
Appeal Decision

Site visit made on 18 January 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 31 January 2017

Appeal Ref: APP/H0520/W/16/3159540

6 School Lane, Alconbury, Huntingdon, Cambridgeshire PE28 4EQ

- 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 Jason Key against the decision of Huntingdonshire District Council.
 - The application Ref 16/00453/OUT, dated 26 February 2016, was refused by notice dated 28 April 2016.
 - The development proposed is a proposed bungalow to the rear of 6 School Lane.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is the rear garden of Number 6 School Lane which is narrow and linear and extends southeast from the rear of the dwelling. It abuts the rear garden of the adjoining semi-detached dwelling of No 8 to the north and the primary school playground to the south. Whilst the appeal site and a number of other neighbouring gardens have outbuildings in them, the pattern of development in the street scene is dominated by frontage development set back from and facing the road. Access to the appeal site would be via the existing driveway to No 6, which is in turn shared with the neighbouring school.
 4. Whilst there is some variation to building design and appearance, the established pattern is that of frontage development, specifically where it faces School Lane extending north from the primary school. The proposed development would introduce an additional tier in back land form which would be contrary to this pattern and thereby cause harm to it. It would be to the rear of the plot but given the gap between No 6 and the school, it would be noticeable.
 5. As spaces, the long and narrow rear gardens contribute as much to the character of the area as the siting of buildings. The resulting gardens to both the new dwelling and the exiting would be substantially truncated. This would add to the harm that I have identified above.
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6. For the above reasons, the proposed development would cause harm to the character and appearance of the area and as such it would be contrary to saved Policies En25, H32 and H35 of the Local Plan¹, Policy HL5 of the Local Plan Alterations² and Policy CS1 of the Core Strategy³. These Policies, amongst other things and along with the Framework⁴, seek to resist harmful back land development, ensure that new development is of a good quality, is contextually appropriate and sustainable and its form reflects the character and appearance of the area.

Housing Supply

7. The appellant has drawn my attention to a number of recent appeal decisions where Inspectors have found that the Council are currently unable to demonstrate the housing supply as required by the Framework. This conflicts with the Council's evidence in respect of the appeal before me.
8. I do not have sufficient evidence before me as part of this appeal to make a conclusion on the Council's housing supply in exact terms. I am however able to make a conclusion on whether the adverse impacts of granting a planning permission in this case would significantly and demonstrably outweigh the benefits.
9. I have not been provided with any other benefits of the proposed development beyond the fact that, as the provision of a dwelling, it would be positive for an undersupply situation. As a single dwelling however, the level of benefit would be limited. I would therefore conclude that, when balancing this benefit against the harm that I have identified, it would not be sufficient to outweigh it.

Other Matters

10. I note that the Framework itself does not specifically preclude tandem or back land forms of development but nevertheless does make it clear that account should be taken of the character of areas as one of its core principles.
11. I have no doubt that a dwelling could be sited so as a garden would be acceptable for amenity purposes and orientated/designed so that it would not impinge on the living conditions of existing occupiers. These factors would not be beneficial elements of the proposed development but necessary to make it acceptable in planning terms. They cannot therefore be used to outweigh the harm that would be caused by it.
12. With further regard to the Framework, it also states planning permission should not be refused for buildings that promote high levels of sustainability because of concerns over incompatibility with existing townscape, if these concerns have been mitigated by good design.
13. As an application for outline planning permission, I have no detailed design before me. In addition, and for largely the same reasons, the sustainability credentials of the proposed development would not, at this stage, extend further than the appeal site being located within easy reach of essential services. I can therefore attach only limited weight to this matter in my findings.

¹ Huntingdonshire Local Plan: Part One Adopted December 1995

² Huntingdonshire Local Plan: Alteration Adopted December 2002

³ Huntingdonshire District Council Local Development Framework Core Strategy Adopted September 2009

⁴ The National Planning Policy Framework 2012

14. I note the concerns that have been expressed by the neighbouring primary school. In particular the use of the existing access for the proposed development which also serves the school car park and its main pedestrian entrance, as well as No 6 High Street.
15. My conclusions above aside, the proposed development would increase the use of this access. However, it would be by a limited degree given additional movements would be associated with a single dwelling. The Council's highways advisors share this view. I am content therefore that the additional use of the access would not compromise its safe and practical use by either the school or the existing dwelling at No 6.
16. A completed Unilateral Undertaking (UU) for the provision of wheeled bins has been submitted with the appeal. I note the Secretary of State's successful appeal to the High Court on the matter of planning obligations for small scale development in relation to the West Berkshire case⁵. Even if I were to take the UU into account in the determination of this appeal in light of the outcome of the aforementioned case, it would not change my conclusions on the proposed development.

Conclusion

17. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR

⁵ Secretary for State for Communities and Local Government v West Berkshire District Council and Reading Borough Council.