
Appeal Decision

Site visit made on 19 September 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 9 October 2017

Appeal Ref: APP/W0530/W/17/3179241

20 Mill Road, Over, Cambridgeshire CB24 5PY

- 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 Frederick Bates against the decision of South Cambridgeshire District Council.
 - The application Ref S/3547/16/FL, dated 14 December 2016, was refused by notice dated 10 February 2017.
 - The development proposed is erection of dwelling and ancillary access arrangements.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the area and (ii) the living conditions of the future occupiers of the proposed dwelling with particular regard to overlooking.

Reasons

Character and appearance of the area

3. The appeal site forms part of the garden area at the front of No. 20 Mill Road (No. 20), a two storey detached dwelling served off a short private road within the built-up area of the village. The proposal would involve the construction of a 2 bedroomed detached bungalow with a new vehicular access off Mill Road.
4. This part of Mill Road has a mixed residential character with a range of two and three storey properties and bungalows. There is some variation in the distances that the dwellings are set back due to the different house designs and the curvature of the road. No. 20 being set back some way from the road has even more expansive grounds which add to the open character and appearance of the street scene, which is further enhanced by the presence of mature landscaping and established trees within the surrounding gardens and a wide open grass verge on the opposite side of the road.
5. Whilst visually the design of the proposed dwelling would be acceptable, the scale and massing of the dwelling would nevertheless be substantial in this location. Such positioning would compromise the sense of space and openness between dwellings and the adjacent highway and would introduce an uncharacteristic layout into the street scene. The siting and scale of the

proposed development together with the introduction of a new vehicular access, boundary structures and other domestic paraphernalia would ensure that the proposal would not amount to a subservient form of development in this location.

6. These shortcomings would be exacerbated by the proposed dwelling's prominent position where it would be visible from a number of public vantage points along Mill Road. As such, I consider the development would result in an incongruous and out-of-keeping addition that would adversely harm rather than positively contribute to the character and appearance of the area.
7. I have considered the appellant's arguments that the scale and design of the proposed bungalow would be in keeping with the other properties in the area and the reference to development densities, plot sizes and other bungalows within the village. However, this should not be taken as an acceptable context for or justification of the appeal scheme. Whilst the use of matching materials, fenestrations and the shallow pitched roof design would assist in integrating the proposed development with the area these aspects would not overcome the adverse effects outlined above. I note the appellant's comments about the context provided in the National Planning Policy Framework (the Framework) for good design and that planning decisions should not attempt to impose architectural styling and should not stifle innovation, originality or initiative in design, but I find that the proposal does not achieve the standards the Framework seeks.
8. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The development conflicts with Policies DP/2 and DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007 (DCP) and the District Design Guide Supplementary Planning Document 2010 (SPD). These policies and guidance, amongst other things, seek to ensure that all new development is of a high quality design that preserves or enhances the character of the area, respects the local context and local distinctiveness of the area and is compatible with its location in terms of scale, form, siting and design.

Living conditions of the future occupiers of the proposed dwelling

9. The proposed bungalow and the associated rear garden area would be located in close proximity to the private road running along the eastern boundary of the site and the common shared boundary with No. 18 to the west. The appeal site would be separated from the surrounding residential uses and the private road by a proposed low dwarf wall, a new 2m high stone wall along a small section of the boundary adjacent to No. 20 and additional landscaping.
10. I have considered the appellant's statement that the proposed design and layout of the development has been carefully considered in order to minimise any impacts on the living conditions of the future occupants and the occupiers of the adjacent properties. However, whilst the proposed development would be located some distance from the front elevations of Nos. 26 and 28, the proposed outdoor amenity area would be situated in close proximity to the front elevation of No. 20, the front garden of No. 18 and the private road. The occupants of the proposed dwelling would use this area to carry out gardening and leisure activities where they would be observed at close quarters by the occupants of the adjacent properties when relaxing and sitting out, particularly

during the summer months. Whilst new boundary treatment and landscaping would reduce the impact of the proposal to some degree, given the siting and design of the proposal, the separation distance between both the properties and the private road, I consider the proposal would result in an unacceptable level of overlooking to the rear garden of the proposed dwelling that would result in a poor quality living environment for the proposed development.

11. I note the appellant's willingness to carry out further work to safeguard the amenities of the neighbouring residents and accept conditions requiring the submission and approval of the changes including a new 1.8m high fence along part of the western boundary. However, these works would not overcome the adverse effect outlined above and would impact on the open character and appearance of the area. I therefore afford this limited weight in this case.
12. Consequently, I conclude that the proposal would result in harm to the living conditions of the future occupiers of the proposed dwelling with particular regard to outlook. The development conflicts with DCP Policy DP/3 and the SPD. This policy and guidance seek, amongst other things, a high quality design and to ensure that new development would not have an unacceptable adverse impact on residential amenity.

Other matters

13. I have considered the appellant's comments regarding the family's personal circumstances and the benefits to the family arising from the proposed bungalow. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended and as such are matters to which I can attach only limited weight in making this decision.
14. I have noted the appellant's and the Council comments regarding the previous appeal dismissed for a bungalow on the appeal site in 1989. However, this decision was made some time ago in a different policy context and as such limits the weight I can attach to this matter. In any event, I am required to deal with this proposal on its own merits.
15. I have noted the other developments in the area drawn to my attention by the appellant. The dwellings granted at No. 16 Mill Road and allowed on appeal at No. 38 Mill Road¹ relate to a different form and scale of development built outside the development boundary of the village. The backland developments at No. 23 Mill Road and Nos. 43 and 45 Cromwell Park have different development and locational characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as precedents in this case.
16. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the Framework states that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate such a supply. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision

¹ APP/W0530/W/14/3001431

making this means that where the development plan is absent, silent or relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Sustainable development is identified as having social, economic and environmental roles in the Framework.

17. The appellant states that the proposal would be well connected to existing services and facilities in an accessible location and provide some social and economic benefits through contributing to the supply of housing in the area and would make efficient use of previously developed land within the village boundary that is surplus to appellant's requirements. However, while I note the appellant's view that the scheme's design would amount to environmental benefits, I have found above that taken overall the development would harm the area's character and appearance and the living conditions of the future occupiers of the proposed dwelling. This harm would conflict with the environmental dimension of sustainable development and, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the Framework as a whole. The proposal would not therefore amount to sustainable development in the terms of the Framework.
18. I have noted the support from some of the neighbouring residents and the objections from Over Parish Council and local residents to the proposal. Whilst these are material considerations, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

19. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR