

Appeal Decision

Site visit made on 19 April 2022

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/D0515/W/21/3284018

21 East Delph, Whittlesey PE7 1RH

- 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 Mr & Mrs McGonigle against the decision of Fenland District Council.
 - The application Ref F/YR21/0559/O, dated 14 April 2021, was refused by notice dated 9 July 2021.
 - The development proposed is 1x new residential unit at rear of existing house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application the subject of this appeal was made in outline form with all matters reserved for future consideration. A plan submitted showing how a dwelling could be accommodated on the appeal site is for indicative purposes only. I have determined the appeal on the same basis.

Main Issue

3. Although not part of the Council's reason for refusal, it refers to the lack of parking available for the proposed house in its application report. In that context the main issues are:
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to privacy and outlook; and
 - whether or not the proposal provides appropriate levels of parking.

Reasons

Living conditions

4. The appeal site wraps around the rear of 21 and 21A East Delph and to the south of 23 East Delph. Nos 21 and 21A form a pair of semi-detached buildings with the garden of No 21 forming the appeal site.
5. The indicative plan shows one way of achieving a detached, two storey dwelling together with parking and garden space. In that instance the length and height of the side gable would form an overbearing and enclosing structure very close to the boundary with No 21A. Furthermore, the proximity of the proposed dwelling to the boundary with surrounding houses means that the dormer

window in the front and rear elevations would allow overlooking directly into the gardens of Nos 21 and 23 respectively.

6. Whether or not the land to the east is in allotment use the house would be sited a sufficient distance from the area to ensure that there would be no harmful impacts from the proposal.
7. The appellant states that No 21A is used for offices by the RSPB and land to the north is a commercial workshop. However, there is no substantive evidence before me confirming this. Furthermore, the Council confirms that no planning permissions have been granted to change the use of either dwelling. At the time of my site visit No 23 had an outbuilding to the rear and there were a number of cars parked to the side and rear of the property. However, there was no obvious evidence that either property is used other than a private dwelling. The private garden space of each, and of No 21 would be compromised by the position of the dwelling shown on the indicative drawing harming the ability of occupiers to enjoy the use of that space.
8. Given the tight constraints, I would need to be satisfied that a house could be accommodated without causing harm to the living conditions of existing occupiers. This is not before me and therefore I conclude for the reasons above that the proposal would be harmful to the living conditions of the occupiers of neighbouring residents with particular regard to outlook and privacy. There would therefore be conflict with policies LP2 and LP16 of the Fenland Local Plan 2014 (the Local Plan). These require that development promotes high levels of residential amenity and does not adversely impact on the amenity of neighbouring users.

Parking

9. Policy LP15 of the Local Plan requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. To do this development should provide well designed car parking in accordance with the defined parking standards within Appendix A of the Local Plan. For properties of up to three bedrooms, two parking spaces are required. In this instance therefore, the parking standards require four spaces in order to provide sufficient parking for both No 21 and the proposed dwelling.
10. The indicative plan shows that only three spaces could be achieved, two for No 21 and one for the proposed house. However, the Local Plan also states that a reduction in provision may be negotiated where the site has good public transport links. Whittlesey is designated as a Market Town in the Local Plan to which new development is directed. In this instance therefore, the provision of one space for a two bedroomed dwelling would be acceptable in this accessible location.
11. For the reasons above, I conclude that the proposal would provide appropriate levels of parking satisfying the requirements of policy LP15.

Planning Balance and Conclusion

12. The proposal would harm the living conditions of existing residents, contrary to a number of policies in the Local Plan and is in conflict with the development plan as a whole.

13. The proposal would necessitate the removal of existing outbuildings and reduce the footprint on site. However, I saw that the existing outbuildings are in good condition and do not have a harmful impact on the appearance of the site. Consequently, this is of little benefit. Although the highways access and parking may be acceptable this would be neutral in any planning balance.
14. The provision of a new house would be a benefit. Furthermore, the proposal would offer economic benefits through construction jobs and the contribution of future residents to the local economy. The contribution though would be modest based on the provision of one dwelling.
15. Those benefits, even when taken together, would not be sufficient, in my view, to outweigh the conflict with the development plan. There are no persuasive material considerations in this case to indicate that the proposal should be determined other than in accordance with the development plan.
16. For the reasons set out above, and having regard to all other matters raised, I conclude on balance that the appeal should be dismissed.

Zoe Raygen

INSPECTOR