
Appeal Decision

Site visit made on 12 July 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/V0510/W/22/3290743

Land between 37 and 38 Great Fen Road, Soham CB7 5UQ

- 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 M Hill & Mrs Tracey Hill against the decision of East Cambridgeshire District Council.
 - The application Ref 21/01151/FUL, dated 31 July 2021, was refused by notice dated 29 September 2021.
 - The development proposed was described on the planning application form as extension to house to provide utility and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The form submitted with the planning application described the development in terms of the proposed physical works alone. The Council's description of development and reasons for refusal also relate to change of use of the land to residential use, and the appellants' statement addresses both matters. I have therefore considered the proposal on that basis.
3. An additional plan submitted with the appeal proposes revised rear garden levels, which could alter the extent of visibility of the rear of the building. This plan was not available to the Council, consultees, or interested parties during the application process. I have therefore made my decision on the basis of the plans considered by the Council at the time of its decision.
4. The appellants advised that, should consent be granted for residential use of the land to the side of the dwelling, they would accept a reduction in the rear boundary to the previously approved rear boundary. However, no plan is before me setting out the extent of the revised curtilage in that event.
5. Subsequent to refusal of the application, the Council granted planning permission (ref 21/01507/FUL) for the change of use of land at the side of the appeal site from agricultural to residential use as part of the new dwelling's curtilage.

Main Issues

6. The main issues are:
 - (i) the effects of the development on the character and appearance of the area, with regard to the design and form of the proposed garage and extension; and

- (ii) whether or not the proposed change of use of agricultural land to residential use at the rear of the appeal site would be acceptable, having regard to the need to protect the countryside and its character and appearance.

Reasons

Character and appearance

7. Great Fen Road travels through a relatively flat agricultural landscape sitting above the land on either side. Most dwellings are set back from the road at right angles to it, and garages are generally set back further.
8. The new dwelling is at a higher level than the adjacent single storey dwelling to the north. The dwelling was at an advanced stage of construction at the time of my visit, and stands out as a distinctive design. Planting either side of the plot recesses the dwelling into the plot to a degree in visual terms, particularly from the south.
9. The proposed garage would stand forward of the dwelling, with an extension link between them. It would be of similar external materials, lower than the new dwelling, and would not be closer to the road than the adjacent dwelling to the north. However, it would be a large structure, both in terms of its footprint and height. It would be forward of the dwelling, and at an oblique angle to the road and the dwelling. Its expansive slate roof would be prominent above boundary vegetation from the north, and above the proposed frontage hedgerow. The proximity of the smaller single storey dwelling to the north, on land at a lower level, would stand in contrast to the taller proposed garage built on higher ground. Together, these factors would render the proposed garage unduly prominent and in contrast with the character and appearance of the area.
10. Garages between dwellings and the highway are not common in the surrounding area. I note the advice in the East Cambridgeshire District Council Design Guide Supplementary Planning Document 2012 (Design Guide SPD) that garages should ideally be positioned to the side and rear of the dwelling, and that it will rarely be acceptable to construct a garage between the front elevation and the highway. However, the appellant has drawn my attention to a number of other garage developments which I visited during my site visit. 50 Great Fen Road was a standard sized double garage set well back on its plot, and 31 Great Fen Road was a garage integrated into the house. 22c and 22d Northfield Road had greater similarities to the development proposed, but the detached garages were parallel to the road, with tiled roofs behind a mature hedgerow and hedgerow trees. None of these cases are therefore directly comparable to the appeal development.
11. The proposed garage and extension would therefore harm the character and appearance of the area and would conflict with East Cambridgeshire Local Plan (2015) (LP) Policy ENV2, which relates to design, and the Design Guide SPD, described above.

Proposed change of use of agricultural land to residential use

12. As the Council have now granted planning permission for residential use of land at the side of the site, the residential curtilage of the new dwelling now extends across the entire frontage of the appeal site.

13. At the rear, there is no physical division of the land within the residential curtilage of the new dwelling and the land beyond it. The proposal would align the garden with the neighbouring garden to the south.
14. The appeal site lies within the countryside, outside a defined development envelope. In such areas LP Policy GROWTH 2 states that development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. It restricts such development to exceptional categories, subject to their impact on the character of the countryside. None of the GROWTH 2 policy exceptions apply to this development.
15. Residential use of the agricultural land would inevitably change its character. Even if permitted development rights for buildings were withdrawn by planning condition, residential paraphernalia, and its management as garden land, would give it a domestic appearance. I have seen no proposals which would enhance the character of the area at the rear of the appeal site, and residential use of the land would therefore be unduly residential in character in this agricultural area.
16. The proposed change of use of agricultural land to residential use would not protect the countryside and its character and appearance and would therefore conflict with LP Policy GROWTH 2, described above, and Policy ENV1, which seeks to protect, conserve, and where possible enhance landscape and settlement character. I have not found LP Policy ENV2 relevant to this matter, which relates to design.

Conclusion

17. For the reasons above, having regard to the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude the appeal should be dismissed.

Peter White

INSPECTOR