
Appeal Decision

Site visit made on 5 February 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021

Appeal Ref: APP/V0510/W/20/3261597

Queensberry, 196 Carter Street, Fordham, Ely, Cambridgeshire CB7 5JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Malcom Roper against the decision of East Cambridgeshire District Council.
 - The application Ref 20/00291/OUT, dated 21 February 2020, was refused by notice dated 20 April 2020.
 - The development proposed is a single storey dwelling and garage with parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission with all matters of detail reserved for subsequent approval. I have therefore treated all plan information as indicative only.

Main Issues

3. The main issues are the effect of the development on: (i) the character and appearance of the area; (ii) whether there is sufficient information to assess the impact to trees; and (iii) neighbouring living conditions with respect to noise and disturbance.

Reasons

Character and appearance

4. The character of the area comprises of dwellings of varying designs with generous sized gardens. Properties in the vicinity line the highway network and are located close to the periphery of the village where there are areas of open countryside. Trees and greenery are highly visible from the roadside as a further noticeable characteristic of the locality.
5. The appellant suggests that even though the proposal can be defined as back land development, its presence would still be consistent with the established building pattern evident in the area. However, the pattern of dwellings closest to the appeal site does not support that view. Most of the surrounding properties, if not all, front the highway leading to them rather than being located to the rear of other properties.

6. I accept that a dwelling on the site would not be prominent from roadside vantages. It would not be visible either from Moor Road or Carter Street owing to intervening trees and existing buildings. Nevertheless, the character and appearance of the area also includes views from surrounding residential properties which would still be impacted upon. The development would lead to a more tightly positioned group of properties in a village location where higher levels of separation are more prevalent in the immediate locality.
7. I am also referred to approvals for dwellings granted along: Moor Road under 19/00887/FUL; at River Lane Fordham under application 16/01436/FUL; on Market Street (15/00216/FUL allowed under appeal decision reference APP/V0510/W/15/3132277); and Mildenhall Road as examples of back land development deemed to be acceptable.
8. I have considered those other decisions. I accept that there may be some infilling and examples of back land dwellings in the wider Fordham area, but the other examples of new dwellings elsewhere have different character effects. The dwellings immediately surrounding the appeal site do not have the same set of characteristics and the development would lead to a visually harmful impact. I have considered the proposal on its own merits in any event.
9. I find that the appeal scheme would be harmful to the character and appearance of the area. It would conflict with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (ECLP) which combined seek that new development respects the character of settlements and is complimentary to local distinctiveness. It would also conflict with Policy 2 criterion (c) of the Fordham Neighbourhood Plan 2016-2036 (FNP) which seeks that development responds to the important characteristics of the area.

Impact to trees

10. There is no technical information to conclude what the impact to trees would be. Given the dimensions of the site the layout of a new dwelling would have an impact to existing trees. It is appropriate for this to be gauged at this point rather than during reserved matters stages.
11. There are no protected trees said to be on the site. Nonetheless there are mature trees which would be affected by the development. Trees are an important part of the visual appearance of the area. I note that the appellant states that a survey could be deferred to reserved matters stage. However, given the boundary constraints of the land it is entirely appropriate that the likely impact to tree health is established prior to consideration of reserved matters.
12. Therefore, I conclude there is likely to be harm to trees, which requires assessment. This would be contrary to policy ENV7 of the ECLP which seeks to protect biodiversity and encourages tree survey information to be applied in decision making where appropriate. It would also conflict with Policy 2 criterion (b) of the Fordham Neighbourhood Plan which seeks that the design of development responds to trees.

Living conditions

13. I acknowledge the intention is to use an existing access from Moor Road rather than the formation of a new one. Although all matters of detail are reserved for

- subsequent approval the nature of future access, parking and turning areas would all have an impact on neighbouring occupiers when using their gardens.
14. The appellant suggests there would be only a modest level of additional vehicular movements likely to be generated from what is described as an anticipated two-bedroom bungalow.
 15. Nonetheless, the access point off Moor Road would be subject to increased use if it served a new dwelling. Even for a two-bedroom dwelling vehicle trips inclusive of visitors would be a noticeable change close to the boundaries of adjacent garden areas. Noise from general comings and goings of vehicles, car door opening, and closing, are likely to result in noise disturbance. The change would have an intrusive impact. It would erode from existing living conditions when occupiers are using existing private space deliberately located away from vehicle movements to allow greater levels of tranquillity.
 16. I find that the development would be harmful to neighbouring living conditions. This would conflict with bullet point 7 of Policy ENV2 of the ECLP and Policy 2 criterion (i) of the Fordham Neighbourhood Plan which both seek to ensure there is no detrimental effect on the residential amenity of nearby occupiers.

Other Matters

17. I note the previous application on the site under application reference number E/95/0523 which was refused under a development plan now superseded as well as other changes since that decision. The changes include that the site is within a village envelope designated by the FNP and it is no longer on the edge of a rural village.
18. To that end, I acknowledge that Policy 1 of the FNP supports infill development within the village envelope and occupiers of the dwelling would have good access to local services. The appellant also refers me to FNP Policy 4 which supports the delivery of affordable housing. However, the appeal property would serve as a market dwelling. Therefore, I give no significant weight to the benefits of affordable housing provision mentioned by the policy. Nevertheless, the development would boost housing land supply and increase general housing choice in a village containing a range of services, as benefits.
19. The development is stated to be built as an eco-friendly construction with solar panels producing energy. But there are no firm details of how that would be secured and delivered based on the information before me to give significant weight to.
20. I appreciate that the appellant intends to use the dwelling as a retirement home and has ties to the local area. But those circumstances carry limited weight given the dwelling would be an open market property and there is no evidence of a particular housing need being met in the district.

Planning Balance and Conclusion

21. There would be some benefits arising from the development in terms of providing an additional dwelling within a location close to services and adding choice in the area.
22. Despite those benefits I have found there would be conflict with the Council's development plan in relation to harm to the character of the area, the likely

harm to existing trees and to neighbouring living conditions which would lead to substantial harm. I do not find that the benefits arising from the development would outweigh the harm I have identified.

23. There are no other material considerations which lead me to the conclusion that the Council's development plan should not be followed when applying the content of the National Planning Policy Framework.

24. For the above reasons the appeal does not succeed.

Matthew Shrigley

INSPECTOR