



Appeal Decision

Site visit made on 4 December 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/W0530/C/18/3219402

**4 Lake House, The Lakes, Twentypence Road, Cottenham, Cambridge
CB24 8PP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Guy Clandillon against an enforcement notice issued by South Cambridgeshire District Council.
 - The enforcement notice, numbered ENF/0645/18 was issued on 11 December 2018.
 - The breach of planning control as alleged in the notice is the construction of a side extension.
 - The requirements of the notice are:
 - i) Demolish the side extension.
 - ii) Remove materials resulting from the demolition from the land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The application is fee exempt, but the application for planning permission deemed to have been made under section 177(5) of the Act, as amended, falls to be considered.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the construction of a side extension on land at 4 Lake House, The Lakes, Twentypence Road, Cottenham, Cambridge CB24 8PP.

Preliminary Matters

2. The appeal property is a two storey detached dwelling. Building works were initially intended to create separate extensions under permitted development. However, during the course of the building works, alterations were made that meant the extensions were no longer permitted development. Consequently, a retrospective application was submitted. Planning permission¹ was refused on 20 September 2018 for the erection of a *'Single storey side extension and double garage. Single storey rear extension with link to lower ground floor accommodation below adjacent flat'*.
3. The Enforcement Notice (the 'Notice') subject to this appeal was subsequently issued, but only against the single storey side extension that comprises a

¹ LPA application ref: S/2711/18/FL

garage that has been linked to the house by a utility, WC and study and a new entrance door. The Council finds the other extensions acceptable.

Plans and alleged breach

4. On my site visit I saw that the development in situ had not been built fully in accordance with either the submitted application plan 14/1166/PL.31 Rev D, or the revised plan 14/1166/PL.31 Rev E submitted with the appeal. On the rear (south) elevation of the garage I saw the door had been centrally positioned with a window either side, instead of one door and one window. The front door was as per the appellant's revised plan. It is not clear when these changes were made, and whether they were made before or after the Council issued the Notice. I also noticed that the internal layout was different with the intended study, WC and utility room now made into a single room.
5. Under s177(1)(a) of the 1990 Act, the grant of planning permission can only be made in respect of the matters stated in the Notice as constituting a breach of control, whether in relation to the whole or any part of those matters. It is thus necessary here to ascertain the nature of the extension as it was when the Notice was issued.
6. In his Statement the appellant refers to a submitted photograph of the extension "as it stands". The photograph was missing from the submitted documentation, but has since been requested. The appellant then submitted 4 undated photographs, so it is still not certain whether they show what was built at the time the Notice was issued. However, they do show the extension linked to the house and the changes to the windows and doors I observed on my visit. The Council has been given the opportunity to comment on the submitted photographs, but has not done so. In the absence of evidence from the Council to the contrary, I am therefore satisfied, on the balance of probabilities, that the extension as built, and what I saw on my visit, is what was in place when the Notice was issued.

Planning policies

7. The Notice explains that the development is contrary to Policies H/12 and HQ/1 of the development plan, namely the South Cambridgeshire Local Plan adopted 2018 (the 'Local Plan'). However, in later correspondence the Council confirms² that the development is contrary to Policy H/13 and HQ/1 – and not Policy H/12. Policy H/13 relates to 'Extensions to Dwellings in the Countryside' and is clearly more relevant in this instance to Policy H/12 on 'Residential Space Standards'.
8. Furthermore, the Council's delegated report mixes up the policy number and its title. It appears to me that a typographical error from the delegated report has been carried through to both the refusal notice and the Notice. The appellant is aware of the Council's reference to Policy H/13. Therefore, I have assessed the development against Local Plan Policies H/13 (Extensions to Dwellings in the Countryside) and HQ/1 (Design Principles).

Appeal on Ground (a) and the Deemed Application

² Email dated 7 October 2019 and Letter dated 16 October 2019

9. The appellant has made an appeal on ground (a) that planning permission ought to be granted for the matters alleged in the Notice. The main issue in this case is the effect of the single storey side extension on the character and appearance of the area.

Reasons

10. The appeal property is one of 4 detached dwellings, located a substantial distance from the settlement of Cottenham and outside the Cottenham Development Framework boundary. The dwellings are accessed off Twentypence Road via a private track. To the rear of the properties is a lake and beyond are fields, such that the appeal property and the other dwellings are located in open countryside.
11. The appeal property is located at the end of the row and is not visible from Twentypence Road. It only comes into view as one progresses along the private track and past the other dwellings. I have not been made aware of any public vantage points from which the extension would be seen.
12. The dwellings in the row are individually designed so there is little architectural or design unity between them. I observed from my site visit that some of the properties appear to have been extended. I note on the plans that a fifth dwelling is shown, but has not been built and I have not been provided with any details of its intended design.
13. The width of the side extension exceeds the width of the house, which distorts the overall proportions of the dwelling. However, the extension is single storey and is set back a substantial distance from the front of the dwelling, which creates a break in the elevation. These elements combine to create a subservient extension, despite its width. The roof is pitched to reflect the pitched roof on the house with roof materials to match. In addition, the front of the side extension has been rendered to match the main frontage of the house, which helps it assimilate. Whilst the footprint of the dwelling would be enlarged and would be bigger than the other dwellings in the row, the appeal plot is larger than the others and is able to accommodate the extension.
14. On balance, I find the single storey extension would not be harmful to the character and appearance of the area. Accordingly, the proposal is in general conformity with Local Plan Policies H/13 and HQ/1, which seek to ensure that extensions are in scale and character with the dwelling and would not materially change its impact on its surroundings.

Other Matters

15. Cottenham Parish Council raise a series of other concerns about the proposal. But in view of the Council's reason for refusal, the alleged breach of planning control and my conclusion on the main issue there is no need for me to address these in the current decision.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

K. Stephens
INSPECTOR

