



Appeal Decisions

Site visit made on 7 September 2022

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref: APP/W0530/W22/3296911

32 Fowlmere Road, Foxton, Cambridge CB22 6RT.

- 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 James Spriggs against the decision of South Cambridgeshire District Council.
 - The application Ref 21/05528/FUL, dated 17 December 2021, was refused by notice dated 25 February 2021.
 - The development proposed is erection of 4 dwellings with associated infrastructure works following demolition of the existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although it was requested that I view the site from No 2 Illingworth Way, on the day of my visit the occupants were not at home. I therefore took the opportunity to view the proposal from Nos 6 and 8 Illingworth Way where access was available.

Main Issues

3. The main issues are whether the proposed development would have a detrimental effect on:
 - Living conditions of present and future occupiers of adjacent properties in Illingworth Way, St Laurence Road and Fowlmere Road in terms of proximity, outlook, and privacy and
 - The character and appearance of the surrounding area.

Reasons

4. The appeal site is located on the west side of Fowlmere Road within the development framework boundary of Foxton. The road is developed with a mix of older and newer housing, both detached and semi-detached and in a mix of styles including bungalows, as on the appeal site, and two storey houses.
5. The appeal site is occupied by a single storey dwelling set back from the frontage and which benefits from a deep plot extending west to meet the rear garden boundaries of 18 and 20 Illingworth Way and which wraps around behind No 30 Fowlmere Road. The dwelling appeared unoccupied and the garden entirely overgrown at the time of my visit.

6. The appeal proposal would involve the demolition of the existing property, construction of a detached two storey dwelling on the frontage with its gable end to the road and a terrace of three 1.5 storey dwellings to the rear. The property at the southern end of the terrace would be stepped down slightly in height.
7. Given the location of the appeal site within the Foxton Development Framework and the Council's spatial strategy in respect of Foxton where it is identified as a Group Village in Policy S/10 of the *South Cambridgeshire Local Plan (SCLP)* the redevelopment of the site for residential purposes would be acceptable in principle subject to the matters at issue which I now consider.

Living Conditions

8. The proposed layout in introducing a terrace of three dwellings in what is a relatively narrow, albeit deep plot, means that the development would extend close to the side boundaries of the site with just over 2 metres separation. The result of this on the south side of the plot, in particular, would bring the terraced development very close to Nos 2-8 Illingworth Way.
9. These houses do not sit in very deep plots so the distance between the rear elevations of the nearest houses and the side gable elevation of the proposed terraced house on Plot 2 would be approximately 11 metres and as such would not meet with the advice in the *South Cambridgeshire District Design Guide (DDG)* for such separation distances. Although I acknowledge that the house on Plot 2 would have a dropped ridge height compared to those on plots 3 and 4 it still would have accommodation in the roof space and therefore a height to ridge of approximately 6.5 metres. The positioning of the terrace would have a lesser effect in terms of Nos 2 and 8 Illingworth Way but in respect of Nos 4 and 6 the proximity of the gable end on Plot 2 would be overbearing on the small rear gardens of both houses. In addition, both houses have a conservatory living space to the rear, the outlook from which would be dominated by the overbearing presence of the gable end. Although it has been put to me that the planting on site will help to screen and separate new and existing development, in fact the visual relationship would be made worse by the fact that the proposal would result in the removal of much of the existing tree and shrub planting at the south and west end of the site. Currently this provides screening to No 6 and 8 Illingworth Way.
10. Concern has also been expressed over the impact on living conditions in respect of adjacent properties in St Laurence Road. Whilst the separating distance and angles involved means that the development would not be so overbearing on the closest houses themselves, the gable end of the house on Plot No 4 would be overbearing on the adjacent garden and as the development lies to the south of the garden there would also be significant overshadowing of part of the garden. It has been put to me that there would also be overlooking and loss of privacy from the dormer windows of Plot 4 however these are set at an oblique angle to the properties in St Laurence Road so overlooking would be limited.
11. Plot 1 of the development sits due south of No 30 Fowlmere Road and the two plots have a slightly interlocking arrangement. There is currently a single storey outbuilding close to the boundary on Plot 1 which is to be replaced by a single storey element to the new dwelling. Although this single storey offshoot would be set slightly further away from the side boundary and the height would be the same as the current outbuilding, it would be extended virtually the whole depth of the rear garden to No 30 and at approximately 4.5 metres in height, relatively close to the boundary, this would appear overbearing on the garden to No 30.

12. In summary both the detached house and the terrace would result in adverse effects on the living conditions for neighbouring occupiers adjacent to the site particularly as a result of overbearing relationships from building too close to plot boundaries. The *National Planning Policy Framework* (the Framework) at Paragraph 130 requires development to achieve a high standard of amenity for existing and future users and in this regard the proposal would fail. The SCLP at Policy HQ/1 reflects the framework in requiring proposals to protect the health and amenity of occupiers by avoiding development that is overlooking and overbearing amongst other things.
13. For the above reasons, ie the impact on living conditions for present and future occupants of Nos 4 and 6 Illingworth Way, No 30 Fowlmere Road and neighbouring properties in St Laurence Road in particular, the proposal would conflict with the policy objectives of SCLP Policy HQ/1, the Framework and the DDG.

Character and Appearance

14. Fowlmere Road demonstrates a mix of housing styles, heights and layouts and little uniformity to its character that can be easily discerned. It has been put to me that the road already has examples where the backland has been developed to accommodate new housing and I have been referred in particular to the development at Chardle Field and at the rear of Nos 57 and 59 Fowlmere Road which the appellant considers justifies the appeal proposal at No 32.
15. There are material differences between the appeal site and the examples cited which are all on the east side of Fowlmere Road, notably that they adjoin open countryside to the east and therefore do not impact directly on existing development to the rear, unlike the appeal site. That said, given what is a very mixed development pattern around the appeal site I do not necessarily accept that the principle of some development in depth on the site would be unacceptable. However, very careful design would be required and I am not persuaded that the current proposal would achieve this.
16. The redevelopment of the bungalow and its replacement on Plot 1 with a two storey house to a traditional design reflects both the styling of No 30 and the general height and form of the two storey houses in the vicinity and its impact on the streetscene would be more positive than the existing dwelling.
17. However, the design for the rear of the site in introducing a terraced form to accommodate three dwellings, which is not typical of the immediate vicinity, would result in minimal side separation and would take up virtually the whole width of the plot. I acknowledge that the proposed height at 1.5 storeys would demonstrate a subservience to the two storey housing around and the dual-pitched, gable-ended styling would reflect roof styles around but this would make no difference to what would be a cramped appearance to the development, contrary to the typically more open form on Fowlmere Road. The overdevelopment of the backland of the plot is demonstrated by the fact that the separation distances required by the DDG would not be achieved. The development would also result in substantial loss of current trees (albeit relatively small in size) on the site and impact on root plates of trees outside the site in particular those to the south in the gardens of Nos 4 and 6 Illingworth Way. Notwithstanding proposals for some replanting there would be an adverse impact on the green character of the site.
18. I acknowledge that the Framework in Section 11 encourages the efficient use of land however in the same section at Paragraph 124 it states that this should not

be at the expense of an area's character and setting including residential gardens. Moreover, the Framework requires a high quality of design respecting the character of the area, an objective echoed in SCLP Policy HQ/1. This policy, in particular, requires that development should be compatible with its location and appropriate in terms of scale, density, mass, form, siting and design in relation to the surrounding area, amongst other things. Moreover, *Foxton Neighbourhood Plan* (FNP) at Policy FOX/1 requires developers to ensure the resulting pattern of development is appropriate to the surroundings. For the reasons above the development proposed would give rise to an overdevelopment of the site that would fail to meet these policy objectives.

Other Matters

19. It has been put to me that the benefits of the scheme in providing smaller housing in a sustainable location to highly sustainable designs on a small site, that makes efficient use of land represents a significant benefit. However, currently the Councils within the Greater Cambridge area can provide 6.5 years of housing supply and South Cambridgeshire has delivered 145% of its housing requirement over the last 3 years based on Housing Delivery Test results published in January 2022. Thus there is not an unsatisfied housing need, the housing policies of the SCLP can be considered up to date, the tilted balance in paragraph 11 of the Framework is not engaged and the development should be determined in accordance with the development plan. As the proposal is in conflict with development plan policies it would not be acceptable.

Conclusion

20. I have considered the matters before me and, for the reasons given above, whilst I acknowledge there would be some benefits, I am not satisfied that it has been sufficiently demonstrated that the proposed housing would be of the high quality sought by SCLP Policy HQ/1. The benefits in this case would not outweigh the considerable harm to living conditions for neighbouring residents as a result of overdevelopment of the site and a sub-optimal layout and the appeal is dismissed.

P. D. Biggers

INSPECTOR