



Appeal Decision

Site visit made on 27 April 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/W0530/W/21/3280022

12 Horningsea Road, Fen Ditton CB5 8SZ

- 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 Ms D Hu of Yellow Opal Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref 21/00567/FUL, dated 8 February 2021, was refused by notice dated 27 April 2021.
 - The development proposed is erection of a terrace of 3 No. 3 bedroom dwellings along with new access onto Horningsea Road and demolition of existing conservatory and garage serving host dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether the proposed development would provide satisfactory living conditions for future occupiers with regard to amenity space; and
 - The effect of the proposed development upon the safe and efficient operation of the highway network.

Reasons

Character and appearance

4. The appeal site comprises a modern detached two storey dwelling with a large rear garden located on the northern edge of Fen Ditton. The site neighbours existing housing to the south but borders open fields to the north and east which form part of the Green Belt.

5. The informal layouts and spacing between nearby houses have resulted in porous developments on the edge of the village. These developments and the open nature of the appeal site contribute to the rural character of the area.
6. Horningsea Road is a wide road with generous grass verges and a shared pavement/cycleway. The area around Fen Ditton is flat and largely undeveloped characterised by agricultural fields and open countryside with intermittent hedgerows and provides an important setting to the village. There are clusters of built form extending along the road to the north, but otherwise development is sporadic. The character of the road and the sporadic nature of the existing built form contribute to the verdant, open and rural character of the area.
7. I acknowledge that the proposal would neighbour existing development and its appearance would take cues from nearby dwellings. However, its two and a half storey height, the overall form and bulk of the terrace extending across almost the entire width of the plot and its position behind the host property would result in a visually prominent and incongruous form of development.
8. Notwithstanding the existing and proposed landscaping the development would be very apparent from the surrounding area on account of its height and bulk. It would not successfully integrate into the area and would be at odds with the prevailing rural character.
9. The proposed development would introduce considerable built form to the area and an extensive amount of hard surfacing which would give rise to the perception of an intensively developed and urban form of development. It would result in an unacceptable hard edge between the village and the Green Belt that would not be sympathetic to the surrounding area's open and verdant character.
10. I acknowledge that Blue Lion Close makes up the setting of the appeal site. However, in my view, its built form and extensive hard surfacing is somewhat at odds with the prevailing verdant and spacious character of the area, which should be preserved. My attention has also been drawn to a residential development opposite the site. However, the merits and circumstances of the scheme are likely to be different to those of the appeal proposal. In any case, every appeal must be considered on its own merits, as I have done. The presence of these developments does not justify the harm that I have identified.
11. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies H/16, HQ/1 and NH/8 of the South Cambridgeshire Local Plan (2018) (LP) and guidance contained within the District Design Guide: High Quality and Sustainable Development in South Cambridgeshire Supplementary Planning Document (2010) (SPD) which, amongst other things, require high quality design that is compatible with its location and appropriate in terms of scale, mass, form, siting and design in relation to the surrounding area and proposals to include careful landscaping and design measures adjacent to the Green Belt.

Living conditions for future occupiers

12. The SPD sets out guidance in relation to garden areas and sets out that houses with 3 bedrooms or more should have a private garden space of 80m² in rural settings.
13. Whilst the SPD was adopted some time ago it nonetheless sets out relevant guidance in relation to residential development. There is nothing before me to indicate that it no longer forms part of the development plan. Furthermore, I do not agree that the guidance should be given minimum weight on account of it being adopted some 12 years ago. The appellant's case is not so compelling so as to lead me to depart from the guidance set out in the SPD. As such, I attach significant weight to its contents.
14. The proposed garden areas would not accord with the requirements set out in the SPD. Therefore, they would be of an inadequate size when taking into consideration the target market for the development includes young families, the size of the dwellings and the number of bedrooms proposed. The rear gardens could not be reasonably enjoyed on account of their size. Furthermore, the cycle storage and bin stores would interfere with the area that could be realistically used by future occupants.
15. The appellant refers to the availability of nearby public open spaces. However, these are not private spaces and therefore I do not consider that these would provide sufficient mitigation for the shortfall of private outdoor amenity space. The planting of landscaping would not overcome the harm that I have identified in relation to this matter.
16. I conclude that the proposed development would not provide future occupiers with adequate living conditions with regard to private amenity space. It would be contrary to Policy HQ/1 of the LP and the SPD which, amongst other things, seek high quality design, private spaces which provide opportunities for recreation, social interaction as well as support healthy lifestyles and private gardens to be of a size and shape to allow effective use for the number of people the property is designed for. It would also be contrary to the National Design Guide which, amongst other things, requires private amenity spaces to be high quality, convenient and to function well.

Safe and efficient operation of the highway network

17. Whilst the appellant has provided a revised plan showing the updated visibility splays in relation to cycles it has not been considered by the Council at application stage. In the interests of fairness, I must ensure that what is considered at appeal is what was considered by the Council and therefore I have not taken the revised plan into account.
18. Based on the evidence before me, including the highways Technical Note, it appears that satisfactory visibility could be achieved either side of the proposed access and within land owned by the appellant or within the public highway. However, the Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals. The guidance is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I therefore have given the revised information regarding visibility negligible weight in coming to my decision.

19. The proposed development includes a bin collection point within the site. The appellant contends that waste operatives would be able to collect bins from this collection point. However, such an arrangement would require future occupants to move their waste, recycling and garden bins a considerable distance to the collection point ready for collection. Taking into account the indirect route occupants would have to move their bins from the bin stores in the rear gardens and the overall distance involved, I find that the location of the proposed bin collection point would be unacceptable and would not allow future occupiers to conveniently manoeuvre their bins to the proposed collection point.
20. Whilst refuge vehicles would enter the site there is no evidence before me to indicate that the road layout would be able to accommodate such vehicles and that they would be able to manoeuvre within the site, without conflict with other road users and exit in a safe manner.
21. As such, I conclude that it has not been demonstrated that the proposed development would not have a harmful effect on the safe and efficient operation of the highway network contrary to LP Policies HQ/1 which, amongst other things, seeks high quality design that is user friendly and provides conveniently accessible streets and other routes.
22. It would also fail to accord with the National Planning Policy Framework (the Framework) which, amongst other things, seeks to create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles and allow for the efficient delivery of goods, and access by service and emergency vehicles.
23. The Council have referred to Policy TI/3 in the reason for refusal, however, this policy relates to parking provision, and I find that with specific regard to this appeal I have given it negligible weight in coming to my decision.

Other Matters

24. The appellant has referred to the economic growth forecast in Cambridgeshire and the associated housing demand. Whilst the proposed development would deliver units for couples or young families there is no substantive evidence before me to suggest that the Council are failing to deliver such units or housing that reflects the needs of different groups in the community.
25. I acknowledge that the Council's Tree and Ecological Officers did not object to the planning application. I also note that the proposed development would not unduly affect nearby heritage assets, or the living conditions of existing occupants and that adequate parking spaces and cycle storage would be provided. However, these factors would not outweigh the harm that I have identified.
26. I acknowledge that Fen Ditton is a suitable location for new housing and the site is within close proximity of services and facilities and that the Framework encourages the efficient use of land. However, in this instance these factors are not justification for a scheme that I have found to be harmful.
27. The proposal would result in short-term economic benefits during construction of the development and future occupiers would help to maintain or enhance the vitality of services and facilities in the village. However, these modest benefits would be outweighed by the harm that I have identified.

Conclusion

28. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR