



Appeal Decision

Site visit made on 28 July 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/V0510/D/20/3246938

5 Scotland End, Chippenham, CB7 5PN

- 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 Mrs Suzanne Royston against the decision of East Cambridgeshire District Council.
 - The application Ref: 19/01519/FUL dated 14 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is first floor and single storey front extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - the character and appearance of the host dwelling and the area;
 - the living conditions of the occupiers of No. 3 Scotland End with particular reference to overshadowing and outlook, and No. 7 Scotland End with particular reference to overlooking; and,
 - highway safety.

Reasons

Character and appearance

3. The appeal site comprises a detached dwelling within a development characterised by dwellings of a limited number of different designs. The dwellings are generally aligned and orientated to address the highway, with single storey garages generally to the front or side. The appeal site includes a single storey double garage projecting from the front of the dwelling, which is relatively sizeable but is subservient in scale to the host dwelling. The development would increase the height of the majority of this garage projection by around 1.5m to approximately 6.3m. By extending approximately 2.8m further forward it would give this part of the dwelling an effective depth of approximately 18.3m.
4. The increased height and depth would result in a significant change in the appearance and appearance of the property. It would result in a considerably increased bulk, mass, height and depth such that the garage projection would appear dominant and no longer appear subservient to the main dwelling. This

- would unbalance the dwelling and result in the most dominant element being almost perpendicular to the highway, instead of directly facing it and being aligned with its neighbouring dwellings. The development would appear long, incongruous and obtrusive in the street scene, and at odds with and harmful to the character and appearance of the host dwelling and the area.
5. The front garden area of the appeal site forms a prominent verdant landscape feature within the street scene as it protrudes the furthest in relation to its neighbours. This is because it is located on a small junction and follows the curve of the highway, making it highly visible from much of Scotland End. By extending the dwelling forward it would be significantly further forward of No. 3 and be sited close to the boundary with the highway. Even if the existing three trees are retained, the front extension and increase in the driveway width, would significantly reduce the size of and diminish the verdant visual and open appearance of the garden area, and result in a harmful sense of enclosure to the street scene.
 6. For the reasons set out above the proposed development would be harmful to the character and appearance of the host dwelling and the area. It would therefore conflict with Policy ENV2 of the East Cambridgeshire Local Plan (2015) (the Local Plan). This expects development to be designed to a high quality, enhancing and complementing local distinctiveness, be of a scale, form and massing that relates sympathetically to the surrounding area, and retains existing important landscaping and natural features.
 7. The appellant has referred to extensions at Nos. 1, 10, 15 and 16, although I have not been provided with the plans or the full details of the circumstances of those developments. At my visit, of those I was able to clearly see, the developments appeared to extend dwellings of a style markedly different to the appeal site and appeared to be side extensions or loft conversions. Therefore, they were significantly different to and not a direct parallel to the appeal proposal. Consequently, they do not justify the approval of the proposal before me. In any event I have considered the appeal proposal on its own merits.

Living conditions

8. The sizeable first floor north eastern elevation window of No. 3 Scotland End has a clear direct outlook to the existing front projection. It is suggested that the window serves an upstairs hallway. This is likely to be traversed by occupiers frequently for short periods but depending on its size, could be used for storage, seating or other activities. However, the internal layout, usability and contribution to living conditions is not clear from the plans before me.
9. Taking a precautionary approach, although the development proposes to move the existing building away from No. 3, there would be clear close proximity views of the new roof, the ridge of which would extend significantly above the height of the top of the window. Therefore, there is the potential for harmful living conditions for the occupiers of No. 3, as a consequence of a loss of outlook. Although no objection has been received from No. 3, this in itself, cannot be taken as a measure of a development being harmful or not harmful. Furthermore, as the occupancy of dwellings is transient over time, what may be tolerable to one occupier, may not be tolerable to another.
10. Given the north eastern orientation of this window, the height of the roof and the distance between the roof and window, the times of the day and year and

duration over which a shadow would be cast are likely to be very limited. Therefore, there is unlikely to be any material harm to the living conditions of the occupiers of No. 3 from overshadowing.

11. The front garden of No. 7 is clearly visible from the highway, footway and some nearby properties, at a relatively close proximity. Like most front garden areas, it does not appear to have been designed to benefit from privacy. Therefore, whilst the development would increase the level of overlooking, there is no harm to living conditions from this.
12. Whilst the development would not have a harmful effect on the living conditions of the occupiers of No. 7 with respect to overlooking, or No. 3 with respect to overshadowing, it is likely to result in a significant loss of outlook for No. 3. For this reason, the development would be likely to conflict with Policy ENV2 of the Local Plan, which expects development to ensure there is no significantly detrimental effect on the amenity of nearby occupiers. It would also conflict with paragraph 127 f) of the National Planning Policy Framework (2019) which requires development creates places that promote health and well-being with a high standard of amenity.

Highway safety

13. Moving the garage facade sideways would move the parking spaces closer to No. 7, altering the area available for manoeuvring. I note the additional driveway area and the details of the shared access. However, the information does not show the swept path of ingressing and egressing vehicles whilst other parking spaces are occupied. Based upon the plans before me, the development does not demonstrate sufficient room for vehicles to manoeuvre into or out of space two or three whilst adjacent spaces are occupied, without encroaching onto the parking area of No. 7 (which may be occupied), thereby resulting in a conflict. Therefore, the development is likely to adversely affect the convenient and safe use of the access and highway. Therefore, it would conflict with Policies COM7 and ENV2 of the Local Plan. In combination and amongst other things, the policies require that development provides safe and convenient access to the highway network avoids conflict between users.

Conclusion

14. For the reasons set out above, I conclude that the appeal should not succeed.

Dan Szymanski

INSPECTOR