



Appeal Decision

Site visit made on 30 November 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal Ref: APP/W0530/W/22/3298403

11 Bury Road, Stapleford CB22 5BP

- 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 Steve Smith against the decision of South Cambridgeshire District Council.
 - The application Ref 21/02743/FUL, dated 11 June 2021, was refused by notice dated 8 November 2021.
 - The development proposed is erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the planning appeal form as this concisely represents the proposal.
3. It was requested that I view the appeal site from 13 Bury Road, and I was able to do so at my visit.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Density of development, with due regard to planning policy;
 - Whether the proposal would make suitable provision for car parking; and
 - The living conditions of neighbouring residents with regards to outlook.

Reasons

Character and Appearance

5. The appeal site is part of the rear garden of 11 Bury Road, which is one of a small terrace of cottages with gardens extending to the rear. The layout of the garden is relatively unusual, as it broadens to the rear. There is a public footpath to the rear running between the appeal site and adjacent plots, which would provide pedestrian access to the site.

6. The proposed dwelling would result in the sub-division of the existing garden, and would result in a single storey dwelling with a private garden located on the broader extent of the site.
7. There are a mix of types of dwelling in this area, including traditional cottages as well as housing estates of a more suburban character. However, the general character is of dwellings facing onto the vehicular highway with gardens extending to the rear. In particular, the majority of dwellings along this section of Bury Road have long rear gardens and the proposal would clearly conflict with this arrangement. Garden outbuildings and other features in the immediate area are not of a size and arrangement which justifies development of the nature of the appeal proposal.
8. Within this context, the proposed dwelling would appear as a contrived development inserted onto a backland site. The proximity of the proposal to the site boundaries on 3 sides would also add a cramped and overdeveloped character to the site.
9. There is no particular rhythm of development in the wider area, with housing plots being of varying sizes. However, even within this varied context, the constrained and overdeveloped nature of the appeal proposal on a backland site would be apparent as an incongruous feature within this area.
10. Due to its backland location, the appeal site is not widely visible from the public realm. However, the incongruous appearance of the proposal would be apparent from nearby properties as well as from the adjacent public pathway.
11. I therefore conclude that due to its siting and layout, that the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to policies HQ/1 and H/16 of the South Cambridgeshire Local Plan 2018 (the Local Plan) which together require that development of residential gardens does not lead to significant harm to the character of the local area. The proposal would also be contrary to the National Planning Policy Framework in respect of achieving well-designed places.

Density

12. Policy H/8 of the Local Plan specifies that development in Rural Centres such as that containing the appeal site should not exceed an average net density of 30 dwellings per hectare. As set out in the supporting text, one of the aims of this policy is achieving the right density of development for a location which is important to the character of a place. Based on the evidence before me, the proposal would result in a density of development which would exceed that set out in policy H/8.
13. Policy H/8 also states that the net density on a site may vary where justified by the character of the locality, the scale of the development, or other local circumstances. However, for the reasons stated in respect of character and appearance, the proposal would conflict with the character of the area due to reasons including the overdeveloped nature of the plot and the rear garden location. Even given the limited scale of the proposal, it would not reflect the character of the locality.
14. I therefore conclude that the proposal would lead to a housing density which would be contrary to policy H/8 of the Local Plan.

Car Parking

15. The appeal site would not include car parking within the site, and due to its backland location any cars associated with the proposed dwelling would be parked some distance away from the site. The Local Highways Authority has not objected to an increase in on-street parking on the basis of highway safety, but has referred to an impact upon residential amenity.
16. Notwithstanding the comments of the Local Highways Authority, the Council refers to the risk to highway safety from on-street parking pressure. However, on my visit I saw that the great majority of dwellings had dedicated on-site parking provision, and that there was ample on-street parking spaces available at the time of my visit. I am mindful that I visited the site during the day, when the peak demand for car parking in this residential area is likely to be in the evening and weekends. However, based on what I have seen and read, there is no evidence that this area is suffering from parking stress.
17. However, I consider that the comments in relation to the amenity of residents are well founded. Residents would expect car parking to be close to their dwelling for reasons of security and convenience. Policy TI/3 of the Local Plan also refers to the provision of minimum levels of car parking for people with impaired mobility, and the lack of a dedicated car parking space would not meet this aim.
18. The appellant submits that residents of the site would not be dependant on the private car, and highlights services in the area as well as public transport. However, although there are services within walking distance, these would not meet the everyday needs of residents of the proposal. Residents are also more likely to prefer access by private vehicle compared to public transport for reasons of convenience.
19. The appellant also refers to the exercise of choice by future occupants of the proposal, although there is no certainty that that choice will be to occupy the dwelling on a car-free basis. I am also mindful that the access needs of residents may vary over time, including in respect of limited mobility.
20. I therefore conclude that the proposal would not make suitable provision for car parking, with commensurate harm to the living conditions of future residents. The proposal would therefore conflict with policies TI/3, HQ/1 and H/16 of the Local Plan in respect of accessible and convenient car parking.

Living Conditions

21. The appeal proposal would be located in close proximity to the boundary with the rear garden of No 13. Although the rear garden of No 13 is relatively long, it is narrow and the proposed dwelling would be apparent as a building projecting above the boundary for a significant length of the garden. Due to its scale and location, the proposal would be an unduly obtrusive and oppressive feature in views from the rear garden of No 13, with significant harm to the living conditions of residents.
22. The proposal would also be located in relatively close proximity to the rear elevation of the host property. The gable wall would be apparent as an obtrusive and overdominant feature projecting above the boundary and extending across much of the width of the site, with significant harm to the outlook from the reduced rear garden and rear elevation of No 11.

23. The proposal would also be visible from the rear of 9 Bury Road. However, the proposal would be set back from the boundary, and due to this and the height of the eaves I do not consider that the effect on No 9 would be sufficient to warrant the refusal of planning permission.
24. Notwithstanding my comments in relation to No 9, I conclude that the proposal would lead to significant harm to the outlook of residents of Nos 11 and 13 due to its scale and location. Due to its overbearing impact, the proposal would be contrary to the amenity requirements of policy HQ/1 of the Local Plan.

Other Matters

25. The proposal would add to the supply and mix of housing in this area. However, the benefits arising from a single dwelling would be very limited and would not outweigh the significant harm I have identified.
26. The appellant submits that a building covering up to 50% of the curtilage could be built under the host property's permitted development rights. However, in this location, less than 2m from the boundary, the height limit for such a building would be restricted to 2.5m, which is significantly less than the ridge height of the appeal proposal. It has also not been established that there is a greater than a theoretical possibility that such permitted development may take place. This therefore does not lead me to a different conclusion in respect of the harm arising from the appeal proposal.

Conclusion

27. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR