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# Appeal Decision

Site visit made on 17 May 2022

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> June 2022**

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**Appeal Ref: APP/V0510/W/21/3283060**

**51 West Fen Road, Ely CB6 1AN**

- 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 & Mrs S Marsh against the decision of East Cambridgeshire District Council.
  - The application Ref 21/00093/FUL, dated 18 January 2021, was refused by notice dated 17 March 2021.
  - The development proposed is the erection of 2No. family dwellings with associated access and landscaping.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues relevant to this appeal are
  - the effect of the development upon the character and appearance of the Ely Conservation Area; and
  - the effect of the development upon the character and appearance of the surrounding area, with particular regard to trees.

## Reasons

### *Effect on the character and appearance of the Conservation Area*

3. The appeal site is located within the Ely Conservation Area (the CA). For the purposes of this appeal, the significance of the CA is, in part, derived from the presence of buildings designed to traditional appearances and arranged in a broadly linear pattern. The appeal site has already been developed through the erection of a new dwelling adjacent to the front boundary of the site. This maintains the broadly linear character of the vicinity.
4. The proposed development would result in a dwelling being constructed near to the site's rear boundary and a further proposed dwelling near to the front. The dwelling to the rear would result in an increase in the overall level of built form at the site. This would be exacerbated by other elements of the development, including the driveway to serve the dwelling to the rear of the site.
5. Therefore, within this context, the proposed development would result in a greater urbanising effect upon the character of the surrounding area. In particular, the proposed development, by reason of the number of dwellings proposed, would result in a reduction of the amount of space that surrounds

- dwellings. This would erode the character of the CA given that it would conflict with the predominantly linear form of buildings with more open areas nearby, which is a notable feature of the CA.
6. The character of the surrounding area is derived from the presence of dwellings that are generally of two storeys constructed to generally consistent proportions and of similar architectural styles.
  7. The proposed dwelling located to the rear of the site would be of a single storey. This is significantly divergent from the prevailing character of the CA.
  8. In addition, although of a limited height, the proposed bungalow would have a substantial footprint. This contrasts with many of the nearby neighbouring properties. Although many of these houses are located on long plots, the overall width of plots is relatively narrow. This means that a large proportion of the neighbouring dwellings have distinctive footprints in that they have narrower frontages. These are perceptible from the public domain.
  9. Conversely, the proposed bungalow would have a wider frontage, which would create a bulkier dwelling than many of the other dwellings within the surrounding area, including the existing dwelling sited on the CA. This would contribute to the erosion of the CA's character.
  10. This is a concern given that views into the site would be possible from a variety of different viewpoints including the entrance of the site. In addition, views of the proposed development would be possible from many of the neighbouring properties. Therefore, the proposed development has the potential to be experienced by a greater number of people. In consequence, the erosion of the character of the CA would be readily perceptible.
  11. Whilst the dwelling to be sited near to the front of the appeal site would be comparable in height to an adjoining dwelling, this is only one of all the points that must be assessed. It therefore does not overcome, or outweigh, the previous adverse effects.
  12. My attention has been drawn to other developments in the surrounding area. I do not have the full information regarding the planning circumstances of these, which lessens the weight that I can attribute to them. Nonetheless, I note that these have a different form and layout to the appeal proposal. Therefore, they do not allow me to forego my previous concerns.
  13. In considering this appeal, my attention has been drawn to Policy ENV2 of the East Cambridgeshire Local Plan (2015) (the Local Plan). This is a criteria based policy that seeks to ensure that new developments are of good design. Amongst other matters, this policy seeks to ensure that proposals make an efficient use of land whilst reflecting character; and ensure that layout is sympathetic to the surrounding area. Therefore, the proposed development would conflict with these requirements and given the prominence of the development, harm would emanate.
  14. I therefore conclude that the proposal would have an adverse effect upon the CA. The development, in this regard, would conflict with Policies, ENV2 and ENV11 of the Local Plan. Amongst other matters, these seek to ensure that new developments should have complementary relationships with existing developments; and be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.

*Effect on character and appearance*

15. The proposed development would result in the erection of three dwellings, which would necessitate the removal of two trees. These are located close to the edge of the site. The presence of trees, which are viewable from the street, contribute to a more suburban character that allows this section of the settlement to harmonise with the wider rural area.
16. Policy ENV7 of the Local Plan, which, amongst other points, states that developments should minimise harm to or loss of environmental features, such as trees. I have also been referred to the East Cambridgeshire District Council Natural Environment - Supplementary Planning Document (2020) (the SPD). Amongst other matters this indicates that the trees that are being removed should be replaced by 10 new trees. The evidence before me indicates that the development would include three new replacement trees.
17. In consequence, the proposed development would lead to an erosion of the prevailing verdant surroundings and would result in the creation of a significantly more urban appearance. This would conflict with the suburban character of the vicinity.
18. Therefore, the development would contrast with many other sites within the surrounding area, which contain trees. Whilst several of these trees are not located adjacent to the highway edge, they are readily viewable, for example, from neighbouring properties.
19. I have considered whether it would be possible to impose a condition that would secure the provision of a greater amount of landscaping at the site. However, given the scale of the proposed development, it is unlikely that there would be sufficient room to secure an appropriate amount of landscaping. This would mean that a condition would not be reasonable and therefore could not be imposed.
20. In addition, owing to the number of dwellings proposed within the development along with the vehicle manoeuvring areas and car parking, it is likely that for a policy compliant number of replacement trees to be planted, some would need to be close to windows of the proposed dwellings, or near to widely used parts of the proposed gardens.
21. In result, replacement trees have the potential to, at some point in the future, significantly restrict the levels of light and outlook available for the intended occupiers of the proposed dwellings.
22. This would prevent them from securing suitable living conditions on a long-term basis and is likely to result in pressure to remove the trees. This would also give rise to the aforementioned adverse effects upon the character and appearance of the surrounding area.
23. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policies ENV1 and ENV7 of the Local Plan and the SPD. Amongst other matters, these seek to ensure that developments protect, conserve, and where possible enhance, their wider landscape setting.

## **Other Matters**

24. I understand that the proposed development would comply with the relevant spatial standards. Whilst this is a matter of note, it is only one of all the matters that must be considered. It therefore does not outweigh, or overcome, my conclusions in respect of the main issues.

## **Planning Balance**

25. The harm that would occur to the character and appearance of the CA would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
26. The proposal would result in an increase in the overall level of housing supply. However, the proposed development would be for two additional dwellings. In result, there would be a limited increase in housing supply. I also note that the Council can currently demonstrate a five-year housing land supply. Therefore, this can only be given a limited amount of weight.
27. The proposed development would generate some economic benefits arising from the works being undertaken and future occupation. However, these benefits would be limited due to the scale of the development and also, in some instances, of a time-limited duration. Therefore, I can only attribute the public benefits a limited amount of weight.
28. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the character and appearance of the CA, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

## **Conclusion**

29. The proposed development would have an adverse effect upon the character and appearance of the CA and the character and appearance of the surrounding area. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR