



Appeal Decision

Site visit made on 6 October 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/V0510/W/22/3293940

Land South East of 4 Meadowbrook, Aldreth

- 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. Death (Meadow Barn Developments Ltd.) against the decision of East Cambridgeshire District Council.
 - The application Ref 20/01295/FUL dated 2 October 2020, was refused by notice dated 3 September 2021.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the development on:
 - the living conditions of neighbouring occupiers;
 - the character and appearance of the area.

Reasons

Appeal site context

3. The appeal site is of an irregular shape and laid to grass with a number of mature trees, the latter of which are primarily located towards its southern boundary. It lies at the end of Meadowbrook, a 1990s cul-de-sac containing 6 large detached properties with detached double-width garages set on spacious plots with attractive soft-landscaped front gardens.

Living conditions

4. The north-east facing 2-storey side elevation gable would lie in close proximity to the shared boundary with No 3 Meadowbrook (approximately 2.2 to 2.6 metres) and be significantly higher than the dividing garden fence. As a consequence of this and the proposed dwelling's height of approx. 8.2 to the ridgeline, it would appear visually intrusive and oppressive to the occupants of No. 3 when using their conservatory and rear garden and dominate the outlook therefrom, which would be harmful to their living conditions.
5. The west-facing side elevation gable above the integral garage of the proposed dwelling would also be in close proximity to the boundary with No. 4 Meadowbrook. However, by reason of this being set well below the main roof

- ridgeline and being mostly screened from No 4 by its double-width garage which abuts the boundary, I am satisfied that it would not appear intrusive or oppressive to the occupants of this neighbouring property.
6. I recognise that some views might be possible from the first floor front and rear elevation windows towards neighbouring properties & their gardens that abut the flank boundaries of the appeal site, but I would consider the extent of overlooking to be limited due to the extent of intervening distances and no more significant than that which normally exists from other first floor front and rear elevation windows in built-up rural areas. I am therefore satisfied that no harm to the living conditions enjoyed by occupants of any neighbouring properties would arise in this regard.
 7. Similarly, I also consider there to be sufficient intervening distance between the scheme and neighbouring properties for there to only be a limited impact on the amount of diffuse daylight and direct sunlight enjoyed by the latter. I am therefore satisfied that no harm to the living conditions enjoyed by occupants of neighbouring properties would arise in this regard.
 8. Representations have also been made that vehicular movements to and from the new dwelling would result in harmful noise and disturbance to neighbouring properties. However, I am satisfied that the level of noise generated by future occupants would be consistent with the surrounding residential area and not be harmful to living conditions.
 9. Further concerns have been raised by residents over noise and disturbance from construction activities. However, the construction works would only be temporary and any significant noise and disturbance could be suitably controlled under environmental health legislation. Furthermore, I am satisfied that the front of the site would be able to accommodate a small number of vehicles during construction, but even if some overspill parking occurred on the road, this would only be temporary and subject to normal highway legislation.
 10. There is sufficient space within the site for vehicles to turn around and exit in forward gear with good visibility and I have noted the lack of any objections by the local highway authority. As a consequence, I am also satisfied that the limited amount of traffic generated by the scheme would not prove harmful to highway and pedestrian safety.
 11. In view of the above, I conclude that the development would appear visually intrusive and oppressive to the occupants of No 3 Meadowbrook, which would be harmful to their living conditions. The proposal would therefore conflict with Policy ENV2 of the Local Plan¹, which seeks, amongst other things, to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers.
 12. 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 users.

¹ East Cambridgeshire Local Plan, April 2015.

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

Character and appearance

13. Although the appeal site has a relatively small frontage compared with other houses on Meadowbrook, this is due to its inverted corner plot position where the boundary tapers out towards the rear of the site. It is of a comparable size to other plots in the road and the proposed dwelling would infill a gap in an otherwise built-up frontage at the head of the cul-de-sac. I also consider the set back of the building from the road to be acceptable as it would replicate the staggered frontage arrangement of Nos 4 to 6 Meadowbrook.
14. However, the built form of the dwelling extends almost the full width of the plot and incorporates an integral single garage with living accommodation above, unlike the existing pattern of development on Meadowbrook which is characterised by detached dwellings with a greater degree of undeveloped space around them and separate detached double-width garages. The development would therefore appear more cramped than others in the road and not be in keeping with the existing local development context. As a consequence, it would be harmful to the character and appearance of the area.
15. Although the proposed site layout shows that 2 trees would be removed, the tree protection plan reveals that there would in fact be 3. However, these trees are set well within the site away from its frontage and against the backdrop of other trees & vegetation to the southern boundary. In any event, I considered none to be of such quality and stature that they should be retained and protected. In view of this, whilst I would consider the loss of these trees to be regrettable, I would not consider this to be harmful to the character and appearance of the area.
16. In view of the above, I conclude that the scheme would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policy ENV2 of the Local Plan which seeks, amongst other things, to ensure that new development is designed to a high quality, complements local distinctiveness and has regard to the local context, and that the layout, scale, form and mass of buildings relate sympathetically to the surrounding area.
17. I also find that the scheme conflicts with Paragraphs 130 and 134 of the Framework, which seek, amongst other things: (a) development that is sympathetic to local character; and (b) schemes that maintain a strong sense of place; and (c) the refusal of development that is not well designed.
18. Despite the Council having referred to Policy ENV1 of the Local Plan in its reason for refusal, this is not applicable as it primarily relates to landscape character and not the character and appearance of new-build housing.

Other matters

19. Representations have been made by neighbours, supported by evidence within an ecological report, that the appeal site is used by Great Crested Newts and Bats and have accordingly raised concerns that the development would result in the loss of habitat for these protected species. Whilst I do not dispute the evidence put forward by neighbours and their appointed expert that such protected species do exist in the area, in considering the matter I have given significant weight to the lack of objections by Natural England and the Wildlife Trust, the latter of which has recommended a range of conditions to mitigate the scheme's impact and ensure the status of these species is maintained. As a

consequence, I would not have been minded to dismiss the scheme for this reason even if I had reached a different conclusion on the main issues above. However, in the event that any further applications are made for development on the site, the matter of protected species will need to be considered afresh by the Council in the light of the prevailing evidence, consultation responses, policy and legislative framework at the time, with particular regard to the type & scope of survey required and the time period for when it/they should be undertaken.

20. My attention has been drawn by interested parties to two previous applications which were refused by the Council in 1997³, the most recent of which was dismissed at appeal in 1998⁴. However, the design and layout of these previous schemes is materially different to that before me and furthermore, the site context has changed considerably since these were determined in that the central green area which was a feature of the original development and which the properties overlooked, has now been incorporated into the private front gardens of dwellings and enclosed by hedging. As a consequence, these decisions do not establish a precedent for the case before me. In any event, a significant period of time has elapsed since these decisions were made and planning policy has evolved accordingly. I have as a consequence assessed the proposal on its own merits in the light of all the evidence which is now before me.
21. Although concerns have been raised in respect of surface water drainage of the site, there are no objections from any professional consultees on this matter. If I had been minded to allow the appeal, I am satisfied that this matter could have been addressed by a suitably worded planning condition.

Planning balance

22. Although the Local Plan is over 5 years old, Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
23. Policy ENV2 of the Local Plan is broadly consistent with the Framework insofar as it relates to the main issues of the case and I am satisfied that the proposal conflicts with the development plan when taken as a whole.
24. 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.
25. I also recognise that the scheme would result in benefits from;- (a) the provision of one dwelling towards the local housing stock and Council's housing land supply; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in Aldreth and the wider surrounding area; and (c) 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

³ Planning applications 97/0103/F refused 17 April 1997 and 97/0452/F refused 28 August 1997.

⁴ Planning appeal reference no: T/APP/V0510/A/97/287858/P9 dated 24 February 1998.

these, when assessed against the policies in the development plan and other material considerations.

26. 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

27. 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