



Appeal Decision

Site visit made on 25 February 2022

by Richard Aston DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/W0530/D/21/3284207

133 The Causeway, Bassingbourn Cum Kneesworth SG8 5JD

- 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 E Trimm against the decision of South Cambridgeshire District Council.
 - The application Ref 21/02020/FUL, dated 30 April 2021, was refused by notice dated 16 July 2021.
 - The development proposed is described as '*outbuilding*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Section E of the appeal form sets out that the description of development has not changed but nevertheless a different wording has been added. This has not been confirmed as agreed between the parties and the use of the term '*retrospective*' is not an act of development. I have therefore used the description from the application form in the banner heading above. It is evident from the application form and my site visit that the development applied for commenced on 1 March 2021 and that it has been substantially completed. I have determined the appeal on this basis.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy and outlook.
 - The effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. Planning permission was granted for 4 detached residential dwellings with garaging to the rear of No. 133 The Causeway and I observed at my visit the construction of those dwellings was nearing completion. That permission¹ also included a detached garage building in the rear garden of No. 133, restricted

¹ LPA ref: S/1754/19FL.

- by condition 8 to be used solely as an 'ancillary outbuilding' in connection with that property and to not be used as a separate unit of accommodation.
5. On the evidence before me the approved garage building was a substantial structure with a pitched roof. It contained a loft area within the roof space served by 2 small rooflights in the southern facing roof slope and also provided access to the garden of the host property via a single door.
 6. However, the building I observed and that is now before me has been constructed with an increased ridge and eaves height and the southern elevation contained 3 casement windows at first and ground floor level along with an additional door facing into the rear garden. A single door with a Juliet balcony has also been added in the side gable facing directly onto the rear elevations and gardens of a pair of recently constructed 2 storey dwellings to the rear of No. 131 The Causeway.
 7. I acknowledge that the first floor is above an area that was being used as a storage area/workshop and that it was not fitted out with any furniture or other features to suggest a residential use. Be that as it may, such a condition does not preclude its use as living accommodation ancillary to the host property.
 8. Even if it were not to be used as such ancillary accommodation and despite some mutual overlooking that exists between residential properties in the area, I observed from the internal loft area that these additional openings afforded clear and uninterrupted views of the rear private amenity space and habitable accommodation in the rear elevations of No. 135 The Causeway and those dwellings to the rear of No. 131. The combination of the overall extent, size, and clear glazing of the openings results in a harmful degree of overlooking and a significant loss of privacy to the habitable rooms and the private amenity spaces of those neighbouring properties.
 9. In such proximity to the rear elevation and gardens of those properties, the proposal also results in a significant perception of being overlooked. Such overlooking is also much greater than would have been the case from the 2 approved rooflights and even if the door was obscurely glazed, as suggested by the appellant² the door could still be opened and the perception of being overlooked would still exist. The lack of objection from a neighbouring occupier is not determinative as I must consider the living conditions of both existing and future occupiers.
 10. The presence of a large, albeit slightly smaller garage associated with Plot 4 and adjacent to the rear wall of the outbuilding before me, ensures that the outlook from that property would not be materially affected by the proposal being overbearing or visually oppressive.
 11. For these reasons, despite my findings in terms of outlook the proposal causes harm to the living conditions of neighbouring occupiers in terms of a loss of privacy. It conflicts with Policy HQ/1 of the South Cambridgeshire Local Plan 2018 insofar as it requires new development to protect the health and amenity of occupiers and surrounding uses from development, including through overlooking. The proposal also conflicts with the National Planning Policy Framework ('the Framework') in terms of creating places with a high standard of amenity for existing and future users.

² Paragraph 6.18 of appellant's statement.

Character and appearance

12. This peripheral area of the village is characterised by a mixture of mostly linear residential properties from different periods and of varying sizes, forms, and styles. I observed significant modern backland housing developments of 4 detached dwellings on the former rear garden of the host property³ and what appeared to be a larger residential development of 2 storey dwellings to the rear of No. 131 The Causeway.
13. The external eaves of the walls and the ridge are higher than the approved garage, but not substantially so. The use of buff facing brick and concrete tiles also reflects the diverse palette of materials I observed in the locality. The additional fenestration does give the building a more residential appearance, but the approved garage would have been comparable in its visual effects when viewed from limited parts of the public highway and surrounding properties.
14. Despite its greater size, mass and altered appearance, the presence of the residential backland developments in the immediate locality have introduced much larger buildings to the rear that have significantly altered the pattern, type, and appearance of built form in this part of The Causeway. In this much altered context, the proposal is not incongruous or excessively dominant. It does not cause unacceptable harm to the character and appearance of the area that it should be regarded as being in conflict with Policy HQ1 of the LP, insofar as it requires new development to preserve or enhance the character of the local urban and rural area and be compatible with its location in terms of scale, mass, form, siting, proportion, materials, and colour in relation to the surrounding area.
15. This approach is broadly consistent with the Framework and therefore in this regard there is no material conflict with the design objectives of national planning policy.

Other Matters

16. The Council's officer report refers to the application being 'erroneous', 'not valid' and that it cannot be fully assessed by the Council. Nonetheless, the Council determined the application and issued a decision notice refusing planning permission. An appeal was duly made, accepted and that appeal is now before me.
17. I sought further information from the Council on the significance of this for the appeal, but no credible explanation or justification was given. Because the appellant would not have had the opportunity to comment under the Householder appeals procedures, this issue may have caused me to review the appeal procedure and seek further comments from the appellant. In this particular case however, as I have dismissed the appeal, I have not considered this necessary and re-starting the appeal and seeking further comments from the parties would have unduly delayed a decision with no particular benefit to the appellant or Council.

Conclusion

18. Although I have found no harm in terms of the character and appearance of the area, this particular proposal causes material harm to the living conditions

³ LPA ref: S/1754/19/FL.

of neighbouring occupiers, in terms of a loss of privacy. In my view, that is the prevailing consideration, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.

19. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

Richard Aston

INSPECTOR