
Appeal Decision

Site visit made on 12 December 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 11th January 2018

Appeal Ref: APP/V0510/W/17/3181953

Land adjacent No 9 Main Street, Wardy Hill, CB6 2DF

- 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 Trevor Young of AKT Builders Ltd. against the decision of East Cambridgeshire District Council.
 - The application Ref 16/01805/FUL, dated 23 December 2016, was refused by notice dated 9 June 2017.
 - The development proposed is construction of a three bedroom, two storey detached dwelling with associated works and remodelled access to No 9 following the removal of the existing outbuildings.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development has been changed with the agreement of the parties, and accordingly I have used the amended description in this Decision.

Main Issues

3. The main issues are:-
 - the effect on the character and appearance of the area; and
 - the effect on the living conditions of the occupiers of adjacent dwellings.

Reasons

Character and appearance

4. The appeal site is located in Wardy Hill, a small village with a rural character and linear form of development. To the east of the site are a group of generally traditionally designed, detached houses relatively closely spaced on either side of Main Street. The appeal sits at the edge of a group of dwellings consisting of pairs of modest, semi-detached houses, set back from the street frontage behind generous front gardens and with large gardens to rear. They face open countryside across Main Street, and form a distinctive run of buildings in a more suburban form created by the clear spaces between the pairs and at either end of the group. While there have been some minor side extensions, they are set back from the frontage and do not disrupt this rhythm.
-

5. The appeal proposal is for the construction of a detached, two storey dwelling in the flanking garden area of No 9, which is set at the eastern end of the group. It would be set back from the street frontage just behind the front building line of No 9, and have a large, single-storey rear projection and integral garage.
6. Although the dwelling would have an adequately sized garden, it would fill almost the full width of its plot and would have a very deep footprint, in contrast to the compact footprints of No 9 and other houses in the related group. It would therefore due to its siting and size appear cramped and overly dense within its atypically narrow plot, and, by introducing a new built element into the street scene, disrupt the rhythm of the built forms and spaces within the group. It would as a result be harmful to the character and appearance of the area.
7. Additionally, an integral garage contained entirely within the front elevation of the house is an alien feature both in the immediate group and in the area more widely, and by crowding the front elevation of the building would add to its harmfully cramped appearance.
8. While the close spacing between the proposed house and No 9 is not dissimilar from other gaps between some other dwellings in Main Street, it is not typical of the group of houses to which the site relates. To my mind, as this group is already bookended by generous spaces to either side, the appeal dwelling would in fact remove this effect, and would not therefore successfully mark a point of transition to the denser development to the east.
9. The appellant has referred to policies in the emerging Local Plan, but as the evidence before me indicates that these have not yet been subject to Examination in Public, and they may be subject to change, this reduces the weight I can attach to them. I have consequently determined this appeal with regard to the policies in the existing Local Plan, the East Cambridgeshire Local Plan 2015 (the LP).
10. The development would therefore conflict with policy ENV2 of the LP which seeks to resist development the design of which would fail to have regard to local context. While the house has evidently been designed with the requirements of the Council's Design Guide, this does not overcome the harm that I have identified from the building when placed in its context.
11. While the harm to the character and appearance of the area would be localised, I find that it would be significant, and the development would therefore conflict with policy GROWTH 2 of the LP, which seeks to avoid this outcome in infill development in within villages with a defined development envelope.

Living conditions

12. As the proposed dwelling would sit on the boundary with No 9, and would project back into the site by more than half of its depth, including a significant element at a height of two storeys, it would form an overbearing feature in the outlook from No 9. It would also form a significant sense of enclosure to the rear garden of that that property in the area closest to the house. This would harm the living conditions of occupiers of the house.

13. While the main windows of No 7a face sideways towards the rear garden of the proposed dwelling, this dwelling is set back over seven metres from the mutual boundary, and because of the siting of the buildings, any view of the rear garden would be oblique. I conclude that, as a result, any harm in terms of overlooking would be limited. While the rear windows of No 9 face back towards the garden area, as there is already some degree of mutual overlooking between adjoining houses and rear gardens in the existing layout, this effect would be unlikely to be greatly exacerbated by the appeal proposal, and any additional harm would therefore be limited.
14. Nonetheless, the significant harm that I have identified to the living conditions of the occupiers of No 9 means that the development would fail to comply with policy Env2 of the LP, which also seeks development which ensures that there is no significantly detrimental effect on the residential amenity of nearby occupiers.

Planning Balance and Conclusion

15. The appellant has drawn it to my attention that the Council has failed to demonstrate a deliverable five year housing land supply. In such circumstances the "tilted" balance in favour of sustainable development applies, as set out in Paragraph 14 of the National Planning Policy Framework.
16. Although the development would boost the supply of housing, which would be a benefit, the provision of a single additional dwelling would be only a minor one. For the same reason, the benefits arising in terms of support to the vitality of the rural community or from short term economic activity arising from the construction would also be slight. On the other hand, the harms I have identified in respect of the character and appearance of the area and the effect on living conditions would be sufficiently great significantly and demonstrably to outweigh these benefits. The presumption in favour of sustainable development would not, as a result, apply.
17. Consequently, for this reason and the reasons given above I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR