
Appeal Decision

Site visit made on 5 August 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2019

Appeal Ref: APP/D0515/W/19/3227216

34 Chapelfield Road, Guyhirn, Cambridgeshire PE13 4EE

- 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 Tony Charles against the decision of Fenland District Council.
 - The application Ref F/YR18/0877/F, dated 13 June 2019, was refused by notice dated 27 November 2018.
 - The development is the proposed change of use of land for domestic purposes including the erection of a shed.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes the proposed development, instead of the much longer and detailed description given on the application form. At the time of my site visit, I saw that the development was no longer there, therefore I have considered this as a proposed development, rather than retrospective.
3. At appeal stage, the appellant submitted revised plans, which altered the position of the shed slightly, so it would have a gap of 1.2m between it and the boundary with No 32 Chapelfield Road. The appellant also submitted a letter to state that they are now only seeking the change of use aspect of the application, and not the erection of the shed. I am normally required to deal with an appeal on the basis of the same plans that informed the Council's decision. Nonetheless, and irrespective of the merits of the revised schemes, I have considered whether it would be appropriate to take the revised schemes into account in this case. I have concluded that it would not, as it is not clear that other people have been made aware of the amended plans, or that all those who need to be consulted would not be prejudiced by the revised schemes. Therefore, I cannot proceed on that basis.

Main Issues

4. The main issues of the proposed development are the effect on the following:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of No 32 Chapelfield Road, with particular regards to the sense of enclosure, overshadowing and crime.

Reasons

Character and appearance

5. The appeal site is a semi-detached bungalow on a corner plot at the junction with Yokine Gardens. No 32 Chapelfield Road is also located on the junction and there is an area of open space between them. The properties in Chapelfield Road are characterised by a mixture of semi-detached dwellings, with the beginning and end of the road being 2 storey houses, and the middle section being predominately bungalows.
6. The appeal site has a sectional garage located at the rear of the driveway. The appellant seeks to change the use of part of the open land located to the side of the existing garage and driveway, to residential land with associated fencing. The proposal is to widen the driveway by approximately 2 metres wide, and it would run from the boundary of No 32, to Chapelfield Road. A shed is also proposed to be erected adjacent to the existing garage, on the additional strip of land, which would sit in front of the principal elevation of No 32.
7. The sectional shed would match the garage in terms of its design and colouration, this being pebbledash. The design and colouration of this development would be unique in the street scene, as I did not observe any other examples in the immediate vicinity. Due to the position of the appeal site, the shed would be a clear and visible feature, and would be readily apparent from the open space and the adjacent footpaths and roads. As the design would not match the existing developments in the area, it would draw the eye, appearing as an incongruous feature within the street scene. I note the appellant states that it is similar to the existing garage which has been there for some time, however, I must deal with the proposal that is before me. I consider that the shed would fail to respect its surroundings, and would not compliment or fit in with the character and appearance of the street scene. Whilst it would be reasonably localised in its extent, the effect of the scheme is that it would cause harm to the character and appearance of the surrounding area.
8. The appeal scheme would thereby run contrary to the objectives of Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document, adopted July 2014. These policies, amongst other things, seek high quality design which avoids adverse impacts and reflects the local distinctiveness and character of the area.

Living conditions

9. The positioning of the shed would reduce the gap between the existing outbuildings on the appeal site and the front door of No 32. This would leave a gap of approximately one metre from the front door to the shed. The shed would be directly in front of the front door, creating a sense of enclosure for the occupants. In regards to overshadowing, I consider that due to the proposed positioning of the shed in relation to the front door of No 32, that overshadowing is a cause of harm in this instance. The positioning of the shed would obscure some views to No 32 when walking south along Chapelfield Road. However, when walking north, or when entering or exiting Yokine Gardens, the views would not be effected by the shed. Therefore, I do not

consider that this development would significantly increase the levels of crime or the fear of crime for the occupiers of No 32.

10. I note the appellant has provided a statement that states No 32 would be happy if the shed is reduced by 1 metre, and that the appellant could reduce it by 1.2 metres. However, as set out in my procedural matters, I must assess the scheme as it was considered by the Council. Further, this does not mean that subsequent occupiers of No 32 would not be impacted by the development in its current or proposed position. Therefore, this does not overcome the harm that I have identified.
11. The appeal scheme would thereby run contrary to the objectives of Policies LP2 and LP16 of the Fenland Local Plan, adopted 2013. These policies, amongst other things, seek high quality design which protects residential amenity and creates an equitable living environment.

Other Matters

12. The issue of drainage from the shed has been raised. The appellant has agreed that they could change the down pipe to ensure that it goes into the main drains, rather than open land and be kept out of sight. However, this does not alter my decision in terms of the harm I have already found.

Conclusion

13. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR