
Appeal Decision

Site visit made on 22 July 2019

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Appeal Ref: APP/V0510/W/19/3224359

3 Soham Road, Fordham CB7 5LB

- 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 Mrs Patricia and Miss Lucy Walpole against the decision of East Cambridgeshire District Council.
 - The application Ref 18/01020/FUL, dated 22 July 2018, was refused by notice dated 20 September 2018.
 - The development proposed is 5 detached 2 storey dwellings, each with a detached double garage, and a new private access road with a footway and associated works (resubmission).
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Application for Costs

1. An application for costs was made by Mrs Patricia and Miss Lucy Walpole against East Cambridgeshire District Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Preliminary matters

3. Subsequent to the Council's decision, but prior to the submission of this appeal, the Fordham Neighbourhood Plan 2016-2036 (NP) was made and became part of the development plan for the area. I must take that document into account in assessing this appeal, as part of the current development plan for the area. This is in line with the legal obligation on planning decision-makers to have regard to new material considerations up to the time that the decision is made.
4. The Council's refusal notice refers to policies in a new draft Local Plan 2017, but that plan was withdrawn in February 2019 and is no longer a material consideration. In June 2019 the Council issued an updated report on its *Five Year Land Supply* for housing development. I gave both main parties a chance to comment on that document and have taken account of the response received.

Main issues

5. The main issues are:

- i) whether the proposal would accord with development plan strategic policies for the sustainable growth of the village, in terms of both local service provision and the impact on local character and appearance;
- ii) the effect of the proposal on living conditions at neighbouring properties;
- iii) the adequacy of the living conditions that would be provided for future occupiers of the proposed dwellings; and
- iv) the effect of the proposal on the safety of public highway users.

Reasons

Context: housing land supply

6. At the time of the refusal of the appeal application, the Council reported having a 3.86 year housing land supply, well short of the required 5 year supply of deliverable housing sites set out at paragraph 73 of the National Planning Policy Framework (the Framework). The Council's June 2019 report advises that its supply has declined slightly since then, to 3.70 years. Furthermore, the 2018 Housing Delivery Test measurements published by the Government in February 2019 show that the Council was well below the 75% threshold for the last 3 years, as set out at Footnote 7 of the Framework. In accordance with Framework paragraph 11(d) and this footnote, the LP policies most relevant to determining the application are therefore considered to be out-of-date. In this situation, planning permission should normally be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
7. This position is modified, however, by the recent adoption of the NP. In line with the criteria set out at paragraph 14 of the Framework: the NP has been adopted less than 2 years ago and contains allocations and policies to meet its development requirements, plus the Council has more than a 3 year land supply and its Housing Delivery Test measurement is above 45%. In this situation, the Framework advises that the adverse impact of allowing development that conflicts with the NP is likely to significantly and demonstrably outweigh the benefits. I will assess the proposal on this basis.

Strategic growth policies: services, character and appearance

8. The appeal site is an open field between a house (3 Fordham Road) and a bungalow (No 2) on the fringes of the large, somewhat sprawling village of Fordham, with open fields opposite. The proposal is to build 5 detached houses and 5 detached double garages extending back into the site, with a new access to Soham Road.
9. The NP aims to manage growth in Fordham to ensure it is sustainable for Fordham's context: supporting community infrastructure and services while delivering a mix of housing types, sizes and tenures and retaining a tight village nucleus within the village envelope, avoiding ribbon development. Although the NP does not itself designate a village envelope, it endorses the

envelope set out in the LP. The appeal site sits near to but outside of this boundary.

10. NP Policy 1 does allow for small scale infill development *outside* the development envelope, enabling some minor expansion of the village. This policy also cross-refers to LP Policy GROWTH 2, which is more restrictively worded, but I give that latter policy limited weight in view of the lack of a 5 year housing land supply.
11. Infill development is not defined in the NP so I use a common definition - the development of small gaps between buildings. In this case, the proposed development of the site with 5 substantial detached houses and 5 garages, extending to a much greater depth than the built form to one side, would go beyond being small-scale infill and would not be fully between buildings. It therefore conflicts with NP Policy 1. I note that a similar scale of development is taking place on land to the south-east, but understand that that proposal was approved prior to the adoption of the NP, under a significantly different policy context. I have not been provided with the full reasoning for the Council granting permission on that site and have assessed this proposal on its own merits, bearing that other development in mind.
12. Framework paragraph 78 states that housing should be located where it will enhance or maintain the vitality of rural communities, in order to promote sustainable development in rural areas. It continues on to say that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The NP records that the village has a range of services including an hourly bus service 6 days/week, a primary school, a convenience store, several pubs, restaurants and cafes plus a number of community groups and activities. There is therefore a need for some development growth to support these services. It is clear, however, that the NP process has properly and very recently identified means for meeting these development needs, while also controlling the level of growth, so there is no overriding need for this development in order to support local services.
13. Turning to the issue of character and appearance, this edge of Fordham gains some of its character from the juxtaposition of fields and houses. The proposal would further consolidate ribbon development on the edge of the village, urbanising the local area and causing a minor loss of openness. The 10 proposed buildings would dominate the site, crowding close together and leaving small gardens, creating a cramped feel to the development. I recognise that this density would be similar to that approved for the adjacent site, but it would also add cumulatively to the impact of that development.
14. In addition, the layout and design of the proposed houses would be suburban in style. The houses and garages would be arranged around a standard shared drive or cul-de-sac, with little apparent attention to views and the visual impact of garden enclosures. The 5 identical houses would have block-like forms, without any articulation to break down their massing. The house's proportions and detailing would lack references or concessions to a local vernacular style, and on the other hand would also lack complementary contemporary elements, to provide a quality design and help them to blend into their setting. Although this area does have buildings of mixed and varied character, the proposed houses would stand out as an unsympathetic addition to the countryside fringe of the village.

15. I conclude that the proposal would conflict with the terms of NP Policy 1 and would unacceptably harm the character and appearance of the local area. I find no overriding need for the development to support local services. The proposal therefore conflicts with the strategic aims of the NP, as set out above, and with the shared aims of NP Policy 2, Local Plan Policies ENV1, ENV2 and GROWTH 2 and the Framework, to secure high quality design which is sympathetic to local character and visually attractive.

Neighbours' living conditions

16. The Council's concern here is about overlooking of the garden of 2 Soham Road and one of the approved development plots on the adjacent site. The front and rear windows of the nearest of the proposed houses would, however, be sufficiently angled away from those other properties to reasonably minimise overlooking. The upper floor side window facing those properties would serve a bathroom and could be obscure glazed to protect privacy.
17. I conclude that the proposal would not unduly affect living conditions at neighbouring properties. It therefore accords in this respect with the aims of NP Policy 2, LP Policy ENV2 and the Framework, to ensure that development provides a high standard of amenity for existing and future users and does not result in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties.

Future occupiers' living conditions

18. The Council's concern here is that 2 of the proposed 4 bedroom family sized houses would have inadequate gardens, with their rear elevations close to the boundary hedge and trees. Amended plans were submitted, moving these houses slightly farther away from the boundary. Both would have garden space on 3 sides with some southerly aspect, so that on balance I find that they would have sufficient quantity and quality of garden space.
19. I conclude that the proposal would provide adequate living conditions for future occupiers of the proposed houses. It therefore also accords in this respect with NP Policy 2, LP Policy ENV2 and the Framework, which aim to ensure that development provides adequate space to provide a high standard of amenity for existing and future users.

Highway safety

20. The proposed access would be set at a distinct angle to Soham Road and is not well detailed. Although the proposed visibility splays (for drivers to see other road users and vice versa) are drawn incorrectly, I am satisfied that adequate splays could be provided with the partial removal of the frontage hedge. The angled access, however, would make it difficult for large vehicles in particular to turn into and out of the site. At times this would result in vehicles having to manoeuvre within the public highway, causing potentially dangerous situations. This matter could not be dealt with by a condition, as realignment of the access could cause other issues with the layout.
21. Though concerns about visibility splays and some access layout details could potentially be dealt with by conditions, I conclude that the proposal would unduly prejudice the safety of highway users due to the angle of the proposed access to Soham Road. The proposal therefore conflicts with Local Plan Policy

COM7 and the Framework, which aim to ensure that developments provide safe and suitable access to the highway network.

Planning balance

22. Although I have found that the key LP policies are out-of-date due to the lack of a 5 year housing land supply, the Framework advises that the adverse impact of allowing development that conflicts with the recently adopted NP is likely to significantly and demonstrably outweigh the benefits. I find clear conflict with the NP in regard to its housing strategy and its aim to protect local character and appearance. I find further conflict with the LP and the Framework in respect of highway safety. I recognise that the proposal would make more efficient use of the site and would make a modest but important addition to the need for more housing in the District. The proposal would help to support local services and would provide some minor economic benefits during construction. I find no objections in respect of the living conditions of neighbours and future occupiers. I do not, however, find sufficient benefits to outweigh the NP and highway safety objections.

Conclusion

23. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR