



Appeal Decision

Site Visit made on 13 October 2020

by Graham Wyatt BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2020

Appeal Ref: APP/W0530/W/20/3249946

35 Beach Road, Cottenham, Cambridge CB24 8RG

- 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 Greg & Sue Benson against the decision of South Cambridgeshire District Council.
- The application Ref S/4411/19/FL, dated 4 December 2019, was refused by notice dated 12 February 2020.
- The development proposed is described as a "garden annex".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants have provided amended drawings¹ which reduce the height of the proposed annex. I have considered these drawings under the principles established by the Courts in *Wheatcroft*². However, the advice within the procedural guide³ is that any proposals considered by the appellants to overcome the Council's reasons for refusal should normally be made via a fresh application and that the appeal process should not be used to evolve a scheme. Consequently, I have determined the appeal based upon the drawings that were submitted with the planning application⁴ and not the amended plans.
3. Cottenham Parish Council has drawn my attention to Policy COH/1-5 (c) of the emerging *Cottenham Neighbourhood Plan* (CNP). Although this policy was not included in the reason for refusal, the Council has confirmed that the CNP has been through the public consultation process and is currently awaiting a date for the referendum, which is anticipated to take place in 2021. Given the advanced stage of preparation reached, I afford significant weight to emerging Policy COH/1-5 (c), which supports the design quality objectives of Policy HQ/1 of the South Cambridgeshire District Council Local Plan 2018 (the Local Plan) and requires development to be responsive to village characteristics.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on the:
 - character and appearance of the area; and,

¹ Drawings 35BERD-COT1-01A and 35BERD-COT1-03

² *Bernard Wheatcroft Ltd v SSE & Harborough DC* [1982] P&CR 233

³ Procedural Guide Planning Appeals – England July 2020

⁴ Drawings 35BERD-COT1-01 and 35BERD-COT1-02

- living conditions of the host property and adjoining properties with particular regard to outlook and light.

Reasons

Character and Appearance

5. The appeal site forms the rear garden of the host property which lies within a predominantly residential area and contains a variety of size and type of dwelling. Properties benefit from reasonably sized gardens which, on the whole, contain domestic structures such as outbuildings, garages and sheds. This gives the area a pleasing sense of openness and a degree of uniformity which is reinforced by the similar layout of dwellings which tend to be developed in a linear manner.
6. The proposed annex would appear as a very large detached building, which the Council calculate would have an overall ridge height of some 6.4m and a depth and width of 7.8m and 10.5m respectively. It would have a very large footprint in comparison to the host property and would cover the vast majority of the available garden area, leaving very little space about the building, particularly to its side (northeast) and rear (northwest) elevations.
7. The size and siting of the annex would erode the spaciousness of the area, resulting in an overly large building that would dominate the host property. The proposal would be seen as a somewhat cramped and discordant form of development, in contrast to the more open development that exists in the vicinity, resulting in harm to the established character and appearance of the area. This harm would be clearly visible from surrounding properties and from the access road that leads to the bank of garages located to the rear of the appeal site.
8. Thus, the proposal would result in harm to the character and appearance of the area. It would be in conflict with Policy HQ/1 of the Local Plan and Policy COH1/1-5 (c) of the CNP which seek, amongst other things, to ensure that developments are compatible within its location and appropriate in terms of scale.

Living Conditions

9. The proposed annex would be sited very close to the shared boundary of 33 Beach Road (No. 33) and to the rear of the host property. Notwithstanding the presence of a fence on the shared boundary, as a result of its overall height and massing the proposal would be clearly visible from the rear garden of No. 33. This would likely lead to a reduction in daylight to the rear garden of No. 33 and the host property, making them less attractive places to sit out and relax. In addition, the size and location of the building would make it a very prominent and overbearing development, reducing the outlook that the occupiers of No. 33 and the host property currently enjoy.
10. Thus, the proposal would result in harm to the living conditions of No. 33 and the host property. It would be in conflict with Policy HQ/1 of the Local Plan which seeks, amongst other things, to ensure that the amenity of adjoining occupiers is protected from developments that are overbearing or result in a loss of daylight.

Other Matters

11. The appellants have referred to the potential to carry out elements of the scheme as 'permitted development'. However, whether or not planning permission is required for the proposal is not a matter that is before me as part of this appeal, as other mechanisms exist to resolve such issues.

Conclusion

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

Graham Wyatt

INSPECTOR