The Planning Inspectorate

Appeal Decision

Site Visit made on 8 December 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2021

Appeal Ref: APP/W0530/W/20/3257296
39 Bogs Gap Lane, Steeple Morden SG8 0PW

- 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 A Moffat against the decision of South Cambridgeshire District Council.
- The application Ref S/2064/19/FL, dated 31 May 2019, was refused by notice dated 6 February 2020.
- The development proposed is described as: "Sub-division of existing semi-detached house into two dwellings. Two new porches to front elevation".

Decision

1. The appeal is allowed and planning permission is granted for sub-division of existing semi-detached house into two dwellings at 39 Bogs Gap Lane, Steeple Morden SG8 0PW in accordance with the terms of the application, Ref S/2064/19/FL, dated 31 May 2019, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description in the banner heading above is taken from the application form. The Council's decision was based on revised drawings, numbered BG/TB/19/1A and BG/TB/19/2A. The revisions included the deletion of two new front porches which were shown on the original drawings. The Council has confirmed that those revised drawings were the subject of publicity. Therefore, I have based my decision on the revised drawings and am satisfied that no party would be prejudiced by my having done so. In my decision I have adopted a revised description, omitting reference to the porches, which more accurately describes the development.

3. Floor plan drawing BG/TB/19/1A includes a ground floor shower room window in the side of Unit 1 which is not shown on elevation drawing BG/TB/19/2A. There is no existing window in that location. The appellant has confirmed that the side elevation should have a small window with obscure glass to that room. The window and the shower room it is intended to serve were indicated on the floor plan drawing which was the subject of publicity. I am therefore satisfied that interested parties have had the opportunity to comment on that aspect of the proposals and that no party would be prejudiced by my having based my decision on the proposal to include a new window in that location.

4. The Council's decision was also based on an additional Car Parking drawing, number P1, which indicates a different parking layout to that shown on drawing BG/TB/19/1A. Both drawings formed the basis of the Council's decision.

However, it is evident from the Council's submissions that its decision in relation to the parking layout was based on the additional drawing number P1.

5. Drawing P1 was not the subject of publicity by the Council. However, the revisions made relate principally to the configuration of spaces within the proposed parking area and to moving them slightly closer to the front of the appeal building. On that basis, I am satisfied that the changes were very minor in nature and that no party would be prejudiced by my having considered the parking layout shown on drawing P1.

Main Issues

6. The main issues are:

   - whether the proposal would accord with policies relating to the location of new development;
   - the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

Location of development

7. The site is located outside the Steeple Morden development framework boundary. It is therefore in the countryside as defined in the South Cambridgeshire Local Plan (the Local Plan). Policy S/7 of the Local Plan states that outside development frameworks only certain types of development will be permitted. Those types of development do not include new residential development or the subdivision of existing dwellings, as proposed in this case.

8. I have been referred to other Local Plan policies which permit the subdivision of dwellings in infill villages and the replacement of dwellings in the countryside. However, the site is not within an infill village and neither of those circumstances would apply to the proposed development.

9. Paragraph 79 of the National Planning Policy Framework states that planning decisions should avoid the development of isolated homes in the countryside unless certain specified circumstances apply. The appeal site is separated from buildings within the Steeple Morden development framework boundary by open fields. However, it is part of a small group of dwellings which are nonetheless close to other housing in Steeple Morden. As such, the site is not so physically separate or remote from the settlement as to be isolated for the purposes of the Framework. Consequently, neither paragraph 79 of the Framework nor the exceptions within it apply to the proposed development in this case.

10. Given the above, the proposed development would not fully accord with policies relating to the location of development, including Policy S/7 of the Local Plan. I must weigh that technical policy conflict in the overall planning balance.

Character and appearance

11. The appeal property is a 1½ storey semi-detached house with a 2 storey extension to the rear. The front part of the building has a very wide front elevation and has two front door openings currently. Therefore, whilst the appeal property is a single, semi-detached house, it could be interpreted as being two separate dwellings at present.

12. The front elevation and those two existing front doors would remain unaltered as part of the scheme. The only other external alterations would be the insertion of a small ground floor side window and the replacement of the patio doors in the side of the rear extension with an obscure-glazed window. Therefore, the subdivision of the building from a single dwelling into two separate dwellings would not be apparent in terms of the appearance of the building itself. Nor would its physical relationship with neighbouring properties be affected, since no extensions are proposed. Conditions could be attached requiring details of the new windows to be approved, to ensure that their appearance and materials were appropriate and sympathetic.

13. Although the building would be split into two separate dwellings, there would be no increase in its floorspace or the number of bedrooms within it overall. Therefore, I consider it unlikely that its use as two smaller 2 bedroom houses would result in a significant increase in the number of vehicles parking on the site frontage compared with those which could do so in association with the existing 4 bedroom property.

14. The appeal property already has a large gravel parking area which covers most of its front garden. At the time of my visit 3 vehicles were parked side by side in that area. However, given its size and layout, that parking area could accommodate 4 vehicles in two pairs of tandem spaces at present, as indicated on drawing number P1, should its occupants wish to park in such an arrangement. The reconfiguration of the parking areas and the parking of vehicles in tandem would not appear unduly formal or erode the character or appearance of the site frontage compared with the existing arrangements.

15. Therefore, the subdivision of the property into two dwellings would not have an adverse visual effect with regard to the layout of the parking area or the intensity of its use compared with the existing situation.

16. The site is on a small section of Bogs Gap Lane which does not include any terraced properties currently. However, the detached bungalow and the two pairs of semi-detached houses which make up this very small group of properties already vary from one another in their size and appearance. As the appeal building already has two front doors and a large parking area it could be interpreted as two separate properties at present. That would not change as a result of the development. Works to subdivide the garden areas of the property would also be seen in that context, and that of existing boundary treatments which separate the gardens of neighbouring houses in either direction, and would not appear incongruous in that context. Therefore, in its existing residential context and having regard to the already varied appearance of the buildings on this part of Bogs Gap Lane, the subdivision of the building and its garden would not harm the character or appearance of the appeal site, the street scene or its wider rural surroundings.

17. Given the above, I conclude that the proposed development would not have an adverse effect on the character or appearance of the appeal site or its surroundings. It would therefore not conflict with Policy HQ/1 of the Local Plan which requires new development to preserve the character of the local area and ensure that car parking does not dominate the development and its surroundings.

Other Matters

18. The new ground floor window proposed in the side of Unit 1 would be small, would serve a non-habitable room and would be located below an existing first floor window which faces the neighbouring property at 37 Bogs Gap Lane. Therefore, the new window would not have adverse implications for the privacy of the occupants of 37 Bogs Gap Lane compared with the existing situation, subject to a condition requiring it to be fitted with obscure glazing and the lower parts to be non-opening.

19. The patio doors in the side of the building's rear projection would be replaced with an obscure glazed window, serving the living room of Unit 1. The window would directly face the rear garden of Unit 2 in very close proximity to the garden boundary proposed between the two units. However, provided that it was fitted with obscure glazing and the lower parts of it were non-opening, I am satisfied that it would not have an adverse effect on the privacy on future occupants of Unit 2. A condition to that effect is therefore necessary.

20. Drawing P1 indicates that the proposed parking area would extend slightly closer towards the front of the appeal building than the existing parking area. However, the proposed spaces would not be significantly closer to neighbouring properties than the areas where vehicles could park at present. I consider it unlikely that the two smaller properties would generate a significant increase in the number of vehicle movements or vehicles parking in that area compared with the existing 4 bedroom house. Therefore, the development would not have greater implications for the living conditions of neighbouring occupants with regard to noise or disturbance compared with the existing dwelling.

21. The Council has not raised any specific objection on the grounds of highway safety. On the basis of the submissions before me, the size of the existing and proposed parking area, and my own observations regarding the layout of the site and Bogs Gap Lane in the vicinity I have no reason to reach a different conclusion in that respect.

22. An interested party has raised concerns about the potential effects of an increased number of residents on water pressure locally. As the development would not increase the number of bedrooms, it is unlikely that the number of occupants or activity associated with their occupation of the two dwellings would be significantly different compared with the existing 4 bedroom dwelling.

Planning Balance

23. The development would result in technical conflict with the terms of Policy S/7 of the Local Plan. In terms of the aims of that policy, its supporting text sets out that development frameworks define where policies for the built-up areas of settlements give way to policies for the countryside. It states that this is necessary to ensure that the countryside is protected from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations.

24. The current appeal relates to the subdivision of an existing dwelling and its garden. The subdivision would not significantly change the appearance of the building and neither the building nor its associated garden areas would be enlarged. Therefore, there would be no encroachment of further built form or domestic garden into the countryside compared with the existing situation.

25. The site is slightly detached from the development framework boundary for Steeple Morden. However, it is only marginally beyond that boundary and sufficiently close that future occupants could walk or cycle to access facilities within the village should they wish. Furthermore, the development would not increase the floorspace or number of bedrooms within the building overall. Therefore, it would be unlikely to result in a material increase in private car use compared with the existing 4 bedroom dwelling in any event. Accordingly, the development would not represent unacceptable growth in an unsustainable location or conflict with the aims of Policy S/7 in that regard.

26. The development would provide a new dwelling and would make a contribution to the Council's housing supply which, whilst limited, nonetheless represents a benefit to be weighed in favour of the scheme. For the reasons given, despite technical conflict with the terms of Policy S/7 of the Local Plan, the development proposed in this case would not result in demonstrable harm to the countryside or conflict with the overall aims of the policy or the Council's development strategy with regard to development in the countryside. Therefore, and as I have found no other harm arising from the development, I conclude that it would not conflict with the development plan taken as a whole, despite some technical conflict with the terms of that specific policy.

27. I have been referred to a recently dismissed appeal decision relating to a new dwelling in the countryside elsewhere in the district. However, from the very limited information before me, I understand that decision related to the development of a new dwelling in the garden of an existing residential property. As such, the nature of the development and the circumstances in that case are not directly comparable to those in the appeal before me which, in any event, I have considered on its own planning merits.

Conditions

28. I attach a condition specifying the approved plans, for certainty.

29. As no extensions are proposed a condition requiring matching materials is not necessary. However, as the new shower room window and replacement living room window in Unit 1 are shown only on the floor plans, a condition requiring details of the appearance and materials of those windows is necessary in the interests of character and appearance. Additionally, conditions requiring both of those windows to be fitted with obscure glazing and to be non-opening below a height of 1.7m are necessary to protect the privacy of future occupants of the proposed development and existing occupants of neighbouring property.

30. Given the nature of the development, any works are likely to be relatively small scale and of limited duration. Therefore, conditions restricting working hours and the burning of waste on the site are not necessary in this instance. I am satisfied that adequate parking provision for both of the proposed dwellings could be accommodated within the site. Therefore, a condition preventing on-street parking, as suggested, is not necessary.

Conclusion

31. For the reasons given, I conclude that the appeal should be allowed.

Jillian Rann
INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan drawing at 1:1250; Proposed Floor Plans drawing number BG/TB/19/1A; Proposed Elevations drawing number BG/TB/19/2A; Car Parking drawing number P1.

3) No works shall commence in relation to the installation of the new window to the ground floor shower room or the replacement of the patio doors in the living room of Unit 1 with an obscure glazed window, as shown on drawing BG/TB/19/1A, until details of each of those proposed windows have been submitted to and approved in writing by the local planning authority. The submitted details shall include elevations of the windows showing their position, size and appearance, and information regarding the materials and colour of their frames. The works shall be carried out in accordance with the details thereby approved.

4) Neither Unit 1 nor Unit 2 shall be occupied or brought into use until the ground floor window in the side (eastern) elevation of the living room of Unit 1 has been fitted with obscure glazing. Once installed, the obscure glazing shall be retained thereafter. No part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.

5) Unit 1 shall not be occupied or brought into use until the new ground floor shower room window in its side (western) elevation has been fitted with obscure glazing. Once installed, the obscure glazing shall be retained thereafter. No part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.