
Appeal Decision

Site visit made on 6 October 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/W0530/W/20/3250214
181 St Neots Road, Hardwick, CB23 7QJ

- 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 LVMK Developments Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref S/3735/19/FL, dated 28 October 2019, was refused by notice dated 21 January 2020.
 - The development proposed is described as: The re-submission of Application S/2058/19/FL. The erection of two new dwellings and the retention of the existing dwelling with ancillary works to the site including hard/soft landscaping and the creation of parking spaces. Change of use of part of site from commercial to residential.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of existing occupiers of the neighbouring property number 28 Worcester Avenue.

Reasons

3. The appeal site boundary corresponds with the plot of number 181 St Neots Road, which consists of a detached bungalow with detached garage at the front of the property, access from St Neots Road onto a driveway, a front garden and relatively large garden to the rear. There is a timber fence along the rear side boundaries and a brick wall along the rear boundary, all around 2 m high.
4. The proposed pair of semi-detached dwellings would be sited in the rear garden towards the rear of the site, such that the western facing side elevation would be around 2.5 m from the boundary fence and between around 6-7 m from the eastern facing side elevation of number 28 Worcester Avenue. No 28 is a detached bungalow which has 2 windows, a pair of sliding glazed doors and a glazed side entrance door in its eastern facing elevation. I understand the windows serve habitable rooms; the current outlook through the windows is onto and over the top of the timber boundary fence, which is positioned around 4.5 m away from the windows.
5. The western facing side elevation of the proposal would be around 10 m deep and 2.5 m to the eaves. The roof ridge would be around 7.2 m high. Although the proposed side elevation would barely be visible above the top of the fence, and the hipped roof design would reduce the impact, I consider that an

expansive triangle of tiled roof area would fall within the angles of vision when looking through the habitable room windows. I appreciate that the existing outlook is restricted due to the boundary fence. However, the proposal would significantly interrupt the existing outlook over the fence towards the sky, making the existing compromised situation worse. Consequently, due to the impact on outlook, I conclude that the proposal would harm the living conditions of existing occupiers of No 28 to an unacceptable degree.

6. The proposal therefore does not accord with Policy HQ1 of the South Cambridgeshire Local Plan (2018) which, among other things, requires new development to protect the living conditions, including outlook, of occupiers of existing neighbouring properties.

Other considerations

7. Planning legislation requires me to determine the appeal in accordance with the development plan, unless material considerations indicate otherwise.
8. The appellant considers that a detached outbuilding could be erected under permitted development rights (PD), adjacent to the fence at a height of 2.5 m, which they consider would have a greater impact on the living conditions of the occupiers of No 28 than the appeal proposal. Although I have not been provided with any details regarding the appellant's PD rights, or what they would propose to erect, even if the proposition is possible in principle, I disagree with the appellant's conclusion that such a proposal would be more harmful than the appeal scheme. I therefore attach limited weight to this.
9. The appellant contends that the provision of 2 additional dwellings would be of significant benefit as it is claimed the Council are only delivering 95% of housing required; in addition, there is a national housing shortage and the Government has set an objective to boost the supply of housing. The Council suggest that the housing delivery test results published in February this year do not result in any consequences for the area. I have not been provided with comprehensive details of the Council's housing delivery performance. However, in the context of either the Council currently meeting its requirements or falling a little short, I attach moderate weight to the provision of 2 additional dwellings.
10. The appellant notes that the current occupiers of No 28 have not raised any objections to the proposal. I acknowledge this. However, the absence of an objection does not mean that the proposal would not cause harm.
11. I consider that the other considerations outlined above do not outweigh the harm to the living conditions of the occupiers of No 28 I have identified. As such, there are no considerations that lead me to conclude other than in accordance with the development plan.

Conclusion

12. Bearing the above in mind, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR