
Appeal Decision

Site visit made on 24 June 2020

by John Morrison, BA (Hons) MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2020

Appeal Ref: APP/V0510/W/20/3244917

Plot next to 15 Bittern Grove, Soham, Cambs, CB7 5FR

- 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 Paul Sawyer against the decision of East Cambridgeshire District Council.
 - The application Ref: 19/01252/FUL dated 17 August 2019, was refused by notice dated 29 October 2019.
 - The development proposed is described as 'construction of 2 bed house'.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues, and these are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of the occupiers of neighbouring dwellings with specific regard to whether it would be overbearing or cause overlooking; and c) highway safety with specific regard to the suitability of the proposed parking.

Reasons

Character and Appearance

3. The appeal site is a flat, narrow and roughly rectangular parcel of land situated between Nos. 15 and 15a Bittern Grove. It is currently enclosed by close boarded timber fencing and open to the highway edge. The area is a densely developed modern residential estate of various two storey house types. The layout is informal with a number of large detached units and terraces. Plot sizes and shapes also vary. Roof forms tend to be gables, some with dormer windows set into them.
4. The appeal scheme would see a detached two storey unit which by definition would reflect the established local type albeit the narrowness of the plot has driven a requirement for a very thin building, akin to a squeezed box shape. This would be somewhat shoehorned between two much larger scale and wider frontage units in 15 and 15a, a scale and form which is repeated around the cul-de-sac of Bittern Grove, forming the street scene for the appeal scheme. As a result of these factors, the proposed dwelling would look awkward and much like driving a pin into a visible gap which for me is not good planning. In

addition, the use of an overly shallow and hipped roof form would jar against the established use of taller gable roofs in the street scene and wider estate.

5. I appreciate that plot and building size in the vicinity of the appeal site does vary. Indeed, there is limited spacing to the front, rear and between some of the terraced and detached units. That said, some of the terraced units can be read as one building in the street scene despite them being narrow in themselves and as such do not give rise to harm. The area does not necessarily exude a spacious quality. Nevertheless, the proposed plot's narrowness coupled with the design, shape and proportions of the building on it would not sit well in visual or character terms with those around it for the reasons I have given. Put simply, the proposed dwelling would stand out. And not in a good way.
6. For these reasons, the appeal scheme would harm the character and appearance of the area. Consequently, it would not comply with Policy ENV2 of the East Cambridgeshire Local Plan 2015 (LP). Amongst other things, this policy seeks to ensure that new development is designed to a high quality that enhances and complements local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs.

Living Conditions

7. There are two distinct strands to the Council's concerns in respect of this main issue and they relate to the living conditions of the occupiers of Nos .15 and 15a Bittern Grove in respect of alleged overbearing and overlooking leading to a loss of privacy.
8. I agree with the Council in respect of overbearing. I feel that the height of the proposed dwelling and its proximity to No. 15's boundary means users of the garden would experience a looming effect. The scale and design of the dwelling would be stark, featureless and oppressive to views. Consequently, the quality of the garden space to No. 15 would be significantly and unacceptably reduced, with users being hemmed in between No. 15, its garage and the tall side elevation of the proposed dwelling. I don't see that occupiers of No. 15a would be adversely affected. The new dwelling would be slightly splayed away from its garden and the rear extents of the two buildings would terminate roughly level.
9. The new dwelling would have first floor windows in its rear elevation, one of which would serve a bedroom. This window would have elevated views over rear gardens of neighbouring dwellings, specifically Nos. 15 and 15a. However, the angle of the building and location of the window would offer views of the far end of each garden where there is in my view a lesser expectation of privacy, particularly for a modern high-density housing estate. I do not agree therefore that the proposed dwelling would unacceptably reduce the privacy of users of the gardens to Nos. 15 or 15a.
10. Be this as it may, this would not reduce the overbearing effect that the appeal scheme would have on occupiers of No. 15. Such that the proposed development would harm the living conditions of exiting neighbouring occupiers. As a consequence, there would be further conflict with Policy ENV2 of the LP which explains, amongst other things and in regard to this main issue, that new development should have no significantly detrimental effect on the residential amenity of nearby occupiers.

Highway Safety

11. The appeal scheme would provide two parking spaces to the front of the new dwelling, line abreast and slightly staggered, adjacent the southwestern boundary.
12. The shallowness of the plot's frontage would mean the spaces provided for parking would almost fill it. As a result, there would be no space for turning within the site to allow an exit forward. This would thus mean either a vehicle reversing into or out of the spaces. In the case of the former, this has the potential to cause a hazard for other vehicles and with regard to the latter restricted visibility of other vehicles. Given vehicles in both cases would be crossing a footway, such manoeuvres could be potentially dangerous to users thereof.
13. The matter of visibility from the parking area could be exacerbated by the current boundary treatment either side of the plot which is formed by high sided close boarded timber fencing up to the back edge of the highway. The height of this boundary could potentially be controlled by conditions going forwards, but I am unsure based on what I have seen as to whom said boundaries belong. Thus, I am not satisfied conditions would achieve the desired result.
14. The appellant states that there are similar parking and vehicular access arrangements on the wider estate and whilst this may be the case, this would not excuse me from assessing the suitability of the parking and access for a scheme of proposed development before me. Which, for the above reasons, would compromise the safe use of the highway for both vehicular and pedestrian users. As such, the appeal scheme would be contrary to Policies COM7 and ENV2 of the LP. With regard to this main issue, and amongst other things, these policies seek to ensure that new development minimises the conflict between motor vehicles and pedestrians, ensure car parking is accessible and provides safe and convenient access to the highway network.

Other Matters and the Planning Balance

15. The appellant states that the appeal scheme would use materials suitable to the local area. This is to be expected. Such would not be a benefit to the proposals but more a lack of harm which would accordingly be neutral in any balance. I am also aware that there has been some support expressed for the new dwelling. This would not however absolve my responsibility to assess its planning merits.
16. The Council's evidence suggests they are not currently able to demonstrate the supply of housing sites as required by the Framework¹. If this were to be the case, then I would consider the appeal scheme in light of the so-called tilted balance set out by paragraph 11. Specifically, and in regard to the circumstances of this case, I would be regarding the most important policies for the determination of the scheme as out of date and granting a planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

¹ The National Planning Policy Framework 2019

17. The appeal scheme would provide housing and thus add to choice and mix locally. It would contribute to the Council's undersupply. The construction industry would be supported by the scheme coming forward, securing jobs and there would be expenditure from residents in the future. Be this as it may, such benefits would be limited by the scale of the development. Equally the contribution to the Council's undersupply would be small in the grand scheme. The appellant suggests that the dwelling could be affordable, but it would not be secured as such in planning terms.
18. The proposed development would give rise to multiple planning harms of an environmental and social nature. These harms would also involve conflict with development plan policies less affected by a paragraph 11 situation. Specifically, those concerned with design, the living conditions of building occupiers and highway safety, all of which are considered by the Framework. With all of this in mind, it is my view that the adverse impacts of granting a planning permission would, in this particular case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

19. I have had regard to other matters that have been raised, including those by third parties, but it is for the reasons I have explained above that the appeal is dismissed.

John Morrison

INSPECTOR