
Appeal Decision

Site visit made on 25 January 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 23 February 2021

Appeal Ref: APP/W0530/W/20/3261308

Haden Way, Willingham CB24 5HB

- 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 Manor Farm Land Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref S/3664/19/FL, dated 24 October 2019, was refused by notice dated 17 April 2020.
 - The development proposed is the erection of 5 dwellings comprising 1x 4 bedroomed detached, 2x 3 bedroom semi-detached and 2x 2 bedroom semi-detached including garages, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would comprise unsustainable development that would encroach into the countryside;
 - whether the proposal would provide safe pedestrian access to connect the site to its surroundings; and
 - whether the proposal would affect living conditions for the occupiers of Nos 29 to 32 Haden Way in relation to privacy.

Reasons

Whether unsustainable development

3. The proposal is for one detached and two pairs of semi-detached houses on a rectangular area of overgrown land adjacent to a parking court serving a row of bungalows on the Haden Way housing estate. The site lies just outside the 'development framework' of the village defined by the South Cambridgeshire Local Plan 2018 (SCLP) where Policy S/7 applies. This restricts development to that which requires a countryside location, is supported by other policies in the plan or allocated in a neighbourhood plan, none of which apply in this case.
4. However, planning permission has recently been granted for residential development to the north east of the site (Ref S/2921/15/OL) and to the south (Ref S/2456/15/OL), the latter extending to the rear gardens of the properties fronting Station Road which also lie within the defined development framework

of the village. The appeal site is therefore all but surrounded by existing or committed housing development. Furthermore, Willingham is identified by Policy S/9 in the SCLP as a Minor Rural Centre with sufficient services and facilities to be a suitable location for larger scale windfall developments of up to 30 dwellings.

5. For these reasons the Council's objection that the proposal would comprise unsustainable development encroaching into the countryside is unfounded. Whilst outside the development framework of the village, in the vicinity of the appeal site this has been overtaken by subsequent decisions¹. The proposal would not therefore conflict with the objectives behind SCLP Policies S/6, S/7 and S/9 which permit limited new housing within the development frameworks of Minor Rural Centres such as Willingham.

Pedestrian access

6. The proposal would be accessed by widening an existing service road which leaves Haden Way between Nos 28 and 29. The road currently provides access to a concrete surfaced parking court with 11 marked out spaces arranged along the service road and a turning head. These spaces serve the bungalows which back onto the parking court. An adjacent footway also leaves Haden Way, running between the parking spaces and the rear boundary of the bungalows, providing access to their back gates.
7. The five new dwellings would have driveways or parking spaces directly off this service road but there would be no connecting footway, leaving pedestrians to mix with vehicles not only accessing the houses but the 11 car parking spaces. Parked cars in these spaces would back and turn into the service road to leave, potentially reversing into pedestrians using what would effectively be a shared space. In addition, widening the road between Nos 28 and 29 would slightly narrow the existing footway next to the front corner of No 28 and the rear corner of No 29, making access for wheelchair users and those with buggies more difficult, notwithstanding the provision of a dropped kerb crossing point with tactile paving. The local highway authority express severe reservations regarding the connectivity of the proposals.
8. Whilst an additional footpath is proposed to the north between existing houses and then linking with the passageway connecting to Over Road, this may not be deliverable. It would be somewhat shorter than the current route but importantly would only provide safe pedestrian access to and from the service road where pedestrian/vehicle conflict would remain.
9. For these reasons the proposal would not provide safe pedestrian access to connect the site to its surroundings which conflicts with SCLP Policies HQ/1 and TI/2. These require new development to provide user-friendly access focusing on safe opportunities for walking and integrated, permeable layouts that facilitate and encourage short distance trips by walking.

Living conditions

10. Although not considered by the Council to be a reason for refusal, local residents raise the issue of potential overlooking from the two-storey semi-detached houses proposed on plots 2 and 3 towards the rear facing windows and private gardens of Nos 29 to 32 Haden Way. Whilst just about meeting

¹ This issue alone however does not render the most important policies for determining the application out of date.

the requirements of the Council's design guide for a minimum distance of 25 m between habitable room windows, in one case this would only be 22.7 m, and the loss of privacy would be exacerbated by the fact that two-storey dwellings would overlook one storey bungalows and their private rear gardens.

11. Taking into account the rural, low-density village location, this relationship would result in an undue loss of privacy which would harm the living conditions of the occupiers concerned. This would conflict with SCLP Policy HQ/1 which seeks to protect the amenity of surrounding occupiers from development that is overlooking.

Conclusion

12. The proposal would provide five additional dwellings which would make a useful contribution towards local housing needs in a sustainable location and would offer important social and economic benefits for the village. The scheme would not encroach into the countryside, would be built to high energy and water efficiency standards and landscaping and ecological improvements would also be included. However, these material considerations do not outweigh the conflict with the development plan, the risks to pedestrian safety and the loss of privacy involved for nearby residents.
13. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR