
Appeal Decision

Site visit made on 10 March 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Appeal Ref: APP/V0510/W/19/3239918

Site west of 39 Sutton Road, Witchford CB6 2HX

- 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 Ivor Brand against the decision of East Cambridgeshire District Council.
 - The application Ref: 18/01789/FUL, dated 5 December 2018, was refused by notice dated 26 April 2019.
 - The development proposed is the erection of detached three bedroom bungalow and ancillary works
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - whether appropriate living conditions would be provided for the future occupiers of the proposed development, with particular reference to noise levels.

Reasons

Character and appearance

3. The site is currently grassed and located adjacent to the built form of Witchford. The topography of the site and the surrounding area is relatively flat in nature. The A142 is located to the rear of the site and is on higher land than the appeal site. Residential accommodation is present within the surrounding area, although the site is outside of the settlement boundaries.
4. Owing to the siting of the proposed dwelling, the development would extend the built form of Witchford into the countryside. In consequence, the development would result in a loss of the existing open, verdant character that defines the appeal site, and many of the neighbouring areas.
5. This situation would be exacerbated by the form of the appeal site and the proposed development. Owing to the relatively narrow plot width, the proposed dwelling would have a notably great depth, thereby emphasising the creation of a building within the countryside. As the topography of the area is relatively

level, the scale of the building would be readily viewable from the site's environs. The A142 is also a heavily trafficked road. As views of the appeal site would be readily available from this road, the prominence of the proposed development would also be increased.

6. I acknowledge that there are other dwellings within the surrounding area, which means that the proposed development would not be isolated. However, those dwellings are further away from the A142 than the scheme before me, which reduces their prominence. There is also a greater amount of landscaping near to the existing dwellings which renders them less prominent than the appeal scheme. Accordingly, I do not find that the presence of existing buildings nearby offsets my previous concerns.
7. I have given consideration as to whether a condition could be imposed to provide additional landscaping, however, owing to the scale of the proposal, and the smaller size of the plot compared to the neighbouring properties, it is doubtful that sufficient landscaping could be provided in order to fully mitigate the scale of the dwelling upon the character and appearance of the surrounding area.
8. Whilst I am aware that the site and its surroundings do not appear to be within a designated area such as a conservation area, the green belt or an area of outstanding natural beauty, the appeal site and its environs has a distinctive character, which would be eroded by the proposed development.
9. I therefore conclude that the development would have an adverse effect on the character and appearance of the surrounding area. The development, in this regard, would fail to accord with the requirements of Policy ENV1 of the East Cambridgeshire Local Plan (2015) (the Local Plan); and the National Planning Policy Framework (the Framework). These, amongst other matters, seek to protect and conserve settlement edges and their wider landscaped setting.

Living conditions

10. The site is relatively level, with the widely used A142 located close to the rear boundary of the site. The A142 is located on land that is higher than the appeal site. The development comprises a single dwelling with a garden to the rear.
11. Owing to the busy nature of the A142, vehicle noise is readily apparent in the appeal site. Whilst the evidence before me is indicative of it being possible to install sufficient mitigation within the dwelling to ensure that residents would not be unduly affected by excessive noise, the appeal scheme does not include sufficient mitigation to the garden.
12. This poses a concern as users of the garden would be subject to significant amounts of road traffic noise. This is likely to prevent resident of the development from undertaking the full range of outdoor recreation activity or relaxation that would normally be expected to be carried out within a garden. This is also of concern as the site is not within easy reach of areas of public open space that might serve as a substitute.
13. I have given consideration as to whether a condition could be imposed to secure the provision, and retention, of physical structures that might serve as a barrier to some of the noise that emanates from the A142. However, I do not have sufficient details of proposed boundary treatments before me, which means that I am unable to assess its specification. Furthermore, a physical

barrier would be viewed alongside the form of the proposed dwelling. This would therefore accentuate the built form of the development and increase the adverse effects on the character and appearance of the surrounding area owing to a loss of openness.

14. I acknowledge that other dwellings and gardens are near to the appeal site. I do not have full information regarding the planning circumstances of these, which lessens the weight that I can attribute to them. However, I note that these properties (and their gardens) are generally located a greater distance away from the A142. Furthermore, they have notable boundary treatments and landscaping in between the rear boundary and the A142. Accordingly, I find that these properties are not directly comparable to the scheme before me.
15. I conclude that the development does not provide appropriate living conditions for the future occupiers of the proposed development. The development would therefore not comply with Policy ENV2 of the Local Plan; and the Framework. These, amongst other matters, seek to ensure that the occupiers of new buildings enjoy good living conditions and to ensure that developments relates sympathetically to the surrounding area.

Other Matters

16. The evidence before me is indicative that the Council cannot currently demonstrate a five-year housing land supply. Accordingly, the 'tilted balance' as outlined in paragraph 11(d) of the Framework applies. This states that planning permission should be granted for residential development unless the benefits of the proposal are significantly and demonstrably outweighed by the harm.
17. In this instance, the benefits of the development are relatively limited on the grounds that the proposed development is for a single dwelling only. Furthermore, any benefits to the local economy arising from the construction process and any on-going use of local businesses or services would also be relatively small owing to the scale of the development. These would also be relatively localised in impact. Accordingly, I find that the benefits of the proposal are significantly and demonstrably outweighed by the harm to the character and appearance of the surrounding area and the lack of appropriate living conditions for the future occupiers of the development.
18. I acknowledge efforts made by the appellant in attempting to overcome the reasons for a previous refusal of planning permission. However, this does not outweigh the harm as previously identified.
19. I note references to an emerging neighbourhood plan within the appeal documents. However, given its current status and the fact that I do not have any draft policies before me, I have been unable to give this matter significant weight in my assessment.

Conclusion

20. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR