
Appeal Decision

Site visit made on 18 June 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2019

Appeal Ref: APP/V0510/W/19/3225163

Rear of 89 and 91 Lynn Road, Ely, Cambridgeshire CB6 1DD

- 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 and Mrs Tom Hedges against the decision of East Cambridgeshire District Council.
 - The application Ref: 18/01737/FUL, dated 6 December 2018, was refused by notice dated 1 February 2019.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On my site visit, I was able to see that the trees, identified as being unretained on the submitted drawings, had already been removed.
3. The Council has confirmed that it has withdrawn the Submitted Local Plan (2018), and that the policies cited on the decision notice are no longer relevant. I have had regard to this in my assessment.

Main Issue

4. The main issue is the impact upon the character and appearance of the area.

Reasons

5. The appeal site consists of garden land located to the rear of 89 and 91 Lynn Road. Owing to the site being located at the junction of Lynn Road and St Audrey's Way, the appeal site has a frontage onto the latter street. There are several trees present within Lynn Road and dwellings are typically two storey houses. In contrast, St Audrey's Way is characterised by single storey bungalows and low level soft landscaping. Front dormer windows tend not to be present in the surrounding area.
6. Due to the positioning of the proposal, it would form part of St Audrey's Way. A defining characteristic of this road is that dwellings on each side follow a linear pattern, with a consistent set back from the highway. This characteristic would be eroded as the proposed dwelling would project beyond the side elevation of No. 91, and the front elevation of 1 St Audrey's Way. This would result in a contrived, and cramped, form of development.

7. In addition, the proposed dwelling would have a height greater than the bungalows in St Audrey's Way; and would feature front dormer windows, which are not replicated in the vicinity. This results in an overly dominant and incongruous form of development. Owing to the height of the dwelling, it would have a greater impact on the character of the area than the existing fence.
8. Some views into St Audrey's Way are possible from Lynn Road and a pedestrian walkway linking Lynn Road to New Barns Avenue (to the east). This gives the site a greater degree of prominence, thereby exacerbating the harmful form of development.
9. My attention has been drawn to other dwellings, in the wider area, that are set back from the highway edge by a similar amount to the appeal proposal. However, the development would be viewed alongside the immediately adjoining dwellings. I have therefore given the erosion of the previously described character the most weight.
10. As there is some variation in plot sizes in the area, the reduction in garden sizes for both Nos. 89 and 91 Lynn Road would not be unduly detrimental to the character and appearance of the area. There are relatively few trees in St Audrey's Way, and therefore the loss of the trees and hedge has not resulted in significant harm to the character of the area. In addition, mitigation could be secured through the imposition of a condition to provide new soft landscaping. I have had regard to the Council's concerns in respect of the relatively small size of the plot, however, as landscaping in St Audrey's Way is relatively low level, I consider that this space is enough to accommodate such mitigation.
11. For the foregoing reasons, I conclude that the development would have a significantly adverse impact upon the character and appearance of the area and would fail to accord with the requirements of Policies ENV1 and ENV2 of the adopted East Cambridgeshire Local Plan 2015); the Council's Design Guide Supplementary Planning Document 2012, and chapter 12 of the National Planning Policy Framework 2019 (the Framework), which, amongst other matters, seek to demonstrate complementary relationships with existing development and to promote good design.

Other Matters

12. There is no dispute between the parties that the local planning authority cannot demonstrate a deliverable five-year supply of housing sites in the District. I acknowledge that the proposal would boost the supply of housing in the area on land that is surplus to the requirements of the appellant. However, this benefit is relatively small given that the proposal is for a single dwelling only. I also acknowledge that the proposal would generate some employment opportunities at the construction stage, albeit these would be relatively short lived. Therefore, the benefits are significantly and demonstrably outweighed by the harm to the character and appearance of the area, as previously identified.
13. I am satisfied that the proposed development would not cause harm to the living conditions of the occupiers of adjoining properties or the highways system and that the site is sustainably located. However, these are matters of neutral consequence in the overall planning balance.
14. I note that the Council states, in its statement of case, that the resultant size of the rear gardens at 89 and 91 Lynn Road would be unacceptable, although

this does not form a refusal reason. Given the size of the dwellings and the character of the area, I consider that this is also of neutral consequence.

Conclusion

15. I have applied the requirements of paragraph 11(d) of the Framework. This requires a tilted balance to be applied, whereby planning permission should be granted, unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Given the significant harm to the character and appearance of the area compared to the relatively small scale benefits, I consider that the benefits are outweighed in this instance. Therefore, and taking into account all matters raised, the appeal should be dismissed.

Benjamin Clarke

INSPECTOR