The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 18th July 2017

Appeal Ref: APP/W0530/W/17/3172316
38 High Street, Foxton, Cambridgeshire CB22 6RQ

- 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 & Mrs B & R Hayer against the decision of South Cambridgeshire District Council.
- The application Ref S/2513/16/FL, dated 9 September 2016, was refused by notice dated 24 November 2016.
- The development proposed is the erection of a new two bedroom detached dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site has been the subject of a previous appeal[1] against a decision for 'the erection of a new two storey three bedroom house'. The appeal concerned a similar proposal to that which is the subject of this appeal. I have considered the previous Inspector's findings and decision based upon the grounds of the proposal's effect on the character and appearance of the area. The evidence before me indicates that the significant difference between the previous appeal proposal and the one before me is the revised layout, scale and appearance of the proposed dwelling.

Main Issue

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

Reasons

4. No. 38 High Street is currently used as a post office and village shop. The appeal site is the side garden. While there are a various architectural styles of dwellings in the area, there remains a degree of spaciousness between and about the buildings which gives an attractive rural quality to the area which is reinforced by mature landscaping.

5. The appeal site is a narrow plot when compared to the prevailing character of the area. The design of the dwelling has been revised and reflects that at No. 38 with its front facing gable and similar eaves height and is acceptable in this regard. The proposed dwelling would be angled away from No. 38 at the rear of the building. It would extend to the porch on the side of No. 38 which

[1] APP/W0530/W/15/3138229 dated 8 April 2016

is proposed to be removed to increase the width of the plot. The proposal would also be set back in an attempt to create a larger gap between the proposed building and No. 38.

6. There would be very little space between the new dwelling and the adjoining properties. Consequently, the building would dominate the site at odds with the otherwise open and spacious character of the High Street. The proposal would erode the pattern of development along the High Street and would be out of keeping with the prevailing spacious qualities of the area. The development would therefore result in material harm to the character and appearance of the area.

7. As a result of the changes to the roof to create a gable fronted development, a visual gap would be created at roof level. However, this would not outweigh the width of the proposed dwelling in relation to its plot size and would not overcome the harm to the character and appearance of the area that I have identified above.

8. I acknowledge that there are a variety of dwelling styles in the area and that gaps between buildings are varied. However, the High Street has a degree of spaciousness about and between buildings which the proposed development fails to respect.

9. I therefore conclude that the proposed development would significantly harm the character and appearance of the area. The development would conflict with Policy DP/2 of the South Cambridgeshire District Council Development Control Policies Document 2007 which seeks, amongst other things, to ensure that developments preserve or enhance the character of the local area.

10. The conclusion of the previous Inspector was that the proposal would significantly harm the character and appearance of the area as a result of it eroding its spacious qualities. The width of the front of the site remains similar to the previous scheme. The proposed dwelling would still be sited very close to the boundary with No. 36 and despite the changes to the layout the proposal would still be very close to the boundary of No. 38. The proposal before me does not lead me to arrive at a different conclusion to that made by the previous Inspector.

Planning Balance

11. The Council cannot demonstrate a 5 year supply of housing land. Paragraph 49 of the National Planning Policy Framework (the Framework) tells us that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the Framework makes it clear that for decision-taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole.

12. The decision taken by the Council was before the Supreme Court judgment[2] which clarified that if there is a shortfall in housing land supply, it does not matter whether or not this is because of the policies which specifically deal with housing provision. It is the shortfall itself that that is the trigger for bullet

[2] Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

point 4 to paragraph 14 of the Framework. Consequently, all relevant policies in the circumstances of the individual case must be considered.

13. I have found that the proposed development would have a harmful impact on the character and appearance of the area. Against this I recognise that the proposal would contribute to the overall provision of dwellings in the district, and would therefore have a small beneficial effect in terms of the social and economic strands of sustainability. However, on balance the adverse effects I have identified above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the proposal would not amount to sustainable development in the terms of the Framework.

Conclusion

14. For the reasons given above, and taking all other matters into consideration, including matters raised by the Parish Council and a local resident, the appeal is dismissed.

Graham Wyatt

INSPECTOR