



Appeal Decision

Site visit made on 12 December 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/W0530/W/22/3293907

41 Back Road, Linton CB21 4LG

- 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 and Mrs Arwyne Jones against the decision of South Cambridgeshire District Council.
 - The application Ref 21/04745/FUL, dated 29 October 2021, was refused by notice dated 24 December 2021.
 - The development proposed is erection of replacement dwelling and associated garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of replacement dwelling and associated garage at 41 Back Road, Linton CB21 4LG in accordance with the terms of the application, Ref 21/04745/FUL, dated 29 October 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The appellant has provided additional information as part of the appeal, including a bat survey and further photomontages. These documents do not materially alter the proposal before me, and the Council have had opportunity to comment upon them. I have therefore determined the appeal taking account of these documents.
3. The Council included a reason for refusal relating to the effect of the proposed development upon protected species as a result of insufficient information being provided. In this regard, the content of the subsequently provided bat survey is not challenged by the Council, which has indicated that it is no longer pursuing this reason for refusal. I have no other information before me to suggest that the conclusions reached in the provided bat survey and preliminary ecological assessment are not reasonable. On this basis, I agree with these conclusions, and consider that there would be no harm to protected species. Accordingly, this issue is no longer in dispute, and I have not considered it further in reaching my decision.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

5. The appeal site comprises a single detached dwelling sat within a residential garden situated in a corner location, at the junction of Back Road and Coles Lane within Linton. Back Road forms a route into the settlement and runs broadly parallel to High Street, to which it is linked by Coles Lane.
6. The character of the immediate area of Back Road within which the appeal site is located is characterised by twentieth century residential properties comprising a mix of bungalows, some of which are dormer bungalows. However, larger properties are also evident nearby on and around Coles Lane, including some modern additions. The house within the appeal site itself is of a distinctive timber construction but is in poor condition. Linton Parish Council suggests that the building and its architect have some historic significance, but no further details of this have been provided.
7. The appeal site is situated on a corner location and in an elevated position, as Coles Lane falls to the south. Although the site boundaries comprise mature substantial hedgerows and trees, the existing property is evident within the site from several views from Coles Lane and Back Road, through gaps and above existing vegetation.
8. There is an established building line evident on Back Road in the area surrounding the appeal site, however, the neighbouring property, 39 Back Road ('No 39') is set back from this line to a significant extent. The provided plans indicate that the proposed development would broadly reflect the position of No 39 in terms of addressing Back Road. Although this would mean that the proposed dwelling would be located marginally closer to Back Road than the existing property, it would nevertheless respect the position established by No 39, and would not harm the character of the area in this respect as a result.
9. In terms of the relationship of the proposed development to Coles Lane, it would also be sited closer than the existing dwelling to this boundary. However, there is no strong established pattern of development on this side of Coles Lane that would be interrupted or disrupted by the proposed development. Furthermore, the existing verdant character of this side of Coles Lane would not be unreasonably eroded. Where development would be located beyond the footprint of the existing dwelling, the existing mature and established vegetation would be retained, along with a degree of separation. Accordingly, in these terms, the proposal would not be harmful to the character of Coles Lane in this respect.
10. More generally, whilst I consider that the proposed development would respect existing established building lines, it would have a larger footprint, and would be located closer to those boundaries with public vantage points than the existing dwelling. As result, built development within the site would appear more prominent than the present dwelling. This would be accentuated by the elevated corner location of the appeal site, and despite existing vegetation, views of the proposal would be possible from both Back Road and Coles Lane, and in particular, from the junction of these streets.
11. Furthermore, I consider that the proposed dwelling would likely appear as an overall larger structure than that which currently exists. The appellant has sought to illustrate the difference in height and massing between the existing dwelling and that proposed. However, as there is no indication as to whether

these have been produced with regard to any recognised methodology for creating photomontages, I have afforded them little weight. Nevertheless, I consider that the varying roof heights and use of pitched roofs would result in a structure that would not appear as unacceptably bulky, monolithic or of excessive scale.

12. The proposed external materials of zinc and flint would differ from those predominant in the local area. However, they would be reflective of the contemporary design approach proposed and would also be muted in appearance. This would serve to reduce the prominence of the proposed development. Although the proposed development would present a different design approach to those existing buildings which would form its context, the immediate surroundings do not exhibit a strong, unique or historic character. As identified above, although views would be filtered, the proposed contemporary structure would be noticeable within the streetscene. However, the introduction of the proposed development, although visible, would not be unduly harmful.
13. The proposal would not result in harm to the character and appearance of the area. As a result, it would be in accordance with Policies S/2 and HQ/1 of the South Cambridgeshire Local Plan 2018 (SCLP) which together, and amongst other criteria require new development to protect and enhance the character of the area, be of a high quality and of distinctive character, include variety and interest within a coherent, place-responsive design, be compatible to its location, and provide strong visual relationships. It would also accord with The South Cambridgeshire District Design Guide Supplementary Planning Guidance (SPG) which states that new small-scale development should respect surroundings but also acknowledges the role of contemporary solutions and modern spaces where they are of appropriate quality, scale, materials, grain and elevational rhythm.

Other Matters

14. The appeal site lies outside of, but close to Linton Conservation Area (LCA). The main parties do not raise concern that there would be an adverse effect on the conservation area by virtue of harm to its setting. However, within representations, Linton Parish Council did raise concern that the proposed use of a zinc cladding and metal roof materials would not reflect the character of the LCA and would be visible on the skyline.
15. With regards to this, I consider that the proposed material palette is acceptable and is appropriate to the contemporary design of the proposed dwelling. Furthermore, the site lies within an area of clearly differing character to the LCA, which is characterised by, and derives significance from the historic linear layout of High Street, and the age and design of buildings along and immediately around it.
16. The appeal site is located such that it would only have a visual relationship with the very northern extent of the LCA where it extends along Coles Lane. Whilst it is possible that elements of the roof of the proposed dwelling would be visible from within the LCA, clear separation between the appeal site and the LCA is evident, as is the change in character beyond the LCA boundary. In addition, any views would amount only to filtered views of the roof structure. Accordingly, I consider that the effect of the proposed dwelling on the

significance of the LCA, including through impacts to its setting, would be neutral.

17. Linton Parish Council have also raised the possibility that the site may contain areas of archaeological interest, however I have not been provided within any substantive evidence with regard to this issue, and the Council have raised no concerns in relation to it. I have no compelling reason to reach a different conclusion to the Council.
18. I acknowledge concerns relating to the previous removal of trees at the site, however this falls outside the scope of consideration of this particular appeal. I have attached conditions relating to the implementation of the proposed soft landscaping scheme, and retention of existing trees and hedgerows within the site, which would adequately address the concerns raised in this regard.

Conditions

19. I have made amendments to the Council's suggested conditions, where necessary, in order to ensure clarity and compliance with the tests set out in Planning Practice Guidance (PPG) and the Framework. Where necessary I have received agreement from the appellant with regards to pre-commencement conditions in accordance with Section 100ZA(5) of the Town and Country Planning Act 1990.
20. I have made amendments to several conditions, including combining conditions where appropriate. With regards to construction management and biodiversity mitigation measures, the Council's suggested conditions contained duplicate requirements, and accordingly, I have consolidated such conditions by omitting duplication. I have amended the suggested landscaping condition in order to reflect that a soft landscaping scheme has already been provided.
21. In addition to the standard time limit condition, I have attached a condition requiring adherence with the approved plans in the interests of clarity and securing a satisfactory form of development in the interests of the character and appearance of the area.
22. I have attached a condition requiring details of foul and surface drainage in order to ensure that adequate provision is made in the interests of flood and pollution prevention. Although the application includes an outline drainage strategy, this will require further development. This condition also allows the Highway Authority's concern in relation to surface water run-off on to the highway to be adequately addressed without the need for an additional condition.
23. Details of refuse management measures are required in the interests of the amenity of the local area and to ensure adequate provision for recycling is made in the interests of managing climate change. Conditions requiring details of any boundary treatments to be agreed, to ensure that the specified external materials are used, and to protect trees and implement the landscaping scheme, are attached in the interests of the character and appearance of the area. The condition relating to the protection of trees is required to be pre-commencement in order to ensure that appropriate measures are installed prior to machinery or materials being brought onto the site.
24. A condition relating to the biodiversity mitigation and enhancement measures is attached in order to ensure that the development does not lead to harm to

biodiversity or protected species. A condition relating to the hours of construction is required in order to protect the living conditions of the occupiers of neighbouring residential properties. Pedestrian visibility splays are required in the interests of pedestrian safety by ensuring adequately visibility for vehicles leaving the site, and a condition has been attached in order to secure this.

25. I have not attached the Local Highway Authority's suggested condition relating to providing a turning area within the site as these details are provided on the submitted plans. As a result, such a condition would be unnecessary and fail to meet the tests set out in the Framework and PPG. I have also not attached the suggested conditions relating to restricting the maximum width of the driveway as I have been presented with no evidence to indicate why a 5m wide access would lead to unacceptable harm to highway safety, and therefore the condition is both unnecessary and unreasonable. The use of drop kerbs is a matter that would remain within the control of the Highway Authority and therefore, the suggested condition in relation to securing these is unnecessary.
26. The suggested condition relating to the removal of the existing vehicular access to Back Road and reinstating the highway has been omitted as the proposed access would appear to be in the same location, and as a result, such a condition would be unreasonable. Additionally, the suggested condition limiting the times that vehicles exceeding 3.5 tonnes may arrive at the site is unreasonable as the size of delivery vehicles, and the operation of any such vehicles may be beyond the control of site operatives.
27. Furthermore, given the modest scale of the development and the likely duration of construction works, the submission of a construction management plan, a traffic management plan, and the provision of on-site parking for contractors would also be excessively onerous where the level of deliveries and contractors is unlikely to be so significant that it would severely harm highway safety or operation.
28. I have also not attached the suggested conditions removing permitted development rights for further windows as it would also be unnecessary and unreasonable having regards to the context of the appeal site and location of neighbouring properties. Furthermore, the suggested condition relating to the use of the proposed studio building is also unnecessary. The Framework, at Paragraph 54, advises that planning conditions to restrict national permitted development rights should not be used unless there is clear justification for doing so. In any event, any material change of use of the studio building would remain within the control of the local planning authority, and accordingly I have not attached this condition.
29. I have also omitted the suggested condition relating to details of external lighting as consideration of this is included within the biodiversity mitigation measures, and as a result, such a condition would comprise duplication.
30. The suggested condition related to securing biodiversity net gain has not been attached as I have not been provided with evidence of any policy basis for doing so. Consequently, I cannot be satisfied that such a condition would be reasonable or necessary.

Conclusion

31. The proposed development would accord with the development plan as a whole, and there are no material considerations, including the Framework, that would lead me to conclude that a decision should be made other than in accordance with the development plan.
32. For the above reasons, and having had regards to all other matters raised, I conclude that the appeal should be allowed.

C Harding

INSPECTOR

SCHEDULE OF CONDITIONS

Time Limit

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Approved drawings

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 581 P3_01 Rev 03

Proposed Site Plan 581 P3_03 Rev 03

Proposed Site Sections 581 P3_04 Rev 01

Plot 1 Ground and First Floor Plan 581 P3_05 Rev 01

Plot 1 Elevations 581 P3_07 Rev 01

Plot 1 Existing Garage Replacement 581 P3_08 Rev 01

Soft Landscaping Scheme P1671-SLS01 V4

Pre-Commencement

- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 4) If any tree shown on the tree protection plan agreed in Condition 3 as to be retained is removed, destroyed or dies within five years of the first occupation of the dwelling hereby approved, another tree shall be planted at the same place and that tree shall be planted at the same place, and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Pre-Occupation

- 5) The dwelling hereby permitted shall not be occupied until works for the disposal of foul and surface water have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 6) The dwelling hereby permitted shall not be occupied until on-site storage facilities for waste and recycling have been provided to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority. The details to be submitted shall include the specific position of waste storage, a collection point within 10m of the kerbside, and the quantity of bins to be provided for waste, recycling, and garden and food waste.
- 7) Prior to the installation of any boundary treatments, details of these including position, design, materials and type of boundary treatment shall be submitted to and approved in writing by the local planning authority. Thereafter, the boundary treatments shall be installed in accordance with the approved details. Any gates shall be inwards opening and set back a minimum of 5m from the highway.
- 8) The dwelling hereby permitted shall not be occupied until pedestrian visibility splays of 2.0m x 2.0m have been provided each side of the vehicular access measured from, and along the highway boundary. Such splays shall thereafter be maintained free of obstruction exceeding 0.6m in height above the level of the adopted highway.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species.
- 10) The development hereby approved shall only be carried out in accordance with the ecological mitigation and enhancement measures set out in Chapter 6 of the document 'Preliminary Ecological Assessment of Land and Buildings at 41 Back Road, Linton, Cambridge, CB21 4LG: Survey Report 2020 Update' by Cambridge Ecology Ltd. Physical mitigation and enhancement measures shall be installed prior to the first occupation of the dwelling hereby approved and shall be retained thereafter.
- 11) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the plan 'Plot 1 Elevations 581 P3_07 Rev 01' and 'Plot 1 Existing Garage Replacement 581 P3_08 Rev 01'.
- 12) No construction site machinery or plant shall be operated, no noisy works shall be carried out, and no construction related deliveries taken at, or dispatched from the site except between the hours of 0800-1800 Monday to Friday, 0800 – 1300 Saturday, and not at any times on Sundays, Bank or Public Holidays.

**** END OF CONDITIONS****