

Appeal Decision

Site visit made on 16 January 2017

by Graham Chamberlain BA MSc MRTPI

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

Decision date: 9th February 2017

Appeal Ref: APP/W0530/W/16/3160369

Orchard House, Highfield Road, Impington Cambridgeshire CB24 4PF

- 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 J. Webster against the decision of South Cambridgeshire District Council.
 - The application Ref S/0981/16/FL, dated 11 April 2016, was refused by notice dated 7 July 2016.
 - The development proposed is the erection of one single storey dwelling and one two storey dwelling along with the demolition of the existing office building.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by J. Webster against South Cambridgeshire District Council. This application is the subject of a separate Decision

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - 1) The living conditions of the occupants of 1 Highfield Road and 3 Highfield Road with particular reference to outlook, light and any noise and disturbance;
 - and 2) The character and appearance of the area.

Reasons

The effect on living conditions

4. The appeal site encompasses a parcel of land located towards the southern end of Highfield Road. Its northern boundary is delineated by 1 Highfield Road, a bungalow, and the southern boundary is with a private driveway, which serves Orchard House and a small residential development beyond.
 5. The dwelling in Plot 2 would be a two storey house with the first floor accommodation in the roof void. It would have a ridge height of approximately 6.6m. It would therefore be significantly higher than the existing office building, which currently marks part of the boundary between 1 Highfield Road (No 1) and the appeal site.
 6. The proposed house would also be located behind the rear elevation of No 1 and close to the common boundary. The proposed dwelling would be constantly apparent to the occupants of No. 1 when in their garden. The
-

narrow span of the building would not sufficiently soften this impact, as the longer elevations would still be apparent. Thus, it would result in the occupants of No 1 have a sense of being hemmed in.

7. Consequently, the height and position of the house within Plot 2 would dominate the outlook from No 1 and would thus result in an oppressive and overbearing impact on the neighbouring occupants' living conditions when in their garden. This would result in significant harm to their living conditions.
8. The Council have also raised concerns that the first floor bedroom window in the northern elevation of the proposed house would result in a harmful loss of privacy to the occupants of Nos 1 and 3 Highfield Road. I share this conclusion as the window would be in an elevated position and in close proximity to the boundary. However, the appellant has suggested that a planning condition could be imposed that would require the bedroom window to be re-sited in the western elevation of the dwelling. The Council have suggested that this would not mitigate its concerns but have not explained why. From the information before me, re-siting the window through a planning condition appears necessary and reasonable and thus a planning condition to this effect could be imposed and thus any potential for a loss of privacy would be mitigated¹.
9. In respect of noise and disturbance. The driveway that would serve Plot 2 would be screened from the occupants of No 1 by boundary treatment. It would also be set away from the northern boundary of the appeal site. Additionally, the existing single storey building within the appeal site has been used as an office and has recently been granted a change of use to a dwelling (Ref. S/1485/13/PJ). Both uses would involve associated vehicular movements. As such, the appeal scheme would not introduce vehicle movements into an area where none have previously been or have been approved. Taking these points together, I am satisfied the appeal scheme would not result in an unreasonable level of noise and disturbance. Moreover, Plot 2 would not have an unreasonable effect upon the level of day and sunlight entering No 1 due to the gap that would be retained between Plots 1 and 2.
10. The proposed bungalow at Plot 1 would be located directly to the south of 1 Highfield Road (No 1). The boundary between the appeal site and this property is currently delineated by a brick wall around 1.6m high. Nevertheless, the windows in the southern elevation of No 1 have an outlook over this wall. The bungalow would interrupt this existing outlook and is likely to significantly diminish the level of day and sunlight entering the rooms illuminated by the windows. This would amount to significant harm to the living conditions of the occupants of No 1. I have not been presented with technical evidence, such as a daylight and sunlight assessment, which indicates otherwise. The bungalow's single storey scale would not mitigate for this impact as it would be sited very close to the southern elevation of No. 1.
11. Any potential loss of privacy to the occupants of No. 1 that would arise from the position of the proposed bungalow, with windows in the northern elevation, could be mitigated by an increase in the height of the boundary treatment and/or the use of obscured glazing in the proposed kitchen and shower room windows. This could be imposed through a planning condition as suggested by the appellant. Again, the Council are not satisfied this is the case but have not

¹ Such an approach is advocated in the Planning Practice Guide Paragraph 012 Reference ID: 21a012-20140306 and I have seen nothing to suggest a re-sited window would be undesirable.

explained why. In the absence of a cogent argument to the contrary, I am satisfied that any loss of privacy that would arise to the occupants of No 1 from the windows in the northern elevation of the proposed bungalow could be satisfactorily addressed through a planning condition had the scheme been otherwise acceptable.

12. Nevertheless, the proposal as a whole would result in an oppressive and dominate development and a material reduction in day and sunlight. This would amount to significant harm to the living conditions of the occupants of No 1. Thus, the proposal is contrary to Policy DP/3 of the South Cambridgeshire District Council Local Development Framework, Development Control Policies (DCP) 2007 and the District Design Guide Supplementary Planning Document 2010, which together seek to protect residential amenity. This is an objective that is consistent with Paragraph 17 of the National Planning Policy Framework.

The effect on character and appearance

13. The residential properties within Highfield Road generally exhibit a period style of architecture but the form is a mixture of bungalows, detached houses and semi-detached properties. This has resulted in an organic street scene with little uniformity save for the orientation of properties, which tend to address the street. The built form of the street has a linear character with a discernable building line. The properties in the street are generally situated towards the front of their respective plots with long rear gardens behind. This gives a 'grain' to the development and a perception of space behind the properties in Highfield Road. The houses in Cooke Walk and to the west of Orchard House are a considerable distance from Highfield Road and are barely visible. These nearby developments do not justify the appeal scheme.
14. The appeal scheme is for the erection of two dwellings on comparatively small plots. This is atypical but would not be an unduly prominent departure from the grain of development as the site is discretely located towards the end of the road and the bungalow in Plot 1 would be set back from the edge of the street, thereby maintaining the grain of the building line. As such, in views up and down the street it would not be obvious that the bungalow is situated within a shallower plot than the properties to the north.
15. Plot 2 would have a frontage onto Cresswell Close, a private driveway that leads to Orchard House and the residential development to its west. The driveway has a wide carriageway and is akin to a road. In this respect Plot 2 is not a backland development as it would have a frontage onto this 'road' and would assist in framing it. As a consequence, the development would turn a corner and thus continues the linear character found in Highfield Road. The two storey scale of Plot 2 would jar a little with that of Plot 1, but the difference would not be sufficiently noticeable for it to appear incongruous.
16. I therefore conclude that the appeal scheme would preserve the character and appearance of the area. The proposal would therefore adhere to Policies DP/2 and DP/3 of the DCP and the District Design Guide Supplementary Planning Document 2010, which require all new development to preserve or enhance the character of the local area, be compatible with its location and be appropriate in terms of form and siting. These objectives are consistent with Paragraph 58 of the Framework.

Other Matters

17. My attention has been draw to appeal decision APP/C1570/W/16/3145333. This appeal related to a development proposal which was in a different local authority area and thus subject to different development plan policies. Moreover, I have not been presented with the precise details of the scheme, including the drawings. It is therefore difficult to ascertain whether the sites are similar. As such, I have considered the appeal scheme on its own merits.

Conclusion

18. The appellant suggests that the Council cannot currently demonstrate a five year housing land supply as required by Paragraph 47 of the Framework. The Council has not disagreed. In such circumstances Paragraph 14 of the Framework is engaged. It states that where relevant policies in the development plan are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. I have already set out that as an adverse impact, the development would significantly harm the living conditions of the occupants of No 1. This would be contrary to both the development plan and, significantly, the Framework when taken as a whole. I afford this considerable weight.
19. Weighed against this significant harm is that the development would increase housing supply and choice and would therefore be an effective use of land. However, with only two dwellings proposed this is a limited social and environmental benefit. The appeal scheme would facilitate some economic benefits to the construction industry, including jobs, but these would be for a limited time. There would also be some benefits to the local economy from the circulation of funds from future occupants but this is unlikely to be significant given the modest scale of the development. I therefore afford these benefits limited weight. The absence of harm in respect of other issues, including highway safety² and the character and appearance of the area are neutral matters, as an absence of harm is to be expected and is not a benefit that would outweigh harm.
20. I therefore conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. As such the proposal is not sustainable development for which the Framework carries a presumption in favour. Accordingly, for the reasons given above, and having regard to all other matters raised, including the representations made by interested parties, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR

² The expert opinion of the Local Highway Authority was not to raise any objections to the proposed development and I have seen no substantive evidence that dictates I should take a different view.