



Appeal Decision

Site visit made on 16 September 2022

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2022

Appeal Ref: APP/W0530/W/21/3284839

Land adjacent to 283 St Neots Road, Hardwick, Cambridgeshire, CB23 7QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark and Jason Smith and Moore (M and J Developments (Cambridge) Ltd.) against South Cambridgeshire District Council.
 - The application Ref 21/01134/FUL is dated 11 March 2021.
 - The development proposed is described on the application form as "Erection of 1no single storey dwelling and associated works".
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Decision

1. The appeal is dismissed.

Main issues

2. The Council has confirmed that if the appellant had not appealed against non-determination, it would have refused the development for the reasons set out in its appeal statement. Set against this context and the evidence in this case, the main issues are:
 - the effect of the development on the living conditions of neighbouring occupiers at No 287 St Neots Road, with specific regard to privacy;
 - the effect of the development on the character and appearance of the area;
 - whether the development is in an appropriate location, with particular regard to the adopted development plan spatial strategy and access to shops, services, community facilities and transport choices other than the private car.

Reasons

Appeal site context

3. The 'L' shaped appeal site is narrow in width with a small frontage to St Neots Road. At the time of my inspection, it was heavily overgrown with trees, hedges and scrub and had an unkempt natural appearance. It is positioned within a row of bungalows of varying architectural styles, size and maturity.
4. St Neots Road provides a definitive edge to the village of Hardwick, with its northern side defined by an attractive belt of mature trees which separates it from the busy A428 beyond. The appeal site lies to the west of the main built-up part of the village on a part of the road characterised by detached

properties fronting onto the highway of varying architectural design & quality, height, scale, maturity, plot size and width. It also contains two modern estate developments at Howells Way and Meridian Close which extend the settlement built form in a southerly direction beyond the existing frontage development on this part of St Neots Road. Overall, I found this part of Hardwick to have a suburban sprawl character, albeit one which had been consolidated and densified, and that this character extended from the main built up part of the village well beyond the appeal site in a westerly direction before thinning out beyond the new estate development at Meridian Close.

Living conditions of neighbouring occupiers at No 287 St Neots Road, with specific regard to privacy

5. The proposed dwelling would have three west-facing windows and a door that directly face the rear patio area and side elevation windows of the neighbouring bungalow at No 287 St Neots Road, of which one of the latter is connected to a dining room.
6. The proposed door and window closest to the patio area are connected to a utility room and bathroom, which are not main habitable rooms. As a consequence, I am satisfied that a condition could be imposed requiring both of these openings to be fitted with obscure glazing to prevent any overlooking or loss of privacy to the patio area of No 287, whilst not harming living conditions for future occupiers of the proposed dwelling.
7. The remaining two west-facing side elevation windows to the proposed dwelling are connected to two bedrooms. It would not be appropriate for these to be fitted with obscure glazing as this would obliterate the outlook from them and thereby cause significant harm to the living conditions of future occupiers. However, in the absence of any obscure glazing or other screening, it would be possible to directly overlook the side elevation windows at No 287, which would cause significant harm to the living conditions of its occupiers.
8. I recognise that there is an existing timber fence to the shared boundary between the appeal site and No 287, but it is unclear from the evidence before me as to who controls this. However, even if it was under the control of the appellant and/or a condition was imposed to erect new boundary treatment in front of the proposed bedroom windows to prevent any overlooking of the side windows to No 287, this would have to be suitably tall to achieve its objective, and in doing so it would have a significantly harmful impact on the outlook to be enjoyed by future occupiers of the proposed dwelling and their living conditions.
9. In view of the above, I conclude that the development would be harmful to the living conditions of; (a) the occupiers of No 287 St Neots Road by reason of loss of privacy; or (b) in the event that boundary treatment was retained or erected to prevent this, future occupiers of the proposed dwelling by reason of poor outlook. The proposal would therefore conflict with Policy HQ/1 of the Local Plan¹, which seeks, amongst other things, to protect the amenity of occupiers from development that is overlooking or would create unacceptable impacts.

¹ South Cambridgeshire Local Plan, Adopted September 2018, South Cambridgeshire District Council.

10. I also find that the scheme conflicts with Paragraph 130 of the Framework² which seeks, amongst other things, to ensure that development creates places with a high standard of amenity for existing and future users.

Character and appearance of the area

11. The proposed dwelling would be narrower and deeper than other detached dwellings in the road. However, I am satisfied that its mass, form and scale would not look out of place because; (a) this part of the village consists of single dwellings of varying width, scale and architectural style; and (b) the deep plan depth of the building would be largely screened by both neighbouring bungalows.
12. I do nonetheless have concerns about the nondescript design of the dwelling, and in particular, the lack of any articulation to its doors and windows. I am however satisfied that this could be satisfactorily addressed by introducing architectural detailing to its windows and doors, such as curved brick/stone lintels and chamfered brick/stone cills. This enhancement would not materially change the proposed development and if I had been minded to allow the appeal, I would have imposed a condition to secure it.
13. In view of the above, I conclude that the scheme would not be harmful to the character and appearance of the area. The proposal would therefore accord with Policy HQ/1 of the Local Plan which seeks, amongst other things, to ensure that new development is compatible with its location and appropriate in scale, mass, form, design and proportion in relation to the surrounding area.
14. I also find that the scheme accords with Paragraphs 130 of the Framework, which seeks, amongst other things, development that is sympathetic to local character.
15. I recognise that the Council has referred to its design guide³ in the second reason it would have refused the scheme for. However, I am unable to conclude if the scheme is in conflict with this document as no paragraph numbers have been specifically referred to in the reason and accompanying evidence. It is important for the Council to note that reasons should be precise and just as it has referred to specific Local Plan policies, the same needs to occur with other planning documents containing a variety of different assessment criteria.

Whether the development is in an appropriate location

16. The Council and appellant both agree that the site falls outside the development framework for the village and technically within the open countryside. Policy S/7 of the Local Plan states that in such circumstances, development will only be allowed if it is allocated in Neighbourhood Plans or for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in the plan.
17. There is no adopted Neighbourhood Plan for the village and the proposal does not fall within any of the specified development types and neither is it

² National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

³ District Design Guide: High Quality and Sustainable Development in South Cambridgeshire, Supplementary Planning Document, Adopted March 2010, South Cambridgeshire District Council.

supported by any other policies in the plan. As a consequence, I conclude that the scheme would conflict with Policy S/7 of the Local Plan.

18. Notwithstanding the above conclusion, I recognise that the appeal site sits amidst an area of the village that now has a built-up character, having been consolidated and densified by new estate development, in direct contrast to the open countryside which lies beyond. Furthermore, it is not isolated or detached from the main concentration of buildings within the village and is within easy walking and cycling distance of its amenities, which include a convenience store, post office, fitness & weight-training gym, pet shop, hairdresser shops, primary school, sports & social club with playing field, Scout hall and frequent local bus services to further afield.
19. The character of the area surrounding the appeal site has therefore clearly changed over time and it is my view that the scheme would not result in incremental growth in an unsustainable location or cause harm to open countryside character. As a consequence, I conclude that in the absence of any clear identifiable harm to the objective of Policy S/7, and on the basis of the benefits of the scheme outlined below, I consider the development to be in an appropriate location and would not have dismissed the appeal for this policy conflict.

Planning balance

20. Policies S/7 and HQ/1 of the Local Plan, which was adopted less than 5 years ago, are broadly consistent with the Framework insofar as they relate to the main issues of the case and I am satisfied that the proposal conflicts with the development plan when taken as a whole.
21. The scheme is a suitable windfall site within an existing settlement for a home, which I have given great weight to in accordance with Paragraph 69 of the Framework. It would also constitute an effective & efficient use of under-utilised land at an appropriate dwelling per hectare density as supported by Paragraphs 119, 120, 124 and 125 of the Framework.
22. I also recognise that the scheme would result in benefits from;- (a) a boost to housing supply via the provision of one self-build dwelling towards the local housing stock; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in Hardwick and the wider surrounding area; (c) the redevelopment of a vacant derelict site; and (d) local employment during construction. However, given that only one dwelling is proposed, I consider these benefits to be of limited value and that the adverse impacts of the scheme would outweigh these, when assessed against the policies in the development plan and other material considerations.
23. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

24. Although I have concluded that there is no harm in respect of the main issues relating to character & appearance and whether the scheme is in an appropriate location, I am nonetheless satisfied that the harm identified in respect of the main issue relating to living conditions is sufficient to still justify dismissal of the appeal.

25. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR