
Appeal Decision

Site visit made on 17 July 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 1st September 2017

Appeal Ref: APP/H3510/W/17/3171091

33 Edinburgh Road, Newmarket, Cambridgeshire CB8 0QE

- 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 D Noori against the decision of Forest Heath District Council.
 - The application Ref DC/16/2611/FUL, dated 23 November 2016, was refused by notice dated 19 January 2017.
 - The development proposed is the removal of existing house and construction of four houses arranged as two detached and two semi-detached buildings.
-

Decision

1. The appeal is allowed and planning permission is granted for the removal of existing house and construction of four houses arranged as two detached and two semi-detached buildings at 33 Edinburgh Road, Newmarket, Cambridgeshire CB8 0QE in accordance with the terms of the application, Ref DC/16/2611/FUL, dated 23 November 2016, subject to the conditions set out in the schedule to this decision letter.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of 31 Edinburgh Road and 1 Drinkwater Close with particular regard to outlook, privacy and increased noise and disturbance.

Reasons

Character and appearance

3. The appeal site is located on the corner of Edinburgh Road and Drinkwater Close which are residential streets. The surrounding area consists of a mixture of single storey and two storey development. The existing two storey property on the appeal site is uncharacteristically set much further back from Edinburgh Road than other properties in the vicinity of the site.
4. Plot one of the proposed development would be located broadly in line with the front elevations of 31 and 35 Edinburgh Road which are either side of the site. As such the proposed dwelling would respect the building line in the streetscene. Whilst the siting of the dwelling would be close to Drinkwater Close, it would not have a cramped appearance owing to the large space between the proposed dwelling and the existing bungalow at No 31. Furthermore, the two storey nature of the development would not be out of character with other development in the area, with a number of two storey

properties opposite the site and a series of two storey properties along Edinburgh Road from No 35 onwards.

5. Plots two, three and four would be located a similar distance back from the rear of the pavement than the closest part of 1 Drinkwater Close. As such, I consider that the new dwellings would not appear out of place or overly close to the highway when considered in the context of the existing development. In coming to that view I acknowledge that there is a variety of different distances between the front of other dwellings and the pavement along both Edinburgh Road and Drinkwater Close.
6. The development would also include a double width driveway between plots two and three and a single width driveway between plot four and 1 Drinkwater Close. These driveways would allow for a degree of separation between the proposed dwellings (and the existing development) which together with the overall scale and massing of the proposal would provide a suitable degree of space between the dwellings. This would also ensure that the development would not appear cramped in the streetscene.
7. Taking the proposal as a whole, the increase in the number of dwellings on the site would not be out of character with the existing properties nor would it be an overly intense form of development.
8. For the above reasons the proposed development would respect the character and appearance of the area and would accord with Policies DM2 and DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (2015) (DMPD) which amongst other matters seek to maintain local character and produce designs which respect the character, scale, density and massing of the locality.

Living Conditions

9. The proposed development would result in additional buildings adjacent to the garden area of No 31 and adjacent to the existing building at No 1.
10. It is clear that plots two, three and four would have some impact on the amenity of the occupiers of No 31 when they utilise their rear garden given the increase in built development. Notwithstanding that, given the scale of the development and the distance between the buildings and the site boundary, such an impact would not be excessive or overbearing. Furthermore, when compared to the existing situation, the new dwellings would be of a lesser scale than the existing dwelling and would be sited further away from the boundary of the site. Consequently, I consider that no significant harm would result.
11. Given the juxtaposition of plot four to No 1, I consider that it would not result in any overbearing impact to the occupiers of that dwelling particularly given the gap between the existing and proposed buildings as a result of the parking area for plot four.
12. In respect of potential privacy issues, the Council have not identified any concern in relation to the effect on the occupiers of No 1 and I have no reason to disagree.
13. The rear wall of the proposed dwellings would be located in the region of 8 metres away from the side boundary of No 31. However, as acknowledged by the Council, there would not be any rear facing first floor windows as the

proposal includes high level rooflights. As such there is very limited opportunity for overlooking to occur. The proposal also includes ground floor rear facing windows. However, given the relatively flat nature of the site, any privacy concerns could be dealt with by means of a suitably worded planning condition in relation to boundary treatment.

14. Turning to the potential increased noise and disturbance to the occupiers of No 31 and No 1, the Council's concern relates to the position of the driveways to plots one and four. Whilst I agree that these driveways could result in some additional noise and disturbance, this type of relationship between driveways and neighbouring properties is not uncommon and is not significantly different to other properties in the area. As such I consider that any harm which would result would not be so severe as to warrant the withholding of planning permission.
15. For the above reasons the proposed development would not harm the living conditions of the occupiers of 31 Edinburgh Road or 1 Drinkwater Close and would accord with Policy DM2 of the DMPD which amongst other matters seek to ensure that new development should not adversely affect the amenity of the occupiers of adjoining residential properties. It would also accord with the design and amenity aims of the National Planning Policy Framework.

Other matters

16. I have also had regard to the other matters raised in the representations including the possible presence of bats, the effect on highway safety and parking provision and overlooking to 35 Edinburgh Road.
17. The Council have confirmed that there is no record of any protected species on site. Whilst bats may be present in the area, there is no evidence to suggest that the development would affect any protected species.
18. Whilst I noted on my site visit that on street parking in the vicinity of the site occurs, each dwelling would be provided with two off street spaces for its future occupants. Whilst the new access would result in the loss of some on-street parking, this would not be so significant as to warrant the withholding of planning permission. In respect of highway and pedestrian safety, given the limited scale of the development, and the nature of the surrounding highway network, the proposal would not give rise to any significant highway safety issues.
19. Finally, in respect of the relationship of the proposed dwellings to No 35, each of the proposed dwellings would have habitable room windows facing towards No 35. However, the development would be on the opposite side of Drinkwater Close and as such I consider that there would be adequate separation distance between the properties to ensure that there would not be an unacceptable loss of privacy to the occupants of No 35, or to the future occupants of the development.

Conditions

20. The Council have not provided a list of suggested any conditions in the event that the appeal is allowed. Notwithstanding that it is necessary to impose the standard time limit conditions and an approved plans condition which is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.

21. In order to ensure that the development does not have any harm to the character and appearance of the area a condition is also required in respect of the proposed materials of the development as they are not fully specified on the application forms. Additionally, I have already noted that a condition is required in respect of boundary treatment to ensure that the privacy of the occupiers of No 31 is maintained.
22. The Highway Authority have suggested several conditions relating to the provision of the access driveways and parking areas including the proposed materials, refuse and recycling storage areas, surface water drainage, gates and visibility splays. Conditions relating to the provision of the access and parking spaces are necessary to ensure that adequate parking provision is made in the interest of highway safety, as are provision of refuse and recycling storage details.
23. In respect of surface water drainage I do not consider this necessary given the relatively flat nature of the site and the proposed self-draining block paved driveways. In respect of the restriction on the provisions of gates I consider that this is not necessary given the nature of the highway network and the single dwelling driveways. From the submitted plans, the vehicular visibility splays are entirely within the highway boundary and therefore it is not necessary to impose a planning condition to ensure that they are provided. Whilst desirable, the pedestrian visibility splays are not necessary and do not form part of the reason behind the Highway Authority's recommended condition.
24. From the evidence before me the appeal site is located in an area of archaeological potential and the County Council have recommended conditions relating to the investigation and recording of potential archaeology. I also consider these conditions reasonable and necessary.
25. With the exception of the archaeology condition requiring a Written Scheme of Investigation (WSI) it is not necessary for any of details required by these conditions to be agreed prior to the commencement of any site works. It is necessary for the WSI to be agreed prior to any site works as the investigation works will need to be done before/during the groundworks for the development.
26. I have also had regard to the suggested conditions from the Environmental Health section of the Council. However, I do not consider that any of these conditions are necessary to make the development acceptable in planning terms.

Conclusion

27. Taking all matters into consideration, for the reasons given above I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans – PO revision A; P1 revision C; P2 revision C, P3 revision C, P4 revision C; P5 revision B and P10.
3. No development above ground floor slab level of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. Prior to the first occupation of each dwelling, the new vehicular access and parking spaces for that property shall be laid out and constructed in accordance with the approved drawings (including their final surfacing) and made available for use and shall be retained as such for their intended purpose.
5. Prior to the first occupation of each dwelling, details of refuse and recycling storage facilities shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first occupation of each dwelling and retained as such for the life of the development.
6. Prior to the first occupation of each dwelling details of the boundary treatment relevant to that plot shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first occupation of each dwelling and retained as such for the life of the development.
7. No demolition/development shall take place within the site until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

The site investigation shall be completed prior to construction works, or in such other phased arrangement, as first agreed in writing by the local planning authority.
8. Within 3 months of the first occupation of any part of the development the site investigation and post investigation assessment shall have been

completed, submitted to and approved in writing by the local planning authority, in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition.

---END OF CONDITIONS---