
Appeal Decision

Site visit made on 3 May 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/H0520/W/17/3168126

Land rear of 23 Stow Road, Kimbolton, Cambridgeshire PE28 0HU

- 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 AWJ Usher & Sons Ltd against the decision of Huntingdonshire District Council.
 - The application Ref 16/02227/FUL, dated 18 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the erection of dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal proposal follows the refusal of a planning application for a single dwelling. A previous planning application 15/01008/FUL for the erection of two bungalows and associated works on this site was dismissed on appeal on 20 September 2016.¹ I have had regard to this previous appeal decision, but I have in any event determined this appeal based on the evidence before me.

Main Issue

3. The main issues are the effect of the appeal proposal upon the character and appearance of the area and the living conditions of the neighbours, with particular regard to privacy and overlooking.

Reasons

Character and appearance

4. Stow Road is characterised by dwellings of variable size and design fronting onto the highway. The set back of individual properties from the road frontage varies but their siting provides them with relatively small front gardens and large, open gardens to the rear. There are notable gaps between properties which contribute to the character of the area. At either end of Stow Road the pattern of development is rather different. At the north-eastern end there are two dwellings that stand behind the frontage property and a third has recently been granted planning permission. However, as noted by the previous Inspector these have a different siting and location and are not comparable

¹ APP/H0520/W/16/3144063 Land at 23 Stow Road, Kimbolton, Cambridgeshire PE28 0HU, dated 20 September 2016.

- with the appeal proposal or the character of development that prevails in Stow Road.
5. The rear boundaries of the Hunters Way estate back onto the rear boundaries of the dwellings on Stow Road such that glimpses of Hunters Way can be seen from the south eastern side of Stow Road. However, given the large open rear gardens to the properties on Stow Road there remains a sense of space. Hunters Way has a more uniform and planned estate style layout with less space for each dwelling and as such it is materially different in character to Stow Road.
 6. The appeal site is a backland plot with its own access to Stow Road between No 21 and No 23. No 23 is a two-storey, detached dwelling located between two bungalows, No 21 and No 25. The creation of the appeal site has reduced the rear garden length for No 23 to only 8 metres which is considerably shorter than its immediate neighbours. This has introduced a change to the character of this part of Stow Road; however the harm to date is limited as the appeal site remains open and undeveloped.
 7. The appeal proposal is a 1.5 storey L-shaped dwelling with 4 bedrooms within the roof space. From the submitted plans the dwelling would have a maximum ridge height of around 6.7 metres. It would have a small front garden and two defined car parking spaces. The main garden area for the property would be predominantly to the south-east (rear).
 8. The erection of a dwelling within this open area would be out of character with the prevailing pattern of development in this part of Stow Road. The height of the dwelling in order to accommodate the bedrooms would emphasise the incongruous nature of built form within the undeveloped wider rear garden area.
 9. It is acknowledged that the appellant has sought to address matters raised in respect of the previous proposal for two dwellings. In this regard the proposed dwelling would be in a position behind No 23 that would limit visibility from Stow Road towards the houses in Hunters Way. Nevertheless, whilst the proposed appearance and materials would be in keeping with its surroundings, the height and mass of the new dwelling would emphasise the incongruous nature of built form within the mainly undeveloped garden land behind these houses. This would particularly be appreciated when viewed from nearby residential properties both in Stow Road and Hunters Way. Whilst it is appreciated that there are existing outbuildings within the rear gardens of adjoining properties, these are not comparable in scale or effect to the appeal development. The erection of a dwelling within this open area would therefore unacceptably diminish the sense of openness and be out of character with the prevailing pattern of development in this part of Stow Road.
 10. Although saved Policy H32 of the Huntingdonshire Local Plan (HLP) adopted 1995 refers to subdivision of curtilages it does so within the context of a new dwelling being provided as would be the case here. This policy and saved Policy HL5 of the Huntingdonshire Local Plan Alteration (HLP A) adopted 2002, taken together and in the context of Policy CS1 of the Huntingdonshire Core Strategy (CS) adopted 2009, all expect new housing to demonstrate good design and layout that respects the townscape and landscape of the wider locality, including the local pattern of streets and spaces. The adopted policies accord with the National Planning Policy Framework (the Framework) which expects

development to make positive improvements to the quality of the built environment.

11. The emerging Draft Huntingdonshire Local Plan 2013 (DHLP), specifically policy LP13, is seeking the same outcomes as those in the adopted Development Plan. The emerging DHLP has not progressed, and having regard to paragraph 216 of the Framework, I can afford little weight to policy LP13.
12. I find that the proposed development would be harmful to the character and appearance of this part of Stow Road. Consequently this proposal would be contrary to policy HL5 of the HLP, policy CS1 of the CS and policy H32 of the HLP which collectively are seeking to achieve development which is well designed and respects the character and appearance of the surroundings.

Living conditions

13. Turning to the effect on the living conditions of the surrounding neighbours, the main issue to consider is the impact on privacy arising from overlooking.
14. The eastern elevation contains 2 gable end first floor windows to bedrooms 3 and 4. These would be close to the common boundary with 25 Stow Road. The orientation of the proposed new dwelling would make it unlikely that there would be overlooking into the rear windows of No 25 itself. However, there would be a proximate and direct view across the rear part of the neighbouring garden. This would result in an unacceptable reduction in the level of privacy that the existing occupiers currently enjoy. I have considered whether the matter could be addressed through the use of a planning condition. However, this would entail the use of non-openable obscure glazed windows and would not seem to me a reasonable requirement. The proposal would therefore be contrary to saved Policy H31 of the HLP, which requires appropriate standards of privacy, amongst other things.

Other matters

15. The Council consider that they have a 5 year supply of deliverable housing sites but this is contested by the Appellant. The housing supply figures in the CS and the HLP are both based upon out of date housing need figures. Therefore, the housing supply policies in these adopted plans are out of date.
16. The Appellant has referred to a recent appeal decision.² Whilst the DHLP has not been progressed since 2013 and may be subject to change, it was noted in the referenced appeal decision that the Strategic Housing Market Assessment 2013 informed the housing delivery targets for the emerging DHLP which is now used as the basis for calculating the 5 year supply. In the absence of specific evidence to the contrary I must assume that both the Appellant and the Council are using the same baseline figure for a 5 year supply in this appeal.
17. The December 2016 Annual Monitoring Report (AMR) indicates that the Council can demonstrate 5.24 years of deliverable housing land against the 840 dwelling per annum requirement in the DHLP. The latter represents the most up to date information on housing need available for the district. The AMR assessment adopts the Sedgefield approach to the backlog and applies a 5%

² APP/H0520/W/16/3150676 Paddock land, west of Ashmead House, South Street, Woodhurst, Cambridgeshire PE28 3BW, dated 28 November 2016.

buffer in accordance with paragraph 47 of the Framework. I note that the appellant considers that a 20% buffer should be applied in accordance with the aforementioned appeal decision. However, that decision draws on an earlier AMR and also only considers the housing completions for the four year period 2011-2015 and the projected completions for the following year. This presumably reflects the information given to my colleague in the written representations.

18. Paragraph 6.28 of the 2016 AMR indicates that prior to 2011 the housing requirement in place at the time was being exceeded and that it is only during the last 4 years, when the requirement has substantially increased, that there has been a shortfall. It is not unreasonable when considering whether under-delivery has been "persistent" to take a longer term view of the housing market as advised in the Planning Practice Guidance. Furthermore, apart from 2016/17 there is projected to be a significant annual overprovision. This reflects the Council's strategy that relies on a limited number of large urban extensions. The matter will be considered through the DHLP examination in due course but on the basis of current information I do not consider that a 20% buffer is justified. In the circumstances I am satisfied that the Council can demonstrate a 5 year housing land supply.
19. I note that objectors are concerned that the appeal proposal does not provide for sufficient parking, however there is no objection from the Highway Authority that would lead me to conclude that parking is insufficient.

Conclusions

20. The appeal site is within a residential area and a Key Service Centre where new dwellings are considered acceptable. It would make effective use of land within a location that would allow new occupiers to meet many day to day needs without using a car. Even though the council has a five year supply of housing, the additional dwelling would be a benefit and there would be economic and social advantages accordingly. In that regard it is noted that the dwelling would be built to high standards of energy efficiency. However, there would also be substantial harm to the environment and the living conditions of neighbouring residents for the reasons given in my main issues. This would conflict with relevant local and national planning policies and the development plan as a whole.
21. Taking all matters into consideration, I conclude that the appeal proposal would not be a sustainable form of development. Consequently the appeal should be dismissed.

Rachael A. Bust

INSPECTOR