



Appeal Decision

Site visit made on 20 June 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: Thursday, 11 July 2019

Appeal Ref: APP/V0510/W/19/3225631

Land Adj 21 Cannon Street, Little Downham, Ely, Cambridgeshire CB6 2SR

- 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 N Hobbs against the decision of East Cambridgeshire District Council.
 - The application Ref 18/01647/FUL, dated 21 November 2018, was refused by notice dated 17 January 2019.
 - The development proposed is development of two bungalows with separate double garages and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the application was determined, the Submitted Local Plan 2018 (emerging LP) was withdrawn and it is therefore attributed no weight.
3. I have used the full form of Cambridgeshire in the header above in the interests of certainty. The description of development as stated on the decision notice was used in the header above as the appeal form indicates that it was changed with the agreement of the appellant. I have used the site address as stated in the application form in the interests of certainty.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers at Nos 21 and 21A Cannon Street (Nos 21 and 21A).

Reasons

Character and appearance

5. The appeal site lies behind existing dwellings along Cannon Street that form the edge of the settlement. The properties in the area are generally single and two storey dwellings that are moderately spaced such that the area has a pleasant open feel. The site is an undeveloped green field with open countryside to the south such that it has a closer relationship to the countryside than to the settlement.

6. While the site is not within a designated landscape area and is at a lower ground level than Cannon Street, given its open, undeveloped nature it reads as part of the wider pleasant countryside, which provides an attractive setting for the village.
7. The proposal consists of two detached dwellings that would be accessed by a private road off Cannon Street. The proposal would not only involve the erection of houses, but also would include significant areas of new road, paved driveways and domestic gardens that would substantially alter the landscape character of the area and extend the built-up area into the countryside.
8. While I acknowledge the evidence regarding the lower ground levels of the site and the single storey dwellings that may retain views towards Ely, the erection of built development on the undeveloped site would be clearly visible from across the open countryside to the rear of the site. Furthermore, while the dwellings would be sited within the rear boundary line of the adjacent properties, the proposal would introduce built development to the rear of the existing line of buildings contrary to the prevailing pattern of development of this stretch of Cannon Street. Therefore, the proposal would appear discordant, resulting in significant adverse effects on the open character and appearance of the area.
9. The design of the buildings themselves including the proposed materials as well as the effect on the street scene are not areas of dispute between the main parties. While the form and materials of the proposed dwellings may be in keeping with the varied appearance of other dwellings in the area, given the open nature of the site and the prevailing pattern of development, the location of the proposal behind a row of existing properties that back onto open countryside would detrimentally affect the character and appearance of the area.
10. Overall, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan April 2015 (LP) which among other things requires developments to create positive, complementary relationships with existing development and enhance and complement local distinctiveness. It would also conflict with paragraph 127 of the Framework which requires developments to be sympathetic to the local character.

Living conditions

11. The proposed access and private road would run between Nos 21 and 21A. I note that the ground floor of No 21A includes windows that overlook the site. However, any noise or disturbance associated with two dwellings and their parking areas would not be so significant so as to be harmful given the predominantly residential surroundings. Furthermore, the evidence indicates some landscaping at this boundary which may help to reduce disturbance in this respect.
12. The side windows of No 21 are a greater distance from the proposed access such that the coming and going of vehicles would be unlikely to cause significant adverse effects in terms of noise and disturbance to the occupiers.
13. Consequently, the proposed development would not harm the living conditions of the occupiers of Nos 21 and 21A with particular regard to noise and disturbance. Therefore, it would not conflict with LP Policy ENV2 which seeks development that ensures there is no significantly detrimental effect on the residential amenity of nearby occupiers. The proposal would also not conflict with the Framework in this regard.

Other Matters

14. I note that there are no objections from the Council's internal consultants, and the usability of the site for agriculture. However, these points do not alter my overall decision.
15. I note local concerns including highways safety, light and privacy. However, the Council has not objected on these grounds and from the evidence before me, I see no reason to disagree.
16. While I acknowledge that other developments may have gained planning consent, each case must be determined on its individual merits. I note the comments relating to a possible alternative proposal on the land within the settlement boundary. However, I have determined the appeal based on the proposal before me and its planning merits.
17. I acknowledge the history of the site, the personal circumstance of the appellants and their desire to downsize to a smaller dwelling while continuing to live in the village that has been their home for many years and where their social relationships have been established. However, these personal wishes do not outweigh my earlier findings based on making decisions in the wider public interest.

Planning Balance

18. The main parties acknowledge that the Council cannot demonstrate five-year housing land supply. In these circumstances the policies most relevant to the case must be considered out of date and the tilted balance in the terms of paragraph 11(d) of the National Planning Policy Framework (Framework) is engaged. In this case the relevant policies are LP Policies GROWTH2, ENV1 and ENV2.
19. The benefits of the proposal include a limited contribution of two dwellings to the current housing supply. I acknowledge that future occupants of the proposed development may provide a limited social benefit through contribution to local community services. Furthermore, there may be a temporary economic benefit through the construction process. Overall, given that the proposal is for two dwellings only, the benefit is limited.
20. While I acknowledge evidence regarding the accessibility of services and facilities as well as the carbon footprint of the proposal and the connection to local utilities, given the significant harm identified above, they have not altered my overall decision.
21. Given the significant harm to the character and appearance of the area and the conflict with the Framework, the adverse effects of the proposal significantly and demonstrably outweigh the benefits.

Conclusion

22. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR