



Appeal Decision

Site visit made on 25 June 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2019

Appeal Ref: APP/D0515/W/19/3225510

Land to the west of 16 Oakroyd Crescent, Wisbech, PE13 3AR

- 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 Richard Allen against the decision of Fenland District Council.
 - The application Ref: F/YR18/0907/F dated 10 October 2018, was refused by notice dated 31 January 2019.
 - The development proposed is a 3-bedroom detached dwelling on the site of a redundant domestic garage.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Amended drawings were submitted during the course of the determination of the application in response to the recommendation of the Environment Agency that the flood mitigation measures proposed in the Sequential Test Report submitted with the application be adhered to. These measures included that the finished floor levels of the proposed dwelling be no lower than 1.0 m above existing ground levels. This was the basis on which the Council made its decision.
3. The appellant refers to alternative means of addressing flood risk to the occupiers of the proposed dwelling. However, those do not form part of the revised scheme on which the Council based its decision and it is not before me for determination.
4. Against this background, the main issues are the effect of the proposed development on i) the character and appearance of the area and ii) the living conditions of the occupiers of neighbouring properties, with particular regard to privacy.

Reasons

Character and appearance

5. Oakroyd Crescent is an established residential area comprising 2-storey, mainly semi-detached, dwellings. Many of the dwellings retain their original design features of ground floor bay windows with a double window above split by a central mullion. The regular form, height and detailing of the dwellings gives a distinctive and attractive rhythm to the street scene and cohesiveness to the area, contributing significantly to its character and appearance.

6. The raising of the finished floor levels of the proposed dwelling by 1 m would result in its doors, windows and ridge line being higher than those of its neighbouring properties. The proposed dwelling would therefore be at odds with the other properties on Oakroyd Crescent and disrupt the rhythm of the street frontage. I consider that, as a consequence, it would be detrimental to the character and appearance of the area.
7. The proposed development would thus be contrary to clause (d) of Policy LP16 of the Fenland Local Plan 2014 (FLP), which requires new development to make a positive contribution to the local distinctiveness and character of the area, reinforce local identity and not adversely impact on the street scene.

Living conditions

8. The windows to the rear of the proposed development and the rear access to the garden would afford views into the private rear gardens of adjacent properties, particularly 10, 12, 16 and 18 Oakroyd Crescent. Due to the elevated floor level the potential for and extent of casual overlooking from the ground floor level of the proposed dwelling would be significantly greater than the occupiers of these properties currently experience and would reasonably expect from their existing neighbours.
9. This loss of privacy would be unacceptably detrimental to the living conditions of the occupiers of these properties. The proposed development would therefore be contrary to Policy LP2 and clause (e) of Policy LP16 of the FLP, which require new development to avoid adverse impacts, including on the amenity of neighbouring properties by the loss of privacy.

Other matters

10. The appellant also refers to development being carried out in the neighbourhood in recent years without the need to raise floor levels. However, full details of those other developments have not been provided but in any event, I have to consider this appeal on its individual merits.

Conclusion

11. For the reasons given above, having regard to the other matter raised and noting the appellant's dissatisfaction with the Council's introduction of the issue of flood risk during negotiations between the appellant and the Council, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR