
Appeal Decision

Site visit made on 2 May 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 9th May 2017

Appeal Ref: APP/H0520/W/17/3168755

Land rear of 69 St Neots Road, Eaton Ford, St Neots

- 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 AJB Homes & Utilities Ltd against the decision of Huntingdonshire District Council.
 - The application Ref 16/01961/FUL, dated 16 September 2016, was refused by notice dated 23 January 2017.
 - The development proposed is erection of two bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans have been submitted with the appeal. However, the appeal process should not be used to evolve a scheme and the appeal decision should essentially relate to the proposal which was considered by the Council and on which the views of interested parties were sought. Even if the proposed amendments would reduce the effect of the development in relation to the living conditions of the occupants of some properties they may lead to possible prejudice to the living conditions of occupants of other properties. In the interests of fairness I conclude that the proposed amendments should not be considered. I have therefore determined the appeal on the basis of the proposal as set out in the application and plans decided by the Council.

Main Issues

3. The main issues for this appeal are the effect of the proposed development on the living conditions of occupants of neighbouring dwellings to the north and west taking particular account of outlook; and the effect of the proposed development on the character and appearance of the area taking particular account of the siting and size of the proposed bungalows.

Reasons

4. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise¹. The development plan comprises the Saved Policies of the Huntingdonshire Local Plan 1995 and the Local Plan Alteration 2002 (which for ease I will refer jointly to as the LP), the Huntingdonshire Core Strategy 2009 (CS) and Section 1 of

¹ Section 38 of the Planning and Compulsory Purchase Act 2004

the St Neots Neighbourhood Plan 2014-2029 (the NP). In accordance with Paragraph 215 of the National Planning Policy Framework (the Framework) appropriate weight can also be given to the emerging Draft Huntingdonshire Local Plan to 2036: Stage 3 (the emerging LP) according to the degree of consistency with the Framework.

5. Housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework identifies the environmental, social and economic dimensions to sustainable development. All three dimensions need to be satisfied.
6. The appeal site is in a predominantly residential area within St Neots, close to shops and services. On this basis I conclude that the appeal site is in a sustainable location. The land is described by the appellant as "residential" on the planning application form and as former orchard by local residents. It may be being used in part for storage of construction equipment and materials associated with adjoining land which is being developed as two bungalows (most recent Ref 15/0702/FUL).
7. Two residential units would meet those aims of the development plan, and the Framework that seek to increase the supply of housing and would make good use of the land. The provision of two dwellings would therefore be acceptable in principle provided other material planning considerations are satisfied.

Living conditions

8. The appeal site is to the south of houses on Orchard Road. The proposal is for two four bedroomed bungalows in an 'L' shape with attached double garages. The proposed bungalows, as shown on the plan determined by the Council, Ref JLG522/01 Rev C, would have side walls some 16.41m long positioned some 1.15m from, and parallel to, the rear boundaries of houses Nos 11, 13, 17 and 19 Orchard Road. The proposed ridge heights would be some 5.38m.
9. Due to their length the proposed side walls would extend almost the full width of the gardens of Nos 13, 17 and 19 and more than half the width of the garden of No 11. Even though the roofs would slope away from the shared boundary due to their length, height and position to the south, I consider that the proposed bungalows would have an overbearing, oppressive effect on the outlook from the gardens of these properties.
10. One of the bungalows would be positioned with the gable wall of the rear projecting wing some 1.2m from the rear boundary of No 8 Apple Grove. This would extend across about half the width of the garden and at the apex would be some 5.38m high. I consider that, due to the size and position relative to No 8, the proposed development would have an overbearing, oppressive effect on the outlook from the house and garden of that property.
11. For the reasons set out above I conclude that the proposed development would have a significant harmful effect on the living conditions of occupants of neighbouring dwellings to the north and west. Accordingly the proposal would conflict with those parts of Policy H31 and H35 of the LP; Policy CS1 of the CS; and Policy LP15 of the emerging LP and those principles of the Framework that seek a good standard of amenity for all occupants of land and buildings. Accordingly it would fail to satisfy the environmental strand of sustainable development.

Character and appearance

12. The appeal site is behind other properties and is not public open space. It therefore cannot be considered to be open space in the sense of a public amenity area and its development would not unacceptably detract from the openness of the street scene. However, due to the size of the proposed buildings relative to the depth of the site and the narrowness of the gaps to the boundaries on three sides the proposal would amount to a cramped form of development. In this respect it would be less spacious than the immediately adjacent semi-detached houses on Orchard Road and Apple Grove and the adjoining bungalows which are under construction. On this basis I conclude that the proposed development would not amount to good design for new detached dwellings.
13. I acknowledge that the properties in the local area are of mixed ages, designs styles and layout and that the proposed development would not affect the character or appearance of the nearby St Neots Conservation Area. The design and appearance of the proposed buildings would not be unacceptable in the local area and appropriate materials could be secured by condition.
14. However, for the reasons set out above I conclude that the proposed development would not amount to good design and would have a harmful effect on the character and appearance of the area. Accordingly it would conflict with those parts of Policies H35 and HL5 of the LP; Policy CS1 of the CS; Policy LP13 of the emerging LP; Policy A3 of the NP and those principles of the Framework that seek good design appropriate to the character of the local area. Accordingly it would fail to satisfy the environmental strand of sustainable development.

Other matters

15. I acknowledge the appellant has undertaken a rigorous process of Assessment, Involvement, Evaluation and Design and that the Officer Recommendation was that permission should be granted. However, I have reached my own conclusion on the planning merits of the proposals.
16. The Council has indicated that a financial contribution towards the provision of wheeled refuse bins is necessary. I have seen no evidence that the appellant has made such provision. Had I been minded to allow the appeal, I would have sought clarification from the parties in this respect. However, as I am dismissing the appeal for other reasons there is no need for me to consider this matter further.

Planning Balance and Conclusion

17. I have found that the proposed development would conflict with the development plan and those principles of the Framework that seek to ensure good design and a good standard of amenity for all and would therefore fail to meet the environmental dimension of sustainable development. I give these matters substantial weight.
18. Balanced against this is the small but positive contribution that would be made to the housing stock of the District whether or not the Council can identify a

five year deliverable supply of housing land² and irrespective of the status of the emerging local plan. There would be a small economic benefit arising from employment during construction and future occupiers could make a small contribution to the local economy. Due to their scale these matters carry limited weight in favour of the proposal. I also note that the Council has raised no objections regarding energy efficiency, flood risk, protected species, vehicle movements, access and parking arrangements. In relation to the evidence I see no reason to disagree with the Council on these points.

19. Planning policies can pull in different directions. Taking all these matters into account, on balance, I conclude that the benefits of the proposal would not outweigh the harm to living conditions of occupants of adjacent properties or the lack of good design. In failing to comply with Policies H31, H35 and HL5 of the LP; Policy CS1 of the CS; Policies LP13 and LP15 of the emerging LP; and Policy A3 of the NP the proposal would not accord with the development plan taken as a whole. In failing to satisfy the environmental dimension in full the proposal would not amount to sustainable development
20. For the reasons set out above, and taking into account all other matters raised, I conclude the appeal should not succeed.

SDHarley

INSPECTOR

² I do not find myself in conflict with conclusions in the appeal decisions cited by the appellant in this respect. Refs APP/H0520/D/16/3151479, APP/H0520/W/15/3009768, APP/H0520/W/16/3150676
