



Appeal Decision

Site visit made on 25 October 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2021

Appeal Ref: APP/V0510/D/21/3282066

6 Isinglass Close, Cheveley, CB8 8HX

- 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 and Mrs Stewart against the decision of East Cambridgeshire District Council.
 - The application Ref 21/00977/FUL dated 29 June 2021, was refused by notice dated 20 August 2021.
 - The development proposed is erection of two storey rear extension and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a two storey rear extension and associated works at 6 Isinglass Close, Cheveley, CB8 8HX in accordance with the terms of the application ref: 21/00977/FUL, dated 29 June 2021, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this decision;
 - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: proposed plans (P-6428-02) June 2021 and P-6428-03.
 - 3) Unless otherwise agreed in writing the Local Planning Authority the materials used for the external surfaces of the development hereby permitted shall match those of the existing building, with the exception of the use of render as outlined in the submitted documents and shall be maintained as such for the lifetime of the development.

Procedural Matters

2. I am aware that there is another appeal¹ which has been also submitted on the same site for a varied scheme (a change to a window in bedroom one as outlined in the Council's delegated report). That appeal is the subject of a separate decision. For the avoidance of I have only had regard for the scheme before me, as outlined above, as part of this appeal and each case should be considered on its own merits.

Main Issue

3. The main issue is the impact of the proposal upon the amenity of neighbouring occupiers with regard to overlooking.

¹ APP/V0510/D/21/3278901

Reasons

4. The appeal site is a detached residential dwelling located within an established residential area. At the time of my visit I noted, as is evident from the submitted plans, that the rear garden of the appeal site is relatively short in terms of distance from the rear elevation to the site boundary. The proposal would essentially be a first floor rear extension given that it would infill onto an existing single storey rear projection.
5. The Council's assessment and refusal reason relies heavily upon the East Cambridgeshire Design Guide Supplementary Planning Document 2012 (SPD) which is, ultimately, guidance. It falls to consider what that guidance seeks to achieve. The SPD, in relation to windows, states that the distance between inter-visible windows should be a minimum of 20 metres; This will require the rear elevation of any dwelling to be located at least 10 metres from the rear boundary. The guidance, regarding the 10 metres stated, I find to be structured with the main objective of ensuring minimum distances between inter-visible windows and more aimed at new dwellings. The guidance for extensions themselves is separate within the SPD.
6. If two new dwellings were constructed, back to back, in accordance with the SPD's advised separation distances, they could be constructed with 10 metres of garden each resulting in 20 metres between inter-visible windows/their rear elevations. This is specifically demonstrated on the diagram within the SPD and this would be deemed to provide an acceptable level of amenity, privacy etc. for both occupiers in accordance with that guidance.
7. I acknowledge the proposed first floor window would be 5.6m from the rear boundary of the appeal site, however, the separation distances between no. 115 Centre Drive and no. 117 Centre Drive would be 34.2 metres and 35.6 metres respectively. This is comfortably and notably over the separation distances advised within the SPD for inter-visible windows. Applying the SPD guidance, of 10 metres, the window (at 5.6 metres from the rear boundary) is 4.4m short. The window could arguably increase overlooking into the far end of the gardens of no. 115 and no. 117 respectively by this 4.4m shortfall but, removing this shortfall from the respective lengths stated from the window in question, would still leave some 31.1m and 29.8m of garden beyond the recommended 10 metres in this case.
8. At the time of my site visit I viewed from within existing bedroom windows of the appeal site and I do not find that the proposal would result in a significantly increased view being available overall. As result of the substantial length of the gardens for these neighbouring properties, demonstrated in the context of the SPD guidance, I find the vast majority of the garden and the amenity space immediately to the rear of these properties would be beyond 10m from the window in question. I find that this is consistent with the objectives of the guidance within the SPD.
9. The combination of specific site factors outlined above means that I find that whilst the proposal would introduce a new first floor window 5.6m from the rear boundary this would only increase potential overlooking for a small portion of the furthest end of the neighbouring gardens away from the dwellings themselves. I do not find that this would have a significantly detrimental effect on the residential amenity of the occupiers of 115 and 117 Centre Drive to warrant refusal nor result in an unacceptable level of overlooking. This is as a

result of the substantial length of the gardens at those properties and the separation distances between intervisible windows as outlined.

10. East Cambridgeshire Local Plan 2015 Policy ENV2 states that all development proposals, including extensions, will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and have regard for the SPD. The proposal is consistent with this. The proposal would still allow for a high standard of amenity for existing and future users which would also be consistent with paragraph 130 f) of the National Planning Policy Framework 2021.

Other Matters

11. I note comments from third parties with regard to fear of a precedent. This in itself is not sufficient to warrant refusal as each case must be considered on its own merits based upon the evidence and material considerations for each site. Comments regarding the proposal being overbearing are noted, however, the Council's assessment is specific that the separation distances of the proposal from no. 115 and no. 117 respectively results in the chances of the proposal appearing overbearing to neighbouring properties to the rear is unlikely. I have no evidence before to conclude differently on that particular matter.
12. I note comments regarding the existing trees in the garden and it is acknowledged that the leaf coverage will vary throughout the year. Notwithstanding this my visit was in October and I still found that their presence did contribute in breaking up views out of the appeal site. I have no evidence before me to suggest they would be removed but even without the trees present my assessment of the proposal would remain the same as a result of the distances which are discussed earlier within this decision letter.
13. I have addressed other matters raised within third party comments within the main issue before me in this appeal.

Conditions

14. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A condition regarding materials is required to ensure a satisfactory finish and maintain the quality of the proposal for the lifetime of the development

Conclusion

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR