



Appeal Decision

Site visit made on 30 November 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2022

Appeal Ref: APP/D0515/W/21/3275338

59 Wood Street, Chatteris PE16 6LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Linda Whitley against the decision of Fenland District Council.
 - The application Ref F/YR20/0985/O, dated 23 September 2020, was refused by notice dated 14 December 2020.
 - The development proposed is a single dwelling with driveway and garden accessed off Eastwood.
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Decision

1. The appeal is allowed and outline planning permission is granted for a single dwelling with driveway and garden accessed off Eastwood at 59 Wood Street, Chatteris PE16 6LN, in accordance with the terms of the application, Ref F/YR20/0985/O, dated 23 September 2020, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Preliminary Matters

2. The application was made in outline with all matters reserved. I have dealt with the appeal on this basis and have treated the submitted plans as being for illustrative purposes only.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site constitutes the rear part of the garden of 59 Wood Street, a semi-detached dwelling located at the end of the street, with its side boundary facing onto another road, Eastwood. The rear gardens of dwellings on

Eastwood adjoin the rear of the appeal site, separated by a substantial tree line. These neighbouring gardens appeared overgrown and not actively used.

5. The street scene of Eastwood includes dwellings standing at the back edge of the pavement to the north of the site on the opposite side of the road. Opposite the appeal site is a junction leading to a surface car park. A large water tower forms a notable feature aside the car park, but owing to the junction and absence of buildings along this part of the street, it has a more open character. Further to the south, dwellings again line the street, albeit set back behind grass verges, lending this part a more suburban character.
6. I recognise that the back-to-back pattern of development and long rear gardens of dwellings in Wood Street and Eastwood creates an sense of space within the townscape that is further reflected in the recessed positions of dwellings to the south and wide grass verges around the junction to the car park. However, whilst the Council points to a lack of dwellings fronting Eastwood on this side, several stand side-on to the street and create visible built form, including 59 Wood Street, and 2 and 24 Eastwood. Moreover, dwellings on the opposite side address the street and create active frontages. Though development is in places intermittent, the overall street scene still appears developed and urban in character.
7. In this context, a further, standalone dwelling would reflect the general pattern of development along Eastwood. There would remain clear separation between the dwelling and No 59 to one side and 2 Eastwood to the other, that would maintain the overall sense of spaciousness within the street scene. Moreover, though the proposal would shorten the garden of No 59, the proposal would address the street, and in this respect would not be read as a typical backland development. Indeed, it would reflect a similar arrangement on the opposite corner of Wood Street to the north of the appeal site.
8. The Council raised some concern over the size of the dwelling relative to its plot, alluding to it standing on the back edge of the pavement, and whether sufficient parking space could be provided. However, the application was made in outline with all matters reserved. Any details submitted are solely indicative, therefore, and it would be open to the appellant and the Council to negotiate revised details at reserved matters stage to address any concerns in this respect. So far as is relevant to the appeal, I do not share the Council's concern with the dwelling potentially sitting at the back edge of the pavement, given there are examples of this immediately opposite. Having regard to the overall site and its surroundings, I am satisfied that a dwelling of suitable size, form and position could be designed at reserved matters stage that would reflect the prevailing pattern and character of the built form.
9. For these reasons, I conclude that the proposed dwelling would preserve the character and appearance of the area, in accordance with Policy LP16 of the Fenland Local Plan 2014, which requires high quality development that makes a positive contribution to the local distinctiveness and character of the area.

Other Matters

10. I have had regard matters raised by interested parties. In terms of outlook, the dwelling would be clearly visible from the nearest adjacent dwellings on Wood Street, and I accept that the existing view from the rear windows and gardens of these properties would change from one mainly taking in the tree line to the

rear. In planning terms, no-one has a right to a particular view, but obstruction or harm to outlook from neighbouring properties due to intrusive or overbearing development is a material consideration. In this case, the proposed dwelling would clearly be visible, but it would be some distance from the nearest windows at No 61, and it is indicated that the dwelling could be set away from the common garden boundary. Consequently, I consider that the proposed dwelling could be designed and positioned so as not to have an unduly overbearing effect on neighbouring occupants.

11. Similarly, the dwelling would affect a narrow angle of view to the south-east towards the open junction on Eastwood, but neighbours would still retain a wide arc of view to the south and south-west, taking in open gardens and the tree line, and to the east across the remaining garden of No 59. Therefore, I find that the outlook enjoyed by neighbouring occupants would not be significantly diminished.
12. In terms of privacy, the dwelling would be positioned a sufficient distance from neighbouring properties, and the detailed position of windows could be addressed at reserved matters stage. I am satisfied that, in principle, the proposal could be designed so as not to cause a harmful loss of privacy for neighbouring occupants.
13. I note other concerns raised in respect of flooding and drainage, highway safety, noise during construction and the effect on wildlife. However, the Council has not raised objection to these matters in principle, stating that they could be addressed when detailed plans are submitted at reserved matters stage, through other control mechanisms, such as the Building Regulations, or that the effects would be temporary, such as construction noise. Overall, there is limited evidence before me on these issues to substantiate the concerns raised. Based on my observations on site, including the nature of the site as garden land, the proximity of neighbouring dwellings and the visibility and traffic levels on Eastwood, I have no firm reasons to conclude that there would be demonstrable harm arising in respect of these matters.
14. I note concerns raised by the appellant with respect to the Council's handling of the application. However, these are matters for local government accountability and I have limited my assessment to the planning merits of the appeal.

Conditions

15. I have had regard to the conditions suggested by the Council in the event the appeal is allowed. Where necessary, I have amended the wording to ensure the conditions accord with the relevant tests for conditions set out in the National Planning Policy Framework.
16. I shall impose conditions relating to the submission and timing of reserved matters applications, and the commencement of development, in the interests of certainty.
17. The Council also seeks a condition listing approved plans. However, as this is an outline application with all matters reserved, it would not be appropriate to define the permission by reference to plans intended to only be illustrative. Accordingly, I have not imposed a plans condition.

Conclusion

18. For the reasons set out, I conclude that the proposal would accord with the development plan, taken as a whole, and there are no material considerations of such weight as to indicate that permission should nevertheless be withheld. Therefore, the appeal should be allowed.

K Savage

INSPECTOR