



Appeal Decision

Site visit made on 16 July 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal Ref: APP/H0520/W/19/3226208

Newfields, Earith Road, Colne PE28 3NL

- 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 Stephen King against the decision of Huntingdonshire District Council.
 - The application Ref 18/02684/FUL, dated 16 December 2018, was refused by notice dated 12 February 2019.
 - The development proposed is a five bedroom detached house with double garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council determined this application, the Huntingdonshire Local Plan has subsequently been adopted in May 2019. As such, policies that had been referred to by the parties as emerging are now adopted. As a result, some of the policy numbers referred to in the Council's decision notice have altered between the proposed submission and adoption stages. The Council also made reference in its appeal statement to concerns it now has regarding the acceptability of the proposed development in this location having regard to the latest adopted policy position. The parties were invited to provide further comments on this matter and I have had regard to these in my consideration of this appeal. As such, due to the material change in the Development Plan since the application was originally determined, I have considered this appeal on the basis of the adopted Development Plan as it now stands and the latest policy references where appropriate.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development is in a suitable location for new housing
 - The effect on the character and appearance of the area having regard to the proposed dwelling's design, scale, mass and bulk;
 - The effect on the living conditions of 'Newfields' having regard to overlooking;
 - The effects of the development on trees and ecology; and

Reasons

Whether the proposed development is in a suitable location for new housing

4. The appeal site is located on the edge of the village of Colne, adjacent to 'Newfields' which is the last property in a row of existing dwellings. The village is identified at Policy LP9 of the adopted Huntingdonshire Local Plan (2019) (the HLP) as a Small Settlement that has limited or no services or facilities available, and whilst there is a pub and community centre, there does not appear to be any other local facilities available in the village. Whilst a footpath is present to the front of the appeal site that connects to the centre of the village, I have not been provided with details of any public transport opportunities that would allow future occupiers to access services and facilities usually found in larger centres that would be necessary to meet day to day needs (e.g. local shops or medical facilities). I consider the sites location would result in limited opportunities for occupants to utilise non-vehicular trips to access such facilities and would therefore result in the reliance on the use of private vehicles to access other centres.
5. Policy LP9 seeks to limit development in small settlements unless in specific circumstances. Outside of built up areas, the policy states that proposals for development on land well-related to the built-up area may be supported where it accords with the specific opportunities allowed for through other policies in the plan. As set out above, the site is located adjacent to existing houses along Earith Road, and as such I consider it would be well-related to existing development. However, Paragraph 4.107 of the supporting text indicates the other policies in the Local Plan that development proposals would need to meet in addition to being well-related to the built up area. These exceptions are for rural exceptions housing, housing to meet the specific needs of the rural economy, the conversion of a rural building, supporting the rural economy, tourism related development, water related development or providing community facilities. Therefore, whilst the proposal may be well-related to existing development, as it is for a new-build private dwelling, I consider it does not meet any of the exceptions identified in the plan and therefore not comply with the policy for small settlements.
6. In light of the above, I conclude that the proposed development is not in a suitable location for new housing. The proposed development would therefore be contrary to Policy LP9 of the HLP which seeks to restrict development outside small settlements except where this would accord with other specific exceptions in the plan.

The effect on the character and appearance of the area

7. The appeal site comprises an area of grassed paddock with a mature hedging boundary along its frontage with Earith Road, which includes several more established trees. Adjoining the site to the north east is the appellant's property 'Newfields', which is a one and a half storey detached chalet-style dwelling. To the south are further paddocks providing open views into the surrounding countryside. The properties further along Earith Road are a mixture of detached and semi-detached dwellings from a variety of eras. All of the dwellings on the south side of this part of Earith Road broadly follow an established building line set back along the frontage.

8. The adjoining properties in the area are generally flat fronted with their principal elevations containing few further projections such as porches or bay windows. The appeal proposal has a wide principal elevation with a significant setback between the front gable and the remainder of the north east elevation. The footprint of appeal scheme shows it to be broadly an 'L' shape in contrast to the other dwellings to the south of Earith Road. Unlike the adjoining properties, the proposal also spans almost the full width of the plot. Whilst the proposal has been designed to be of a scale to contrast the surrounding area, I find that its scale and siting within the plot would result in a scheme that does not assimilate well into the local context due to the setback design sitting awkwardly with the surrounding properties.
9. The development would include a double garage set forward of the proposed dwelling. The garage would be forward of the established frontage line of the existing properties in the vicinity. I find this would be out of keeping with the established pattern of development as there are no similar arrangements amongst the surrounding properties. As such, I consider this would result in harm to the character and appearance of the area.
10. Policy LP2 of the HLP deals with the strategy for the development of the area which seeks to, amongst other things, protect the character of existing settlements. Due to the proposal filling nearly the full width of the site, this would result in a cramped form of development. Furthermore, the siting of the proposed garage in front of the established building line, compounds the cramped appearance. This would be out of keeping with the surrounding dwellings and would result in harm to the character and appearance of the area.
11. In light of the above, I consider that the proposal would have a harmful effect on the character and appearance of the area having regard to the proposed dwelling's design, scale, mass and bulk. As such, it would be contrary to Policies LP2, LP11 and LP12 of the HLP which states amongst other things that a proposal will be supported where it responds positively to its context and where it can be demonstrated that it contributes positively to an area's character and identity and successfully integrate with adjoining buildings.
12. Paragraph 130 of the National Planning Policy Framework ('the Framework') indicates that planning permission should be refused for development of poor design. In light of my consideration of the layout and siting of the proposal, I accord the Framework significant weight in this regard. I conclude that the harm identified by the proposed development would not accord with the Framework.

The effect on the living conditions of Newfields

13. The proposed dwelling is located close to the boundary with Newfields and as set out above, fills almost the full width of the plot. The proposal is separated from Newfields by an access driveway which does not itself have any boundary treatment between it and the appeal site. However, a low wooden fence bounds the rear garden of Newfields from the driveway. Newfields also has a small roof terrace at first floor level to the rear of the property.
14. The north west elevation of the proposed development would include a roof terrace and three windows in the gable at first floor level. Whilst there is no specific policy requirement for separation distances between new dwellings, the level of separation and screening between the existing and proposed dwelling

provided by the low wooden fencing would allow views from the three windows and the proposed roof terrace located on the north west elevation directly into the rear garden of Newfields. The proposal would also allow views between both roof terraces at first floor level. The existing lack of overlooking would result in the proposal having a significant effect on future occupiers of Newfields. It has been suggested that conditions could be imposed to secure screening, and to utilise obscure the glass in the gable windows and around the roof terrace. I am not content that this is sufficiently capable of mitigating the effects of the development on overlooking. As such, I consider that significant harm would be caused to the living conditions of the future occupiers of Newfields due to overlooking into the rear garden as well as to the roof terrace. As such, the proposal is contrary to Policy LP14(b) of the Local Plan.

The effects of the development on trees and ecology

15. The appeal site is bounded to Earith Road by a mature hedge which includes several trees within it. There is no evidence included with this appeal in the form of an arboricultural survey or ecology survey to indicate that the development would not result in harm to protected habitats and species or other associated matters. The Wildlife Trust noted that that whilst a significant negative ecological impact may be unlikely, an appropriate site walkover should still be carried out. Paragraph 54 of the Framework deals with the use of planning conditions. Whilst it is recognised that this matter could have been dealt with during the initial determination, I do not consider it to be a matter that can be satisfactorily addressed through a subsequent condition as such information could raise matters that bring into question the merits of the scheme.
16. As such, I consider that the proposal could have a harmful effect on trees and ecology. As such it is contrary to Policies LP30 and LP31 of the HLP which requires all potential adverse impacts on biodiversity and geodiversity to have been investigated, and that proposals will be required to demonstrate that the potential for adverse impacts on trees and hedgerows has been investigated respectively.
17. Paragraph 170 of the National Planning Policy Framework states that planning policies and decisions should contribute to and enhance the natural and local environment. In the absence of any evidence to suggest the development will not harm trees and ecology I consider the appeal proposal does not comply with the Framework in this regard.

Other matters

18. Supportive comments were received during the determination regarding the benefits of the development by providing additional family housing and which would allow local families to stay in the village. Whilst the provision of family housing would make a positive contribution to the housing stock, due to the harm I have identified to the character and appearance of the area and living conditions of the neighbouring property this does not alter my conclusion.
19. My attention has been drawn to a number of decisions on schemes of a range of different scales that have been granted by the Council since the adoption of the new Local Plan. I have not been provided with any precise details of these schemes although they appear to be in the defined small settlements. The schemes indicated may be in locations that have different levels of access to

services and facilities or may have particular circumstances that result in them being different to the appeal scheme. Therefore, they are of limited interest in my consideration of this appeal.

20. Comments have also been raised which include the impact of construction traffic of the proposed dwelling, and the impact on drainage. Notwithstanding these matters, having regard to my findings on the main issues these do not alter my conclusions.

Conclusion

21. For the reasons set out above, due to the conflict I have identified with the development plan when considered as a whole, and having regard to all other matters raised, I conclude the appeal is dismissed.

P Mileham

INSPECTOR