The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 21 August 2020

Appeal Ref: APP/W0530/W/19/3240625
136-138 High Street, Harston CB22 7QD

- 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 A. Babouris (Babouris Properties Ltd) against the decision of South Cambridgeshire District Council.
- The application Ref: S/1823/19/FL, dated 22 May 2019, was refused by notice dated 18 October 2019.
- The development proposed is the erection of detached 1.5 storey two-bedroom dwelling house and new access onto New Road.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the living conditions of the occupiers of neighbouring properties, with particular reference to outlook.

Reasons

3. The appeal site consists of a portion of two separate gardens located to the rear of 136-138 High Street. Adjacent to the rear boundary is 37 New Road and next to the appeal site is 134 High Street. The garden of No. 134 runs alongside, and beyond, the appeal site.

4. The proposed dwelling would be erected within the gardens of the existing dwellings. The proposed dwelling would also be viewed in conjunction with the additional boundary treatment that would be installed as a result of the subdivision of the site. In addition, this subdivision would reduce the level of garden space that would be available at No. 136-138. In consequence, the proposed development would result in a significant enclosing effect on these garden spaces, which would reduce the level of outlook available to occupiers of the properties.

5. Whilst I acknowledge that the proposed development features rooms within its roof, the building would still have a notable height, which when combined with its footprint and proximity to the site's boundaries would result in a significant enclosing effect. The proposed building would be viewed alongside an existing car dealership, which is of a large scale. Accordingly, the loss of outlook arising from the proposed development would be notable.

6. In addition, the neighbouring property at No. 134 features a patio area close to the location of the proposed dwelling, whilst the garden has a length that passes the siting of the proposed dwelling. Given the proposed development would be in proximity to the shared boundary between the two properties, the proposed development would have a significant overbearing effect on the garden of the neighbouring property. I note that whilst the garden of the neighbouring property features some trees, their position is such that they would not offer a significant screening effect.

7. Whilst the proposed development would have an eaves height consistent with the overall height of the garage at No. 37, the proposed development would have an overall greater height than the garage. Furthermore, it would be closer to Nos. 134-138. Accordingly, the proposed development would have a much greater effect.

8. Although I have not been directed towards any concerns regarding the amount of garden space to be provided. However, owing to the number of bedrooms within the proposed dwelling, this space need not be overly large. As such, the presence of an appropriately sized garden does not overcome the issues associated with the scale of the proposed dwelling and proximity to boundaries.

9. Some of the nearby properties feature developments in their rear gardens, however, the scale of these existing structures are smaller than the scheme before me. In consequence, these do not have the same effects as the appeal proposal.

10. The neighbouring property at No. 37 features a window that faces the appeal site. However, the outlook of this window is already restricted on account of the proximity of a garage within the curtilage of No. 37 and the presence of existing boundary treatment. Therefore, the proposed development would not result in a significant reduction in the level of outlook experienced by the occupiers of this dwelling.

11. Furthermore, I note that the room which the window serves also features a glazed door to the side which provides additional outlook. Whilst I do not believe that the proposed development would cause harm to the living conditions of the occupiers of No. 37, this does not outweigh the effects as previously identified in respect of the occupiers of Nos. 134-138.

12. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of adjoining properties. The development, in this regard, would not comply with Policies HQ/1 and H/16 of the South Cambridgeshire Local Plan (2018). These policies, amongst other matters, seeks to ensure that new developments be compatible with their locations and be of appropriate scale, mass, form, and siting; and that developments in gardens should only take place where there would not be any significant harm to the living conditions of the occupiers of neighbouring properties.

Other Matters

13. I acknowledge that the proposed development would be located within an existing urban area and would not lead to a loss of light and privacy for the occupiers of neighbouring properties. Whilst these are matters of note, they are

only some of all the matters that must be considered and therefore do not overcome my findings in respect of the Main Issue.

14. The proposed development was amended during the planning application process. Whilst this is a matter of note, this does not overcome the clear breaches of adopted development plan policies as previously identified.

15. I also acknowledge concerns raised by the appellant regarding the manner in which the planning application was considered by the Council. However, in assessing the proposal, I have limited my considerations to the planning matters before me.

Conclusion

16. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR