



Appeal Decision

Site visit made on 18 January 2022

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2022

Appeal Ref: APP/V0510/W/21/3271306

1 Bury Lane, Haddenham, Ely, Cambridge CB6 3PR

- 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 Tim Barker against the decision of East Cambridgeshire District Council.
 - The application Ref 20/01005/FUL, dated 27 July 2020, was refused by notice dated 16 February 2021.
 - The development proposed is described as new 3 bedroom, 2 bath, detached with garden and parking for 2 cars.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021 and the 2021 Housing Delivery Test (HDT) measurement results were published on 14 January 2022. I have given the Council and the Appellant the opportunity to comment upon the implications of these for their cases and taken them into account in determining this appeal.
3. The appeal form was initially made in the name of Mrs Allison Barker. However, only the original applicant has the right of appeal. Therefore, the appeal proceeds in the name of Mr Tim Barker.

Main Issues

4. The main issues are the effect of the proposed development upon:
 - the character and appearance of the area; and,
 - the living conditions of the occupiers of No 1 Bury Lane with particular reference to outlook, overshadowing and daylight.

Reasons

Character and appearance

5. The dwellings on Bury Lane are located on and accessed by a perpendicular spur of highway, from the lane that leads to public right of way No 110/8 Haddenham. There is variation to the scale and architectural appearance of the dwellings, resulting from alterations such as upward and side extensions

and roof alterations. However, by virtue of their similar generous plot size, plot layout and ratios, widths, generous spacing and arrangement in two rows of three, there is a perceptible rhythm and balance, and distinctive character and appearance to the area visible from much of Bury Lane.

6. The wide verdant corner plot with a side garden area forms part of the transition from residential buildings to the hedgerow lined lane, countryside, and Conservation Area to the south. This wide maturely landscaped corner plot with a similar plot layout to the other 5 plots makes a positive contribution to the character and appearance of the area. The proposed subdivision would result in a separate visibly considerably narrower plot, significantly less than half the size of the other plots on Bury Lane, well below the recommended 300sqm size in the Design Guide Supplementary Planning Document (2012).
7. The new dwelling, boundary treatment, access, parking, and associated paraphernalia would significantly urbanise the plot. The gable may be of similar dimensions and materials to that on the host property. However, the combination of its height and significant depth, gable front design, narrowness of the dwelling and plot, and the close proximity to No 1, would be significantly different to and would jar with the other 6 dwellings. It would result in a perceptible unbalancing the street layout, as well as being visibly cramped and narrow. It would be significantly and harmfully at odds with the established pattern of development, and the character and appearance of the area.
8. The small size and position of the window openings on the southern elevation would create a significant extent of brickwork between the ground floor windows and the eaves, resulting in a somewhat bulky appearance lacking interest and relief close to the plot boundary. Its visibility may be limited if the existing trees outside the appeal site remain and are supplemented by further planting. However, even if planting could be successfully implemented and retained, together with suggested improved maintenance and fencing, the elevation would still have some visibility, thereby adding to the harm.
9. Given the prominent location of the dwelling, the harmful effects would be visible from a significant proportion of Bury Lane approaching from the east and in front of the appeal site. It would also be visible from some neighbouring properties to the east, parts of public right of way 110/8 to the west, and part of the surrounding fields within the Conservation Area.
10. For the reasons set out above the proposed development would be significantly harmful to the character and appearance of the area, in conflict with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan (2015) (the LP). Amongst other things these expect development to have regard to and create positive and complementary relationships with existing development, and the layout, form, and massing of buildings to relate sympathetically to the surrounding area.

Living conditions

11. The new dwelling would project forward of the front elevation of No 1 by approximately 4.5m in close proximity to the front façade of No 1, resulting in a marked loss of outlook from the nearest ground floor and roof windows on the front façade. However, the first floor bedroom is triple aspect. The height, size, and orientation of three windows, would retain an adequate level of outlook to the first floor bedroom as a whole for the occupiers.

12. The nearest front ground floor window serves an open plan kitchen dining room across the depth of the dwelling. The blocking-up of southern openings and installation of larger bi-fold doors on the rear elevation, could be secured by a planning condition. From what I saw, the remaining front forward outlook, and additional rear outlook onto a sizeable open garden, would ensure sufficient overall outlook to the ground floor space. Consequently, the development would not result in a significantly detrimental effect or harmful living conditions to the occupiers of No 1 with reference to outlook.
13. The orientation and projection from the front façade would obstruct the sun path, with associated overshadowing and a loss of daylight into the nearest windows, primarily in the morning to the early to mid-afternoon depending upon the time of year. However, the dual and tri-aspect nature of the respective rooms and the size and aspect of the other windows, means the effects to the rooms would overall, be limited. From what I saw and the evidence before me, these rooms would retain a good degree of daylight, and not be so significantly overshadowed, that there would be a significantly detrimental effect resulting in harmful living conditions to the occupiers.
14. For the reasons set out above the proposed development would not result in harmful living conditions to the occupiers of No 1 with particular reference to a loss of outlook, overshadowing or daylight. It would not conflict with Policy ENV2 of the LP, which expects development to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, or with paragraph 130f) of the Framework, which has similar aims.

Planning Balance & Conclusion

15. The development would result in a small temporary economic benefit during construction and once complete, a small, sustained benefit to the local economy. Having regard to the recently published HDT result of 95% delivery against the previous 3 years requirements, the provision of a single dwelling would result in a small social benefit. The increased landscaping and maintenance would result in limited beneficial effects. Overall, the benefits of the development attract limited weight in favour of the scheme.
16. That some neighbouring occupiers have not raised an objection is noted. However, for the reasons set out, my findings are different in respect of the character and appearance of the area. Compliance with policies in respect of matters such as the living conditions of neighbouring occupiers, and on-site access and parking requirements, are neutral matters in the planning balance. Overall, the policy compliance and benefits of the development are outweighed by the significant harm from the development to the character and appearance of the area. This is such that it attracts significant weight against the scheme.
17. The proposed development conflicts with the development plan taken as a whole. There are no material considerations, including the policies of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR