
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 May 2020

Appeal Ref: APP/V0510/W/19/3241439

Land at Hod Hall Lane, Haddenham, Ely, Cambridgeshire CB6 3UX

- 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 Stephen Handley against the decision of East Cambridgeshire District Council.
 - The application Ref: 19/00594/OUT, dated 18 April 2019, was refused by notice dated 29 July 2019.
 - The development proposed is an Outline application for four dwellings (phased development).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved apart from access. I have had regard to all other details on the submitted plans on an indicative basis only.
3. The appeal form and Council's decision notice describe the site address as 'site east of 25 Lode Way, Hod Hall Lane, Haddenham, Cambridgeshire', whilst the application form describes the site address as 'Land at Hod Hall Lane, Haddenham, Ely, Cambridgeshire CB6 3UX'. I consider that the address on the application form provides an appropriate description of the site's location and have therefore proceeded on this basis.

Main Issues

4. The main issues are:
 - the effect of the development upon highway safety;
 - the effect of the development upon protected trees; and
 - the effect of the development upon the character and appearance of the surrounding area.

Reasons

Highway safety

5. The site fronts onto Hod Hall Lane, which is a single-track road with a non-metalled surface. The road also serves as access to other properties. The road does not feature separate pavements for pedestrians. It is reached from Lode Way, which is also relatively narrow.
6. The proposed development would intensify the use of Hod Hall Lane. This causes concern as it is of limited width and lacking in passing places for vehicles. In consequence, the potential exists for vehicles accessing or leaving the development to be in conflict with vehicles manoeuvring elsewhere within the road.
7. In addition, the absence of pavements means that it is unlikely that a safe pedestrian environment could be secured owing to vehicles moving in the same space. As Hod Hall Lane does not feature street lighting, visibility of pedestrians will be diminished at times. This scenario would not be conducive to securing good levels of highway safety.
8. Although Hod Hall Lane does not lead to other public routes or facilities, several properties are served by this lane which generate vehicle movements. This would be supplemented by the traffic generated by the proposed development which would lead to increased conflict between pedestrians and vehicles.
9. I note the appellant's suggestion that a passing area could be provided in Hod Hall Lane, but I do not have certainty that this falls within land that is in the control of the appellant. I also do not have any information before me regarding the size and layout of such an area. Accordingly, a planning condition requiring the provision of such a layby would fail to comply with the tests for planning conditions as prescribed by the National Planning Policy Framework (the Framework).
10. The site is located close to the junction between Hod Hall Lane and Lode Way. As a result, queuing into Lode Way is possible should multiple vehicles be trying to enter and leave the road simultaneously. As properties in Lode Way feature landscaping, visibility of this is likely to be diminished. In consequence, any sudden change in speed of vehicles in Lode Way is likely to also adversely affect highway safety.
11. I do not have the full information regarding the planning circumstances of other developments in Hod Hall Lane, which lessens the weight that I can attribute to them. However, the development before me, by reason of its scale, would result in an intensification in the use of Hod Hall Lane over the existing situation.
12. Furthermore, it is apparent that one of the developments was permitted on the basis that it would represent a reduction in vehicle movements from a previous use as a builder's yard. These circumstances do not apply to the current appeal site, which has been most recently used on a less intensive basis. In consequence, I find that the presence of other permitted developments does not require me to disregard my previous concerns.

13. The Council has referred to Policy COM8 of the East Cambridgeshire Local Plan (2015) (the Local Plan). This relates to car parking provision. The evidence before me is not indicative of inappropriate amounts of car parking being provided. I have therefore been unable to give this policy significant weight in my considerations.
14. I therefore conclude that the development would have an adverse effect on highway safety. The development would fail to comply with the requirements of Policies COM7 and ENV2 of the Local Plan. These policies, amongst other matters, seek to ensure the provision of safe access to the highway network, and to minimise conflicts between pedestrians and motor vehicles.

Effect on trees

15. There is a line of trees to the front of the site, which are protected by a Tree Preservation Order. It is proposed that sections of these trees would be removed in order to provide accesses to the proposed development. The trees, due to their height and position, are particularly prominent. They also contribute to the creation of a more rural character.
16. The submitted plans show that each dwelling would have their own driveway. This would be achieved through the removal of some trees, which is concerning as their removal would adversely change the appearance of the site and its surroundings, which can currently be summarised as having a rural, verdant appearance.
17. In addition, the trees that are to be removed form part of a longer line that form a notable feature on this side of Hod Hall Lane. In consequence, the removal of selected trees would result in a more urban environment being created.
18. Whilst the Tree Preservation Order has only be in force for a relatively short period, I have been directed towards specific planning policies that seek to retain such protected trees. In consequence, I must give this matter particular weight in my assessment. Had I been minded to allow the appeal, a condition could be imposed regarding the construction method of the driveways, however, this would not compensate the loss of the trees.
19. Whilst I acknowledge that the site is not within the Green Belt, or subject to protection including being in a Conservation Area or Area of Outstanding Natural Beauty, the trees do contribute to the general character of Hod Hall Lane and the wider area, and therefore their loss is significant.
20. The appellant has suggested that an alternative access arrangement could be provided, however, the proposal before me was submitted in outline form with all matters reserved apart from access. Accordingly, amending the proposal so that access becomes a reserved matter would amount to a substantially different proposal. I have therefore determined this appeal based on the information currently before me.
21. I conclude that the development would have an adverse effect upon protected trees. The development would therefore fail to accord with the requirements of Policies ENV1 and ENV7 of the Local Plan. These policies, amongst other matters, seek to protect patterns of individual and woodland trees; and minimise harm to environmental features, such as trees.

Character and appearance

22. The site adjoins dwellings in Lode Way. A residential development has been constructed on the opposite side of Hod Hall Lane. Additional dwellings have also been constructed to the rear of the appeal site in Metcalfe Way. Houses are the most common dwelling type within the vicinity.
23. Although the site is outside of the settlement boundaries, the context of the surrounding area is predominantly residential in nature. Furthermore, the proposed development would be reasonably well screened by dwellings in Lode Way, which reduces the prominence of the proposed development.
24. Whilst views of the development would be possible from sections of Hod Hall Lane, such views would occur on a relatively fleeting basis owing to the presence of landscaping. The proposed dwellings would generally be viewed against a backdrop of the more developed form of Lode Way and other dwellings in Metcalfe Way. In addition, in Hod Hall Lane, several sites have trees and hedges on the boundaries, which would provide further screening of the proposed development.
25. I acknowledge that the application has been submitted in outline form, however, had I been minded to allow the appeal, the reserved matters stage would provide the opportunity to ensure that the scale and design of the dwellings harmonise with the dwellings within the immediately surrounding area.
26. My attention has been drawn to a previous appeal decision elsewhere in Hod Hall Lane. However, this appeal pertained to a site a greater distance away from the settlement and therefore would have differing effects on the character and appearance of the area than the scheme before me.
27. In consequence, I conclude that the proposed development would not harm the character and appearance of the surrounding area. The development, in this regard, would be in accordance with the requirements of Policies ENV1 and ENV2 of the Local Plan. These policies, amongst other matters, seek to protect key views into settlements, make efficient use of land, and ensure that proposals are complimentary to existing developments.

Other Matters

28. 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.
29. Whilst the development would deliver four additional dwellings on land that is currently unused, the benefits of the development are limited on the grounds that it is for a relatively small number of dwellings. Furthermore, any benefits to the local economy would also be relatively small owing to the quantum of development and 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 highway safety and protected trees.

30. I have noted references to the site being allocated in the emerging East Cambridgeshire Local Plan (2018). As it appears that this plan is currently not being taken forward, I am unable to give this significant weight in my considerations. I also acknowledge that the site has been previously used, however, this does not outweigh my adverse findings in respect of the Main Issues.
31. It appears that the site is served by mains services. Whilst this is a matter of note, it does not overcome the harm as previously identified.

Planning balance and conclusion

32. I acknowledge that the development would not cause harm to the character and appearance of the surrounding area. However, this is outweighed by the harm arising from the loss of protected trees at the front of the appeal site, and the adverse effects on highway safety.
33. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR