



Appeal Decision

Site visit made on 21 July 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2020

Appeal Ref: APP/H0520/W/20/3249362

183A Herne Road, Ramsey St Marys PE26 2TB

- 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 Keene against the decision of Huntingdonshire District Council.
 - The application Ref 18/02541/FUL, dated 25 November 2018, was refused by notice dated 14 February 2020.
 - The development proposed is described as the "retrospective change of use from hair salon to a dwelling with internal alterations".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development was changed within the agreement of the appellant from that on the application form to that described in the banner above.

Main Issues

3. The main issues are the effect of the development on the:
 - character and appearance of the area and the living conditions of future occupiers with particular regard to private amenity space and standard of accommodation; and,
 - living conditions of adjoining occupiers with particular regard to privacy at 183, 185 and 187 Herne Road.

Reasons

Living Conditions –Occupiers

4. The appeal site forms a single storey building with accommodation provided within its roof space. The building was formerly a double garage used in connection with the occupation of 183A Herne Road. The appeal building was subsequently changed to a small business and used as a hair salon for a number of years. This use has since ceased and the building is currently being occupied as a single dwelling house.
5. The area contains a wide variety of style and size of properties which are generally arranged in a linear manner. On the whole, properties are set back

- from the road and benefit from parking areas to the front and private gardens to the rear. The area has a pleasing, open and spacious semi-rural quality that is reinforced by the layout of dwellings and the presence of landscaping about and between properties. Although sited to the rear of 183A Herne Road, the property is located on Ashbeach Drove and provides a kitchen/dining area and a WC on the ground floor and a bedroom and a bathroom on the first floor.
6. The appellant has constructed a small fenced area to the front of the property to store wheeled bins. In that regard, given its limited size, I do not find this particular element harmful to the character and appearance of the area and is adequate storage for wheeled bins.
 7. However, although there is a single pedestrian door which allows access into the building itself, there is no access within that would allow its occupiers to enter the small courtyard area to the rear of the building. While it may be possible to access the courtyard via adjoining land, this external space is of such a small size that it would offer very limited practical use as an amenity area and as it is bound by fencing, it would also be an oppressive and confined place to sit out and relax, thereby resulting in harm to the living conditions of the occupiers of the property.
 8. Furthermore, as an independent unit of accommodation, the proposal would result in a cramped and discordant development, quite out of keeping with the more spacious pattern of development that exists in the area. The proposal results in a poorly functioning development that fails to respond positively to the prevailing open layout of properties in the vicinity, resulting in harm to the character and appearance of the area.
 9. Thus, the development is in conflict with Policies LP 11, LP 12 and LP 14 of the Huntingdonshire District Council Local Plan to 2036 (the Local Plan), paragraph 127 of the National Planning Policy Framework (the Framework) and Part 3.7 of the Huntingdonshire District Council Design Guide Supplementary Planning Document 2017 (the SPD) which seek, amongst other things, to ensure that developments function well and provide a high standard of amenity with positive external spaces for all users and occupiers, respond positively to its context and contributes to an area's character and identify. The proposal would also conflict with the principles of the guidance in the National Design Guide 2019 which sets out the fundamentals for good design.

Living Conditions – Adjoining Occupiers

10. The building contains a pair of windows in its ground floor eastern elevation and a further window in the first floor northern elevation. The first floor window would allow overlooking to the rear garden areas of 185 and 187 Herne Road. In addition, although at an oblique angle, the ground floor windows would allow overlooking to the rear garden area of 183 Herne Road. This lack of privacy would harm the living conditions that the occupiers of these properties may enjoy.
11. Furthermore, the presence of these windows, even if obscurely glazed and fixed shut, would still result in the strong perception of being overlooked. Moreover, the resultant effect of installing obscure glazing into the windows would be to limit the amount of light the living area on the ground floor receives and is an excessive measure to overcome overlooking to the adjoining properties. Thus, the development would fail to provide a high standard of

amenity for the occupiers of the property and creates unacceptable living conditions, which is indicative that the use of the building as a dwelling is unacceptable in this location.

12. Thus, the development is in conflict with Policy LP 14 of the Local Plan, paragraph 127 of the Framework, and the SPD which seek, amongst other things, to ensure that developments provide a high standard of amenity for existing and future users, and the occupiers of neighbouring land and buildings.

Other Matters

13. The appellant argues that the use of the building as a dwelling would no different than the building being occupied as a hair salon or other commercial use. However, the use of the building for a commercial use is unlikely to be occupied to the same extent as a dwelling, which would include evenings and over entire weekends.

Conclusion

14. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR