



Appeal Decision

Site Visit made on 27 July 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2021

Appeal Ref: APP/W0530/W/20/3258959

11 Portway, Melbourn SG8 6EU

- 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 T & C Pollard against the decision of South Cambridgeshire District Council.
 - The application Ref 20/01628/FUL, dated 17 February 2020, was refused by notice dated 29 June 2020.
 - The development proposed is described as a “new dwelling and demolition of existing garage”.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling and demolition of existing garage at 11 Portway, Melbourn SG8 6EU in accordance with the terms of the application, Ref 20/01628/FUL, dated 17 February 2020, subject to the conditions on the attached schedule.

Preliminary Matter

2. Since the submission of the appellant’s appeal, the Revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the:
 - character and appearance of the area, and,
 - living conditions of adjoining occupiers with particular regard to privacy at 16 Armingford Crescent.

Reasons

Character and Appearance

4. The appeal site forms a semi-detached dwelling that lies within a pleasant cul-de-sac of other properties that are arranged either side of the road. The

proposal seeks to demolish an existing side extension and the erection of a detached dwelling, sitting between No. 10 and 11 Portway and would be provided with parking area to the front and a private amenity space to the rear

5. Portway is generally residential in character and contains a variety of size and style of property, including detached and semi-detached dwellings, some of which are developed close to one another. At the end of the cul-de-sac is a group of six properties that are arranged as three pairs of semi-detached dwellings. The Council argue that despite the range of properties that exist along Portway, the layout of these particular dwellings demonstrate a greater degree of uniformity and separation than the remainder of the road, creating a character of their own. Consequently, as the proposal would not conform with this character, harming the appearance of the cul-de-sac.
6. The proposal would follow the layout of existing development, adding to the linear pattern of dwellings. Although close to the end of Portway, the development would be seen against the backdrop of No. 10 and not the remaining properties at the head of the cul-de-sac. Therefore, whilst the gap between the appeal site and No. 10 would be reduced, it would nonetheless retain a degree of separation that is reflective of other parts of Portway. Moreover, the character and openness at the end of the cul-de-sac would retain its existing layout and remain largely unaltered, and a larger gap would remain between the appeal site and No.11.
7. The design of the proposed dwelling would be reflective of existing properties along Portway, in particular No. 15 and 17 which also benefit from single storey front extensions. Furthermore, I am not persuaded that there is an established uniformity to the end, and indeed the majority of Portway, that would require the proposal to slavishly adhere to any layout or design style of particular merit. I am satisfied that the proposed dwelling would assimilate within the street scene without undue harm.
8. Thus, the proposal would not result in harm to the character and appearance of the area. It would not be in conflict with Policies HQ/1 and H/16 of the South Cambridgeshire Local Plan (LP) 2018 which seek, amongst other things, to ensure that there is no significant harm to the character of the area taking into account the siting, design, scale and materials of the development. In reaching this decision I have also had regard to the Council's Design Guide 2010¹ (DG).

Living Conditions

9. The Council's DG states that, to prevent overlooking between habitable rooms, two storey dwellings should provide a minimum distance of 25m between rear elevations. In this instance, the proposed dwelling would be sited around 22m to the rear of No. 16 Armingford Crescent.
10. Although the proposal would fail to meet the separation distance as advocated within the Council's DG, one has to take into account the suburban nature of the appeal site and its surrounding environment. Moreover, a distance of 22m would be very similar to the existing arrangement of properties that back onto one another on Portway and Armingford Crescent. Therefore, I am not persuaded that the failure to adhere wholly with the requirement of the DG would lead to harm through unacceptable levels of overlooking, as a back to

¹ South Cambridgeshire District Council District Design Guide: High Quality and Sustainable Development in South Cambridgeshire, Supplementary Planning Document 2010

back distance of 22m is still a significant degree of separation given the built up nature of the area.

11. Thus, the development would not result in harm to the living conditions of adjoining occupiers through loss of privacy. It would not be in conflict with Policy HQ/1 of the LP or paragraph 130 of the National Planning Policy Framework (the Framework) which seek, amongst other things, to protect the amenity of surrounding occupiers.

Conditions

12. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. In some instances, I have amended the conditions for clarity and precision.
13. Along with the standard time condition (1), the approved plans (2) should also be specified to provide certainty. In order to protect the visual amenities of the area, samples of the external materials (3) to be used for the development shall be submitted to the Council for consideration. In the interest of flood risk, a scheme of surface and foul water drainage (4) shall be submitted to the Council for consideration. In the interest of highway safety, details of access and surface water drainage to prevent water runoff onto the highway (5 & 6) shall also be submitted to the Council for its consideration.
14. In the interest of sustainable development, the proposal shall be capable of accommodating Wi-Fi (7) and suitable ducting shall be provided to the highway. The development shall also demonstrate that it reduces carbon emissions (8) through on-site renewable and low carbon technologies and that it is water efficient (9). To protect the living conditions of surrounding occupiers, the hours of construction (10) shall be limited and there shall be no burning of waste (11) on the site.

Conclusion

15. Thus, for the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans. MEL/CB/18/01 and MEL/CB/19/02 Revision B.
- 3) No development above slab level shall take place until samples of the materials and finishes to be used in the construction of the dwelling hereby approved have been agreed with the local planning authority. The development shall be carried out in accordance with the approved details and permanently retained thereafter.
- 4) Prior to the occupation of the dwelling hereby approved, a scheme for the disposals of surface water and foul water that can be maintained for the lifetime of the development shall be provided to and agreed in writing with the local planning authority. This would need to include:
 - a) The existing drainage arrangements of the site including discharge location and rate where appropriate;
 - b) The proposed discharge location in accordance with the drainage hierarchy and reasonable evidence this can be achieved; and
 - c) A site plan identifying indicative locations for sustainable drainage features.
 - d) Evidence to support b) which must include infiltration/percolation testing or written confirmation from the appropriate water authority/third party that a discharge to its drainage system is acceptable.
 - e) Details of foul discharge location or treatment plant and discharge location.All external areas should utilise permeable surfaces.

The development shall be carried out in accordance with the approved details and permanently retained thereafter.

- 5) Prior to the occupation of the dwelling hereby approved, the vehicular access from the existing carriageway edge shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the local planning authority, and such a scheme shall include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge. The development shall be carried out in accordance with the approved details and permanently retained thereafter.
- 6) Prior to the occupation of the dwelling hereby approved, the access shall be constructed with adequate drainage measures to prevent surface water runoff onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority and permanently retained thereafter.
- 7) The dwelling hereby approved shall not be occupied until the dwelling to be occupied has been made capable of accommodating Wi-Fi and suitable ducting (in accordance with the Data Ducting Infrastructure for New

Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling or other emerging technology.

- 8) No development above slab level shall take place until a scheme has been submitted that demonstrates a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the occupation of the dwelling and permanently retained thereafter.
- 9) The dwelling hereby approved shall not be occupied until the minimum water efficiency consumption of 110 litres use per person per day, in accordance with Part G of the Building Regulations 2010 (as amended 2016) has been complied with.
- 10) 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 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.
- 11) There shall be no burning of any waste or other materials on the site, without prior consent from the Environment Agency. A D7 exemption registered with the Environment agency is required.

~End~