



Appeal Decision

Site visit made on 6 September 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Appeal Ref: APP/W0530/W/22/3296205

5 Papworths Close, Over CB24 5WH

- 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 Paul & Janemarie Lawrence against the decision of South Cambridgeshire District Council.
 - The application Ref 21/02289/FUL, dated 17 May 2021, was refused by notice dated 11 October 2021.
 - The development proposed is described as “proposed three bedroom chalet bungalow”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council’s officer report refers to the extensions and alterations at No 21 The Lanes being under construction. From my site visit, and from examining the approved drawings, it appears that the development has since been completed.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) The character and appearance of the surrounding area; and
 - b) The living conditions of the occupiers of No 21 The Lanes in respect of outlook and No 5 Papworths Close in respect of privacy to a side bedroom window.

Reasons

Character and Appearance

4. Papworths Close is a recent development of five detached, two-storey dwellings arranged in a cluster around a cul-de-sac. The dwellings are set within varying sized plots, but all are spacious in size. The front gardens of the dwellings are landscaped with the predominant boundary treatment being hedgerows and/or shrubs. This creates a verdant character to the cul-de-sac. The dwellings are set back a considerable distance from The Lanes and are accessed by a narrow, winding road located between No 17 and No 21 The Lanes. At the junction with The Lanes and extending towards the cluster of dwellings, both sides of the access road is flanked by landscaping.

5. The land between the access road and No 17 The Lanes is bounded by a mature hedge that turns the corner onto The Lanes. The land contains a number of trees that are visible from both The Lanes and Papworths Close. The land on the opposite side of the access road, adjacent to No 21 The Lanes, comprises the appeal site. It is an irregular shaped parcel of land that is largely laid to lawn. It is mostly open to the access road, but there are some low-level shrubs and a young tree (planted to replace a recently felled tree with a Tree Protection Order (TPO)). The land to either side of the access road forms a landscaped approach to the cluster of dwellings, creating a pleasing and leafy gateway to Papworths Close, contributing positively to the character and appearance of the surrounding area. It also functions as a green buffer between the cluster of dwellings on Papworths Close and the built development along The Lanes.
6. The proposed dwelling would be sited between the rear elevation of No 21 The Lanes and No 5 Papworths Close. The garden associated with the proposed dormer bungalow would mainly extend from its side elevation to The Lanes. It is proposed to plant a hedge of 1.5m in height adjacent to the access road to enclose the garden. The positioning of the garden, together with the retention of the existing tree and the proposed hedgerow would maintain some landscaping between The Lanes and the proposed dwelling. However, the height of the proposed hedge would not prevent views of domestic paraphernalia associated with the use of the garden nor of the proposed dwelling itself. The siting, scale and design of the proposed dwelling, presented gable on to The Lanes, and the garden paraphernalia associated with a dwelling would erode the existing green gap, causing significant harm to the landscaped character of the area.
7. It is unclear that the appeal site forms part of a residential curtilage/garden, and it has not been substantiated that permitted development rights for domestic outbuildings apply. Notwithstanding this, any structures erected under permitted development would be limited in scale and would not be comparable to the proposed development before me.
8. Whether or not a fence of 1m high could be erected to enclose the site, this would not be comparable to the much greater height and scale of the proposed bungalow. Moreover, such a fence would, in any event, not block views of the site's greenery and the contribution that makes to the character and appearance of the area.
9. The plot of the proposed dwelling would differ in size and shape to those on Papworths Close and The Lanes, whereby dwellings are set back behind a front garden fronting the highway, have a spacious garden located to the rear, and their main outlook is to the front and rear. In contrast, the proposed dwelling would be sited close to both the rear boundary shared with No 21 The Lanes and the access road to the front, the garden would be largely located on an irregular shaped parcel of land to the side of the proposed dwelling, and the main outlook from the proposed dwelling would be from the front and side elevations. Furthermore, the siting and scale of the proposed dwelling within its plot would give the property a cramped appearance that would not reflect the spacious plots of the cul-de-sac.
10. The Over Village Design Guide Supplementary Planning Document (SPD), adopted 2020, discusses the village landscapes that permeate the built-up area

of Over and defines the green lanes and open spaces as a 'Green Network'. The appellant relies on Figure 30 of the SPD to demonstrate that the appeal site is not identified as being within the Green Network and therefore enjoys no special status. However, I note that Figures 8, 32 and 46 of the SPD all identify the appeal site as being within the Green Network, and the title of Figure 32 is "Plan of the Over Green Network".

11. The appellant states that Figure 27 of the SPD provides greater detail and accuracy in respect of the Green Network, however, the title of this map is "Plan of Amenity Spaces" and does not identify all of the Green Network as shown on Figure 32 of the SPD. The appellant also states that amendments were made to the final draft of the SPD that included the omission of a reference to Papworths Close in the Green Network key. However, no information has been submitted to substantiate these matters.
12. Figures 8, 32 and 46 of the SPD are at a smaller scale than Figure 30, however, the appeal site is easily identifiable, particularly on Figure 46 that includes the former TPO tree. Furthermore, the last paragraph on page 6 of the SPD states, "the green lanes allow people to get around the village away from traffic and link with the green spaces of several housing developments, including recent developments such as Papworths Close", indicating the importance of the appeal site as a green space. From the information before me, I conclude that Figure 30 is an anomaly and that the majority of the appeal site and the section of landscaping adjacent to No 17 The Lanes is defined as part of the Green Network.
13. Design Guidance 8.1 of the SPD seeks to maintain and enhance the Green Network through the centre of Over. The proposed development would erode a large section of this part of the Green Network through the construction of the proposed dwelling, neither maintaining nor enhancing it.
14. The appellant queries the relevance of Policy NH/2 within the Council's first reason for refusal, as it seeks to protect and enhance landscape character and refers to Natural England's National Character Areas. However, I have found that the appeal site forms part of the Green Network of Over, a "village landscape" as defined by Figure 8 of the SPD. Policy NH/2 is therefore relevant to the first main issue.
15. In relation to the first main issue, the proposed development would result in a cramped form of development contrary to the prevailing spacious character of Papworths Close, it would neither maintain nor enhance a section of the Over Green Network, and it would erode the verdant green buffer that exists between The Lanes and the cluster of dwellings at Papworths Close. The proposed development would therefore be contrary to Policies HQ/1, NH/2 and H/16 of the South Cambridgeshire Local Plan, adopted 2018 (LP) that, amongst other things, seek to ensure that all new development preserves or enhances the character of the local urban and rural area and respond to its context in the wider landscape. In addition, the proposed development would be contrary to the SPD and the District Design Guide Supplementary Planning Document, adopted 2010.

Living Conditions

16. The proposed dwelling would be sited so that its side elevation would directly face the side elevation of No 5 Papworths Close. The side elevation of No 5

contains several windows, one of which serves a first floor bedroom. Within the side elevation of the proposed dwelling there would be three windows, one of which would serve a first floor bedroom. The bedroom windows within the side elevations of the existing and proposed dwelling would directly face one-another.

17. The bedroom within the first floor of the proposed dwelling would be served by two windows: one facing towards No 5 and a smaller dormer window within the front elevation. If I were minded to allow the appeal, the window facing towards No 5 could be conditioned to be obscure glazed and non-opening below an internal floor height of 1.7m in order to prevent overlooking into the side bedroom window of No 5. The living conditions of the occupiers of the proposed dwelling would not be adversely affected by such a condition, as the bedroom would also be served by a dormer window that would provide an outlook and means of escape from the bedroom. The scale of the dormer window is smaller than the window facing No 5, however, it is similar in size to the rooflights within the recently approved extensions/alterations to No 21 The Lanes¹ that are also the sole means of glazing to three of the first floor bedrooms and have a similar restricted outlook due to their positioning within the roof².
18. The proposed dwelling would be sited close to the shared side boundary of No 21 The Lanes. It would be positioned at the end of the recently extended rear elevation of No 21 and would extend a significant distance along the length of No 21's rear garden. The proposed dwelling would have an eaves and ridge height that would be lower than No 21 and the roof would slope away from No 21's rear garden, thereby reducing the overall bulk and scale of the proposed dwelling when viewed from the rear garden of No 21. Furthermore, the rear garden of No 21 has an open aspect along the opposite boundary as it bounds the playing fields of Over County Primary School. Whilst the proposed dwelling would alter the outlook from the rear garden of No 21, it would not be significantly overbearing to the living conditions of the occupiers of this dwelling.
19. I do not therefore find harm to the living conditions of the occupiers of No 5 Papworths Close in respect of the overlooking of a side bedroom window or No 21 The Lanes in respect of an overbearing effect on their rear garden. The proposed development would therefore comply with, in respect of the second main issue, Policies HQ/1 and H/16 of the LP, which amongst other things, seek to protect the amenity of occupiers from development that is overlooking or overbearing.

Other Matters

20. The appellant states that the occupiers of No 21 The Lanes have not objected to the proposed development, however, from the information before me I note that in fact, no comments were received. Notwithstanding this, the lack of comments from the occupiers of No 21 does not outweigh the harm I have found in respect of the first main issue.

¹ S/3904/17/FL

² As detailed within the 'Proposed Section Thro' drawing included on drawing number 21THLA-OV1-04 of planning approval S/3904/17/FL

21. The Council's acceptance of the design of the proposed dwelling; the internal floorspace of the proposed dwelling exceeding the minimum for a three-bed, six-person dwelling; and the Council's acceptance that the garden is of a sufficient size to meet the day-to-day needs of a family, are all neutral factors.

Conclusion

22. I have found for the appellant in regard to the second main issue and compliance with the development plan. As a lack of harm however, this would not be sufficient to weigh against my findings and subsequent conflict with the development plan in regard to the first main issue. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan taken as a whole. The appeal is therefore dismissed.

A Berry

INSPECTOR