

Appeal Decision

Site visit made on 17 October 2022

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2022

Appeal Ref: APP/V0510/W/22/3296401

Poole Farm Cottage, Westley Waterless CB8 0RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Richard Fella against the decision of East Cambridgeshire District Council.
- The application Ref 21/01747/VAR, dated 5 December 2021, was refused by notice dated 11 March 2022.
- The application sought planning permission for the demolition of the existing bungalow and the erection of two detached and one pair of semi-detached dwellings without complying with a condition attached to planning permission Ref 19/00971/FUL, dated 24 March 2020.
- The condition in dispute is No 1 which states that:
Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
19 511 - Landscaping Plan		12th October 2019
Tree & Impact Survey		12th October 2019
Bat Mitigation Plan		13th November 2019
Location Plan		8th July 2019
A573-19 05	PL5	18th December 2019
A573-19 06	PL5	18th December 2019
A573-19 03	PL3	4th September 2019
A573-19 07 (Section AA Only)	PL3	4th September 2019
- The reason given for the condition is: *To define the scope and extent of this permission.*

Decision

- The appeal is dismissed.

Preliminary matter

- Although the application form does not specify which condition of the existing permission the proposal applies to, the Council's decision notice, the appeal form and other documents make it clear that the relevant condition is No 1.

Main Issue

- The main issue is the effect of the proposal on the character and appearance of the local area.

Reasons

4. Westley Waterless is a linear settlement, strung out along the village street with houses and bungalows of a varied but harmonious blend of traditional architectural styles, mainly set back behind frontage hedges and trees to give the village a strongly rural, verdant character. The appeal site sits within this built form and context.
5. The original planning permission here (19/00971/FUL) allows for the construction of 4 new houses, set up above street level and back from the street. Plots 1 and 4 would be detached houses, situated to either side of a central pair of semi-detached houses on plots 2 and 3. The proposal is to vary the approved plans for plots 1 and 4 to provide more accommodation. Each house would be increased in height, with an added box dormer window and a 2 storey flat roofed section at the back. Another proposed variation has already been approved for plots 2 and 3, which were under construction at the time of my site visit.
6. National Planning Policy Framework (Framework) paragraph 135 advises against allowing the quality of approved development to be materially diminished between permission and completion as a result of changes being made to the permitted scheme. The Council's *Design Guide* Supplementary Planning Document (SPD) says that flat roofed extensions will rarely be acceptable unless they form a link or are appropriate to the character of the original building.
7. Although set back from the street and partially hidden from view, the proposed 2 storey, flat roofed sections would be visible in the street scene across the frontages of the new houses and, likely during winter months when trees have dropped their leaves, across the next door property to the west. These would be awkward, bulky additions which would significantly increase the depth of 2 storey side wall. They would not complement the houses' more traditional proportions and pitched roof design. This aspect of the proposal would therefore diminish the quality of the development.
8. I note that there are at least a couple of other buildings in the village with 2 storey flat roofed sections, but these are not typical. I also note that a very substantial new house was approved by the Council several years ago. I do not know the circumstances of these other cases. They have not changed the character of the village to the extent that the flat roofed sections proposed here would fit in well, despite the generally varied character of the village.
9. Other aspects of the proposal are more acceptable. The houses would be slightly increased in height, but would still be of reasonably proportions and would not be notably taller than some other buildings in the vicinity. The proposed box dormers would be proportionate to the building and would be partially screened from public view. The SPD allows that dormer windows may be acceptable in some cases, particularly where they are on a rear elevation and away from roof hips, as would be the case here. 2 trees at the front of the site which are protected by a Tree Preservation Order would not be affected.
10. Although I find no objection to some aspects of the proposal, the inclusion of the 2 storey flat roofed elements is sufficient reason for me to conclude that the proposal as a whole would unacceptably harm local character and

appearance. It therefore conflicts with the shared aims of policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan and the Framework, to secure high quality development that enhances and complements local distinctiveness.

11. I recognise that the appeal proposal would provide better accommodation on the upper floors of the houses, but this is insufficient justification for downgrading the approved design of the houses in conflict with the guidance in Framework paragraph 135. The appellant submits that these changes would be permitted development¹ once the houses are built, so that they could proceed without the need for a specific planning permission. I have not seen any evidence of this and consider that elements of the proposal might not be permitted development. I find nothing to override my conclusion in regard to the main issue and the identified conflict with the development plan.
12. For the reasons set out above, and having considered all matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

¹ Under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.