
Appeal Decision

Site visit made on 28 June 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2022

Appeal Ref: APP/D0515/W/21/3286407

Land west of 14 Linley Road, Whittlesey PE7 1TP

- 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 Tim Smith against the decision of Fenland District Council.
 - The application Ref F/YR21/0810/O, dated 17 May 2021, was refused by notice dated 20 September 2021.
 - The development proposed is described as “erect 1 x dwelling (2-storey 3-bed) involving the demolition of existing garages (outline application with matters committed in respect of appearance, landscaping, layout and scale)”.
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Decision

1. The appeal is allowed, and outline planning permission is granted to erect 1 x dwelling (2-storey 3-bed) involving the demolition of existing garages (outline application with matters committed in respect of appearance, landscaping, layout and scale) at land west of 14 Linley Road, Whittlesey PE7 1TP in accordance with the terms of the application, Ref F/YR21/0810/O, dated 17 May 2021, and the plans submitted with it, subject to the conditions in the schedule to this decision below.

Procedural Matters

2. Outline planning permission is sought, with layout, scale, appearance and landscaping considered at this stage. Drawing PL01 includes access details, a matter which is reserved for future consideration. I have therefore treated the plan as indicating how access would be gained from the cul-de-sac and showing one way of accommodating vehicle movements within the site. I have determined the appeal on this basis.
3. I have taken the description of development from the council’s decision notice and the appellant’s appeal form. This is because the description used on the planning application form does not adequately describe the proposed development and only refers to the previous application on this site and its reference number.

Main Issue

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

Reasons

5. The appeal site is located at the head of a cul-de-sac. The cul-de-sac contains a mix of dwellings, all with pitched roofs and some which are gable-end on to the road. The dwellings are staggered, with varying sized front gardens and the

gaps between the dwellings are not uniform. The pair of semi-detached dwellings at the head of the cul-de-sac are positioned to one side, resulting in a large gap between No 14 and No 16 Linley Road, that is not replicated elsewhere within the street scene. Therefore, there is no consistent pattern. Instead, the cul-de-sac's character and appearance comes from the largely coherent palette of materials.

6. The proposed dwelling would be two-storeys with a pitched roof, would infill a gap between two pairs of two-storey, semi-detached dwellings and the eaves height would be comparable to the adjacent dwellings. The ridge height would be marginally higher however, it would not be discernible when viewed from the street due to the siting of the proposed dwelling. Therefore, the scale of the proposed dwelling would conform to the adjacent dwellings.
7. The proposed dwelling would be set back within its plot and sited adjacent to the boundary shared with No 16 Linley Road. I agree that the siting of the proposed dwelling differs from the semi-detached properties to either side however, there is no uniform layout and therefore its positioning would not harm the local distinctiveness of the area.
8. The plot size of the proposed dwelling and the resulting plot size of No 14 Linley Road would both be commensurate with the size of other plots within the cul-de-sac, and the proposed dwelling would maintain a large gap to the properties on either side. Therefore, the layout of the proposed dwelling would not result in an over-intensive or cramped form of development.
9. The proposed dwelling would be constructed of red brick with render to the first floor front elevation, cladding beneath the bay window and interlocking roof tiles. The use of brick, render and the roof tiles would reflect the prevailing character of the street scene, however the proposed brick colour and the use of cladding would conflict with the existing uniform palette of materials, resulting in harm to its character. A condition requiring the materials to be approved by the local planning authority would ensure the appearance of the proposed dwelling is acceptable.
10. In relation to the main issue, I do not find harm to the character or appearance of the surrounding area. The appeal scheme would therefore comply with Policy LP16 of the Fenland Local Plan, which amongst other things, requires developments to make a positive contribution to local distinctiveness and the character of the area.

Other Matters

11. I have had regard to the objections raised by third parties in respect of the proposal. Matters in respect of parking and access and their effect on highway safety is reserved for subsequent approval and therefore cannot be commented upon at this stage. Comments regarding the effect of the proposed development on flooding and wildlife are unsubstantiated and the council has not raised an issue in this regard. In addition, the council has not raised an issue with the proposed development's impact on the living conditions of the occupiers of neighbouring properties or the loss of existing trees, and I have no reason to take a different view. Whilst the construction phase is likely to be disruptive, it would be short-term and is not a reason to withhold permission. The loss of a view is not a material planning consideration.

Conditions

12. The council has provided a list of conditions which I have had regard to and used as the basis of the wording that in my view follows more closely the advice in the National Planning Policy Framework. I have imposed standard conditions relating to the submission and timing of the reserved matters application and the commencement of development. I have specified the approved plan for the avoidance of doubt and in the interests of proper planning. A condition relating to the submission and approval of materials is necessary to ensure the appearance of the proposed development would be satisfactory. A condition in respect of unidentified contamination is necessary to protect future occupiers.
13. In addition to those conditions proposed by the local planning authority, I also consider it necessary to attach conditions removing permitted development rights for additional first floor windows in the rear elevation of the proposed dwelling and for rear extensions. I have also attached a condition requiring the first floor bathroom window within the rear elevation of the proposed dwelling to be obscure glazed and non-opening below 1.7 metres above the floor of the room. These conditions are needed to protect the living conditions of the occupiers of neighbouring properties from overlooking. Both parties have no objection to the imposition of these conditions.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Berry

INSPECTOR

Schedule of Conditions

- 1) Details of the access (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matter shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: PL01.
- 5) Notwithstanding the details contained on the approved drawing, prior to construction above slab level, details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

- 6) The dwelling hereby approved shall not be occupied until the first floor bathroom window within the rear elevation has been fitted with obscured glazing, and no part of that windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and, once installed, the obscured glazing shall be retained thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the rear elevation of the dwelling hereby approved.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions shall be erected on the rear elevation of the dwelling hereby approved.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

*****End of Conditions*****