



Appeal Decision

Site visit made on 9 February 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/W0530/W/22/3296898

Land West of Casa D Foseta, St Neots Road, Caldecote CB23 8AY

- 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 Michael Brereton against the decision of South Cambridgeshire District Council.
 - The application Ref 21/03211/FUL, dated 8 July 2021, was refused by notice dated 15 October 2021.
 - The development proposed is the erection of 2 No. dwellings and associated garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address and description of the proposed development from the Council's decision notice as this reflects the most accurate address location and more accurately describes the development proposed.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - whether sufficient information is available to assess the impact of the proposed development on trees; and
 - whether sufficient information is available to assess the impact of the proposed development on biodiversity.

Reasons

Character and Appearance

4. This section of St Neots Road close to the appeal site contains an open field and the A428 to the north. Notwithstanding the petrol station adjacent, the south side of St Neots Road is predominantly characterised by detached dwellings fronting the road. However, the buildings vary somewhat in appearance, and the layout is not entirely uniform, including some instances of accesses serving development set behind frontage buildings. During my visit, I observed many nearby dwellings front the road and those set further back are also strongly oriented to face the road. I also observed that the appeal site facing St Neots Road has a strong linear line of well-established mature trees that positively contribute to the streetscene.

5. The appeal relates to a parcel of land to the west of Casa D Foseta, a sprawling single-storey development set back but facing and accessed from St Neots Road. I note from both parties that a previous outline scheme¹ (outline approval) had been granted for six dwellings on the appeal site, with a number of plots having reserved matters approval. Permission for plots 1 and 2 which are the subject of this appeal, has since lapsed with this application now seeking full planning permission.
6. The proposed dwellings are 1.5 storeys in height and incorporate pitched gable elements and sloping roofs. Given the scale and varying design of nearby properties, the design of these dwellings would not look out of place within the surroundings. However, the proposed dwellings also have a large footprint in comparison with their corresponding plot sizes. The large footprint and the appellant's requirement for capturing solar orientation throughout the day results in the proposed dwellings being orientated at an angle facing the proposed access road into the site to fit within the plot.
7. Given, the positioning of the proposed dwellings, the angled orientation of plots 1 and 2 would jar with the nearby pattern of development found on St Neots Road, resulting in an incongruous form of development at odds with the linear layout of development that characterises this section of the streetscene.
8. The shared garage building that is also proposed would be sited between plots 1 and 2 and would face directly into the site matching plots approved under the outline approval. However, given its independent access from the host dwellings, the garage building would have a detached appearance. It would also be in very close proximity to plots 1 and 2 whilst being taller than the proposed dwellings. It would thereby compete visually with the proposed dwellings appearing incongruous between plots 1 and 2.
9. When the dwellings and garage buildings are considered in combination, they would result in a discordant, visually dominant, and cramped form of development, which would be harmful to the established rhythm of built development in this section of St Neots Road, which makes a clearly identifiable and positive contribution to the streetscene.
10. I conclude that the proposed development would significantly harm the character and appearance of the area. It would fail to accord with Policy HQ/1 of the South Cambridgeshire Local Plan (LP). This, in part, requires new development, to be compatible with its location and appropriate in terms of scale, density, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area. It would also be contrary to the National Planning Policy Framework (the Framework) where it states developments should be sympathetic to local character.

Trees

11. As I have set out above, there are mature trees on the appeal site within Plot 1 adjacent St Neots Road. The Appellant has also provided plans that establish which trees were to be removed and retained as part of the previous outline approval onsite, which I have considered within my reasoning. However, I note these plans are now somewhat dated and are unlikely to take account of the

¹ Ref: S/1524/16/OL

additional growth and spread of these trees that are relatively mature and tall. Particularly as they add to the verdant character of the wider area.

12. From the evidence before me, the Appellant has not provided information upon which an assessment of the effect of the proposal on trees, as they exist now, could be reasonably assessed. Without robust arboricultural evidence, I cannot be confident that development could be carried out in this location without adversely affecting these trees, and there is little to demonstrate that potential harm or unnecessary loss of trees could be effectively mitigated.
13. Given this uncertainty and that it relates to the proximity of the dwelling on plot 1, which is fundamental to the development proposed, I am not satisfied that it would in this case, be appropriate to defer consideration of this matter to a planning condition.
14. Accordingly, I am unable to conclude that the proposal would not result in the unnecessary removal or harm the health or condition of these trees. I find that the proposal would conflict with Policy NH/4 of the LP which seeks to conserve or enhance biodiversity. It would also conflict with paragraph 131 of the National Planning Policy Framework which seeks the retention of existing trees wherever possible.

Biodiversity

15. In addition to the mature trees, there are also areas that contain substantial vegetation, with the remainder of the site largely grassed over. The appellant has drawn my attention to a condition that was attached to the outline consent that dealt with preliminary ecology matters for the site. Nevertheless, the report that was provided with the outline application is of some age and cannot, in my view, be relied upon to establish if any protected species, priority species or priority habitats are now present on site.
16. From the evidence before me, the Appellant has not provided up-to-date information upon which an assessment of any protected species, priority species or priority habitats could be reasonably assessed. Without robust evidence, I cannot be confident that development could be carried out in this location without adversely affecting any protected species, priority species or priority habitats that may be present on site.
17. Given this uncertainty which covers the full appeal site, I am not satisfied that it would in this case, be appropriate to defer consideration of this matter to a planning condition.
18. Accordingly, I am unable to conclude that the appeal site does not contain any protected species, priority species or priority habitats. I find that the proposal would conflict with Policy NH/4 of the LP, which seeks to establish the extent of a potential impact on biodiversity. I find it would also conflict with the Framework, which sets out the principles for the determination of planning applications to protect and enhance biodiversity.

Other Matters

19. The development would offer potential benefits in terms of providing two new dwellings to the Council's housing stock. It would also have, environmental, economic and social benefits, through energy efficiency measures, employment opportunities during the construction phase of the development, and future

residents accessing and supporting local services. I have also taken into account that the proposal would allow for homeworking and additional accommodation for family. I have attached some positive weight to these factors. However, given the modest scale of the development, the weight attributable to these matters is limited and is not sufficient to outweigh the harm that I have identified and the conflict with the policies I have referred to.

20. Whilst I note the appellant's willingness to reduce the scale of the proposal, I must assess the proposal on the basis of the plans before me, which for the foregoing reasons, I find would cause harm. In this regard, I note that the 'Procedural Guide – Planning Appeals – England' (2016) advises that: "If an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application" (Annexe M.1.1). Accordingly, I have determined the appeal based on the drawings that were before the Council when it made its decision.

Conclusion

21. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
22. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR