
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: 11th September 2019

Appeal Ref: APP/H0520/W/19/3228841
122 Hill Rise, St Ives PE27 6SG

- 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 J Wilks against the decision of Huntingdonshire District Council.
 - The application Ref 18/01895/FUL, dated 6 September 2018, was refused by notice dated 16 November 2018.
 - The development proposed is an extension to dwelling to form additional dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In one of the Council's reasons for refusal they have made reference to 28 Lincoln Close. However, in their appeal statement they have confirmed this was an administrative error, as there is no such address near the appeal site. The Council has confirmed that the address should have been 1 The Mallards. I have therefore considered the appeal on this basis.
3. The Council is currently working on the emerging Huntingdonshire Local Plan to 2036: Proposed Submission 2017, which is currently under examination. Although it has reached a fairly advanced stage, it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with the Framework. Thus, while I have had regard to those emerging policies before me, I give them limited weight and they do not alter my conclusions.

Main Issues

4. The main issues are the effect of the proposal upon the character and appearance of the existing building and the surrounding area and the living conditions of the occupiers of 1 The Mallards, in particular regard to enclosure and outlook.

Reasons

Character and appearance

5. The appeal site forms part of the side garden for 122 Hill Rise. The existing dwelling is at the end of a row of 3 terrace, 2 storey dwellings, which front onto

Hill Rise. Adjacent to the site is 1 The Mallards, which has its front door facing Hill Rise and the rear of the property looks onto the appeal site.

6. Development along Hill Rise and The Mallards is predominately made up of groups of terrace and semi-detached houses, arranged at angles to the road. Some of the properties are set back from the road due to the landscaping to the front of the properties. However, the appeal site is in close proximity to the footpath and road of Hill Rise. The site is in a prominent location and is readily visible when travelling along Hill Rise. The introduction of a new dwelling in this location would change the existing pattern of development in the area. It would be forward of the prevailing building line of the existing properties in the area, to the detriment of the current street scene.
7. The proposed new dwelling would dominate the appeal site and form an overly uncomfortably restricted arrangement with a small rear and side garden. Due to the size and location of the appeal site, when compared to the existing properties in the area, the proposed development would appear irregular and cramped in appearance. The size of garden proposed would be uncharacteristically small when compared to the existing properties in the area. The design of the proposal would not relate well to the existing properties in the area due to the differences in proportions, fenestration and arrangement of the windows. The proposal would appear as an incongruous addition to the existing row of properties and would, therefore, harm the character and appearance of the existing property and the wider street scene.
8. Consequently, I find that the proposed new dwelling would cause material harm to the character and appearance of the existing dwelling and the wider area. It would be contrary to Policies H32 and EN25 of the Huntingdonshire Local Plan (HLP), adopted December 1995, HL5 of the Huntingdonshire Local Plan Alterations, adopted December 2002, CS1 of the Huntingdonshire Local Development Framework Core Strategy, adopted September 2009. These collectively seek to ensure that development respects the character and appearance of the local context.

Living conditions

9. The appeal site is located in the side garden of 122 Hill Rise. The proposed dwelling would be positioned in close proximity to the rear garden boundary of 1 The Mallards and would extend across a large part of the northern boundary. This would be an overbearing feature for the occupants of 1 The Mallards when in their garden or rear conservatory. It would give a sense of enclosure and form a poor outlook. Due to the size and location of the proposed dwelling, I do not consider that the existing shed would significantly obscure views to the proposal from 1 The Mallards. In relation to privacy and overlooking, the design of the proposed dwelling would not give rise to any harm due to the high-level landing window and the position of the close boarded fence along the boundary. Further, due to the positioning of the appeal site, I do not consider that the proposal would lead to overshadowing for the neighbouring property.
10. Consequently, I find that the proposed new dwelling would result in significant and demonstrable harm to the occupiers of 1 The Mallards. It would be contrary to Policy H31 of the HLP and the recommendations of the Huntingdonshire Design Guide Supplementary Planning Document, adopted March 2017. This Policy and guidance, amongst other things, seek to ensure that new dwellings provide appropriate standards of privacy and amenity.

Other Matters

11. One of the Council's reasons for refusal related to a failure to incorporate adequate provision for wheeled bins by virtue of the omission of a Unilateral Undertaking. During the course of this appeal the Appellant has submitted a signed unilateral undertaking dated 12 June 2019. In summary, this undertakes to pay the wheeled bins contribution within 14 days of the commencement of development. I have however, found harm to the character and appearance of the area and living conditions, such that the appeal should be dismissed and thus it does not outweigh the harm that I have identified.
12. I note the appellant has stated that the high-level window serving the landing could be obscure glazed if necessary and fixed shut, and would accept a condition on this. However, this does not outweigh the harm I have identified above.

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