



Appeal Decision

Site Visit made on 21 September 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/D0515/W/21/3274750

158 Leverington Common, Leverington, Wisbech, Cambs, PE13 5BP

- 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 Linda Edwards against the decision of Fenland District Council.
 - The application Ref: F/YR20/1111/F, dated 26 August 2020, was refused by notice dated 11 January 2021.
 - The development proposed is 2-bed bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework was published on the 20 July 2021 and the parties have been provided an opportunity to comment on the implications of this for their case.

Main Issues

3. The main issues are the effect of the proposed development on:-
 - i) the character and appearance of the area; and
 - ii) the living conditions of neighbouring occupants with particular regard to outlook and light.

Reasons

Character and appearance

4. The appeal site is located within a ribbon pattern of residential development that front on to Leverington Common, with mature hedgerow and agricultural land positioned on the opposite side of the highway. The area is characterised by a mix of one and two storey dwellings of varying styles and materials. Dwellings are typically built towards the front of their plot and follow an established linear build line with reasonable sized front garden areas that are well-maintained. Rear gardens are long and generously sized. Modest sized gaps between the built form allow for views towards rear gardens and their outbuildings. Detached garage buildings are predominantly set back from the front elevation of properties. Overall, the pattern of development contributes a strong sense of uniformity in an area that has a pleasantly open and spacious semi-rural feel.

5. The appeal site consists of part of the rear and side garden to 158 Leverington Common (No. 158). It is mostly laid to lawn with some attractive landscaping features. It partly forms a reasonable sized gap separating it from the neighbouring dwelling. Consequently, I find that it makes a positive contribution to the character and appearance of No. 158 and the surrounding area.
6. Notwithstanding the single storey height of the proposed dwelling and the use of materials to match those typically found within the surrounding area, the front elevation of the proposed dwelling would be sited a considerable distance back from the highway, by approximately 12 metres, taking the Council's measurements, which have not been disputed by the appellants. By reason of its position beyond the rear build lines of No. 158 and 156, it would depart from the established build line and appear at odds with the prevailing character of the area.
7. Despite there being some examples of tandem development within the vicinity of the site, I observed these to be outbuildings and garages that are relatively modestly sized and are ancillary to their host dwellings. By reason of the constrained width of the appeal site and consequent absence of spacing between the built form and an absence of a frontage to the highway, the appeal scheme would appear cramped within its plot and a strident, dominant and incongruous addition within the streetscene. The proposal would have a significant adverse effect that would erode the established pattern and character of development within the surrounding area.
8. Accordingly, I conclude that the proposal would have a significant adverse effect on the established character and appearance of the area. It would conflict with Policy LP12 and LP16 of the Fenland Local Plan (2014)(LP) insofar as these policies require development to respond to and improve the character of the built environment.

Living conditions

9. No.158 and the neighbouring dwelling at 156 Leverington Common (No. 156) have a common rear build line and benefit from generous rear gardens. Substantial close boarded fencing would provide separation from the appeal scheme and its neighbouring dwellings. Nevertheless, the appeal property would be closely positioned to the common boundaries of each of these dwellings and I noted that both dwellings contained several windows including patio doors within their rear elevations.
10. The proposed development would be single storey and include a pitched roof that would slope upwards and away from the shared boundaries. Nonetheless it would include a ridge and eaves height of approximately 4.8 metres and 2.5 metres, respectively, taking the Council's measurements, which have not been disputed by the appellants. As a result, the appeal property would be considerably taller than the proposed boundary treatment. Given the unrelenting height, depth and mass and its proximity, the appeal scheme would overwhelm and appear unacceptably dominant and overbearing to the occupiers of Nos. 156 and 158. This would be harmful to their outlook and materially compromise their living conditions.
11. Based upon my observations and given the northwest orientation of properties, the private amenity area close to the rear elevation of No. 156 presently

receives a limited amount of daylight. By reason of the proposed height of the appeal proposal in close proximity to the shared boundary, I consider that the proposal would be likely to further limit sunlight and increase overshadowing for a large part of the day. Whilst I have considered the appellants streetscene drawing, this does not lead me to a different view. Therefore, I find that the proposal would lead to an unacceptably harmful loss of daylight and overshadowing in areas closest to the common boundary.

12. Accordingly, I conclude that the proposed development would significantly harm the living conditions of the occupiers of neighbouring dwellings with regard to outlook and loss of light. Thus, the proposal would be contrary to LP Policies LP2 and LP16. Among other things, these policies seek to ensure that development does not harm residential amenity.

Other Matters

13. My attention has been drawn to a number of other similar developments on Leverington Common. I was able to observe these sites at the time of my visit. Whilst several examples of development to the rear of other dwellings exists along Leverington Common, by reason of the intervening distances, these developments are not apparent from the appeal site and they do not form part of the immediate character and appearance context to the appeal site. The pattern of development in proximity to these developments is greatly different. The circumstances are not therefore comparable to the appeal scheme and as such, a comparison is of limited relevance in this instance, and I have considered the appeal before me on its individual planning merits.
14. It is the appellant's view that a side extension to No. 158 would have the same effect upon neighbouring occupants. However, there is no detail before me regarding this matter, nor is it clear to me that an alternative scheme would be granted planning permission. On the basis of the evidenced before me, I cannot be certain that such a scheme represents a valid fall-back position against which the proposed development should be assessed.
15. The Council have not identified any adverse harm arising as a consequence of contamination, highway safety, privacy and noise, air quality or drainage. In addition, the principle of residential development at this location would be acceptable. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
16. Reference has been made to the manner in which the Council undertook the planning application. However, such matters are not for me to determine as part of this appeal.
17. I have had regard to photographs provided by the appellants in support of the appeal and a number of letters of support for the appeal scheme. However, these do not alter my findings above. For the reasons explained, I am not persuaded that a precedent exists to justify the development proposed. Similarly, the existence of other developments that are overshadowed does not justify poor design.
18. The appeal scheme would provide an additional dwelling towards housing supply. However, such a benefit carries only limited weight in favour of the scheme.

Conclusion

19. For the reasons given above, I find that the appeal scheme is contrary to the development plan. The material considerations are of insufficient weight to justify the development proposed. Accordingly, the appeal is dismissed.

E Brownless

INSPECTOR