



Appeal Decision

Site visit made on 10 February 2020 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2020

Appeal Ref: APP/H0520/D/19/3237719

11 Garden Close, St Ives PE27 3XZ

- 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 Melvyn Thurlbourn against the decision of Huntingdonshire District Council.
 - The application Ref 19/01509/HHFUL, dated 25 July 2019, was refused by notice dated 18 September 2019.
 - The development proposed is an observatory.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The observatory has been in place since December 2017, I have dealt with the appeal on that basis.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring property 8 Abbots Crescent, with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

5. The appeal property is a detached dwelling located at the end of a cul-de-sac, within a predominantly residential area. It has a garden to the side and rear, which shares boundaries with the rear gardens of neighbouring properties located on Abbots Crescent and Kings Hedges. The development seeks retrospective permission for the observatory, which consists of a timber structure with a fibreglass domed roof in an off-white colour.
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6. Policies LP 11 and LP 12 of the Huntingdonshire's Local Plan to 2036 require new development to respond positively to its context and to draw inspiration from the key characteristics of its surroundings. Policy LP 11 also states that in order to achieve this a development needs to apply the guidance contained in the Huntingdonshire Design Guide Supplementary Planning Document (2017) (SPD). Section 3.7 of the SPD refers to, amongst other things, the building form and states that the shape, size and orientation (the form) of a building can have a significant impact upon its surroundings. It indicates that it is important to take these traditional forms, materials and general design principles into consideration when undertaking any development because such building forms can produce attractive compositions (both traditional and contemporary) and can sit comfortably within their surroundings. Similarly, the National Planning Policy Framework (the Framework) requires new development to be sympathetic to the local character and to add to the overall quality of the area.
7. The observatory sits within an area where modestly proportioned domestic gardens sit alongside each other. The key characteristic of these areas, in addition to providing an outdoor amenity space, is the openness they provide between dwellings. As is commonly found in well-established residential areas, most gardens contain outbuildings although such buildings tend to be of a modest scale and proportions. The observatory, in contrast to these structures, is a dominant feature in the rear garden of the property. Moreover, whilst not occupying a frontage position, the structure is highly prominent from a number of the surrounding properties and is visible from public vantage points on Abbots Crescent primarily as a result of the height and diameter of the dome. The impact of its scale is compounded by its bright colour. As such, the development appears as an overbearing structure, at odds with the conventional scale of more modest garden structures, and moreover, dominates and detracts from the space. Accordingly, it harmfully affects the character and appearance of the area. I acknowledge the appellant's point that just because something is different does not mean it is of poor design. There is no suggestion that the design of the structure is poor. However, for the reasons set out the development is overbearing in its context.
8. I note that the appellant is willing to provide screening for the observatory in the form of semi-mature trees/plants along the boundaries and a camouflage net over dome. However, in order to be of a height that effectively screens the structure, the trees would have to grow to such an extent that they could in themselves become intrusive features. Moreover, the trees and the netting are unlikely to totally obscure the observatory and as such would not fully mitigate the harm it causes.
9. I have also taken into consideration the appellant's willingness to paint the dome grey although there are no details before me of the method or precise finish or colour that could be achieved. Nonetheless, I am unconvinced that altering the colour would make the development acceptable, given its bulk and height.
10. I acknowledge that in certain circumstances a domestic outbuilding with a higher ridge and a pitched roof could be constructed without the need for planning permission and without restrictions on its colour. I further note the appellant's contention that the appeal structure could be moved to another position within the garden where it would not require planning permission.

However, there is no evidence before me to demonstrate that this would be the case and I am not aware that a certificate of lawfulness to confirm the matter has been sought. On this basis I am unconvinced there is a realistic 'fallback' position and accordingly I give these matters limited weight.

11. For the reasons set out above, I conclude that through a combination of its siting, size, and shape the development has a harmful effect on the character and appearance of the area. It is thus contrary to the objectives of Policies LP 11 and LP 12 of the Huntingdonshire's Local Plan to 2036 and the guidance contained within the Huntingdonshire Design Guide SPD (2017) and the Framework as set out above.

Living conditions

12. The development sits within close proximity of the shared boundaries with neighbouring properties 8 Abbots Crescent and 15 Kings Hedges. The main concern relates to the effect of the development on the living conditions of the occupiers of No 8, as this property has a garden shorter in length than No 15, thus the observatory is within closer proximity to the rear elevation of dwelling No 8 and its immediate outdoor amenity space.
13. The observatory is highly prominent when viewed from No 8, a single storey property. Due to its bulk, height and siting close to the boundary it dominates the outlook from facing habitable rooms within the property and from within the garden area. As such it is an overbearing and intrusive feature. The slight set-back of the dome from the boundary does not mitigate its harmful effect. Accordingly, the development harms to the living conditions of the occupiers of No 8.
14. Consequently, for this reason the development conflicts with Policy LP 14 of the Huntingdonshire's Local Plan to 2036 and the guidance contained within the Huntingdonshire Design Guide SPD (2017), which state that the physical relationships arising from the design and separation of buildings should not be oppressive or overbearing.

Other matter

15. I acknowledge that the development enables the appellant to carry out his hobby and that this in turn provides a benefit to his well-being. This is an, albeit private, benefit of the scheme which I have taken into consideration. However, the benefit of the proposal in this respect does not outweigh the harm to the character and appearance of the area and the living conditions of the neighbouring residents that I have identified.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR