



Appeal Decision

Site visit made on 30 November 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 09 December 2020

Appeal Ref: APP/V0510/D/20/3259732

1 Lower Road, Wicken CB7 5YA

- 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 John Simpson of Simic Design Services against the decision of East Cambridgeshire District Council.
 - The application Ref: 20/00876/FUL, dated 7 July 2020, was refused by notice dated 2 September 2020.
 - The development proposed is described as 'to add a first floor with a pitched roof on an existing flat roof extension'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have amended the address from that specified upon the application form as the address stated above more accurately reflects the appeal site.

Main Issues

3. The main issues are the effect of the proposal on:-
 - i) the character and appearance of the host dwelling and the surrounding area; and
 - ii) the living conditions of neighbouring occupants with particular regard to privacy.

Reasons

Character and appearance

4. Built development along Lower Road is varied, consisting of a mix of dwellings with ancillary garages and outbuildings. The pattern of development is scattered and dominated by large areas of agricultural land and countryside. Built plots are typically modest in size although the area retains a rural spacious character given that built form is generally commensurate to the size of the plot.
5. The appeal property is a relatively small cottage style dwelling. Despite a number of extensions to the original dwelling, which have introduced a variety of roof forms, materials and finishes, these additions nonetheless appear subservient to the original dwelling by reason of their small scale. Overall, the appeal dwelling retains a pleasant and attractive appearance appropriate with its edge of settlement and countryside setting.

6. The proposed extension would not project beyond the footprint of the existing ground floor extension. It would include a similar pitched roof structure with a gable facing towards No 3 Lower Road (No 3). However, the proposed ridge and eaves height would be comparable to the height of the existing roof structure and by reason of its height taken together with the unrelieved width and depth of the extension, the proposal would result in it appearing unduly bulky and as a strident and incongruous addition to the host dwelling.
7. Albeit the appeal dwelling is located on a quiet rural lane, the appeal property is nonetheless prominent in public views from the highway, nearby footpath and the open agricultural lands that surround it. The proposed extension would have a considerably different visual impact than the existing single storey extension. The position, height, design and scale of the extension would overwhelm and unbalance the host dwelling and draw undue attention to the extension. The proposal would appear at odds with the existing built form along Lower Rd. This would materially erode local distinctiveness and the rural character of the surrounding area.
8. The use of similar materials to those within the existing dwelling and a matching finish would not ameliorate the harm I have described above.
9. I therefore conclude that the proposed development would be unduly harmful to the character and appearance of the host dwelling and the surrounding area. Thus, it would conflict with Policy HOU8, ENV1 and ENV2 of the East Cambridgeshire Local Plan (2015)(LP) insofar as these policies require development to be in keeping with the height, scale and character of the original dwelling and not to adversely affect the character and appearance of the locality or its countryside setting.

Living conditions

10. No 3 includes a modest sized area of garden to the rear and side of its dwelling. Some views of the side garden are possible from the highway given the relatively low height of vegetation situated along its boundary. However, such views are fleeting and for a short distance within the highway. Given that there are presently no windows within the host dwelling that are orientated towards the neighbouring dwelling, the garden area of No 3 is reasonably private.
11. The proposed extension would be situated approximately 6.9 metres from the shared boundary, having regard to the measurements stated upon the submitted plans. By reason of the height of the proposed window within the north-west elevation this would enable direct overlooking of the garden area of the neighbouring dwelling. The presence of single storey garage type buildings beyond the proposed extension would not provide any significant degree of screening of the neighbouring garden. Consequently, the proposal would materially compromise the living conditions of the occupants of the neighbouring dwelling.
12. I have considered whether an appropriately worded condition could be imposed to ensure the first-floor window on the north-west elevation could be fitted with obscure glazing. However, there is no clear evidence before me as to whether this window would serve a habitable room. As such, I cannot be certain that the living conditions of future occupants would be acceptable. The appellant has suggested omitting the window in its entirety, however, there are no

alternative plans before me to consider and for similar reasons I cannot be satisfied that the proposal would retain an acceptable standard of living conditions for future occupants if that window were to be omitted. Furthermore, even if the proposed window were to serve a non-habitable room, there could be a perception of overlooking from this window given that there are presently no windows that are orientated towards the neighbouring dwelling.

13. Therefore, I find that the proposal would cause significant harm to the living conditions of occupants of No 3 having regard to privacy. Thus, the proposal would conflict with LP Policy ENV2 insofar as it requires development to ensure there are no significantly detrimental effects on the residential amenity of nearby occupiers. It would also conflict with paragraph 127 of the National Planning Policy Framework which requires development to ensure a high standard of amenity for existing and future users.

Other Matters

14. The appellant disputes the consistency of decision making by the Council along Lower Road and within the locality. However, no specific examples have been referred to and nor were any similar examples evident to me at the time of my site visit. I have therefore determined this appeal on its own planning merits.
15. There is little information before me to substantiate the appellant's view that there is no valid development plan for the district.
16. I have had regard to the appellant's desire to remove the flat roof structure and improve the standard of living accommodation available to the occupants. However, personal circumstances can seldom outweigh general planning considerations and do not outweigh the harm I have identified above.
17. The proposal would enable the appellant to install solar photovoltaic panels at some future date. Even so, any environmental benefit that may arise as a consequence of the proposal would be limited and insufficient to overcome the harm arising to character and appearance and the living conditions of neighbouring occupants.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

E Brownless

INSPECTOR