



Appeal Decision

Site visit made on 21 January 2022

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2022

Appeal Ref: APP/H0520/W/21/3281873

**Land between Nos 2 & 3 Hodsons Drive, Huntington, Cambridgeshire
PE29 1JU**

- 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 Astute Home Solutions Ltd against the decision of Huntingdonshire District Council.
 - The application Ref 20/01734/FUL, dated 8 September 2020, was refused by notice dated 14 May 2021.
 - The development proposed is described as 'erection of 2 x garages and cycle stores'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the 'Framework') has been published since the Council issued its decision. In this instance the changes that are most relevant to this appeal relate to paragraph numbering and are not significant.

Main Issues

3. The Council has confirmed through its appeal statement that it wishes to 'withdraw' its fourth reason for refusal. I take this to mean that it does not wish to defend its fourth reason for refusal as it is unable to substantiate it. The site has been cleared and now encompasses hard standing and bare earth. There is no substantive evidence before me to demonstrate the site is likely to support protected fauna or flora. As a result, I can see why the Council does not wish to pursue its fourth reason for refusal and therefore I have not considered this matter further.
4. As a result, the main issues in this appeal are: 1) The effect of the proposed development on the living conditions of the occupants of 2 and 3 Hodson Drive, with particular reference to outlook, day and sunlight and noise and disturbance; and 2) The effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

5. The appeal site is positioned between 2 and 3 Hodson Drive (Nos 2 and 3). No 2 is a bungalow with a modestly sized rear garden. In views out from the garden of No 2 it is possible to clearly see the rear elevations of the properties

that face onto Avenue Road. However, there is a reasonable distance between the garden of No 2 and these properties due to intervening gardens. As a result, the garden at No 2 does not currently have a harmful sense of enclosure and benefits from a reasonably open aspect.

6. The submitted drawings indicate that the proposed garage would be 4.36m to the ridge height and therefore quite tall, and certainly notably higher than the previous buildings on site. The eaves height would be 2.41m and therefore exceed the height of a typical 2m tall boundary fence. Moreover, the proposed garage would be arranged with the gable end presented to No 2. It is unclear why a lower hipped roof has not been explored. Accordingly, the roof would not slope away from the boundary in the way the previous garage did. Furthermore, the proposed garage block would be constructed very close to the side boundary of No 2. The shallow depth of the rear garden at No 2 means the proposed garage would span nearly its entire western boundary.
7. The proposed garage would therefore dominate and enclose the modest rear garden at No 2. It would have a constant and unavoidable close-range presence to the occupants of No 2 when in their rear gardens. Consequently, the proposed garage would have an overbearing impact on the outlook from No 2, thereby harming the living conditions of the occupants of this property.
8. The proposed garage would be located to the west of the south facing rear garden of No 2. As a result, the appeal scheme would not interfere with sunlight penetration to No 2 for large parts of the day. In fact, the occupants of No 2 would still receive direct sunlight for much of the morning and afternoon. In respect of daylight, the Council has not provided any technical evidence to indicate there would be a harmful loss. In the absence of evidence to the contrary, the pitched roof and single storey scale would likely suffice to prevent an unreasonable loss of daylight to spaces within No 2 or the rear garden.
9. There is dispute between the parties as to what use class the proposed garage block would fall within. The appellant suggests they would fall within a C3 (residential) use class¹ because they would only be made available for residents in the vicinity. Alternatively, the Council suggests the garages could be used as a type of general-purpose lock up, which could involve non-vehicle storage. This could be a B8 use class (storage or distribution). I share the view of the Council that such a use could result in harmful levels of noise and disturbance to the occupants of Nos 2 and 3 given the access arrangements and the residential character of the area.
10. However, a condition could be imposed in the event the scheme was otherwise acceptable limiting the use of the garages to domestic vehicle parking in association with residential properties in a particular location, named street(s) or such like. Such a use would be reasonably low key and would not be out of character, especially as the site is apparently used for parking currently and has been in the past.
11. In conclusion, the appeal scheme would not result in harmful levels of noise and disturbance or a harmful loss of day or sun light to the occupants of Nos 2 and 3. That said, it would result in a harmful enclosing impact on the outlook from No 2, thereby harming the residents' living conditions. This would be contrary to Policy LP17 of the Huntingdonshire Local Plan to 2036 (LP), which

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

seeks to protect the amenity of the occupiers of nearby properties. This Policy is consistent with Paragraph 130(f) of the Framework.

Character and appearance

12. The appeal site is situated towards the end of Hodsons Drive, a short residential cul-de-sac. The properties in Hodsons Drive exhibit a mixture of architectural styles and forms including detached houses, bungalows and a semidetached pair that punctuates the vista from Priory Road. The architecture and form of the buildings may not be a unifying feature, but they nevertheless follow a discernible building line and are set back from the road behind front gardens that are generally given over to hard standing and often delineated by low walls. That said, 5 Hodsons Road has a pleasantly landscaped front garden that softens the street scene and there is landscaping at 1 Hodson Drive and the Priory Road corner plots.
13. There are some single garages in the cul-de-sac, including one particularly attractive example at 5 Hodsons Road. This includes a hipped roof and side hung doors. Other garages tend to be flat roofed and are positioned in residential plots with a modest subservient appearance. The appeal scheme on the other hand, would introduce a relatively large and tall double garage which would appear squeezed into the available space given the proximity to the site boundaries and overall massing when viewed next to the adjoining bungalow. The ad hoc composition of the proposed parking spaces and the absence of any softening landscaping would compound the discordantly cramped and car dominated appearance of this corner of the cul-de-sac.
14. The proposed garages would have an outward appearance that would be commensurate with their function. In this respect they would have a sense of subservience in the street scene. This effect would be aided by the position of the block behind the building line. Moreover, the garages would not be prominent in views from Priory Road and follow advice in the Huntingdonshire Design Guide – by not presenting a gable to the street and providing two garage doors instead of one oversized door. Nevertheless, these positive aspects of the design would not outweigh the cramped and contrived nature of the proposal, which the Council has justifiably described as an over development.
15. I therefore conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policies NE3 and BE2 of the Huntingdon Neighbourhood Plan and Policies LP11, LP12 of the LP, supported by the Huntingdonshire Design Guide, which seek to secure high quality contextually appropriate design. These Policies are consistent with Paragraph 130 of the Framework and the aspirations in the National Design Guide.

Other Matters

16. Neither the Town Council nor the Local Highway Authority raised any objections to the proposal, but I have come to my own findings for the reasons given. The proposal before me is markedly different from previous schemes at the appeal site for a dwelling². I have nevertheless considered the appeal scheme on its own merits and found it to be harmful for the reasons given.
17. The proposal may result in some parking being taken off the street, but there was little substantive evidence before me to indicate this would alleviate a

² Council reference - 17/00063/OUT and 18/02124/OUT

pressing problem. The appellant has indicated a willingness to transfer unused land to neighbours, but this is a process outside the scope of this appeal and neighbours have suggested that no approach has been made. Accordingly, this is a point of very limited weight.

18. The proposal would make use of former garden land in a built-up area but would do so in a way that would harm living conditions and the character and appearance of the area. Accordingly, this would not be an overriding benefit that would outweigh the harm I have identified and the subsequent conflict with the development plan - which is a matter of significant weight.
19. Various other concerns have been raised by interested parties, which I have noted. However, given my findings above it has not been necessary for me to address these matters further as the appeal has failed on the main issues.

Conclusion

20. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should be dismissed.

Graham Chamberlain
INSPECTOR