



Appeal Decision

Site visit made on 13 July 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/V0510/W/20/3246815

The Annexe, 3 Hall Lane, Burwell CB25 0HE

- 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 Colin Barnes against the decision of East Cambridgeshire District Council.
 - The application Ref 19/01395/FUL, dated 30 September 2019, was refused by notice dated 6 December 2019.
 - The development proposed is change of use of annexe to residential dwelling including revision to garden and parking arrangements.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Colin Barnes against East Cambridgeshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the development proposed would provide acceptable living conditions for future occupiers; and,
 - The effect of the development proposed on the character and appearance of the site and surrounding area

Reasons

Living Conditions

4. The annexe building occupies a small plot at the foot of the garden to No 3 Hall Lane. The plot would provide parking for 2 cars as well as manoeuvring space, which would result in very limited usable garden space. The East Cambridgeshire Design Guide Supplementary Planning Document March 2012 seeks a minimum of 50 square metres of rear private amenity space. The provision in this development would be 57 square metres of amenity space, but this would be restricted principally to a narrow grassed strip along the boundary fence to No 3. The annexe building would be immediately adjacent to the widest section of this, resulting in a cramped and overbearing relationship

and reducing its value. While some amenity benefits could be derived from the paved drive, I consider that overall the outdoor amenity space associated with the proposed two-bedroom dwelling would provide minimal benefit to future occupants.

5. There is outdoor open space available in the near vicinity of the site. However, I consider that a good provision of usable outdoor space should be made on-site for a dwelling that can be occupied as a family house, as the annexe building could be if permission were granted. The space provided on-site would be compromised in its layout and value to occupants, and would result in a poor standard of accommodation. While permission was granted for use of the building as an annexe with a smaller plot size, an annexe has a relationship with its host dwelling and could benefit from the outdoor space associated with it.
6. I have been directed to an appeal decision in Dagenham where a garden was found to be of a sufficient size and functionality to meet the needs of the likely number of occupiers, in spite of being below that Council's standard. However, I note that the Inspector found that the garden would be regular in shape, which is not the case in this instance, and I also do not have the full details of the garden and the development. I can therefore only give my colleague's findings limited weight in considering this appeal.
7. The first-floor bedroom would have a single rooflight providing limited outlook. However, as this is to a bedroom and therefore will principally be used at night I am satisfied on balance that this provision is acceptable.
8. I therefore consider that the development proposed would fail to make suitable provision for amenity space within the site, and therefore would not provide acceptable living conditions for future occupiers. It therefore conflicts with Policy ENV2 of the East Cambridgeshire Local Plan April 2015 (the LP). This policy requires, amongst other things, that occupiers of new dwellings enjoy high standards of amenity.

Character and Appearance

9. The annexe building is a larger structure than most other outbuildings in the area and is sited close to the boundary so that it is prominent in the Dark Lane street scene. However, no changes are proposed to its external appearance as a result of the appeal proposal. While there are no existing houses in a similar backland location on Dark Lane, I saw during my site visit that several properties do have accesses onto Dark Lane. I also saw that there is considerable variety in the appearance of properties in the vicinity of the site. I do not therefore consider that the use of this existing building as an independent dwelling would result in a significant change in the character of the site and surrounding area.
10. Landscaping to the appeal site would be revised as a result of the appeal proposal, but depending on the boundary treatment this would not be a prominent feature in the Dark Lane street scene. If I were minded to allow the appeal, a suitably worded condition could be used to control this.
11. The site lies adjacent to the boundary of the Burwell High Town Conservation Area (the CA). I am satisfied that the appeal proposal would not affect the character or appearance of the CA.

12. As the building already exists, I do not consider that the appeal proposal would result in harm to the character and appearance of the site and the surrounding area. The development proposed would therefore accord with Policies ENV1 and ENV2 of the LP, which amongst other things require that development make efficient use of land while respecting the character of the surrounding area.

Other Matters

13. The Council previously accepted that it could not demonstrate a five year supply of deliverable housing land. However, it has subsequently revised this position and considers that it does have a five year supply. The appellant has had the opportunity to provide evidence on this matter but has not done so. I therefore consider that there is no dispute between the parties that the Council can demonstrate a five year supply of housing land.
14. The Council has expressed concerns that approval of this development would set a precedent for future development in the area. While I saw during my site visit that there was one other outbuilding of similar scale to the annexe building at the foot of a nearby garden backing onto Dark Lane, I do not have the full details of its status and planning history before me. In any case, each development must be assessed on its own merits.

Conclusion

15. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR