



Appeal Decision

Site visit made on 21 January 2020

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

an Inspector appointed by the Secretary of State.

Decision date: Thursday, 13 February 2020

Appeal Ref: APP/W0530/W/19/3241136

173 Acre Road, Carlton, Newmarket, Cambridgeshire, CB8 9LF

- 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 Ms C. Syed against the decision of South Cambridgeshire District Council.
 - The application Ref S/1265/19/FUL, dated 2 April 2019, was refused by notice dated 29 August 2019.
 - The development proposed is erection of single storey dwelling following demolition of existing outbuilding and associated works.
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Decision

1. The appeal is allowed, and planning permission granted for the erection of single storey dwelling following demolition of existing outbuilding and associated works on land at No 173 Acre Road, Carlton, Newmarket, Cambridgeshire, CB8 9LF, local planning authority reference S/1265/19/FUL, dated 2 April 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) This permission shall be carried out in accordance with the following plans: 393/P/02 (dated 15 December 2018); 393/P/03A (dated 31 January 2019); 393/P/04 (dated 26 July 2018); 393/EX/01 (dated 22 March 2019), and OAS 19-035-TS01(dated March 2019)
 - 3) No development shall take place above ground level, until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
 - 4) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan No. 393/P/02.
 - 5) All planting, seeding or turfing shown on plan No 393/EX/01 (External Works) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 7) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the dwelling other than in accordance with the approved plans without the prior written approval of the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 8) All the trees and hedges shown on the landscaping plan No 393/EX/01 (External Works) as "to be retained" and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

Main Issues

2. The effect of the development of the character and appearance of the area with particular reference to the density of development in the area, relationship with No 173 Acre Road and its siting, scale, design.

Reasons

Character and appearance.

3. The site is currently part of the curtilage of No 173 Acre Road. There are existing dwellings all around the appeal site. The majority of the site is currently occupied by a large shed, concrete hard standings and a gravel vehicular access from Brinkley Road. There is currently no access between the Brinkley Road part of the site and that accessed from Acre Road. When viewed from Brinkley Road a shallow pitch roof is currently visible above a close boarded fence. The site is not generally visible outside the curtilage of No 173.

4. The Council have stated in the officers' report that *'one dwelling on the site would equate to a density of 25 dwellings per hectare. This would normally be considered acceptable in this case given the low-density character and appearance of the appeal site'*. It appears from the officers' report that the Council are agreeing that the density of the area would be acceptable with the appeal proposal in place.
5. It is my opinion, given the limited public views of the appeal site, the occupation of the site by a large shed and the presence of a vehicular access on to Brinkley Road, that any change in density brought about by the appeal proposal would not be readily evident outside the site. For this reason, I consider that the appeal proposal would not harm the character and appearance of the locality in terms of the density of development that would result.
6. The appeal proposal would only be seen in the context of No 173 Acre Road from within the parking area at the end of its drive. This area is set back from Acre Road, at the end of a long drive. The relationship between No 173 and the new dwelling would not be apparent from any public vantage points. The rear wall of the appeal proposal does not protrude beyond the flank wall of No 173, so it does not impinge on its front elevation. Both dwellings would have sufficient garden space and their outlooks across the existing and proposed garden areas would be acceptable. I also note that the rear eaves of the proposed dwelling are the lowest part of the mono pitch roof. This would also reduce its impact on the rear of No 173. For these reasons I find the relationship between the appeal proposal and 173 Acre Road to be acceptable.
7. It is likely that once the vegetation and existing shed are removed the appeal proposal would be more visible from Brinkley Road than the existing buildings. However, the dwelling would be set back from its access with Brinkley Road. Its public visibility would be limited to views of the top part of its vertical timber cladding and the entrance to its car port area. The zinc roof would be less visible from Brinkley Road due to the orientation of the mono pitch roof. I find that in terms of its visibility from Brinkley Road and its external appearance the appeal proposal does not harm the character and appearance of the locality.
8. Whilst the design of the appeal proposal is unconventional it is not unattractive, using a mixture of modern and traditional materials, it is sited to the rear of its plot which allows for acceptable separation distances from the property that fronts on to Brinkley Road. Its scale is acceptable in this location as it is single storey with a mono pitch roof. In terms of design, siting and scale I find that the appeal proposal does not harm the character and appearance of the locality.
9. The development plan for the area is the South Cambridgeshire Local Plan (SCLP), 2018. Policy HQ/1 of the SCLP requires all development to be of a high-quality design with a clear vision as to the positive contribution the development will make to its local and wider context.
10. The designer of the appeal proposal set out to create a dwelling which respects its location, having taken advice from the Council. This has resulted in a proposal which is single storey, set back in the plot and uses materials, timber, brick and zinc, which will blend into the locality.

The public view of the dwelling will be of timber and brick. The proposal therefore responds positively to its context and is compatible with its location. The form of the development and its use of materials also reflects the character of the current large shed which occupies the site. I therefore find no conflict between the appeal proposal and the development plan.

Conditions

11. I have been provided with no suggested conditions from either party to the appeal.
12. In addition to the standard time limits and a condition that specifies the plans to which this permission relates, I have had regard to the matters raised by the parties in deciding a set of appropriate conditions
13. It is important given the relationship of the site to surrounding dwellings that the finished floor levels of the new dwelling are controlled in order to protect the living conditions of the occupiers of adjacent dwellings and to ensure that the dwelling harmonises with its surroundings.
14. The materials from which the dwelling is constructed is important to ensure that the dwelling respects the character and appearance of its surroundings. I have imposed a condition in order to ensure that the dwelling is completed in the materials specified on drawing No 393/P/02 to protect the character and appearance of the locality.
15. Reference has been made throughout the application documents to the landscaping of the site. I have therefore, notwithstanding the details shown on the approved plans, imposed suite of conditions (5 to 8), to ensure that appropriate landscaping is carried out, maintained and existing trees are protected during the construction of the dwelling. This is important to the character and appearance of the locality.

Conclusion

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

Peter Mark Sturgess

INSPECTOR