



Appeal Decision

Site visit made on 27 June 2017

by John Felgate BA(Hons) MA MRTPI

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

Decision date: 04 July 2017

Appeal Ref: APP/W0530/W/16/3166353

32 Ickleton Road, Duxford, Cambridgeshire CB22 4RT

- 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 Edward Shelton against the decision of South Cambridgeshire District Council.
 - The application Ref S/2788/16/FL, dated 17 October 2016, was refused by notice dated 14 December 2016.
 - The development proposed is to demolish the existing detached single storey dwelling and replace with a new two storey detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and its replacement with a new two storey detached dwelling at 32 Ickleton Road, Duxford, Cambridgeshire CB22 4RT, in accordance with the terms of the application, Ref S/2788/16/FL, dated 17 October 2016, subject to the conditions set out in the attached schedule.

Preliminary matter

2. The above description of the proposed development is taken from the Council's refusal notice, as this expresses the nature of the proposed development more succinctly than that used on the application form.

Main issues

3. The main issues in the appeal are the effects of the proposed development on the character and appearance of the street scene, and on the living conditions of neighbouring occupiers.

Reasons for decision

Character and appearance

4. The appeal property is set within an established built-up frontage that includes houses and bungalows of many different styles. The general character of the street is pleasant, although architecturally it is undistinguished. The appeal proposal seeks to replace the existing poor quality bungalow with a larger, two-storey house, designed on 'Passivhaus' principles with a view to achieving high levels of energy efficiency, on-site renewable energy, and low emissions.
5. The Council accepts the principle of the development, the siting of the building, and the overall size and scale as now proposed. However it objects to some elements of the detailed design, including the vertical columns, first floor projection, roof overhang, and roof-mounted plant room.

6. I appreciate the Council's concerns to protect the area's character and appearance. But the National Planning Policy Framework (NPPF) states that planning decisions should not impose particular architectural styles or tastes, nor stifle innovation through unsubstantiated requirements to conform to certain development forms or styles (paragraph 60); and that permission for buildings that promote high levels of sustainability should not be refused because of concerns about incompatibility with the existing townscape (paragraph 65). In the light of this advice, it seems to me that the Council's stated concerns have to be balanced against the desirability of allowing some scope for architectural expression and technological innovation. In this context, I find nothing about the existing street scene in Ickleton Road to suggest that some variation and innovation cannot be accommodated.
7. The design now proposed is not typical of the existing buildings in the street, but in my view neither would it be alien. The height, width, scale, fenestration, and materials would all be generally in keeping with most of the existing properties. Columns and overhangs are not seen on many, if any, of the existing properties, but neither are they especially unusual features in modern residential development. Given the wide variations in style that already exist, I see no reason why the street should not be able to accommodate relatively minor departures such as these, especially where the design is evidently driven by sustainability considerations. Judged on its own merits, the proposed design seems to me to be coherent, restrained, well-mannered, and therefore unobjectionable in this location.
8. With particular regard to the proposed plant room, the top of this would rise above the main roof parapet, and as such it would be an unconventional feature. But the structure itself would be small, and the actual difference in height would be slight. Its shape would incorporate roof slopes on three sides, blending in with the main roof. Although the fourth side would be vertical, the structure would only be visible from a distance, and in this context it would not be obtrusive. I note that the submitted street elevation fails to show the plant room, but from the other submitted plans, I consider that its appearance would be acceptable.
9. I therefore find that the proposed development would not cause any unacceptable harm to the character or appearance of the street scene, or that of the area generally. In this respect it would accord with the relevant provisions of Policies DP/2 and DP/3 of the South Cambridgeshire Development Control Policies, adopted in July 2007.

Neighbouring properties

10. The Council's concern relates to overlooking from the second-floor crown roof area. However, this area would be largely filled with solar panels, and the adjacent plant room would house heating, ventilation and air conditioning plant. The appellant also states that the parapet wall around the flat roof would be 1.8m high, and I note that this measurement has not been disputed. A parapet of this height would effectively prevent outward views from this level, and the presence of the various other items would make this enclosed flat roof an unattractive and unlikely space for sitting out. Indeed, to my mind this would still be so, even if the solar panels were ever to be removed. I therefore consider that overlooking of neighbouring properties from the crown roof would be unlikely.

11. Other concerns are raised by neighbours. However, no access is now proposed to the first floor roof above the kitchen and living area, and the introduction of any such access can be precluded by a condition preventing any additional doors or windows without permission. The proposed windows in the side elevation at first floor level, looking towards No 34 Ickleton Road, can be conditioned to have obscure glazing. No first floor side windows are proposed which would look towards No 30. The windows in the front and rear elevations would have at most only a very oblique view of neighbouring properties. And the side windows at ground floor level could be adequately screened by fencing. I am therefore satisfied that no neighbouring occupiers would suffer any significant loss of privacy.
12. A two-storey building would cast more shadow than the existing bungalow. But some shading between adjoining properties is always likely to occur, and in this respect the impact of this proposed development would not be significantly different from most of the other two-storey buildings on this side of Ickleton Road. I note that although No 30 has its garage close to the boundary with the appeal site, the house itself is set further away, and would thus be less affected. Whilst there would be some loss of sun to the solar panels on the garage roof, this is not a matter that relates to living conditions.
13. For these reasons I conclude that the development now proposed would not result in any significant harm to neighbours' living conditions, and in this respect I find no conflict with the relevant provisions of Policy DP/3.

Other matters

14. A larger dwelling would have the potential to generate more traffic movements. But adequate parking would be provided, and the Highway Authority does not object, subject to conditions. I see no reason to take a different view.
15. The development would cause some increase in run-off, but I see no reason to doubt that this can be adequately dealt with by a suitably sized soakaway, or other drainage measures. This is capable of being secured by condition.

Conditions and reasons for conditions

16. The Council has suggested a number of possible conditions, and I have considered these in the light of the advice in NPPF paragraph 206. A condition specifying the approved plans is necessary in the interests of certainty.
17. Control over the external materials is necessary, in order to ensure a satisfactory appearance. However, I agree that this condition should specify more precisely which building elements are intended to be covered, and I have incorporated this by means of a slightly revised wording. There is also no need for the materials to be agreed before the start of any development, provided they precede any works above the ground.
18. Conditions relating to surface water drainage and the surfacing of the driveway are justified in order to guard against flood risks and to protect highway safety respectively. The drainage details are needed prior to the start of construction, as the location of these works may have a bearing on other aspects of the development. However, the drainage condition need not be prescriptive as to the level of detail that is required, and in any event a single condition would suffice in place of the two proposed by the Council.

19. Requirements relating to boundary treatment, construction hours, and obscure glazing, and restrictions on permitted development for future extensions or new windows, are all needed to protect the living conditions of the adjoining occupiers. With regard to noise, I agree that other controls are also available, but those are about noise levels, whereas the hours condition that I intend to impose is to ensure that neighbours can have some periods of time which are relatively noise-free. I accept that this may particularly affect the appellant's self-build activities, but nonetheless the level of control is reasonable. The boundary treatment condition need not prevent occupation of the building during construction, providing that the fencing or other treatment is put in place by that time.
20. I acknowledge that permitted development rights are not to be removed without good reason. But in this case the proposed dwelling has a deeper footprint than most others nearby, and given its positioning on the site, I consider that it is necessary to ensure that any further outward expansion can be controlled if necessary. The restriction is also necessary because of the additional height of the plant room, and the effect of this on the scope for further roof additions.
21. I see no need for the proposed conditions relating to traffic management, piling or contamination. Parking or other activities on the highway can be adequately controlled through other means if necessary. Piled foundations are unlikely to be needed given the evident presence of chalk close to the surface, as I was able to see on my visit. There is no evidence of any reason to suspect any contamination.

Conclusion

22. I have found that, subject to conditions, the proposed new dwelling would not cause unacceptable harm either to the area's character and appearance, or to the living conditions of other occupiers. Having taken account of all the matters raised, I conclude that the appeal should be allowed.

John Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans: Nos 310/02A, 310/03A, 310/04B, 310/05, and 310/06A.
- 3) No above-ground construction works shall be commenced until details of the external facing materials to be used on the walls, structural columns and roof have been submitted to the local planning authority and approved in writing. Thereafter, the development shall be carried out in accordance with these approved details.
- 4) The proposed dwelling shall not be occupied until the boundaries of the site have been enclosed with fencing or other boundary treatments, in accordance with details to be submitted to the local planning authority and approved in writing.
- 5) No development shall take place until a detailed scheme for surface water drainage has been submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with these approved details.
- 6) The first 5 metres of the proposed driveway, leading from the highway into the site, shall be surfaced only in bound material.
- 7) During the period of demolition and construction, no power-operated construction machinery or plant shall be operated on the site, and no construction-related deliveries shall be taken at or despatched from the site, except between the following hours:
 - Mondays to Fridays: 08:00 – 18:00
 - Saturdays: 08:00 – 13:00
 - Sundays and bank holidays: none
- 8) The proposed windows in the side elevation of bedrooms 1 and 3 shall be shall be designed to be non-opening, and shall be fitted only with obscure glazing, meeting at least Pilkington Standard level 3. Thereafter, the obscure glazing to these windows shall be retained, and they shall remain fixed shut.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or enlargement of the building or its roof shall be carried out, including any such developments within Classes A or B of Part 1 of Schedule 2 to the Order, other than where expressly authorised by a further planning permission.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed at first floor level or above in the rear or side elevations, other than where expressly authorised by a further planning permission.