



Appeal Decision

Site visit made on 17 February 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 18th May 2020

Appeal Ref: APP/D0515/W/19/3240555

Land west of 4 Walton Road, Leverington, Wisbech PE13 5AJ

- 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 and Mrs Kierman against the decision of Fenland District Council.
 - The application Ref F/YR19/0277/O, dated 14 March 2019, was refused by notice dated 3 June 2019.
 - The development proposed is described as "proposed residential dwelling".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development is for the erection of a dwelling in outline application with all matters reserved. The appellants' statement has mentioned the consideration of access at this stage, however, there is no mention to this in the application form, the Council's decision notice or the appeal form. I have considered layout details shown on the submitted plans, SE-1053, Dwg No.10, Rev. A, on a purely illustrative basis.
3. In the banner, I have adopted the address stated in the Council decision notice and the appeal form, as it better describes the exact location of the appeal site.

Main Issues

4. The main issues are the effect of the development (1) upon the character and appearance of the area and (2) upon the living conditions of neighbouring occupiers.

Reasons

Character and appearance

5. The appeal site is currently the residential garden of the host property, a corner plot at 4 Walton Road in Leverington. The proposal is for the erection of a single dwelling, which according to the indicative site plan would be aligned with the property at 6 Walton Road, leaving space for a garden with two parking spaces at the front and for a garden at the back of the dwelling.
6. The residential settlement in the surrounding area is characterised by detached houses and blocks of semidetached and terraced houses, in plots generally larger than the land available for the proposed development. Due to the limited

space available, any subdivision of the plot at 4 Walton Road would result in a dwelling confined within its side boundaries and therefore in a cramped form of development, out of keeping with the form and appearance of neighbouring properties in Walton Road.

7. Furthermore, the appeal site is currently used as a residential garden and offers a green space and a sense of openness between dwellings not only to the current occupiers but also to the residents of Walton Road and surrounding roads, contributing to the open character of the surrounding area. The proposed development would be visible not only from Walton Road but also from Perry Road and Seafield Road to the north of the site. The proposal would therefore be detrimental to the open character of the surrounding area and its current development pattern characterised by larger plots. The proposed development due to its cramped form, the increased density and the partial loss of residential garden would therefore be out of keeping with the surrounding settings and detrimental to the character and appearance of the area.
8. The principle of development cannot be defined acceptable simply because, due to its location, the appeal site qualifies as an infill plot within a row of residential developments and therefore its only appropriate use would be residential. As established above, as a residential garden the appeal site provides an appropriate and beneficial use in terms of open and green space within the built environment in line with the policies of the Framework.
9. For the above reasons, I conclude that the proposed development would cause harm to the character and appearance of the area and would be contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014), which seek for new developments to not cause harm to the local character of the area. The proposed development would also be in conflict with paragraph 70 of the National Planning Policy Framework (2019) (the Framework), which seeks to resist inappropriate development of residential gardens, where development would cause harm to the local area, and paragraph 122 (d) of the Framework that seeks to maintain an area's prevailing character and setting, including residential gardens.

Living conditions

10. Given the close position between the two dwellings, the two-storey character of the proposal and the angular setting of the host dwelling, the development of any dwelling in the appeal site would result in a dominant position towards the host dwelling at 4 Walton Road with consequent overbearing and poor outlook particularly from the rear garden of the host property. The indicative site plan clearly shows how the rear garden of the host property would be mostly surrounded by the two buildings creating a sense of enclosure.
11. Although defined as secondary windows, the views from the first-floor rear bedroom windows and the ground floor windows on the host dwelling would still be dominated by the proposed development. Furthermore, the proposal in the indicative plan of using obscure glass on the first-floor rear bedroom windows would further harm the outlook and consequently the living conditions of occupiers.

12. Considered that all matters are reserved, including layout and design, it is difficult to assess whether any harm would result in terms of overlooking, also to the neighbouring occupiers at 8 Walton Road.
13. Therefore, I conclude that the proposed development would harm the living conditions of neighbouring occupiers and would be contrary to Policy LP16 (e) of the Fenland Local Plan, which seeks to prevent harm to the residential amenities of neighbouring properties.

Other Matters

14. The appellants have mentioned a recent appeal case along the nearby Perry Road regarding the approval of two storey dwellings on land to the rear of a shop business. However, I am not aware of the details of the appeal case and each case has its own specific circumstances.
15. For the reasons identified above, the proposed development would be detrimental in terms of both social and environmental dimensions of sustainability. The temporary and minimal economic benefits of the proposal and the limited contribution to the housing supply would be significantly and demonstrably outweighed by the detrimental effects identified above.

Conclusion

16. For the reasons set above, I conclude that the appeal should be dismissed.

S A Schinaia

INSPECTOR