
Appeal Decision

Site visit made on 5 January 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 26 January 2021

Appeal Ref: APP/V0510/W/20/3260065

16 Parsonage Lane, Burwell, Cambridgeshire

- 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 R. Gardiner against the decision of East Cambridgeshire District Council.
 - The application Ref: 20/00483/FUL, dated 6 April 2020, was refused by notice dated 11 August 2020.
 - The development proposed is the construction of two-bedroom, two storey detached dwelling and associated works (resubmission of withdrawn 20/00001/FUL).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the development from 'proposed new dwelling between No. 16 Parsonage Lane and No. 18 Parsonage Lane, Burwell – new vehicle access and associated works. All residential use' to 'construction of two-bedroom, two storey detached dwelling and associated works (resubmission of withdrawn 20/00001/FUL)'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more succinct summary of the proposal and have therefore proceeded on this basis.

Main Issues

3. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - the effect of the development upon the living conditions of the occupiers of the neighbouring property at 18 Parsonage Lane.

Reasons

Character and appearance

4. Parsonage Lane is a street that contains many residential dwellings. Whilst these dwellings are generally constructed to a variety of different designs and proportions, there is a unifying trend in that the front elevations face the highway and feature garden areas to the front of the properties. This gives the

area a more open character. This pattern is reflected in the surrounding streets.

5. Notwithstanding the address of the appeal site, the proposed dwelling would face onto Parsonage Close, which is to the rear of the appeal site. This would mean that the rear elevation of the proposed dwelling would be visible from Parsonage Lane. Given that the proposed development would be close to other dwellings that would be orientated towards Parsonage Lane, this arrangement would be particularly prominent and incongruous.
6. In addition, the design of the proposed dwelling would feature, when viewed from Parsonage Lane, some patio doors. This type of fenestration pattern is more commonly associated with a secondary elevation to a dwelling, rather than the main elevation. Therefore, given that this element of the development would be viewed alongside the front elevations of the existing dwellings in Parsonage Lane, the proposed development would appear incongruous.
7. Therefore, whilst the proposed development would infill a gap in between dwellings, the particular design and siting of the proposed development would erode the character and appearance of Parsonage Lane.
8. There is some debate regarding the precise plot size and the amount of garden space that would be provided for occupiers of the proposed dwelling. However, the evidence before me is not indicative that this arrangement would prevent residents of the appeal site from experiencing appropriate living conditions. However, by reason of the form of the development and proximity to the site boundaries, it would appear to be a cramped form of development that would erode the generally more open character that is a feature of Parsonage Lane.
9. Furthermore, by reason of the proximity of the dwelling to the existing dwelling and the road, the increase in built form would be particularly apparent owing to the loss of the more open space to the side of the existing dwelling.
10. Therefore, whilst the proposal would be in the vicinity of a number of dwellings in the surrounding area, the positioning and design of the dwellings means that it would appear discordant.
11. Had I been minded to allow this appeal, I could have imposed a condition regarding the type of materials and their colour. However, this would not overcome the adverse effects arising from the form and positioning of the proposed dwelling as previously identified.
12. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would fail to comply with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan (2015) (the Local Plan); and the East Cambridgeshire Design Guide Supplementary Planning Document (2012) (the SPD).
13. These, amongst other matters, require that new developments should demonstrate that their location will create positive, complementary relationships with existing development; be designed to a high quality, enhancing and complementing local distinctiveness; and create a design appropriate for each individual location.

Living conditions

14. The appeal site is adjacent to 18 Parsonage Lane. This is a semi-detached dwelling, with a relatively small rear garden and a larger front garden. The neighbouring property also features some side windows.
15. The proposed dwelling would be located in proximity to Parsonage Lane and would therefore be sited in front of the neighbouring dwelling. By reason of the height and positioning of the proposed dwelling, it would have a significant enclosing effect upon the neighbouring dwelling's garden.
16. By reason of this relationship, the proposed development would have an overbearing and enclosing effect upon the front garden of No. 18. Whilst I note that this is a front garden, it is the largest space in which residents might undertake outdoors recreation. In result, the adverse effect arising from the proposed development would be significant.
17. By reason of the height and proximity of the proposed dwelling to the shared boundary, the proposal would also result in a loss of light to the front garden of the neighbouring property. Although the orientation of the site is such that this would only occur for relatively limited periods of the day, the proximity of the proposed development to this boundary means that an adverse effect would emanate for the occupiers of the neighbouring property.
18. Whilst the proposed development would also result in development taking place near to the existing side windows of the neighbouring property, this would not be overly detrimental to the living conditions of the occupiers of the adjacent dwelling. The reasoning being that the levels of light and outlook available to these windows would not be significantly altered owing to the shared boundary fence.
19. By reason of the proposed fenestration pattern, views from the proposed dwelling towards the neighbouring property would be made at generally oblique angles. In consequence, it would not lead to a substantial loss of privacy for the occupiers of the neighbouring properties. However, this is only one of all the matters that must be assessed and therefore does not overcome my previous concerns.
20. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of the adjoining property. The development, in this regard, would conflict with Policy ENV2 of the Local Plan; and the SPD. These, amongst other matters, seek to ensure that new developments ensure there is no significantly detrimental effect on nearby occupiers and that the form and function of any building is a well-considered response to the context into which it is being set.

Other Matters

21. The proposed development would increase the local housing supply, however, any benefit arising from this would be very limited by reason of the scale of the development and that the Council can demonstrate a housing land supply in excess of five years. In addition, the scale of the proposed development means that any economic and environmental benefits are also likely to be of a small scale. In consequence, these matters do not outweigh my conclusions in respect of the Main Issues.

22. The evidence before me indicates that the proposed development would not have an adverse effect upon the highway system and that residents would have access to facilities in Burwell. Whilst these are matters of note, they are only some of all the issues that must be considered. In result, this does not outweigh my previous concerns.
23. I note that the appeal scheme was an attempt to overcome issues associated with a previous scheme, which was withdrawn. However, this point does not overcome the concerns as previously identified
24. I acknowledge concerns raised by the appellant regarding the manner in which the planning application was considered by the Council. However, in assessing this appeal, I have limited my considerations to the planning matters before me.
25. My attention has been drawn to another development elsewhere. I do not have the full information regarding the planning circumstances relating to this, which lessens the weight that I can attribute to it. Nonetheless, I note that the character of buildings within its street, in addition to the general pattern of development, are different to the scheme before me. In consequence, the presence of this development does not allow me to forego my previous concerns.

Conclusion

26. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR