
Appeal Decision

Site Visit made on 20 July 2021 by Emma Grierson BSc (Hons) MSc MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/V0510/W/21/3272577

Land to rear of 39 Toyse Lane, Burwell, CB25 0DF

- 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 Anglia Developments Limited against the decision of East Cambridgeshire District Council.
 - The application Ref 20/00669/FUL, dated 25 May 2020, was refused by notice dated 8 October 2020.
 - The development proposed is a dwelling, parking and site works.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the appeal site and the surrounding area.

Reasons for the Recommendation

5. The appeal site is a plot of land to the rear of the property at 39 Toyse Lane, which has recently been divided into two separate semi-detached dwellings. It is currently an unkept residential garden space which has been separated from the host dwellings by a boundary fence and has access via an existing driveway to the side of No.39. The surrounding area is residential in nature with dwellings generally following a linear pattern of development along Toyse Lane. The dwellings directly surrounding the appeal site have largely undeveloped

- rear gardens which back onto an open field, giving them a spacious and rural appearance, contributing positively to the character of the area.
6. The proposal would introduce a new single storey detached dwelling to this rear garden environment, with access via the existing driveway. Due to the location of the proposed dwelling, to the rear of No.39, it would have minimal visibility from the public realm, with only partial views of the property down the driveway. Although the proposal would be visible from a number of houses surrounding the site, it would have a limited impact on the streetscene.
 7. Although the plot would provide ample space for a small dwelling with sufficient garden space and parking provision, the proposal's isolated positioning would wholly contrast with the current linear nature of the houses on this section of Toyse Lane, to the detriment of the strong pattern of development in this particular location. The proposal is modest in scale, however it would be larger than an outbuilding and its central positioning on the plot and domestic paraphernalia would not emulate an ancillary addition.
 8. The appellant has highlighted a number of similar backland developments within Burwell, including some also on Toyse Lane. The majority of these developments are generally comprised of a larger number of dwellings, creating a more formal cul-de-sac, and are not located in the immediate vicinity of the appeal site.
 9. On Toyse Lane, six new dwellings have been constructed to the rear of 19 Toyse Lane. Although this is similar to the proposal in terms of the access via an existing driveway and a lack of street frontage, these dwellings form a small cul-de-sac unlike the isolated positioning of the proposal before me. The two dwellings behind 53 Toyse Lane also do not have a street presence, however the appellant states that these are accessed via a laneway which would be a more formal access than the appeal proposal.
 10. The single dwelling development at Newmarket Road would be located next to development to the rear of dwellings fronting the road and is not comparable to the context of the appeal site. The scheme at The Avenue would have a street presence so is not comparable either to the appeal scheme
 11. Therefore, these developments do not form part of the pattern of development in the area directly surrounding the appeal site and do not provide justification for the appeal proposal.
 12. Similarly, the appellant has highlighted some previous appeal decisions within their statement that relate to backland development in different local authority areas. However, although the type of development may be similar, the setting and circumstances for each case vary considerably and therefore these decisions do not set a precedent.
 13. For the reasons above, I consider that the proposed development would harm the character and appearance of the appeal site and the surrounding area. It would therefore be contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan (2015). These policies require that development should create positive, complementary relationships with existing development and relate well to existing features, avoiding uncoordinated piecemeal development.

Other Matters

14. The appellant has highlighted that in this area there is persistent under delivery against annual housing requirements. However, the Council have provided evidence showing that they have a Housing Delivery Test measurement of 87% and 7.01 years housing land supply. Therefore, on the basis of the evidence before me the provisions of footnote 8 of paragraph 11 d) of the Framework are not engaged and the policies which are most important for determining the application are not deemed out of date.
15. It is noted that the proposal would provide one additional dwelling in the development envelope of Burwell and therefore is in a sustainable location. The appellant also suggests that 2-3 bedroom units, such as the appeal proposal, are required in this location for smaller families and the elderly looking to downsize. However, these benefits and the use of garden land for the proposal do not outweigh the significant harm that would be caused to the character and appearance of the area.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal should be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR