



Appeal Decision

Site visit made on 23 November 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/D0515/W/20/3252730

land adjacent 29B New Road, Whittlesey, Cambridgeshire PE7 1ST

- 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 P Wenham (Wen Homes & Maintenance Ltd) against the decision of Fenland District Council.
 - The application Ref F/YR19/0914/F, dated 26 September 2019, was refused by notice dated 23 January 2020.
 - The development proposed is pair of semi-detached houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development upon:
 - The living conditions of occupiers of neighbouring properties, with particular regard to outlook, daylight and sunlight and privacy; and
 - The character and appearance of the surrounding area.

Reasons

Living conditions

3. Within the neighbouring Cedar Court site, and broadly level with the rear of the rear portion of the appeal site, is a small courtyard area onto which a number of resident rooms and a day lounge face. The courtyard also provides a reasonably pleasant outdoor space with seating for residents.
4. The proposed pair of dwellings would be sited towards the rear of the appeal plot, such that the flank elevation would substantially overlap the care home's courtyard area. This would have the effect of closing off much of the gap along the care home's western boundary with the appeal site and would imbue the proposal with a sense of dominance over the courtyard area.
5. Although modest in size, the courtyard area offers residents a reasonable outlook from their rooms, with both the landscaped courtyard and sky views possible. Despite being enclosed by the care home building on 3 sides, the courtyard nevertheless retains a pleasing open and bright aspect for residents to enjoy. The proposed building would however be a substantial intervention into this space. It would dominate and disrupt the outlook presently enjoyed by residents of Cedar Court, introducing substantial flank wall and corner elements close to, and towering above, the existing timber fence.

6. The appellant has clearly attempted to mitigate this impact by pulling back the first-floor rear corner of the proposed building adjacent to Cedar Court in order to reduce the bulk and massing on this corner. However, rather than a dominant corner elevation to eaves height, the result is a more pronounced half-gable elevation and a full-height return elevation, both of which rather than minimise the building's height, would harmfully emphasise it. Any benefit arising from the inset would be comfortably overcome by the scale of the full-height return elevation. As a consequence, the half-gable and full height flank wall would both be prominent in outlook from Cedar Court. Rather than reduce the impact on outlook from the rooms opening out onto the courtyard, this would increase the overpowering impact and an enclosing sense of dominance that the proposal would have. This would, I conclude, harmfully affect the outlook from, and thus the living conditions of, residents of those rooms within Cedar Court.
7. Furthermore, because of the scale, bulk and massing of the proposed building and its position within its plot relative to Cedar Court's courtyard area, I am also concerned that it would have a significant shading effect thereon. Whilst I appreciate that the extent to which this would affect those rooms around the courtyard will be season-dependent, as well as time of day dependent, the existing spacing of buildings around the appeal site allows substantial light penetration to the court and rear of Cedar Court.
8. The proposed building would occupy almost the entire width of the gap between Cedar Court at 29a New Road and would be a significant factor in intercepting sunlight and daylight, particularly to Cedar Court. This, together with the sheer scale of the proposed building and its proximity to the side of Cedar Court, would significantly compromise outlook and the daylight and sunlight enjoyed by residents of Cedar Court and, particularly, the rooms looking out on this pleasant courtyard area. I accept that the extent of the impact in terms of daylight and sunlight would vary according to time of year, but the building itself would be a permanent and imposing presence and, taken together, I conclude that it would have a significant and harmful impact on the living conditions of residents of Cedar Court with regard to outlook and daylight / sunlight.
9. I accept that the existing fences between the appeal site and its neighbours on either side would be sufficient to ensure that there would be no ground floor-to-ground floor overlooking between windows. I accept too, that the first-floor fenestration pattern on both side elevations would also be sufficient to avoid direct or harmful levels of overlooking of either No 29a or Cedar Court. However, the recessed rear elevation of the two bedroomed unit would open up views from that window towards the rear portion of the Cedar Court courtyard, and a fence would do little to intercept direct views or challenge the sense of being overlooked. This would compound the failings of the proposal as outlined above and add weight to my conclusions in respect of the proposal's failure to avoid adverse impact to the amenities and living conditions of occupiers of Cedar Court.
10. For these reasons, I conclude that the proposal would fail to deliver, or protect the existing, high quality environment in the manner that Fenland Local Plan (FLP) policy LP16 seeks. It would adversely impact upon the amenities and living conditions of occupiers of neighbouring properties, particularly residents of the adjacent Cedar Court residential care home in terms of outlook, daylight

and sunlight. The proposal is therefore contrary FLP policy LP16 in these respects.

Character and appearance

11. Although designed to accommodate two residential units, the building's gable-end-on design and general front elevation proportions would give the visual impression of it being a single dwelling. In this respect and from this aspect, the basic form and proportions of the front elevation would not be out of keeping with neighbouring houses at Nos 29a, 29b and 23.
12. However, the plans show that it would retain only narrow gaps on either side to allow access to the rear and rear garden areas. Setting aside the concerns raised by the neighbouring residential care home regarding the accuracy of the submitted plan's representation of the site and building relative to Cedar Court, I agree with the Council that it would appear somewhat cramped within the plot. This would be exacerbated by the substantial depth of the building and its lengthy flank elevations which would highlight the paucity of space around the building. The dominance of car parking spaces at the front would further underline the sense of a lack of space and would not create a particularly welcoming approach to the two units.
13. The rear garden areas may reflect the broad 1/3 plot area ratio set out in FLP policy LP16, and the two spaces per unit car parking the ratio set out at FLP policy LP15, but the former does not mitigate the immediate perception of the proposed building or the space around it, whilst the latter contributes to its cramped setting. The absence of conflict with these policy requirements does not overcome, and in the case of parking, contributes to, the harm that I have identified above.
14. The depth of built form along New Road is evident between frontage buildings and, in this respect, the proposed development would not be out of keeping with the character or appearance of the surrounding area. However, for the reasons that I have set out above, the proposed building is of a sufficiently large scale, bulk and massing relative to the limited space around it, and adjacent sites and buildings, that it would appear cramped and out of scale with the size and nature of the appeal site and the surrounding area. For these reasons the proposal would fail to make a positive contribution to the character of the area and would thus be contrary to FLP policy LP16.

Other Matters

15. I am aware that the exact boundaries between the appeal site and the Cedar Court residential care home are a matter of dispute between the appellant and Cedar Court Care Ltd (as operator of Cedar Court). However, such matters are private matters between the relevant parties and are not material considerations to which I have given any great weight.

Conclusion

16. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR