
Appeal Decision

Site visit made on 14 February 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 23 February 2017

Appeal Ref: APP/V0510/D/16/3163032
16 Hempfield Road, Littleport CB6 1NW

- 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 Anthony McFarthing against the decision of East Cambridgeshire District Council.
 - The application Ref 16/01080/FUL, dated 17 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is a garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted by the Council for a garage¹ at the front of the appeal property. The garage as built differs from that approved specifically in terms of its height. A retrospective application for the garage² was subsequently refused on the grounds that it is harmful to the living conditions of the occupant of the adjacent bungalow. The application subject to this appeal is also retrospective but proposes amendments to the roof by reducing its overall height and the height of the eaves.
3. The drawings submitted with the application show the proposed amendments to the roof but not the building as a whole. However the plans showing the garage as built which were subject to the previous refusal have been provided.

Main Issue

4. The main issue in the appeal is the effect of the development on the living conditions of the adjacent occupant.

Reasons

5. The garage is of brick with a tiled roof. It is adjacent to the side boundary of the appeal property and to the rear garden of the adjacent bungalow. The dimensions of the garage are shown on the previously submitted plan as 6.25m wide by 8.28m long and between 4.79m and 4.91m in height due to falling ground levels away from the road. Its floor level is about 200mm lower than the road but higher than the existing ground level at the rear according to the

¹ 13/00807/FUL

² 15/00701/FUL

- plan. The length of the garage is similar to the width of the adjacent garden. That garden is of very limited depth.
6. I viewed the building from the neighbour's rear garden on my visit. The garden is at a lower level than the road and although the garage is set in from the boundary by about 0.3m its overall height is significant in relation to the limited size of the garden and the close proximity of the rear windows in the dwelling. The neighbour's outlook is dominated by the building as it occupies the full width of the garden. For these reasons it has an overbearing appearance which is harmful.
 7. The garage is narrower but taller than that approved. It is set down from road level. The approved drawing shows the overall height as being 4.2m but does not specify where this is to be measured from. The actual ridge height is almost 4.8m or about 4.6m if measured from road level, and is greater than this at the rear. It is proposed to remove the ridge and to construct a section of flat roof which would reduce the height by 0.26m. However it is clear that the resulting building would still be taller than approved and the flat roof in place of the ridge would have a contrived appearance.
 8. Furthermore, because the garage is oriented to the south of the adjacent garden it is likely that it affects sunlight and daylight to the garden and possibly to the rear accommodation of that property. The impacts on the neighbour's enjoyment of the garden would be significant because this is her only private garden area. The proposed reduction in height would do little to alleviate the generally overbearing appearance of the garage or its likely effect on sunlight and daylight.
 9. The eaves would be reduced in height by altering the angle of the trusses but this would make little difference to the overall bulk and scale of the building. The Council's Design Guide³ requires that the form and location of outbuildings, including their height should take into account the amenity of adjacent properties. For the reasons given I find that the development as proposed to be altered would adversely affect the living conditions of the adjacent occupant to an unacceptable extent. The development would not accord with policy ENV 2 of the East Cambridgeshire Local Plan (2015) which requires that there is no significantly detrimental effect on the residential amenity of nearby occupiers.
 10. I have taken into account the other points raised including the need for a steeper roof pitch for the chosen tiles and a stated requirement for internal headroom but there is no evidence before me to demonstrate that those matters take precedence over the harm that I have identified.

Conclusion

11. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

³ East Cambridgeshire District Council Design Guide Supplementary Planning Document (2012) page 25