments relating to the need for family housing within the village and the ability of the development to support local businesses. While the delivery of housing is a benefit, I have been provided with no substantive evidence which demonstrates that there is a shortfall of housing, either in the village or in the district as a whole. As such, the benefits associated with this do not outweigh the conflict with the requirements of the development plan.
14. Furthermore, I have taken account of the fact that the Council has not raised significant concerns over the impact of the development on highways, drainage or the living conditions of nearby residents. However, these factors are not sufficient to change my overall conclusion on the acceptability of the development.

Conclusion

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 dictate that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. I have identified no such considerations in this case. Therefore, for the reasons given above, I conclude the appeal should be dismissed.

S J Lee

INSPECTOR