
Appeal Decision

Site visit made on 11 January 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 07 February 2017

Appeal Ref: APP/W0530/W/16/3158245

Land at r/o158 High Street, Harston CB22 7QD

- 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 The Greens and Harston Developments LLP against the decision of South Cambridgeshire District Council.
 - The application Ref S/0902/16/FL, dated 1 April 2016, was refused by notice dated 27 May 2016.
 - The development proposed is the erection of 2No detached dwellings, together with hard and soft landscaping and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2No detached dwellings, together with hard and soft landscaping and associated infrastructure at Land at r/o158 High Street, Harston CB22 7QD in accordance with the terms of the application, Ref S/0902/16/FL, dated 1 April 2016, subject to the conditions set out in the attached schedule.

Main Issue

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

Reasons

3. A similar scheme was dismissed at appeal in August 2016¹, since that time there have been no changes to the development plan and my attention has not been drawn to any developments nearby which have altered the character or appearance of the area in any way. I therefore attach significant weight to the previous appeal decision.
4. With regard to the dwelling proposed on Plot 1 the Inspector in the August 2016 appeal found the scale of the main part of the house to be acceptable, but found the significant annex would be out of proportion with and would dominate the main house. Furthermore, with regard to Plot 2 the Inspector found the projecting wings appeared as though they have been added as an afterthought and found the proposal would result in a very large dwelling of an overly complicated design. Overall it was found that the development proposed would result in two dwellings significantly larger than those nearby.

¹ Appeal ref: APP/W0530/W/16/3146961

5. Turning my attention to the appeal proposal. The height of the annex proposed on Plot 1 has been reduced and a dormer window and a first floor bedroom and playroom have been removed, such that in my view the proposed building now appears subservient to the main dwelling proposed on Plot 1.
6. With regard to the dwelling proposed on Plot 2, the scale of the wings have been reduced, a single storey rear projection removed and the mass of the proposed garage roof significantly reduced. In my view, these alterations result in a dwelling which would have a dominant central section and is of a significantly less mass than the proposed dwelling which formed the subject of the August 2016 appeal decision.
7. Even though both of the proposed dwellings are large they would sit in relatively spacious plots. The proposed dwellings would be accessed from and would relate to the adjacent residential development, which comprises a varied mix of 2,3,4,5 and 6 bedroom properties. Whilst none of these properties are as large as the appeal dwellings, the proposed dwellings would not be substantially larger. Furthermore, the dwellings on High Street are mainly detached properties of varied character and size set in spacious plots. Overall I find the proposed dwellings would not appear out of place as part of a development which includes dwellings of a range of different sizes and as part of an area which has a varied character and appearance.
8. For these reasons, the proposed development would not harm the character and appearance of the area. It would therefore accord with the development plan and the good design aims of the National Planning Policy Framework. It would specifically accord with Policy DP/2 of the South Cambridgeshire District Council Local Development Framework Development Control Policies Development Plan Document (2007) which aims to ensure good design and that new development does not harm the character and appearance of an area.

Other Matters

9. I am satisfied that each of the proposed dwellings would have sufficient off street parking in the form of large driveways and garages which would be capable of serving the occupants and their visitors. Whilst I acknowledge High Street is relatively busy, there is no substantive evidence to suggest that the increase in traffic generated by two dwellings would cause any harm to highway safety in the area.
10. I have also considered the impact of the proposed development on drainage in the area. However, given the appeal site is within Flood Zone 1 and informed by the evidence and mitigation measures proposed in the appellant's Flood Risk, Foul and Surface Water Drainage Statement, I am satisfied the appeal site would be appropriately drained. Nevertheless, I have imposed planning conditions to ensure the development is carried out in accordance with the plans and the accompanying statement.
11. I have also noted the comments relating to the removal of trees and hedging and the implications for security and drainage. However, I have assessed the appeal on its planning merits and I have imposed conditions which require new landscaping and boundary treatments to be agreed with the local planning authority and implemented as part of the development which will improve security and introduce new trees and plants into the area.

Conditions

12. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed conditions which require materials and boundary treatments to be agreed in the interests of safeguarding the character and appearance of the area. For the same reason and also to safeguard trees I have imposed conditions which require a landscaping scheme and tree protection measures to be put in place.
13. Given the risk of contamination identified, I have also imposed conditions which require further assessment of such and remediation measures if required in the interests of public safety. For the same reason and to safeguard living conditions, I have also imposed a condition to ensure appropriate site drainage.
14. Finally, conditions are also necessary and thus have been imposed to ensure materials are not burnt on site, the effects of any piled foundations are managed and that construction work takes place within reasonable hours all in the interests of safeguarding the living conditions of residents living nearby.

Conclusion

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

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, Drawing No P01 Site Plan Revision L, Drawing No P02 Plot 1 Plans & Elevations Revision G, Drawing No P03 Plot 2 Plans & Elevations Revision J, Drawing No P04 Plot 2 Garage Plans & Elevations Revision F, Drawing No 5287-D Tree Plan By Hayden' Arboricultural Consultants, Flood Risk, Foul and Surface Water Drainage Statement dated March 2016, Preliminary Ecological Appraisal Dated 1 December 2015, Phase 1 Contaminated Land Risk Assessment dated 15 March 2014, Tree survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan in Accordance with BS 5837:2012 dated 21 March 2016
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment and bin storage areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The development shall be carried out in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Before any development commences all the trees and hedges shown on the Drawing No 5287-D Tree Plan By Hayden' Arboricultural Consultants as "to be retained" and/or any trees whose canopies overhang the site shall be protected in accordance with the recommendations and fencing set out in the Tree survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan in Accordance with BS 5837:2012 dated 21 March 2016. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

- 8) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 10) None of the dwellings hereby permitted shall be occupied until the sewage disposal and drainage works have been completed in accordance with the approved plans and the Foul and Surface Water Drainage Statement dated March 2016.
- 11) Demolition or construction works shall take place only between 0800 and 1800 on Monday to Friday, between 0800 and 1300 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 12) There shall be no burning of any waste or other materials on the site without the prior consent of the local planning authority.
- 13) Should driven pile foundations be proposed, then before such works commence a statement of the method for construction of these foundations shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed statement.

END OF SCHEDULE