



Appeal Decisions

Site visit made on 3 August 2022

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022.

Appeal A Ref: APP/W0530/W21/3287800 20-24 Pierce Lane, Fulbourn CB21 5DL.

- 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 C Norman (1066 Pianos Ltd) against the decision of South Cambridgeshire District Council.
 - The application Ref 21/00743/FUL, dated 17 January 2021, was refused by notice dated 27 May 2021.
 - The development proposed is change of use and associated works to revert from current use as shop and ancillary stores/workshops to a terrace of 3 No dwelling houses.
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Appeal B Ref: APP/W0530/W22/3295661 20-24 Pierce Lane, Fulbourn CB21 5DL.

- 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 C Norman (1066 Pianos Ltd) against the decision of South Cambridgeshire District Council.
 - The application Ref 21/03457/FUL, dated 19 June 2021, was refused by notice dated 29 September 2021.
 - The development proposed is change of use and associated works to revert from current use as shop and ancillary stores/workshops to a terrace of 3 No dwelling houses.
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Decisions

Appeal A Ref: APP/W0530/W21/3287800.

1. The appeal is dismissed.

Appeal B Ref: APP/W0530/W22/3295661

2. The appeal is dismissed.

Procedural Matter

3. As the two proposals are very similar in nature I have determined both appeals in one decision letter.

Main Issues

4. The main issues in respect of both appeals are whether the proposed development would have a detrimental effect on:

- Living conditions of future occupiers of the development as a result of inadequate private amenity space, the arrangements for parking, cycle parking and refuse storage and potential noise pollution and disturbance from the existing commercial operation; and
- Highway safety as a result of visibility at the junction to the site.

Reasons

5. The appeal site is located on the north side of Pierce Lane within the Fulbourn Conservation area. The site is currently in use as a piano restorer's and sales outlet (1066 Pianos Ltd) which occupies retail units on the Ground Floor and workshops to the rear.
6. A recent planning permission for a single residential unit has been granted on the west side of the yard access which is separate to the appeal site.
7. Appeal proposals A and B both would involve the conversion of the frontage building to three houses, demolition of attached buildings to the rear and the erection of rear extensions to each house. The difference between the two appeal proposals is that in Appeal B the depth of these extensions has been reduced to increase the amount of private amenity space slightly.
8. It is proposed that, although the frontage buildings would be vacated and converted to form the residential units, the rear workshop buildings would continue in use for the piano restorers and sales. Although the appellant states that separate access would be available to the remaining workshops no alternative access was evident from my site visit.
9. Given the location of the appeal site and the Council's spatial strategy in respect of Fulbourn the conversion of the building and its extension for residential use would be acceptable in principle subject to the matters at issue which I now consider.

Living Conditions

10. The proposed layout of the three units in both of the appeal proposals would involve a small front garden, a share of the existing (to be converted) frontage building, a new two storey, pitched roof, rear extension and a flat roof, single storey over the rear kitchen, a rear garden, bike store, refuse storage and parking bays. Internal space provided for the 3 bedroom dwellings just meets the space requirements for a 4 person dwelling set out in *South Cambridgeshire Local Plan* (SCLP) Policy H/12. In respect of the external space provided however, the slightly deeper flat roof, single storey, rear extensions in Appeal A would mean that, discounting the bike store, the rear garden (even combined with the front garden) would offer less than the 50m² minimum garden space required in the *South Cambridgeshire District Design Guide* (DDG). Therefore, for that reason alone, and its impact on living conditions and quality of life for future residents, the Appeal A proposal would be more compromised than Appeal B and I will dismiss the appeal on the grounds of adverse impact on living conditions in terms of access to adequate private amenity space.
11. Appeal B because of its slightly smaller footprint just manages to secure sufficient private amenity space overall between front and rear gardens without counting in the bike storage and this aspect of the proposal would be acceptable.

12. However, it has been put to me that the layout of car parking, refuse storage and bike storage does not demonstrate a well-integrated scheme in either of the appeal proposals. It is clear from the submitted drawings and the site visit that the relationships between these elements would be tight, involving for example limited space between cars (when both are parked up) to move bikes and bins and access rear gates. The proposal would be a sub-optimal solution for the site where too much is required of the limited available space. Although the appellant has indicated that he would accept conditions requiring submission of alternative arrangements for bike and refuse storage for the scheme, conditions should not be used to evolve a scheme through the appeal process and I must consider the scheme on the basis that is before me.
13. Turning to the second reason for refusal, it has been put to me that there is the potential for unacceptable noise and disturbance from the remaining business in close proximity to the proposed houses. Whilst I note that the evidence before me shows that the business has been in operation for 30+ years in close proximity to existing residential uses this has not involved a shared operation as would be the case with the appeal proposals where the business would now be located directly behind the proposed housing and sharing its access. Reportedly additional measures have been put in place recently to reduce noise associated with an extractor sufficient to satisfy the Council's Environmental Health Service in response to a neighbour complaint. Nevertheless, noise as a whole from the unit has not been assessed. SCLP Policy NC/10 requires developers proposing residential development close to an existing noise source to demonstrate that noise and disturbance will not give rise to problems for future occupants. The appellant has failed to demonstrate this through a noise assessment and, whilst it has been put to me that this was never requested by the Council, the appellant had every opportunity in submitting this appeal to submit a noise assessment, having seen the second reason for refusal, and declined to do so. I have been invited to conclude that a condition requiring a noise assessment would suffice and provide a satisfactory safeguard. However, such conditions requiring exploration of a relationship between an existing and new use to prove the location is an appropriate one for residential development would not be appropriate where an acceptance of the relationship between the two uses is already implicit in a grant of planning permission.
14. For the above reasons, ie the impact on living conditions for future occupants, both Appeals A and B would conflict with the policy objectives of SCLP Policy HQ/1 seeking high quality in development and Policy SC/10 requiring developers to demonstrate that existing uses would not give rise to noise and disturbance.
15. Whilst Appeal B has a marginally better layout arrangement to Appeal A, I am not persuaded that a development of three dwellings in this tight format has been demonstrated to be an acceptable layout nor that the relationship with the commercial use directly to the rear and sharing the access would be an appropriate one given the potential for noise and disturbance.

Highway safety

16. The current access of 5 metres width would provide the vehicular access to the proposed residential units in both appeal proposals and continue to provide access to the remaining commercial business in the rear. Residential parking would be to the rear of the dwellings and would meet the Council's parking standards.
17. Appeal A was refused on highway safety grounds on the basis that it had not been

demonstrated that adequate visibility splays could be provided on highway land or within the control of the appellant to comply with standards in *Manual for Streets*.

18. It is a matter of fact that the full visibility splay requirement for a 30 mph speed restricted road cannot be achieved on either highway land or land within the control of the appellant in either direction. However, a Transport Assessment submitted with the revised application in Appeal B in applying a TRICS assessment to calculate the difference in vehicle trip generation to and from the site demonstrates that the number of trips from the site would be likely to fall as a result of the proposal. The fact that the current level of trips has been operating satisfactorily already with substandard visibility and the proposed use would see the trip level reduce is a material consideration. It means that, subject to the addition of satisfactory conditions to protect highway safety including pedestrian safety at the junction, the substandard visibility would not be sufficient reason to dismiss the appeals on these grounds.

Other Matters

19. Given the location of the appeal site within the Fulbourn Conservation area it is incumbent on the decision maker to consider whether the proposal would preserve or enhance the character or appearance of the Conservation Area. In this case I am satisfied that the design would be an enhancement to the Conservation Area as a result of the removal of the bulk and mass of the rear portion of the frontage building at Nos 20-24 and its overhanging mansard roof which is an incongruous and intrusive element within the Conservation Area. As such the appeal proposals would meet the requirements of SCLP Policy NH/14.
20. It has been put to me that the benefits of the scheme in providing housing in a sustainable location and enhancement to the Conservation Area outweigh what the appellant considers minor shortcomings of the scheme. Whilst I have accepted above that there would be some benefit to the Conservation Area, I am not persuaded that the addition of three dwellings with a substandard layout constitutes a significant benefit. The houses would not be provided and managed to meet a need for affordable housing and the Council can currently provide 6.5 years of housing supply and it has delivered 175% of its housing requirement over the last 3 years based on housing delivery test results published in 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 *National Planning Policy Framework* is not engaged and the development should be determined in accordance with the development plan.

Conclusion

21. I have considered the matters before me in respect of both Appeals and, for the reasons given above, whilst I acknowledge there would be some benefits from both schemes, 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 actual harm to living conditions for future residents of the scheme as a result of a sub-optimal layout and the potential harm from a failure to demonstrate that noise and disturbance would not give rise to further harm.

P. D. Biggers - INSPECTOR