
Appeal Decision

Site visit made on 9 October 2018

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 08 November 2018

Appeal Ref: APP/V0510/W/18/3200980
Barston Drove, Reach CB25 0JF

- 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 Neville Fletcher against the decision of East Cambridgeshire District Council.
 - The application Ref 17/02027/FUL, dated 20 November 2017, was refused by notice dated 14 March 2018.
 - The development proposed is proposed garage.
-

Decision

1. The appeal is allowed. Planning permission is granted for a garage at Barston Drove, Reach CB25 0JF, in accordance with the terms of the application, Ref 17/02027/FUL dated 20 November 2017, subject to the following 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: 17/02027/FUL, L(PL) BD 01 C, L(PL) BD 03 C, L(PL) BD 04, L(PL) BD EX 01, L(PL) BD EX 02, L(PL) BD L01 B, L(PL) BD L02C, L(PL) BD L02D, L(PL) BD L02E.
 - 3) The development hereby permitted shall be used for purposes ancillary to the residential use of the dwelling, and shall not be converted to or occupied as habitable accommodation at any time.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site lies off a single track lane, bounded by high hedges, trees and grass verges, at the periphery of the village of Reach. A bungalow at the site has already received planning permission and appears mostly complete. Additionally, whilst largely screened by hedgerow at the time of my visit, a new dwelling has been built approximately opposite the appeal site. The appeal site is located outside the defined settlement boundary of Reach, however its location next to residential land and the siting of the dwelling opposite give the immediate area a character of limited well-screened dwellings at the edge of a rural settlement, rather than of open countryside.

4. Dense screening by hedgerow and trees along the relevant side of the lane on the day of my site visit hid the appeal site from view, when leaving the village, until on the road outside the site. The appeal site was not visible when using the lane in the other direction until very close to it due to the same factor.
5. Screening to the site by roadside hedgerow and trees would be reduced in winter, however the single storey profile of the garage and bungalow would be low enough to be unlikely to be intrusive to the lane's rural character. The garage's setting of substantial trees and vegetation and position on land lower than the highway would further reduce its visual effect. It would be perceptibly separate from the bungalow for most of the view experienced from the highway when approaching the village, with a backdrop of thick vegetation to the space between the two. The new bungalow is further into the countryside than the proposed garage's location. Any sense of intrusive built form in a rural environment as a result of the scheme would be reduced by these factors.
6. I noted variation in the distance between built form and the highway in the village. Some buildings lay next to the highway and some were set further back. Therefore the proposed garage's location relatively close to the highway verge would not be significantly out of character in the area. Any impression of proximity to the road would be reduced by the tree and hedgerow screening to each side of the site's exit onto the road, with particularly dense vegetation to the village side.
7. The Council has referred to guidance in the "Design of Dwellings" section of its "Design Guide Supplementary Planning Document (2012)" ("the DGSPD"), which sets out that garages should ideally be positioned to the side and rear of dwellings, and that the construction of a garage between the front elevation and the highway will rarely be acceptable.
8. Whilst the proposed garage would lie closer to the highway than the bungalow, it would also be to the side of it when viewed from the highway at a perpendicular angle. Views of the bungalow from much of the highway would not be obscured, and the use of matching materials in the garage would ensure coherence between the two buildings. The garage would be smaller than the bungalow and its roof would be at a slightly lower height. The DGSPD does not define the intended extent of the terms "front" and "side" with reference to the area around existing dwellings, and, whilst the proposed garage's location could be judged to be either or both, I do not consider the DGSPD's advice to be explicit enough to make a clear finding of conflict with it.
9. In light of the above findings and the lack of harm I have identified I do not, therefore, conclude that the garage would appear unduly dominant within its setting.
10. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires me to determine this appeal in accordance with the development plan unless material considerations indicate otherwise.
11. Policies ENV1 and ENV2 from the East Cambridgeshire Local Plan 2015 ("the ECLP") and LP28 and LP22 from an emerging plan, the East Cambridgeshire Local Plan 2017, have been referred to and provided with the appeal. I do not find any significant conflict between the relevant ECLP policies and those in the emerging plan. Furthermore, I have attached limited weight to policies within

the emerging plan as it has not yet been adopted. I have therefore determined the appeal with reference to policies in the ECLP only.

12. A new National Planning Policy Framework (2018) ("the Framework") has been published since the 2015 Local Plan was adopted. I am required by Paragraph 11 of the Framework to consider, in applying the presumption in favour of sustainable development, whether those development plan policies most relevant to determination of the appeal are considered out of date. Whether a policy is out of date is to be determined with reference to its consistency with policies in the Framework. The greater the degree of consistency between development plan and Framework policies, the greater the weight that may be given to the development plan policy.
13. I consider that the most relevant development plan policies to this appeal which are available to me are Policies ENV1 and ENV2 of the ECLP. I find that these policies have no obvious inconsistency with the Framework and therefore should not be considered out of date.
14. The proposed development would not harm the character and appearance of the area. It would therefore comply with the overall landscape protection and design aims of Policies ENV1 and ENV2 of the ECLP.

Other Matters

15. Planning permission previously granted for the bungalow at the appeal site removed permitted development rights in respect of detached structures within the site's curtilage, amongst other things. However, this did not remove the right to apply for planning permission within the site, and does not outweigh the above findings on the appeal proposal in question.
16. Third party representations have been received outlining concerns about potential tree and hedgerow damage resulting from the proposal. The Council's Trees Officer has raised no objections to the scheme. The officer does, however, request confirmation of permission to carry out mitigation hedge planting within a location apparently outside the site boundary if the scheme proceeds. This would result from the removal of a group of hawthorn bushes so as to facilitate the development. No copy of such a permission is before me. However, I consider that the screening offered by remaining hedgerow and trees on adjoining residential land would be sufficient for the proposal to proceed without the suggested permission.
17. Third party representations have also suggested that the gradient of the proposed access does not accord with guidance from the highway authority, and commented upon the size of vehicle for which the garage would be suitable. The highway authority has indicated its lack of objection to the proposal and in the absence of further substantive evidence I find no harm arising from the creation of the access concerned.

Conditions

18. In addition to the standard condition which limits the lifespan of the planning permission I have imposed a condition specifying the relevant drawings as this provides certainty.
19. I have additionally imposed a condition limiting the future use of the garage to purposes ancillary to the residential use of the dwelling, and preventing its

conversion to and occupation as a habitable dwelling. This is to safeguard the character and appearance of the area, and the tranquillity which Policy ENV1 of the ECLP seeks to protect.

Conclusion

20. For the reasons above the appeal is allowed.

C Beeby

Inspector