



Appeal Decision

Site visit made on 10 June 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/W0530/W/21/3289993
40 Leeway Avenue, Great Shelford CB22 5AU

- 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 Sarah Saunders against the decision of South Cambridgeshire District Council.
 - The application Ref 21/04065/FUL, dated 8 September 2021, was refused by notice dated 3 November 2021.
 - The development proposed is erection of 2 dwellings following demolition of existing bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 dwellings following demolition of existing bungalow at 40 Leeway Avenue, Great Shelford CB22 5AU in accordance with the terms of the application, Ref 21/04065/FUL, dated 8 September 2021, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The floor plans¹ for the proposed dwelling at Plot 2 are clearly mislabelled, with the entrance to the dwelling and the garage currently shown at first floor level. I have determined the appeal on the basis that the development shown on the first floor would form the ground floor of the dwelling and vice versa.
3. When I visited, I saw trees and vegetation located near the site's boundary with 42 to 46 Leeway Avenue that is not identified within the application documents. Both the appellant and the Council were given an opportunity to comment on any implications of the trees and vegetation to the appeal. The appellant provided comments and an Arboricultural Impact Assessment (AIA) in response. The Council has had an opportunity to comment on the appellant's response and the assessment and thus I have taken these into account.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The site includes a bungalow, garage and surrounding land at the end of a spur from the principal part of the Leeway Avenue highway. Bungalows and two storey houses are located along the street. The designs and finishing materials

¹ Drawing reference: P-03

of the properties vary with some having undergone extensions or alterations. Notably, a semi-detached pair of houses with a contemporary appearance is located along the spurred part of the street at Nos 34 and 34A. Amongst other things, they feature flat roof dormers and fenestration of a modern design.

6. The existing bungalow is of no significant architectural or aesthetic interest and therefore its demolition is not objectionable. The proposed dwellings would be comparable in size to several of the detached houses in Leeway Avenue and have pitched and gabled roofs, flat roof dormers, casement windows and attached or integral garages that would be similar to features apparent at nearby properties. The garage at Plot 1 would provide for an appropriate height transition between the development and the adjacent bungalow at No 38. Although the dwelling at Plot 2 would be roughly L-shaped, its form would be logical given its corner plot location. Furthermore, it would be compatible with gabled projecting elements evident elsewhere along the street and dwellings such as the one at No 32, which feature wide frontages.
7. The proposed dwellings would be set in slightly from the site's boundaries and have reasonably sized front gardens. Additionally, the dwellings would feature offset front elevations, eaves and ridge lines and have a gap between them such that any terracing effect would be limited. Accordingly, the site would not appear cramped or excessively developed, and the dwellings would not be overly dense or dominant in relation to the surrounding properties.
8. It is unclear from the evidence whether the dwellings are proposed to be surfaced in buff, grey or red brick. Critically, the use of brick would be reflective of many of the properties along the street. A planning condition to require the approval of the construction materials would ensure that the development would be compatible with other properties in the street.
9. The trees and vegetation near the boundary with Nos 42 to 46 would require removal. It has also been identified that works would be required to reduce part of the crown of a tree at No 38 which overhangs the site. The AIA identifies that these are category C² trees of limited value and the appellant has indicated that they are not protected by way of tree preservation order. The Council has not indicated otherwise and thus the trees could be removed without express planning consent. In any case, the trees identified for removal make a modest contribution to the character and appearance of the area and there would be space for replacement landscaping within the site. Subject to a pre-commencement condition to require the approval of a landscape scheme including protection measures for the retained trees and details of proposed planting, the proposal would integrate successfully into its surroundings.
10. The proposal would accord with the character and appearance of the area. It complies with Policy HQ/1 of the South Cambridgeshire Local Plan (LP), which sets out that development should be compatible with its location and preserve or enhance local areas.

Other Matters

11. The Council did not object to the proposal due to living conditions concerns. Having regard to the separation distances between it and the nearest properties, and their window positions, the proposal would have an acceptable

² Defined by BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations

effect on the living conditions of the neighbours. However, to prevent overlooking and loss of privacy to the occupiers of 13a London Road and Orchard House, a condition is needed to ensure that the bathroom rooflights in the rear roof slope of the dwelling at Plot 1 and the staircase window at Plot 2 are fixed shut and fitted with obscured glazing.

12. The highway spur's carriageway is narrow. However, the properties accessed from it feature off street parking. Furthermore, when I visited there were many opportunities for parking on street along the principal part of Leeway Avenue. Additionally, each proposed dwelling would feature two parking spaces which would be satisfactory for the occupiers. As such, there would be sufficient opportunities for the occupiers to park their vehicles in appropriate locations. The Council has stated that it considers the parking arrangements to be policy compliant. The proposal would not lead to inappropriate blocking of the highway or significantly increase traffic levels. Furthermore, no objections have been raised by the Highway Authority. A pre-commencement condition would be able to control and thus mitigate highway impacts associated with the scheme's construction.
13. Interested parties have raised concerns regarding drainage. However, there is nothing firm and substantive before me which indicates that this small scale development would place undue pressure or otherwise adversely affect the existing drainage systems present in the locality.

Conditions

14. The Council recommended a series of conditions in the event the appeal is allowed. The appellant has agreed to these, and the pre-commencement conditions identified. I have considered whether the proposed conditions meet the tests set out at paragraph 56 of the National Planning Policy Framework (Framework). In order to satisfy those tests, minor editing of some of the conditions is necessary.
15. Further to the conditions identified above and the standard time limit condition, for certainty conditions are needed to require the development to be carried out in accordance with the plans and to address the mislabelling issue for the proposed dwelling at Plot 2.
16. The Council has recommended conditions relating to the width of the vehicular access and the provision of sufficient space within the site for vehicles to be manoeuvred and parked clear of the highway. These are unnecessary as the access and parking spaces are shown on the plans. However, conditions are needed so the access is appropriately surfaced and drained to prevent debris and surface water being displaced, and so the spaces are adequately levelled, surfaced, drained and retained so adequate provision is made. The retention of the garage spaces for parking purposes is similarly necessary.
17. A condition to limit the demolition and construction hours is necessary to protect the living conditions of the occupiers of neighbouring properties. Contaminated land conditions, including a pre-commencement one to ensure that investigations are carried out and where relevant addressed, are necessary for public and environmental health reasons. Conditions to require the properties to achieve minimum water efficiency standards and reduce carbon emissions are required for environmental sustainability and to accord with LP Policies CC/3 and CC/4.

18. The Council has recommended a condition to require the dwellings to be capable of accommodating Wi-Fi and the provision of suitable ducting to the highway that can accommodate fibre optic cabling or other emerging technology. Such a condition is needed so adequate broadband facilities are provided and to comply with LP Policy TI/10. However, I have omitted reference to accommodating emerging technologies as the condition's requirements would otherwise be imprecise.
19. The Council has recommended that certain permitted development rights³ are withdrawn to prevent harm to the character and appearance of the area. However, paragraph 54 of the Framework states that conditions should not be used to restrict permitted development rights unless there is clear justification to do so. The area has a varied character and appearance and there are limited rights relating to the construction of large additions to the front of dwellings. Accordingly, there is no clear evidence that the application of permitted development rights would be harmful, or that the removal of those rights is justified. The condition is therefore unnecessary.

Conclusion

20. For the reasons given above, the appeal should be allowed.

Mark Philpott

INSPECTOR

³ Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans: P-01; P-02; P-03; P-04.
- 3) Notwithstanding the requirements of condition 2, the development shall be carried out as if the labels of the ground floor and first floor on plan P-03 for the dwelling at Plot 2 were reversed.
- 4) No development shall take place until a traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall address: (a) movements and control of muck away vehicles; (b) contractor parking; (c) movements and control of all deliveries; and (d) control of dust, mud and debris. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development; and contain details of proposed planting including the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. All planting comprised in the approved scheme shall be carried out in the first planting season following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No development shall take place until: (a) the site has been subject to a detailed desk study and site walkover which has been submitted to and approved in writing by the Local Planning Authority; (b) the site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and submitted to and approved in writing by the Local Planning Authority; and (c) detailed proposals for the removal, containment or otherwise rendering harmless any contamination (a remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to the occupation of the dwellings, the works specified in the remediation method statement detailed in condition 6 shall be completed and a report to verify those works have been undertaken shall be submitted to and approved in writing by the Local Planning Authority.
- 8) If during remediation or construction works any additional or unexpected contamination is identified, then details of a remediation proposal for the contaminated material shall be submitted to and approved in writing by the Local Planning Authority before any other work continues. The remediation proposal shall be implemented in accordance with the approved details prior to the occupation of the dwellings.

- 9) Notwithstanding the approved plans, no development shall take place above ground level until details of the materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10) No development shall take place above ground level until a scheme which demonstrates that the development reduces carbon emissions by a minimum of 10% (to be calculated by reference to a baseline for the anticipated carbon emissions for the properties as defined by Building Regulations) through the use of on site renewable energy and low carbon technologies has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter maintained in accordance with the approved details prior to the occupation of the dwellings.
- 11) The dwellings shall not be occupied until the development achieves a minimum water efficiency equivalent to 110 litres per person per day.
- 12) The dwellings shall not be occupied until they have been made capable of accommodating Wi-Fi and suitable ducting in accordance with the Data Ducting Infrastructure for New Homes Guidance Note which can accommodate fibre optic cabling has been provided to the adopted public highway.
- 13) Notwithstanding the approved plans, the dwellings shall not be occupied until the rooflights in the rear roof slope of the dwelling at plot 1 (as shown on drawing reference P-02) and the staircase window in the eastern elevation of the dwelling at plot 2 (as shown on drawing reference P-03) have been fixed shut and fitted with obscured glazing.
- 14) Notwithstanding the approved plans, the dwellings shall not be occupied until the vehicular access has been provided with a PCC dished channel with a fall to a soakaway, as detailed in Appendix 28 of the Cambridgeshire County Council Housing Estate Road Construction Specification, to limit discharge of surface water towards the adopted public highway; or the vehicular access has otherwise been provided in accordance with a drainage scheme that has been submitted to and approved in writing by the Local Planning Authority.
- 15) The dwellings shall not be occupied until the areas for motor vehicle parking have been levelled, drained and surfaced; and those areas and the garages shall be kept available at all times for the parking of vehicles and for no other purpose.
- 16) The vehicular access shall be constructed using a bound material for the first 5 metres from the boundary of the adopted public highway into the site.
- 17) Demolition or construction works, or associated deliveries received to or dispatched from the site, shall take place only between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday, and shall not take place at any time on Sundays or Bank or Public holidays.