

---

## Appeal Decision

Site visit made on 3 September 2019

**by A Denby BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 October 2019**

---

**Appeal Ref: APP/V0510/W/19/3229384**

**Rear of 70 West Fen Road, Ely, Cambridgeshire, CB6 1AN**

- 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 & Mrs Stuart Marsh against the decision of East Cambridgeshire District Council.
  - The application Ref 18/01782/FUL, dated 17 December 2018, was refused by notice dated 15 February 2019.
  - The development proposed is a 2-bed dwelling.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council's Decision notice refers to policies within the East Cambridgeshire Local Plan 2018. However, the Council's Appeal Statement confirms that the Submitted Local Plan 2018 has been withdrawn. As such I have determined the appeal in light of the adopted East Cambridgeshire Local Plan 2015.(ECLP)

### Main Issues

3. The main issues are the effect of the proposed development on:
  - The character and appearance of the surrounding area, and;
  - Living conditions of existing and future occupants.

### Reasons

#### *Character and appearance*

4. The site is set back from the main road and would be accessed via an existing single width driveway located between No 68 and No 70 West Fen Road. There is a detached garage and timber outbuildings within the site which are currently utilised as part of the residential garden for No 70.
5. The site is within an established residential area and there is some variation in the style and layout of dwellings. Whilst there is variation to the house styles on West Fen Road, with some having slightly different setbacks or alignments, the dwellings are predominately set in substantial plots with generous rear gardens and there is a distinct linear character to the development, and this is particularly evident in the vicinity of the appeal site.

6. The land adjacent to the rear site boundary is used as allotments and this means that there are clear views to the site from the surrounding area. The linear arrangement of the dwellings on this section of West Fen Road is clearly evident, particularly when viewed from Uphers Lane and Saxon Close, though it is acknowledged that views from West Fen Road would be more limited
7. Although the dwelling proposed would be single storey, due to its size and design it would have a substantial roof which would have a bulky appearance. Considering this and its proximity to the rear site boundary it would be clearly visible, and a prominent feature when viewed from the surrounding area.
8. The dwelling would be within a noticeably smaller plot and would be in close proximity to all its site boundaries. It would also reduce the outdoor space surrounding No 70, further eroding the open established character of development in the area.
9. Whilst some outdoor space is provided a large proportion of the site would be utilised for parking and turning area. This layout, backland siting, size and design of the proposed dwelling would result in a development that would be at odds with the prevailing pattern of development. The dwelling would be an incongruous addition within the streetscene, resulting in harm to the open character and appearance of the site and surrounding area.
10. The proposal would therefore not accord with Policies ENV1 and ENV2 of the ECLP 2015 which seek to ensure that proposals respond positively to existing development and preserve, enhance or enrich the character and appearance of an area. The proposal would also not accord with Section 12 of the National Planning Policy Framework which requires high quality design.

#### *Living conditions*

11. The proposed dwelling would be accessed via an existing driveway which is currently used by the occupants of No 70 to access a detached rear garage. The proposed development would extend the driveway almost along the entire length of the boundary with No 68 and wrap around the rear garden area of No 70.
12. Whilst there will be a certain level of noise and disturbance associated with the current use of this access, No 70 does have alternative parking and access to its frontage.
13. The driveway however would be the sole means of access to the proposed dwelling. It is therefore likely that there will be an increase in its use as a result of the proposed development. I therefore consider there would be harm to existing occupants due to increased noise and disturbance from vehicle movements and engine noise in close proximity to the gable walls, windows and private outdoor space. A boundary wall or fence would not provide sufficient mitigation due to the close proximity to the adjacent dwellings and extent of the driveway along the site boundaries.
14. Policy ENV2 of the LP requires high quality design and seeks to ensure that developments do not have any significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers of new dwellings enjoy high standards of amenity. The Policy is supported by the East Cambridgeshire District Council Design Guide Supplementary Planning Document (SPD) which sets out guiding principles for developments.

15. Whilst the advice within the SPD is a guide, it is clear that the proposed development would fall significantly short of the minimum separation distances required to protect privacy and prevent undue overlooking.
16. It is acknowledged that the proposal is for a single storey building, and due to the proposed boundary fencing is unlikely to result in any significant overlooking to the existing properties. It would however be in very close proximity to the site boundaries and experience a poor outlook from the main habitable room windows, directly onto the boundary fence.
17. The area of amenity space proposed is reasonable, though a significant proportion of it will be overshadowed by the proposed dwelling. Due to this, and its limited depth, the garden area, and proposed dwelling in general, would have a constrained and hemmed in character. This would be further exacerbated by the overlooking of the proposed dwelling from existing properties on West Fen Road.
18. Notwithstanding the dominant and overbearing effect, the size and design of the roof would result in, it would avoid harmful overshadowing of the host dwelling and adjacent properties.
19. Nevertheless, for the reasons above I conclude that the development would significantly harm the living conditions of occupiers of neighbouring properties and would not achieve a high level of amenity for future occupants. The development would therefore conflict with policy ENV2 of the ECLP 2015 which requires high quality design and seeks to ensure that developments do not have any significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers of new dwellings enjoy high standards of amenity.

### **Other Matters**

20. The appellant has stated that previously there were 2 dwellings on the site of No 70, though no further details have been provided. Aside from house numbering, I saw little evidence on my site visit of a previous dwelling and there is nothing to suggest that it would have been comparable in design and layout to the current appeal scheme. Even if it were to be demonstrated that another property existed on the site, I must consider the appeal scheme on the basis of the existing character and appearance of the site and surrounding area.
21. The appellant has also referred to a previous Inspectors decision in respect of development at 40a West Fen Road. On my site visit I saw that there are distinct differences between that site and the appeal site.
22. Whilst that dwelling is within a backland position, this is reflective of the development within the vicinity of that site. The surrounding development is more compact, and dwellings, located close to their site boundaries, are part of the established character. There is not the same linear character to development that is evident in the vicinity of the appeal site.
23. The site at No 40a is wider, and the driveway access is less constrained by existing development. Although it adjoins rear garden boundaries there is a substantial brick boundary wall which would minimise any impacts to existing occupants. I therefore do not consider this development to be directly

comparable to the appeal site or scheme. Therefore, these other matters do not weigh in favour of the appeal scheme.

### **Planning Balance**

24. The Council acknowledges that it cannot demonstrate a 5-year housing land supply which means that the approach set out in paragraph 11 d) of the Framework is engaged.
25. There is no detailed information before me with regards to the scale of the Council's housing land supply shortfall, though the provision of only one dwelling could only have a limited benefit in relation to boosting the supply of housing. Furthermore, benefits in relation to employment during construction would be temporary and future occupants use of local services would only result in modest benefits.
26. The proposals would result in significant harm to the character and appearance of the surrounding area and living conditions of existing and future occupants. Although I recognise the important contribution small sites can make to meeting the housing requirement of an area, the harm I have identified means that adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits, when assessed against the Framework as a whole. Other considerations do not indicate that a decision should be taken other than in accordance with the development plan.

### **Conclusion**

27. For the reasons given above I conclude that the appeal should be dismissed.

*A Denby*

INSPECTOR