The Planning Inspectorate

Appeal Decision

Site visit made on 27 March 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 10th April 2017

Appeal Ref: APP/H0520/W/16/3164983
Land to the east of Glebe Farm, Gidding Road Sawtry.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Linden Homes Eastern against the decision of Huntingdonshire District Council.
- The application Ref 16/01109/REM, dated 24 May 2016, sought approval of details pursuant to condition No 1 of outline planning permission ref 14/01659/OUT granted on 15 April 2016.
- The application was refused by notice dated 26 October 2016.
- The development proposed is approval of reserved matters on land subject to outline permission 14/1659/OUT for 80 dwellings including access, open space, landscaping, drainage and associated infrastructure.
- The details for which approval is sought are: access, appearance, landscaping, layout and scale.

Decision

1. The appeal is allowed and reserved matters are approved, namely access, appearance, landscaping, layout and scale submitted via application ref 16/01109/REM dated 24 may 2016, in pursuance of condition 1 of outline planning permission 14/01659/OUT granted on 15 April 2016 subject to the conditions in the attached schedule.

Background

2. Outline planning permission for the erection of up to 80 dwellings including access, open space, landscaping, drainage and associated infrastructure was granted for the appeal site in April 2016 (14/01659/OUT). At that time access was also approved with details of the appearance, landscaping, layout and scale reserved for future consideration by the Council. Although a masterplan was included as part of the outline submission it was for illustrative purposes only. Subsequent negotiations between the appellant and the Council resulted in the removal of the access form the outline consent (16/01709/NMA). Therefore, given that the site has outline planning permission for housing, the principle of residential development is not for consideration. Instead it is whether or not the details now submitted are acceptable.

3. The application which is the subject of this appeal sort the approval of all of the reserved matters required by Condition 1 of the outline planning permission together with the revised access details. The application was refused for two reasons relating to the effect of the development on the character of the edge

of village location and the effect of the development on the outlook of the residents of 56 Gidding Road and those adjoining the site to the east.

4. The Council in its statement state that despite the wording of its second reason for refusal it now considers that there would not be an unacceptable detrimental impact on the sole dwelling that would be surrounded on three sides by the proposed development (56 Gidding Road). It has not therefore contested the appeal on the basis of the impact of the proposal on the living conditions of the occupiers of that dwelling.

5. I therefore consider that the main issues are firstly, the effect of the proposal on the character and appearance of the area and secondly, the effect of the proposal on the living conditions of the occupiers of surrounding residential properties with particular regard to outlook.

Reasons

Character and appearance

6. The appeal site lies on the edge of Sawtry. To the east is a residential estate with a mixture of bungalows and houses. On the edge of the village on the opposite side of Gidding Road there is a large new residential estate of 190 dwellings currently under construction (13/08031/COND).

7. As a result the area has a mixed character and appearance of different styles and ages of buildings. Most though are set back from the road with trees and landscaping to the front, softening the transition from the built to the open environment of the surrounding open countryside.

8. I note that the masterplan submitted with the outline planning permission showed development across the whole of the site with the exception of areas provided for open space and play area. The proposed layout though restricts development to a smaller part of the site to allow for a larger than expected area for Great Crested Newts. The number of houses though has remained the same. As a result the density of development has increased above that illustrated at outline stage. It would also be higher than that on the adjacent estate. The appellants confirm this in their statement referring to a density of 25.9 dwellings/hectare (dph) on the existing estate and 29.85 on the proposed development. This would though be less than the density of the development on the estate being constructed across the road which the appellant states is 35.6 dph.

9. In addition, the density across the development would vary so that at the north western edge of the proposal where it is adjacent to the open countryside the density reduces to 18.7dph. This is reflected in the generous spacing between the houses and the extensive green open areas, along this boundary which would integrate the development satisfactorily into the open countryside avoiding a harsh edge of development.

10. Development along the frontage of the site adjacent to Gidding Road would be of a higher density, which according to the appellant would be 34.2 dph. However, the houses would be set back from the road, allowing some planting to the front. Furthermore, the layout would allow for good spacing between the houses, which I saw would be similar to that seen elsewhere on Gidding Road. As the open countryside is reached the space between dwellings would

be increased, aided by the presence of 56 Gidding Road which would allow for a gradual transition from built development to the rural environment.

11. The height of the buildings would be fairly consistent across the site, with the exception of a small number of bungalows. This would reflect the dominant two storey form of development in the surrounding area. The layout has also been designed to continue the lines of development of the estate to the east further aiding integration to the existing built form. In this way the appeal proposal contributes to place making. Furthermore there would be a range of house types and sizes which would add character and visual attractiveness to the scheme.

12. Overall therefore I find that the scheme has been designed to integrate with the existing built environment, reflecting the mixed character and appearance of the existing and newer buildings in the area. Furthermore, the density of the development would not be unique or unacceptable. The reduction of density towards the edge of the scheme would aid the successful integration of the housing to the adjacent rural environment thereby recognising the intrinsic character and beauty of the countryside.

13. The appellant's density calculations have been queried by local residents and Sawtry Parish Council (PC). The PC state that the net useable area is less than that suggested by the appellant but I have seen no substantive evidence to support this or suggest that the appellant's figure is not accurate.

14. Even if I were to accept the PC's stated density of the scheme of 36.449 dph this would be similar to the development currently being constructed on Gidding Road. The PC also state that the layout contravenes CPRE recommendations for edge of village multi house type planning design, but offer no further detail in this respect.

15. For the reasons above I conclude that the proposal would not be harmful to the character and appearance of the area. It would therefore be in accordance with Policy EN25 of the Huntingdonshire Local Plan Part One 1995 (LP), Policy HL5 of the Huntingdonshire Local Plan Alteration 2002 (LPA), Policy CS1 of the Huntingdonshire LDF Core Strategy 2009 (CS), Policies LP1 and LP13 of the draft Huntingdonshire Local Plan to 2036: Stage 3 2013 (DLP), part 3.1.2 of the Huntingdonshire Design Guide Supplementary Planning Document (SPD) and part 7 of the National Planning Policy Framework (the Framework). Together these require that development is of high quality design which respects the townscape and landscape of the wider locality, gives a strong sense of place, allows successful integration with adjoining urban areas and respects local character, identity and distinctiveness.

Living conditions

16. Bordering the east of the site are a number of residential properties including a mixture of houses and bungalows. 23-33 (odd) Coppins Close are houses that would retain a direct open outlook across the site and therefore any impact on the residents' outlook would be of an oblique nature and consequently very limited. 44 Gidding Road and 21 Coppins Close are houses having a gable elevation facing the site. The intervening distance between them and the side gable of the nearest proposed house would ensure that any impacts on outlook would be limited.

17. 15 and 16 Glebe Road and 15 and 16 Mill View are all bungalows with a side gable facing the appeal site. The boundary is marked by a hedge and I saw that this provided a screen to any windows in the side elevation of the properties. No 15 Glebe Road has a side canopy. No 16 Mill View has a single storey side extension close to the boundary with the site. Both main parties agree that, in accordance with the submitted layout plan (SP(90)07 01) there would be a new dwelling set about 11.5-12.5 metres from each existing bungalow. Each would be broadly on a similar line to the existing dwellings. Sawtry Parish Council (PC) disputes this referring instead to a figure of 6 metres. I have though seen no evidence for this claim.

18. The new dwellings adjacent to Nos 15 and 16 Mill View and 15 Glebe Road would be a bungalow of about 5.4 metres to the ridge. That adjacent to 16 Glebe Road would be a two storey house. However, as the dwellings would have a gable to gable relationship, irrespective of the height of the new dwelling, the intervening distance would ensure that the new houses would not be significantly overbearing. Moreover, I saw that the distance between the properties would be similar to or greater than the distance between existing properties on the estate. The PC refer to a minimum back to back distance of 24 metres, however the relationships in dispute here are gable to gable.

19. Although both properties agree that the proposal would not have an unacceptable impact on the living conditions of the residents of No 56, nonetheless I had the opportunity on my site visit to view the house and make an assessment of the proposals. However, I saw that No 56 has a large garden which would ensure that there would be a significant distance between it and the surrounding new houses. As a result I would concur that the proposed houses would not have a significant effect on the privacy or outlook of the residents of No 56.

20. For the reasons above I conclude that the proposal would not be harmful to the living conditions of neighbouring residents. There would therefore be no conflict with Policy H31 of the LP, Policy CS1 of the CS, Policy LP15 of the DLP and part 7 of the Framework. These require that development should be of a high quality design which maintains a high standard of amenity and privacy for existing residents.

Other matters

21. Many comments have been received from residents regarding the principle of development on the site, along with the ability of the village and local services to cope with an increase of housing. Furthermore, the PC make reference to the fact that the Council is able to demonstrate a five year housing land supply and therefore the development of the site is not required. They refer to a case in Brampton where an objection to housing had been upheld on that basis. In addition residents make reference to a planning application that has been submitted for a further 295 houses opposite the appeal site and the consequences for local services. However, the principle of housing on the site has been established through the granting of outline planning permission 14/01659/OUT. Furthermore, I understand that the site is allocated for housing within the DLP (proposed allocation SY2 East of Glebe Farm Sawtry).

22. Much has been made of works that have commenced on site in association with the Great Crested Newts. However, I am advised that an application to discharge conditions 15, 22 and 29 of the outline consent relating to ecological

matters was approved by the Council in July 2016. As a result Natural England granted a Great Crested Newt licence in September 2016 which allowed works to commence on site in this respect. I am satisfied therefore that the current limited work is authorised.

23. Concerns have bene raised regarding the potential for parking and traffic congestion. Sawtry Parish Council consider that 45 of the car parking spaces would be via smaller than average garages. Together with undersized parking spaces and the number of cars generated on the development would mean that contrary to the appellant's swept path analysis vehicles would not be able to move around the site. However, the appellant advises that the garages conform to Cambridgeshire County Council and Huntingdonshire District Council standards. This has not been disputed by the Council.

24. Furthermore, the outline consent was granted for up to 80 dwellings. At that time the submitted transport assessment concluded that the development of 80 dwellings would have a minimal impact on the operation of the highway network, with adequate capacity to accommodate the trips that would be generated by the development. I note that the Highway Authority has raised no objections to the development and I have seen nothing in the submissions or on my site visit to lead me to disagree with that view.

25. Conditions have been included on the outline planning consent requiring details of surface water, foul drainage and a programme of archaeological works to be submitted to the Council for approval. Therefore these issues will be fully assessed by the Council on receipt of the details as required.

26. Much objection has been received to the proposed footway between the appeal site and the adjacent housing estate via Glebe Road including from the Cambridgeshire Constabulary and a petition signed by all of the residents of Glebe Road and. The objection relates to a likely increase in the vulnerability of residents to crime, fear of crime and anti-social behaviour.

27. The footpath is required by Condition 12 of the outline planning consent and would allow pedestrians and cyclists to access local services, increasing the permeability of the site. Furthermore the allocation within the DLP requires the provision of cycleway links to facilitate integration of the site into adjoining residential areas to the east and pedestrian linkages retained.

28. Condition 17 of the outline consent requires the submission of crime prevention measures. Moreover the police Crime Prevention Design Adviser confirms that it is the intention to build in accordance with the principles of Secured by Design and raises no objection to the scheme. Bearing this in mind, I therefore consider that the benefits secured by the footpath together with crime prevention measures would outweigh any concerns that arise from the provision of a through footpath.

Conditions

29. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG) and have made such amendments as necessary to comply with those documents. In the interests of clarity it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.

30. Proposed conditions 2, 3, 4 and 6 require the submission of details which are already required by conditions 10, 8, 19 and 16 of the outline consent, albeit with different triggers for submission and in the case of condition 4 a requirement for some additional information. However as these matters are broadly covered in the outline permission I have not imposed them again. Furthermore, boundary treatment is included on plan ref SP(90)10 01 and therefore would be covered by condition 1 of the permission. Although the Council's Tree and Landscape Officer (TLO) suggests the boundary treatment is unacceptable. I saw that the mixture of hedges, post and rail fencing, walls and timber fencing would be typical for the area and do not consider therefore that it would be unduly harmful.

31. The Council has commented in its committee report that although the landscaping scheme is broadly acceptable further detail is required regarding enhancing biodiversity while providing an acceptable streetscape. I have also had regard to the comments of the TLO. However, I note that the outline consent contained comprehensive conditions regarding the protection of existing trees on the site. Furthermore, condition 15 of the outline consent requires the submission of details of biodiversity mitigation and enhancement measures. I have seen very limited comments on the submitted soft and hard landscaping schemes submitted by the appellant and I have seen no substantive evidence to suggest that the proposed scheme would not be acceptable. Furthermore it is not a reason for refusal. I have not therefore imposed a condition requiring the submission of details of landscaping but have imposed one regarding the implementation of the scheme. I have amended the wording to relate to planting seasons.

32. The Council has suggested a condition requiring details of cycle storage. However I note in its Committee Report it states that "the numbers of parking/cycle spaces proposed in conjunction with the sites sustainable location specifically proximity to local facilities is considered acceptable and complies with policy LP18". Furthermore the issue of cycle storage was not raised at the outline stage. I consider it unreasonable therefore to impose such a condition at this stage.

33. In consultation with both main parties, conditions 2, 3 and 4 have been imposed to protect highway safety.

34. I have carefully considered the Council's submitted conditions regarding the removal of permitted development rights for the proposed houses. Paragraph 017 of the PPG states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I have seen no convincing reason for this being an exceptional circumstance for removing permitted development rights and therefore I have not imposed these conditions.

Conclusion

35. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall be carried out in accordance with the following approved plans:

50410_EL(20)18 01
50410_EL(20)19 01
50410_EL(20)21 01
50410_EL(20)25 01
50410_PL(20)26 01
50410_EL(20)29 01
50410_PL(20)22 00
50410_EL(20)30 00
50410_PL(20)23 00
50410_EL(20)31 01
50410_EL(20)28 01
50410_PL(20)24 01
50410_EL(20)32 00
50410_PL(20)25 00
50410_EL(20)06 01
50410_PL(20)05 01
50410_EL(20)05 01
50410_PL(20)06 01
50410_EL(20)04 01
50410_PL(20)03 01
50410_EL(20)03 01
50410_PL(20)07 01
50410_EL(20)09 01
50410_EL(20)08 01
50410_EL(20)10 00
50410_PL(20)09 00
50410_EL(20)07 01
50410_PL(20)10 01
50410 EL(20) 33 00
50410 PL(20)27 00
SP (90) 01 02
SP(90)04_01
SP(90)07_01
SP(90)08_01
SP(90)09_01
SP(90)10 01
SP(90)11_01
CV8160291-551-A1
CV8160291-550_A2
CV8160291-550-A3
CV8160291510-A4
Layout 510-A3
0955 A_2101 B
0955 A_2102 B
0955 A_2103 B
0955 A_2100 E

2) No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

3) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwellings until detailed plans of the roads and footways, have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

4) Prior to the first occupation of any dwelling the roads and footways shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road.

5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a programme to be submitted to and approved in writing by the local planning authority prior to the occupation of the first house.

----------END OF CONDITIONS----------