



Appeal Decision

Site Visit made on 12 January 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2021

Appeal Ref: APP/W0530/W/20/3255510

Anstey Hall, 32 Ickleton Road, Duxford CB22 4RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Edward Shelton against South Cambridgeshire District Council.
- The application Ref 20/02322/HFUL, is dated 9 May 2020.
- The proposed development is described as "This planning application is part retrospective.

The proposed development is for an outbuilding to the rear of the dwelling at 32 Ickleton Road that encompasses the following activity areas: 1.A swimming pool (and associated plant room). 2.A private gym room. 3.A garage (for one car and one standard sized motor-home). 4.A hobby workshop. 5.Small store rooms (two) for garden and utility functions.

Compared to the existing planning certificate S/1240/17/FL, the footprint of the new design remains largely unchanged, with a floor area of 245 sq-m. The site area is 850 sq-m.

The proposed outbuilding is a single storey structure, with much of the bulk of the structure set into the ground on a sloping site. The original design was compromised by the low roofline of the existing buildings. The new roof-line is 1.2m taller, which in the context of the site is not significant, but it does create a more natural height distribution between the various internal structures, brings additional natural light into the internal spaces, provides a location for the solar panels that is out of sight, and better reflects the intended ancillary uses.

The proposed design offers a high quality development that meets the modern social and domestic ancillary needs of a family throughout the various stages of life development.

This outbuilding design is intended to encompass the latest energy efficient design and construction principles: A technologically advanced building that brings together energy efficient construction principles and solar energy generation, hidden behind a beautifully understated façade. The proposed design is modest in exterior appearance in order to achieve a harmonious accord with the surrounding area.

The predominant land use in the immediate vicinity of the site is residential.

Decision

1. The appeal is dismissed.

Preliminary Matters

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 Framework 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.

3. The appeal arises from the failure of the Council to determine the planning application within the prescribed period. The Council has considered the appellant's proposal and state that had it been in a position to determine the planning application it would have refused permission. Although the Council refer to matters such as the amount of garden space that would remain post development, validation issues regarding the level of information presented by the appellant and whether the plans are a true representation of the site, these matters did not form part of the three reasons for refusal as set out at Appendix 2 of the Council's written statement.

Main Issue

4. Therefore, having regard to the above, the main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area and the living conditions of adjoining occupiers with particular regard to outlook and overshadowing to the occupiers of 30 Ickleton Road, and
 - whether the appellant provided adequate information in relation to parking and drainage details.

Reasons

Character and Appearance/Living Conditions

5. The appeal site lies within a residential area and benefits from a long rear garden that is similar to adjoining properties. The area has a pleasant suburban character which is reinforced by the open and spacious character of gardens to the rear. On the whole, garden areas are largely undeveloped containing domestic structures such as sheds and other outbuildings.
6. The proposal seeks to erect a single building that would contain various areas such as a garage, swimming pool, gym, workshop and stores that would be located towards the rear of the garden, retaining an amenity space close to the dwelling. Levels within the appeal site rise towards the rear and it is the intention to set the development down within the site so that only its roof profile would be visible from surrounding properties. The site has planning consent through a previous planning permission¹ (the previous permission) for a similar development at the site and the appellant argues that the proposal before me is to increase the height of the approved scheme by 1.2m to allow for various construction and aesthetic improvements.
7. The appellant's drawing² and Design and Access Statement, April 2020 indicate that the development would protrude some 2m over the 2.3m boundary fence, which would taper to the top of the fence to the rear as a result of excavations. However, it is clear that the development would occupy the majority of the width of the site and would rise above the neighbouring fences to a significant degree. Although the appellant states that the development would be just 0.2m

¹ S/1240/17/FL

² 261/11E

taller than the original LDC³ designs, I have not been made aware of the overall scale of the development that each LDC found lawful and its positioning within the appeal site.

8. Consequently, the proposal would represent a very large building that would be visible from surrounding properties to the south east, where the development would be appreciated as a substantial structure that would dominate the garden space. Furthermore, whilst the proposal is to be sunk into the site, given the levels it is possible that the proposal would be visible from the public highway, over the top of the existing dwelling, further emphasising the scale of the development. However, even if this is not the case, given the scale of the proposal it would represent a substantial building within the plot, and one that would dominate the host property and its garden area, eroding its open and spacious qualities and resulting in harm to the residential character and appearance of the area.
9. With regard to neighbouring properties, given its orientation and the presence of existing landscaping and mature trees within the garden of No. 30, I am not persuaded that the proposal would cause significant levels of overshadowing to its garden area which adjoins the appeal site. Moreover, existing landscaping would also largely shield the development from view from the garden area of No. 30 and I am satisfied that it would not result in harm to the outlook of its occupiers.
10. Thus, the development would not be in conflict with Policy HQ/1 of the South Cambridgeshire District Council Local Plan 2018 (Local Plan) which seeks to ensure that developments protect the amenities of surrounding uses. Nevertheless, for the reasons given above, the development would harm the character and appearance of the area. It would be in conflict with Policy HQ/1 of the Local Plan and paragraph 130 of the Framework which seek, amongst other things, to ensure that developments are compatible with its location in terms of scale, mass and siting.

Parking and Drainage

11. The Council state that due to the lack of information on the submitted plans it cannot be certain that the parking spaces within the proposed building would meet the requirements of Policy TI/3 of the Local Plan. Moreover, as the submitted drawings are not scalable, the availability and suitability of drainage at the site cannot be ascertained.
12. The submitted drawings are clearly marked as being at a scale of 1:200 and indicate where parking within the building would be provided. Although the drawings are marked "Do Not Scale" it is clear that the appeal site has adequate parking to the front of the building which, at the time of my visit, was occupied by three vehicles. There is also space within the site access and in front of the proposed development for additional parking which could continue to serve the dwelling following the erection of the development. Thus, although there may be a technical breach with Policy TI/3 of the Local Plan in that residential garages will only count towards parking provision where it meets minimum size requirements, I am satisfied that adequate parking could be provided for the site and is a matter that could be dealt with through an appropriately worded planning condition.

³ Lawful Development Certificate (LDC) - S/0894/14/LD and S/0482/14/LD

13. The appellant has also agreed drainage details with the Council's Building Control Department through the construction of an appropriate soakaway in relation to the previous permission. Therefore, it is evident that the site has adequate drainage facilities and one that would not be in conflict with Policy CC/8 of the Local Plan which seeks, amongst other things, to ensure that developments provide appropriate drainage systems.

Other Matters

14. Although I accept that the site has planning permission for a similar development at the site, I have not been provided with any details of the approved scheme in order that I can make a direct comparison to the proposal that is before me. However, it is clear that the proposed scheme would be taller than the approved scheme and, in any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.
15. Reference has also been made to the potential to carry out elements of the scheme as 'permitted development'. However, whether or not planning permission is required for the proposal is not a matter that is before me as part of this appeal, as other mechanisms exist to resolve such issues.

Conclusion

16. Thus, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

Graham Wyatt

INSPECTOR