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# Appeal Decision

Site Visit made on 8 March 2021

**by Mr Andrew Smith BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> March 2021**

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**Appeal Ref: APP/W0530/W/20/3262482**

**80 London Road, Stapleford, Cambridgeshire CB22 5DR**

- 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 Day against the decision of South Cambridgeshire District Council.
  - The application Ref 20/03568/FUL, dated 17 August 2020, was refused by notice dated 6 October 2020.
  - The development proposed is demolition of existing bungalow and construction of detached house and garage, alterations to highway access and new driveway and boundary wall to front.
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## Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing bungalow and construction of a detached house and garage together with alterations to highway access and new driveway and boundary wall to front at 80 London Road, Stapleford, Cambridgeshire CB22 5DR in accordance with the terms of the application, Ref 20/03568/FUL, dated 17 August 2020, subject to the conditions set out at the end of this decision.

## Preliminary Matter

2. A revised plan<sup>1</sup> has been submitted at appeal stage, which supersedes a plan<sup>2</sup> listed on the Council's Decision Notice. The appellants have confirmed that the only difference relates to works undertaken to thin out a row of conifer trees located to the rear of the site. Following my own inspection, I am content that the revised plan is accurate and that no party with a potential interest in this appeal is prejudiced by me accepting it.

## Main Issue

3. The effect upon the character and appearance of the area.

## Reasons

4. The appeal site currently contains a detached brick-built bungalow served by a hipped roof. It occupies a large plot and a setback position relative to the highway. The site's surroundings are typically residential in their makeup and a range of different property types, roof forms, building styles and external facing materials can be observed. There is thus a mixed residential character and appearance in place local to the site.

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<sup>1</sup> 29744/7E TOPO

<sup>2</sup> 29744/7D TOPO

5. The proposed replacement dwelling (the dwelling) would closely follow the existing footprint of the bungalow that is intended to be demolished and would be positioned in accordance with the approximate front building line typically followed by neighbouring/nearby properties.
6. The Council has raised concerns with respect to the gable that is intended to form part of the dwelling's front façade. It has been suggested that it would appear as a dominating feature of excessive height. Whilst the dwelling would be two and a half stories, its full ridge height would be broadly reflective of the ridge heights of both Nos 78 and 84 London Road (Nos 78 and 84) situated to the west and east respectively. The roof form would be part-hipped to the front, which would assist in softening and reducing visual impact. Furthermore, there are other street-facing gabled features in place close by. In this context, the proposed part-gabled front elevation would not appear unduly prominent in the streetscene nor discordant with its surroundings.
7. In terms of the proposal's effects upon No 82 London Road (No 82), a neighbouring bungalow, the dwelling has been designed and orientated such that its eaves would run alongside the shared boundary. The highest parts of the dwelling would thus be set away from No 82, which would retain a suitably spacious setting accordingly. Indeed, the dwelling would not appear as an unduly domineering addition when viewed alongside No 82 and would respond satisfactorily to the typical size, bulk and massing of other properties in the immediate locality.
8. A timber-clad double garage is intended to be positioned in front of the dwelling. It would be of lightweight design and low-level height, such that it would appear as a low-key and ancillary addition behind a newly proposed flint and brick front boundary wall to be erected. It is also pertinent to note that a not dissimilarly positioned and designed double garage is already in place to the front of No 78. The newly proposed garage would have an acceptable visual impact on this basis.
9. For the above reasons, the proposal would not cause harm to the character and appearance of the area. The proposal accords with Policy HQ/1 of the South Cambridgeshire Local Plan (September 2018) and the National Planning Policy Framework (February 2019) (the Framework) in so far as these policies set out that all new development must be of high quality design and be compatible with its location. Indeed, the proposal accords with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

### **Conditions**

10. The Council has suggested a number of conditions that the appellants have had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes and omitted others. Upon agreement in writing, I have imposed a single pre-commencement condition.
11. In the interests of certainty, a condition specifying the approved plans is required. I have listed the submitted 'Design and Access Statement, Supporting Planning Statement' as an approved document due to the information it contains with respect to materials. Indeed, in the interests of protecting the character and appearance of the area, a condition is reasonable

- and necessary to ensure that the external facing materials to be used match the details provided.
12. In the interests of guarding against the risk of flooding and of protecting water quality, a condition is reasonable and necessary to secure a scheme for the disposal of surface and foul water. It would be onerous and unnecessary for this condition to mirror the Council's suggested wording in full, which is unduly detailed and prescriptive. This is particularly when noting that the proposal involves the replacement of an existing dwelling, as opposed to the creation of an additional unit of accommodation. I have set out permeable surfacing requirements whilst being aware that a sealed surface is likely to be installed at the site's access. To also guard against flood risk and in accordance with advice offered by the Council's Sustainable Drainage Engineer, a further condition is reasonable and necessary to ensure that finished floor levels are set at least 150mm above ground level.
  13. In the interests of safeguarding a large protected Poplar tree situated adjacent to the site's frontage, a condition securing the submission and implementation of a Tree Protection Statement is both reasonable and necessary. Given that the approved highway access alterations and driveway would be the only elements of the scheme likely to impact the protected tree, I have worded the condition to reflect the need for agreement to be reached prior to the commencement of any highway or driveway construction works.
  14. In the interests of highway safety, conditions are reasonable and necessary to secure the provision of pedestrian visibility splays, the provision of measures to prevent surface water runoff discharging on to the public highway, and the implementation of the new highway access in accordance with a detailed engineering scheme to be submitted for approval. As regards the new access, I have not imposed a specific requirement for a metalled/sealed surface to be installed over a minimum 10m distance measured back from the carriageway. This is because such an installation may not ultimately be achievable, depending upon what tree protection measures are ultimately agreed.
  15. In the interests of sustainability and supporting the transition to a low carbon future, conditions are reasonable and necessary to secure the provision of water efficiency measures and of on-site measures to reduce carbon emissions. In the interests of digital connectivity, a condition is reasonable and necessary to ensure that the property is capable of accommodating Wi-Fi, fibre optic cabling and other emerging technology.
  16. In the interests of protecting the living conditions of existing residential occupiers, a condition is reasonable and necessary to set out acceptable hours of construction. I do not consider it necessary to impose a condition related to the potential burning of waste and other materials on-site. Indeed, the potential for such activities to occur would be limited and, even if they did, opportunities would exist outside of the planning process to monitor and regulate them.
  17. Given the limited scale of development under consideration, a traffic management plan is neither reasonable nor necessary to secure via condition. Indeed, the setback nature of the approved dwelling offers a logical area to the front of the site for construction and delivery vehicles to utilise and manoeuvre within. Thus, the potential for a safe and well-functioning local highway network to be prejudiced by the construction phase of development is minimal.

18. The Framework sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Council has suggested that, in the event the appeal be successful, rights related to the potential future enlargement or alteration of the property's roof should be removed.
19. Whilst the approved dwelling is sizeable and to be positioned close to the site's side boundaries, it has not been clearly demonstrated that the suggested withdrawal of permitted development rights is justified in the interests of protecting either the character and appearance of the area or the living conditions of neighbouring residential occupiers. Indeed, no roof enlargement constituting permitted development could exceed the height of the highest part of the dwelling's roof nor extend beyond the plane of a roof slope forming its principal elevation. In this context, I do not consider it necessary to impose a condition removing permitted development rights.

### **Conclusion**

20. For the reasons given above, the appeal is allowed subject to conditions.

*Andrew Smith*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and document: 29744/1A; 29744/6B TOPO; 29744/7E TOPO; 29744/2E7; 29744/3B; Design & Access Statement, Supporting Planning Statement (August 2020).
- 3) No development shall take place until a scheme for the disposal of surface water and foul water, to be maintained for the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved scheme. Wherever possible, external areas of the site shall utilise permeable surfaces.
- 4) No development above slab level shall take place until a scheme demonstrating a minimum 10% reduction in carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) through the use of on-site renewable energy and low carbon technologies has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the dwelling and, thereafter, maintained at all times in accordance with the approved details.
- 5) Prior to the commencement of either the alterations to the highway access or the construction of the new driveway hereby permitted, a Tree Protection Statement shall be submitted to and approved in writing by

the Local Planning Authority. The Statement shall comply with BS5837 and shall include details of the timing of events, the method and extent of no-dig construction, ground levels and ground protection measures. The development shall be implemented in full accordance with the approved Statement.

- 6) The dwelling hereby permitted shall not be first occupied until the vehicular access from the existing carriageway edge has been laid out and constructed in full accordance with a detailed engineering scheme which shall have first been submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to the first use of the highway access hereby permitted, the access shall be constructed with adequate drainage measures to prevent surface water runoff onto the adjacent public highway in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority.
- 8) Prior to the first use of the highway access hereby permitted, pedestrian visibility splays of 2m x 2m shall be provided to both sides of the access measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the public highway as per approved plan 29744/7E TOPO.
- 9) The dwelling hereby permitted shall not be first occupied until measures have been installed to ensure that the minimum water efficiency consumption standard of 110 litres use per person per day, in accordance with Part G of the Building Regulations 2010 (as amended 2016), is complied with. Thereafter, such measures shall be retained as installed at all times.
- 10) The dwelling hereby permitted shall not be first occupied until made capable of accommodating Wi-Fi, nor until suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note), capable of accommodating fibre optic cabling or other emerging technology, has been provided to the public highway, unless otherwise agreed in writing by the Local Planning Authority.
- 11) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the submitted details, as depicted upon approved plan 29744/3B and described at section 9 of the application form and paragraph 5.2 of the approved Design & Access Statement, Supporting Planning Statement.
- 12) No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or dispatched from the site shall occur, except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday, and not at any time on Sundays or Bank or Public holidays.
- 13) The finished ground floor levels of the dwelling hereby permitted shall be set no lower than 150mm above the site's existing ground level.