
Appeal Decision

Site visit made on 24 December 2019

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: Wednesday, 29 January 2020

Appeal Ref: APP/D0515/W/19/3239941

Land East of 24 Pound Road Chatteris PE16 6RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Brian and Mrs Linda Jaggard against the decision of Fenland District Council.
 - The application Ref F/YR19/0101/O, dated 28 January 2019, was refused by notice dated 26 April 2019.
 - The development proposed is erection of 1 No dwelling.
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Decision

1. The appeal is allowed, and outline planning permission granted for the erection of 1 No dwelling (outline – all matters reserved) at land east of 24 Pound Lane, Chatteris, PE16 6RL as shown on the location plan by the site edged in red submitted with the planning application ref F/YR19/0102/O, subject to the following conditions:
 1. Details of the appearance, design, landscaping, layout and access (herein after called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out in accordance with the reserved matters as approved.
 2. The application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 3. The development hereby permitted shall be commenced not later than two years from the approval of the last of the reserved matters to be approved.
 4. No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
 - i) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals, cross sections and floor levels of adjoining buildings;
 - ii) full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved

details.

Procedural Issues

2. This is an outline application with all matters reserved. The applicant has included plans with the application to show how a 2-bedroom dwelling could be accommodated on this site. I have treated these plans as being for illustrative purposes only.

Main Issues

3. The effect of the proposal on the character and appearance of the area
4. The effect of the proposal on the living conditions of the occupiers of the adjacent property

Reasons

The effect of the proposal on the character and appearance of the area

5. Pound Road is a residential street in the north west of Chatteris. It contains older houses and houses which have been built more recently. It has no overall unifying factor, in the style or age of its buildings.
6. Much of the housing is on or close to the back of the pavement with parking, to the side of houses or on the street. The developments within the street give it a tight urban grain and character.
7. There is a change in levels between Pound Road and Cox's Lane/Chapel Lane to the south.
8. The site has a drive on its east side and the flank wall of No 24 Pound Road to its west, with what appears to be a side access to No24 between the boundary fence and its wall. There is a window in the flank wall to No 24 just visible behind the boundary fence. There is no footway between the site and Pound Road. To the rear of the site is the garden of a house on Chapel Lane which is separated by a panel fence on top of a brick wall.
9. The site itself is relatively narrow when compared to other sites on the road. However, it is at least as long/deep as the plots on either side.
10. It has the appearance of underused land. There are indications that it is being used for the dumping of rubbish. It appears as a gap in an otherwise built frontage.
11. The site is narrow. There are examples of houses in the area that occupy narrow plots. The change in levels to the rear of houses on the south side of Pound Road, has been dealt with on sites to the east of the appeal site.
12. The depth of the site means it can accommodate a dwelling with a garden at least as large as some of the others in the area, whilst creating a building that could respect the streetscape and character of Pound Road. Other dwellings in the road have a close relationship to the street and a dwelling on this site would be no different.
13. I conclude that the site is capable of accommodating a single dwelling, without harming the character and appearance of the area and not adversely affecting the street scene.

The effect of the proposal on the living conditions of the occupiers of the adjacent property

14. This issue is about the effect of the appeal proposal on a window in the eastern flank wall of No 24 Pound Road, in terms of loss of light and noise and disturbance brought about by cars potentially parking next to it.
15. No 24 is a larger property, with a longer frontage to Pound Road. It has a larger than average rear garden for the area. The day light to this window is already partially blocked by the boundary fence.
16. At the site visit I saw that the top of this window is only just visible behind this fence, when viewed from Pound Road.
17. The principal elevations of No 24 face away from the site of the proposed dwelling and these are unaffected by the proposal.
18. Pound Road already contains dwellings that are sited in close proximity to parking areas, either in drives alongside houses or adjacent to houses in the street.
19. Cars that park on the appeal site will be associated with domestic activity and will not be moving on and off the site regularly throughout the day. It is unlikely that the vehicles will move regularly during the night.
20. I find that in principle a dwelling could be accommodated on the appeal site, without affecting the overall living conditions of the occupiers of No 24, notwithstanding the presence of a flank window in its eastern elevation.
21. The window in the eastern flank of No 24 is already covered by the boundary fence, it is not located in a principal elevation of the dwelling and the main elevations of No 24 are unaffected by a new dwelling on the appeal site.
22. With regard to noise and disturbance, No 24 is already affected by traffic movements in the street. Its principal elevations face away from the site of the proposed dwelling. The addition of a parking space next to its eastern elevation would not, in my view, unacceptably harm the living conditions of the occupiers of No 24 in terms of noise and disturbance.
23. The application is in outline with all matters reserved. I see no reason given the size of the site and its relationship with Pound Lane that adequate and well-designed arrangements cannot be made for the storage of refuse bins on the site. Due to the precision of this reason for refusal I have no doubt that the appellant is aware of the council's concern in this regard and these requirements can be built into the design at the reserved matters stage.

Conclusion on the main issues

24. The development plan for the area is the Fenland Local Plan adopted in May 2014 (FLP). The policy that is relevant to this proposal is LP16 – "Delivering and Protecting High Quality Environment across the District", in particular criteria (d) and (e) and those set out in "Delivering and Protecting High Quality Environments in Fenland: Supplementary Planning Document 2014" (SPD), in particular DM4.
25. I find no conflict with criterion (d) of policy LP16 of the FLP. The site is capable of accommodating a dwelling which would make a positive

contribution to the character of the area and not adversely affect the street scene.

26. With regard to criterion (e), any dwelling on this site will have an effect on the eastern flank window of No 24 Pound Road. However, given the size of No 24, its orientation and its existing relationship to Pound Road, the overall living conditions of the occupiers of this dwelling will be unaffected should a dwelling be constructed on the appeal site. I therefore find no conflict with this criterion of Policy LP16.

Conditions

27. I have not imposed the all the conditions suggested by the council.
28. As well as the standard conditions, I agree with the council that a condition is required to control finished floor levels. This is due to the sloping nature of the site and the importance of finished floor levels to ensure that the completed dwelling does respect the character and appearance of the area and the living conditions of neighbours. I have amended the condition proposed by the council in the interests of clarity.
29. As the application is in outline with all matters reserved, I have not referenced the illustrative plans submitted with the application, as they represent only one way the site could be developed, and do not form part of this permission. It is for the applicant to submit plans for approval to the council, as part of the reserved matters process, to show how the site can be satisfactorily developed. Therefore, condition 6 suggested by the council is unnecessary.
30. I have also not specifically conditioned the need for development to take account of the council's requirement for the storage of refuse bins on the site and would expect this to be dealt with as part of 'design' and 'layout' reserved matters set out in condition 1 above.

Conclusion

31. I find that, having regard to all matters before me, including the policies of the development plan, when read as a whole, the appeal should be allowed, and planning permission granted.

Peter Mark Sturgess

Inspector