
Appeal Decision

Site visit made on 26 January 2017

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

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

Decision date: 20th March 2017

Appeal Ref: APP/V0510/W/16/3161024

16 Chapel Lane, Reach, Cambridge, Cambridgeshire CB25 0JJ

- 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 Mrs Claire Halpin against the decision of East Cambridgeshire District Council.
 - The application Ref 15/01558/OUT, dated 21 December 2015, was refused by notice dated 11 May 2016.
 - The development proposed is the construction of two houses and private access drive.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was originally submitted for the construction of three houses and private access drive. It was amended to the construction of two houses and private access drive before the determination of the application by the Council. This is the basis on which they made their determination of the proposal. I have used that description in the banner heading and I shall determine the appeal on the basis of this description and site layout plan 01B.
3. The address I have used in the banner heading is as given on the application form. I note the reference elsewhere in correspondence and on the decision notice to North View House. This is the same property.
4. The application is in outline with access, layout and scale to be determined at this stage. Appearance and landscaping are reserved for future determination.

Issue

5. The main issue is the effect on the character and appearance of the area.

Reasons

6. The dwellings would be sited on garden land associated with North View House, a modern detached dwelling sited within extensive land off Chapel Lane, on the edge of the village.
 7. The Council concedes that it is unable to demonstrate a five year supply of deliverable housing land. For this reason local plan policies concerning the supply of housing in the East Cambridgeshire Local Plan 2015 (LP) are not up-to-date when considered in terms of paragraph 49 of the National Planning Policy Framework (the Framework).
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8. This means, according to paragraph 14 of the Framework, that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. There is a presumption in favour of sustainable development which comprises three dimensions, economic, social and environmental.
9. In economic terms the development would make a short term contribution to the economy of the area by creating jobs in construction. In the longer term residents would contribute to the local economy, including supporting some local businesses. Nonetheless these economic benefits would be slight since there would only be two dwellings.
10. As far as the social role is concerned, two dwellings would be provided within the settlement boundary close to other dwellings, built to sustainable standards adding to housing supply. The dwellings would be well connected to the rest of the village and so would not be isolated. Again these are slight benefits. Together the economic and social benefits would have limited weight.
11. Turning to environmental considerations, LP policy ENV1 specifies that development should be informed by, be sympathetic to and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines. Positive and complimentary relationships are sought so that it will protect, conserve and where possible enhance amongst other matters the settlement edge, space between settlements and their wider landscape setting, key views into and out of settlements, the unspoilt nature and tranquillity of the area and public amenity and access.
12. The dwellings would be within the defined settlement boundary of Reach, but would be on the edge of the village where it gives way to countryside. The Council has not provided the Cambridgeshire Landscape Guidelines, but the character of the area here is dominated by naturalistic features including the waterways of Reach Lode, albeit that may have originally been man made, along with water margin bank trees and bushes, footpaths and small fields rather than the built form of the village. North View is an individual and distinct outlier building to the main settlement built form, dating to relatively recently and taking advantage of views over the surrounding countryside with its garden land heavily overlooked from byway No 11.
13. There would be public access on two sides of the application site. There is a high conifer hedgerow where it adjoins the public right of way No 3 to the west and so views in this direction would be restricted. Nonetheless, the dwellings would be prominent in views from the north adjoining the Reach Lode, from the east on the byway No 11, and from public footpath No 2 from which the garden is currently open to view.
14. This garden land currently softens significantly the start of the village. Whilst there are paddocks with stables nearby, these are countryside buildings which do not detract from the rurality of the setting. The site relates more heavily to the countryside than to the built form to the south, as demonstrated by the lack of built form in the photographs in the appellant's statement.
15. I acknowledge that the two dwellings would be limited in height to between 4.5m and 6.5m high and that they would be on lower land to North View. They would also not offend the more than one third of a plot guidance in the SPD

Design Guide. Nonetheless they would have substantial massing and would cover an extensive section of the garden land. Furthermore, substantial areas would be covered by hard surfacing for driveways, parking and turning areas.

16. There would be a far greater intensity of occupation on the land overall, with subdivision into plots also adding enclosure and reducing the openness of the site. I note that the development would run counter to a provision of a Section 52 agreement dating from 1989 that the application site shall be used as a single dwellinghouse and garage with private gardens only and for no other purpose. Domestic permitted development rights were also withdrawn by the agreement.
17. The development would not have a density incompatible with the village overall. The Reach Conservation Area extends up to the access and along part of the south western edge of the site. It would be screened well from the Reach Conservation Area boundary in Chapel Lane and the listed Manor House. They would not because of the screening and location fail to preserve or enhance the character or appearance of the Conservation Area or the listed building.
18. Nonetheless, for the reasons already given they would not accord with the environmental role of sustainable development because the development would not contribute to protecting and enhancing our natural, and built environment. Instead of recognising the intrinsic character and beauty of the area as specified in a core planning principle of the Framework it would harm the views into the settlement and its intrinsic natural setting which I found here to be a tranquil relatively unspoilt section of the natural setting of the village.
19. It would be contrary to LP policy ENV1. The development would also be contrary to LP policy ENV2 which identifies that design that fails to have regard to its local context will not be acceptable. This is reflective of the aim of paragraph 58 of the Framework to respond to local character and history and reflect the identity of local surroundings.
20. The weight of the adverse environmental impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Other matters

21. The Council says that a variation to or discharge of the S52 agreement would be required should I be minded to allow the appeal. Since I am dismissing the appeal, I need not consider this matter further.
22. I note that the application was recommended for approval by Council Officer's, but for the reasons that I have already given I conclude that the appeal should be dismissed.

Conclusion

23. For the reasons given above, and having considered all other matters raised in representations, I dismiss the appeal.

Julia Gregory

Inspector