



Appeal Decision

Site visit made on 2 August 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/V0510/W/19/3228623

3 New Road, Littleport, Ely, Cambs CB6 1PX

- 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 Brian Bishop against the decision of East Cambridgeshire District Council.
 - The application Ref 18/01805/FUL, dated 20 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is the extension to existing property to create 2No. flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It is noted that both Reasons for Refusal on the Council's Decision Notice refer to policies of the East Cambridgeshire Submitted Local Plan 2018. This emerging Local Plan was withdrawn by the Council on 21 February 2019. As such I have not considered these policies of the emerging Local Plan as part of the decision.

Main Issues

3. The main issues in this appeal are:
 - The effect of the development upon the character and appearance of the area;
 - Whether the proposed development would provide suitable living conditions for the future occupiers, with particular regard to the provision of amenity space; and
 - Whether the proposed development would provide suitable living conditions for the neighbouring occupiers, with particular regard to overlooking and privacy.

Reasons

Character and Appearance

4. The appeal property consists of land with a detached two storey dwelling which faces side-on from New Road with a reasonably large garden positioned in front of the main façade, albeit at my site visit the garden was filled with cars which are apparently being stored there. In comparison with the dwellings along New Road, the appeal dwelling appears to be one of the older dwellings in the area which has a hipped roof, two large chimney breasts to either side and rendered

walls. Whilst the building has later extensions to the rear (side when facing street), the dwelling has a positive presence to the street scene and reflects one of the earlier dwellings in this location. There has been a number of infill dwellings constructed along New Road, however maintain typically large gardens and visual gaps and setbacks between properties which maintains a spaciousness in and around the properties with well vegetated gardens and open countryside visible through these gaps. To me, the spaciousness of the layout of the dwellings along New Road is inherent to the character and appearance of the street scene.

5. The Council have adopted the Design Guide Supplementary Planning Document 2012 (SPD) which suggests that the form and proportion of the original dwelling will determine the extent that it should be altered and that any extension should be subservient to the host building, and that the original building should still be clearly legible and pre-dominate.
6. The proposed extension would be two storeys tall and according to both parties would project out from the front façade of the dwelling a distance of 9.5 metres, and 6 metres deep, with an overall length of built form of 16.9 metres. The proposed scheme would appear awkward and contrived in this context having excessive visual bulk that would take up the entire depth and almost width of the garden. Whilst the ridge height would be lower than the main dwelling, the depth and width of the built form would be over double the size of the host dwelling, which together with the excessive bulk and mass of the development, is clearly not subservient to the host dwelling. The loss of positive elements to the street scene such as the front façade, a chimney breast and the addition of an external staircase also add to the clutter and poor architectural detailing of this proposal which does not relate well to the existing building and removes its main façade meaning that the original dwelling is no longer legible and does not pre-dominate.
7. In this context the extension would have excessive depth, width and visual bulk, and would appear disproportionately large compared to the host dwelling and also compared to neighbouring properties where only small and subservient extensions and rear outbuildings and detached workshops exist in comparison to their host dwelling. Additionally, whilst there is a large amount of vegetated gardens in the surrounding area, the appeal site would be dominated by an excessive amount of hard surfacing which would take up a large proportion of the surrounding ground of the dwelling.
8. That said, the proposal would be visually inconsistent with the character and distinctiveness of the surrounding area and would fail to integrate well with it. The development would introduce an excessive area of hard standing, and erode the sense of spaciousness created by the larger gardens and would result in a significant visual intrusion into the locality that would appear incongruous and cause harm to the general character, layout and appearance of plots which make up the street scene.
9. Consequently, I conclude that the combined depth, massing, height and design of the proposed extension to facilitate flats would be detrimental to the character and appearance of the area. The scheme would therefore be contrary to Policy ENV2 of the East Cambridgeshire Local Plan 2015 (LP), which says that design which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance

or enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused. The policy also contains a number of design principles which amongst others seeks that extensions respect the density, urban and village character; ensure that the location, layout, scale, form, massing, materials and colour of buildings relates sympathetically to the surrounding area. This policy is supported by the SPD which gives guidance on the appropriateness of extensions and their subservience and design to the host building.

Living conditions of proposed occupiers

10. A small triangular garden space to the rear has been provided for both of the proposed flats which according to the appellant totals 40SqM for both flats, albeit this appears to include the car parking area which is not part of the amenity space. It is noted that the SPG refers to the need to provide at least 50SqM of private garden space per dwelling, meaning the space provided is significantly undersized. The space is also shaped in a triangular form meaning that not all of the space would be sufficiently usable. The garden space also adjoins an accessway for its entire length for parking, and as a result of the very narrow and awkward layout would not be sufficiently useable or private, causing significant detriment to the living conditions of the future occupants of the proposed flats.
11. Whilst I note comments that residents of flats are not inclined to use private gardens, it would be speculative to suggest that larger amounts of private outdoor space would not appeal to this household size. Even if this was the case, the little space which is provided is insufficiently useable as a private amenity space.
12. Consequently, the proposal does not contain sufficient provision of private amenity space for the proposed flats which would be detrimental to the living conditions of the future occupiers. As such, the proposed scheme is contrary to Policy ENV2 of the LP which amongst a number of principles, seeks development that does not have a significantly detrimental effect on the residential amenity of nearby occupiers, and enjoy high standards of amenity.

Living conditions of existing occupiers

13. The main concerns from the Council with regards to living conditions of existing occupiers arises as a result of overlooking and lack of privacy to neighbouring residents, particularly to that of No32 Pont's Hill, where the rear garden of this property abuts the rear of the appeal site.
14. The SPD states that the separation distance for new development that the distance between rear inter-visible windows should be a minimum of 20 metres, which also requires that the rear elevation of any dwelling to be located at least 10 metres from the rear boundary. The appeal proposal would create a two storey extension that would be set back approximately 8.7 metres from the boundary and also have an external staircase to this façade whereby the landing of the staircase would also provide the opportunity for overlooking.
15. Whilst the proposed extension would meet the 20 metre setback from rear windows of neighbouring properties, the rear of the extension which has habitable windows, combined with the external staircase is not sufficiently setback from the rear boundary and would have a dominant presence to the

rear garden of No32, resulting in a loss in the sense of privacy and overlooking to their rear garden which would be significantly detrimental to the living conditions of this existing occupier.

16. Consequently, the proposal would result in significant detriment to No 32 Pont's Hill in relation to overlooking and loss of privacy, which would be detrimental to the living conditions of this existing occupier. As such, the proposed scheme is contrary to Policy ENV2 of the LP which amongst a number of principles, seeks development that does not have a significantly detrimental effect on the residential amenity of nearby occupiers, and enjoy high standards of amenity.

Other Matters

17. I note comments regarding the untidy nature of the appeal site as a result of the storage of vehicles and that the approval of the planning permission would mean the site could be cleaned up. However, the site could be improved via the tidying up of the site without the benefit of planning permission. As such the condition of the appeal site has not been factored into this decision.
18. I also note commentary with regards to the Council's lack of housing land supply. As set out in paragraph 11 of the Framework, there is a presumption in favour of sustainable development that means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against other policies within the Framework as a whole. Whilst I have not been presented with any detailed information with regards to the Council's housing land supply, the appeal proposal would make only a very modest contribution. I have identified above the harm caused to the character and appearance of the area, and to the living conditions to existing and future occupiers, to which I give considerable weight and importance. Having considered these factors and the Framework overall, I conclude that the proposal would result in significant harm that is not outweighed by any benefits including the limited contribution that two further dwellings would make to the Council's housing land supply.
19. I note that the Framework encourages the development of small sites and making effective use of urban land. The proposal would also deliver a further two dwellings which will make a modest contribution to meeting housing need, as well as result in short term employment opportunities in the construction of the dwellings, and the contribution to local expenditure from future occupiers. These factors weigh in favour of the development, however does not outweigh the harm that I have identified.

Conclusion

20. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR