



Appeal Decision

Site visit made on 20 July 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2020

Appeal Ref: APP/D0515/W/20/3247455

Rear of 38 Burnsfield Estate, Chatteris, Cambs PE16 6ET

- 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 & Mrs M Thistlebank against the decision of Fenland District Council.
 - The application Ref F/YR19/0562/F, dated 14 June 2019, was refused by notice dated 12 August 2019.
 - The development proposed is described as "3 bed dwelling".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Subsequent to the Council's refusal of permission for the application the subject of this appeal the appellants have submitted a revised elevation drawing showing feature panels to the side elevations of the proposed dwelling. I have considered whether it would be appropriate to accept these further revised plans, having regard to the principle established in *Wheatcroft*¹. There has been third party interest in the appeal, and these third parties are not necessarily aware of the revised elevations. I conclude that the interests of these parties would be prejudiced if I were to take the amended plans into account in determining this appeal. Accordingly, I have determined this appeal on the basis of the drawings originally submitted with the application.

Main Issues

3. The main issues are:
 - the effect of the development proposed on the character and appearance of the surrounding area; and,
 - the effect of the development proposed on highway safety, and whether it would provide a safe and convenient access to the highway.

Reasons

Character and Appearance

4. The development proposed would introduce a single detached dwelling into the Treeway street scene. I saw during my visit that the street scene in the vicinity

¹ *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

of the site was characterised principally by a mix of terraced and large detached dwellings towards the Station Road end, with flats further along the street. There is a single detached dwelling on the opposite side of the road from the appeal site, which occupies an irregularly shaped plot of land. Semi-detached houses on Burnsfield Estate are visible from Treeway and contribute to the residential character of the area.

5. The detached dwellings within Treeway are primarily grouped together with regular spacing in between and are of a broadly similar character. I consider that the single detached dwelling opposite the appeal site has been integrated successfully into the street scene. I saw during my visit that the roof pitch complements that of both the neighbouring detached dwelling to one side, and the terraced house to the other side.
6. Within this setting I find that the proposed house would be an incongruous feature in the street scene. It would be set back significantly from Treeway. While the larger detached dwellings are each set back from the highway, the nearest houses to the appeal site are set close to their front site boundaries, including the detached house opposite the appeal site. Given the location of the appeal site and scale of the proposed dwelling, I consider that it would be most closely related to the nearest neighbouring terraced dwellings and detached house on the site opposite. Within this context the proposed house would appear out of place in the street scene.
7. The proposed house would also present a blank side elevation to the approach along Treeway from Station Road. I consider that this would result in harm to the street scene due to the lack of visual interest. While examples of similar elevations do exist elsewhere in Treeway, the presence of such does not justify a development that would cause harm to the character of the area.
8. I therefore find that the appeal proposal would be harmful to the character and appearance of the surrounding area. It would conflict with Policy LP16 of the Fenland Local Plan May 2014 (the LP). This policy requires, amongst other things, that new development make a positive contribution to the local distinctiveness and character of the area.

Highways

9. Vehicle access to the site would be constrained by the narrow width of the entrance, and the presence of a speed calming feature opposite that entrance. This would be likely to result in cars having difficulty manoeuvring onto and off the site, obstructing the passage of other road users and pedestrians.
10. The site has high fences up to the pavement edge which would limit visibility for vehicles leaving the site. While these could be reduced on the appeal site, the high fence to No 12 Treeway would similarly restrict visibility, and I have no evidence before me to indicate that reduction of this fence falls within the appellants' control.
11. I have been directed to other properties in Treeway that have limited access visibility. However, I do not have the details of these properties before me, so cannot be certain whether planning permission was required or granted for these accesses. In any case, the presence of other accesses with limited visibility would not justify the introduction of a further such access.

12. The combination of restricted access to the appeal site and limited visibility for vehicles leaving the site would result in conflict with other users of the highway and unacceptable harm to highway safety. The development proposed therefore conflicts with Policy LP15 of the LP. This policy requires, amongst other things, that development provides well designed, safe and convenient access for all.

Other Matters

13. The proposed development would contribute to the local housing supply, and there would be social benefits from its occupation and financial benefits from its construction and occupation. The appeal site is in a sustainable location within an existing settlement, with access to services and facilities. The appellants state that the development would be delivered with a low carbon footprint. However, I consider that these benefits would be limited as the proposal is for a single dwelling, and I do not consider that they would outweigh the harms that I have identified.
14. I have had regard to third party comments relating to the scale of development, overlooking and the impact on light to neighbouring properties. I note that the Council did not refuse permission on these grounds, and I see no reason to disagree with their conclusions.

Conclusion

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

M Chalk

INSPECTOR