
Appeal Decision

Site visit made on 23 July 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/W0530/W/19/3228345

20A East Drive, Caldecote, Cambridge CB23 7NZ

- 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 Craig Coghill against the decision of South Cambridgeshire District Council.
 - The application Ref S/0360/19/FL, dated 22 January 2019, was refused by notice dated 26 March 2019.
 - The development proposed is the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An application in outline¹ for four dwellings on the site was refused by the Council and unsuccessfully appealed last year². That decision is recent and there have been no relevant intervening changes in local planning policies. Similarly, whilst the National Planning Policy Framework (the Framework) has been revised since that appeal, the revisions do not alter the policies upon which this appeal turns. The appeal site, its environs and the nature of development is similar to the previous appeal scheme, so it is material to the consideration of the appeal before me.
3. The appellant has referred to several documents, which were allegedly not considered by the Council when they made their decision. These include a street scene drawing (Ref 010) and a layout plan for a single dwelling (Ref 001 Rev B). The layout plan changes the nature of the proposed development before me and both plans have not been consulted upon. Having regard to the plans would therefore deprive those that have not had the opportunity of such consultation. I have therefore disregarded those plans in my consideration of this appeal.
4. Furthermore, the appellant's statement also refers to alternative schemes for the arrangement of the proposed dwellings, for the same reasons I have also disregarded those proposals in my consideration of this appeal.

¹ Ref S/1259/18/OL

² Ref APP/W0530/W/18/3208167

Main Issues

5. The main issues are the effect of the development on: -
- the character and appearance of the area; and
 - the living conditions of the occupants of 24 East Drive.

Reasons

Character and appearance

6. The appeal site is situated in East Drive to the east of the village of Highfields Caldecote. The street has a semi-rural feel and is typically characterised by large detached dwellings formed of plots with wide frontages and long rear gardens. This creates a transition to the countryside edge to the rear. Taken together these stated features create a clear and distinct pattern to development that makes a significantly positive contribution to the character and appearance of the area.
7. The physical separation of the proposed dwellings within the site, including the separation from boundaries, would not differ to a significant degree from the relationship of other dwellings within the street. Nonetheless, I remain of the same opinion as my colleague for the previous appeal that the two dwellings proposed would appear tightly spaced within constrained plots between 20 and 24 East Drive. The proposed development would therefore jar with the coherent lower density pattern of development described above.
8. For the reasons outlined above, I conclude that the proposed development would have a significantly detrimental effect on the character and appearance of the area. The proposals would not therefore accord with Policy HQ/1 (criterion 1a and 1d) of the South Cambridgeshire Local Plan 2018 (the LP). The policy requires that proposals must preserve or enhance the character of the local urban and rural area and respond to its context in the wider landscape; and be compatible with its location and appropriate in terms of, amongst other things, form, siting and design in relation to the surrounding area.
9. The layout, design and scale of the proposed dwellings would maintain a view from the street frontage which terminates at the eastern edge of the site. For this reason, the existing view does not make a significant contribution to the character and appearance of the area. I also accept that accommodating additional development in East Drive is likely to be through the subdivision of existing plots and infill development. Similarly, as architecture in the locality is varied, the architecture of the proposed dwellings would not be out of place. I am also mindful that the appeal site is not situated within a locally or nationally designated area, so the protection afforded to the character and appearance of the area would not necessarily be as stringent. However, none of these matters obviate the need to achieve well designed places as outlined in chapter 12 of the Framework and would not change my conclusion in respect of this main issue.

Living conditions

10. The first floor of the proposed dwellings would be set into the roof and constructed with a mixture of materials. Nonetheless, the northern elevation of

Plot 1 would incorporate a substantial area of solid construction, positioned in close proximity to the boundary of 24 East Drive and for the majority of its rear garden. When viewed from within the garden of No 24, the scale of the proposed dwelling in Plot 1 would therefore appear oppressive and create an enclosing effect.

11. The proposed dwelling in Plot 1 would be separated from No 24 by a narrow parcel of land and a combination of boundary fences and established planting. However, these would not be sufficient to mitigate against the harmful effects of the proposed development and, in any case, the planting could not be relied upon in perpetuity.
12. What is more, due to the orientation of the site, the scale of the proposed dwelling and its relationship with the rear garden of No 24, the proposals would be likely to overshadow the garden throughout the day. The appellant has indicated that the area of No 24's garden adjacent to the boundary with Plot 1 is occupied by a greenhouse and vegetable patch. It also suggested that existing planting to the boundary would already over shadow these areas. However, the proposals would be much taller and would have a significant, year-round, impact on the way that the garden of that property could be used in the future.
13. I therefore conclude that the development would have an unacceptably harmful effect on the living conditions that the occupiers of 24 East Drive would reasonably expect to enjoy. Hence, the proposals would not therefore accord with Policy HQ/1 (criterion 1n). The policy requires that proposals must protect the health and amenity of occupiers and surrounding uses from, amongst other things, development that is overbearing or results in a loss of daylight.
14. The appellant has alluded to other situations where developments are taller and closer to the gardens of dwellings than the development proposed. However, I have not been provided with evidence any details of these examples to demonstrate this point. Be that as it may, my role is to consider the evidence before me in the context of relevant planning policy and other relevant considerations. Nonetheless, to my mind, evidence of harm elsewhere would not outweigh the harm that would result from allowing this development.

Other matters

15. The appellant has referred to Policies DP/7, H/16 and S/7 of the LP in respect of the location of the development outside of the development framework. Similarly, the appellant has raised that the development would be making the most efficient use of land through the proposed density. Whilst the Council has not taken issue regarding these matters, they are not sufficient to overcome the harm that would be caused to the character and appearance of the area and living conditions of occupiers of 24 East Drive.
16. There would be benefits that would be brought to bear in respect of the initial construction of the proposed dwellings, potentially by small-scale developers, and subsequent investment into the local community by occupiers who would help to sustain facilities and services. However, due to the scale of the development these benefits would be unlikely to be significant.
17. The appellant has indicated that the proposed development could meet the needs of those seeking to carry out self-build projects. There is support in

Policy H9 of the LP for such development but I have not been provided with evidence to demonstrate that land is not already allocated or consented for self-build properties in the locality. Consequently, although this matter may not necessarily be determinative, I have only given limited weight to these circumstances due to the lack of substantive evidence to support the appellant's case.

18. I have had regard to the other development in East Drive that has already taken place or is consented, including by appeal³. However, these developments are not comparable with the appeal before me, as they relate to the development of single dwellings within plots of a similar width to the whole of the appeal site or to development behind the street frontage. Furthermore, as I have alluded to elsewhere, whilst each of the plots within the appeal site would be larger in area than others in East Drive, their width would still be significantly narrower within the street frontage. Similarly, I have also been provided with the decision for an appeal at Royston⁴. That appeal also related to the suitability of the location of the development in the countryside and for a larger development of nine dwellings. As such, I do not consider this to be directly comparable with the appeal before me.
19. The appellant has referred to the way the Council has conducted itself in pre-application discussions, including the nature of the advice given, and the approach to its decision-making. However, these are not matters for me to consider as part of this appeal.

Conclusion

20. The proposed development would be contrary to the development plan and there are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan. Accordingly, for the reasons given, the appeal should not succeed.

Paul Thompson

INSPECTOR

³ Ref APP/W0530/W/17/3177548 at 30 East Drive

⁴ Ref APP/W0530/W/18/3214057