



Appeal Decision

Site visit made on 7 February 2023

by **Emma Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th April 2023

Appeal Ref: APP/V0510/W/22/3304498

Site south east of 91 The Row, Sutton, Cambridgeshire CB6 2PB

- 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 S Turvill against the decision of East Cambridgeshire District Council.
 - The application Ref 22/00345/FUL, dated 18 March 2022, was refused by notice dated 13 May 2022.
 - The development proposed is the erection of one self-build dwelling and carport/workshop, siting and residential use of one mobile home for duration of works, and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one self-build dwelling and carport/workshop, siting and residential use of one mobile home for duration of works, and associated works at site south east of 91 The Row, Cambridgeshire CB6 2PB in accordance with the terms of the application, Ref 22/00345/FUL, dated 18 March 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. The site benefits from an extant planning permission for the erection of a new dwelling and associated works (Ref. 21/00714/VAR), which is a revised scheme following the granting of an earlier permission (Ref. 18/00748/FUL).

Main Issues

3. The main issues are the effect of the proposed development on i) the character and appearance of the area; and ii) the living conditions of occupiers of neighbouring properties, specifically 91 The Row (No 91) having particular regard to sunlight, outlook, noise and disturbance, and 89 The Row (No 89) having particular regard to privacy.

Reasons

Character and appearance

4. The appeal site comprises land to the rear of No 91, which was formerly part of its rear garden. It is separated from the remaining rear garden of No 91 by a fence, the ground levels slope away gently from the rear of No 91. The site lies on the edge of the village, where the character of the area is predominantly residential, with open countryside beyond.

5. Albeit of a fairly substantial scale, the height of the dwelling would be restricted due to the use of flat and shallow mono pitched roofs and its mass broken up by the varying heights, fenestration detailing, staggered elevations and use of different materials including timber and brick.
6. The proposal would be visible from The Row through the gaps between the existing buildings. However, as a consequence of the siting and height of the proposed dwelling, combined with the lower ground level of the site, the dwelling would not appear as a visually intrusive or anomalous feature in the street scene. Furthermore, whilst the appeal site lies on the edge of the settlement, the proposed dwelling would be comparable in scale to several of the 2 storey detached dwellings around it. Moreover, there is no obvious diminution of the scale of buildings towards the open countryside which adjoins the site, therefore the proposal would sit comfortably within the built form of the village and the lower land on which it would be sited.
7. There is no obvious consistency in the design or appearance of the surrounding dwellings in the immediate area, which include a range of architectural styles, ages and sizes. Nonetheless, from my observations, whilst most of the dwellings have pitched roofs, there is no consistency in design. The appeal proposal is of a contemporary design. While there are no references to local vernacular, it is a carefully designed dwelling which is visually interesting and would reflect the time in which it was designed. Given that there is no prevailing architectural style or theme in the existing built form in this part of the village, the proposed form and materials of the proposed dwelling would do no harm and simply add to the variety.
8. Whilst the development would be in close proximity to retained trees and hedges, I note that the Council's Tree Officer has not objected to the proposal subject to compliance with the submitted Arboricultural Impact Assessment, which indicates that the trees could be adequately protected during and after development.
9. For the reasons set out above I conclude that the proposal would not harm the character and appearance of the area. In that regard it would comply with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (the LP) which collectively seek to ensure that development proposals protect, conserve, and where possible enhance landscape and settlement character and achieve high quality design. The proposal would also accord with paragraphs 130 and 134 of the National Planning Policy Framework in so far as they seek well-designed development that complements the character of an area. The proposal would also reflect advice in the Council's Design Guide Supplementary Planning Document (2012) which among other things seeks to encourage development based on sound building principles, combined with innovation and excellence in design to ensure development is of a high quality.

Living conditions

10. The existing dwelling at No 91 is set to the front of the plot, with garden land extending to the sides and rear. The proposed dwelling would be located close to the rear boundary to No 91. Whilst the residential accommodation would be spread over 2 floors, as a consequence of the roof design the overall height of the building would be restricted. The rear elevation of the proposed building is staggered, with the central part being recessed. Furthermore, the part of the building closest to the boundary would be single storey and therefore lower in

height than the taller parts of the main building set behind it. This arrangement, together with the use of a combination of external materials would add variation and break up the overall mass of the rear elevation. Moreover, the rear elevation of the proposed dwelling would not extend the full length of the rear boundary to No 91, being set in from the side boundaries to the site and is at a lower ground level than the rear elevation of No 91.

11. In light of the above and as a consequence of the height of the building, together with the lower ground level and separation distance between the rear of No 91 and the proposed dwelling, the proposal would not appear as an unduly dominant feature when viewed from the rear of No 91. Nor would it have an overbearing effect on the outlook or result in a significant loss of light to No 91.
12. In addition, I note the appeal proposal would occupy a similar position on the site to the previously approved scheme for a 2 storey pitched roof dwelling with first floor accommodation in the roof space. The design of which includes an almost continuous ridge and eaves line, with a degree of relief provided by the slight stepping down of part of the building. Whilst the overall height of the proposed dwelling is comparable in height to the previously approved scheme, when compared to the pitched roof design, the flat and shallow mono pitched roofs proposed would increase the overall bulk of the building close to the boundary. Nonetheless, this would not give rise to a significantly greater effect upon the living conditions of No 91 in terms of outlook or sunlight than the extant permission. In any event I find the proposal to be acceptable.
13. With regards to concerns in relation to increased noise and disturbance as a result of the development, including the workshop/office, the proposed residential use of the site reflects the established residential character of the area. The proposal would therefore be appropriate to the site context in that regard. Furthermore, there is no substantive evidence to indicate that a single dwelling in this location would lead to excessive noise over and above a normal residential use. As such any impact of noise would be unlikely to have a significant effect on the living conditions of the occupiers of neighbouring properties.
14. One of the 2 windows in the side (east) elevation of the proposed dwelling, which are modest in size, would serve an en suite and would therefore be obscure glazed, the other is a secondary window in a bedroom which benefits from a larger opening and balcony to the front elevation of the property. Due to the orientation of the dwelling and the separation distance between it and the adjoining residential properties to the side the proposal would not result in any direct overlooking or loss of privacy to the occupiers of neighbouring properties, including No 89.
15. Furthermore, with regards to the mobile home, given that this is a single storey structure, together with the existing boundary fence, it is unlikely to give rise to overlooking of the adjoining properties.
16. For the foregoing reasons I find that the proposal would not give rise to significant effects in terms of noise & disturbance, nor would there be a demonstrable loss of privacy as a consequence of the development. As such the proposal would not interfere with the occupiers of the neighbouring properties right to respect for their private family life and home.

17. I therefore conclude that the proposal would not harm the living conditions of the occupiers of No 91 in relation to light, outlook or noise and disturbance, nor would it harm the living conditions of No 89 with regards to loss of privacy. The proposal would therefore accord with the high design aims of LP Policy ENV2, in so far as they seek to ensure development does not have a significant detrimental effect on the residential amenity of nearby occupiers. It would also comply with Policy NP3 of the Sutton Neighbourhood Plan 2017-2036 which supports development that does not have an unacceptable impact on the amenity of residents. It would also accord with the Council's Design Guide Supplementary Planning Document (2012) which requires development proposals to have regard to residential amenity and Chapter 12 of the National Planning Policy Framework which sets out that new development should achieve a high standard of amenity for existing and future users.

Other Matters

18. The specific circumstances that apply in this case are unlikely to be repeated elsewhere. Concerns about precedent are therefore not a significant consideration. In any case, given that I have concluded that the proposal would be acceptable, I see no reason why it would lead to harmful developments on other sites. In the absence of any particular evidence about ground conditions, there is no reason to conclude that the need for a retaining wall would have any adverse effect on land stability, including the existing boundary fence and site topography.
19. The Council has not raised an objection to the proposal with regards to flooding and water management measures, subject to the implementation of an appropriate drainage strategy, which can be secured through a planning condition, and I have no reason to disagree. I note that concern has been expressed regarding potential effects on an existing drain which crosses the site. However, this is a civil matter that falls outside of the planning regime, as would any historical covenants on the land.
20. Any disturbance during the construction period would be short-term and could be mitigated by a planning condition to secure the implementation of the submitted Construction Environmental Management Plan (CEMP).
21. Whilst the land was sold with the expectation that the extant planning permission would be implemented this does not prevent the appellant from now seeking permission for an alternative scheme, which, for the reasons set out above, I find to be acceptable in planning terms.

Conditions

22. I have imposed the standard condition limiting the period within which the development must commence, as well as a condition specifying the relevant plans, in order to provide certainty. Whilst some information is submitted, a condition requiring the submission and approval of details of external facing materials is necessary, in order to preserve the character and appearance of the area.
23. Given the proximity of the site to neighbouring dwellings a condition to ensure the development is carried out in accordance with the submitted CEMP is necessary, in order to protect the living conditions of the occupants of the surrounding dwellings during the construction phase. For similar reasons a

- condition regarding details of any piling, should it be necessary, is required as suggested by the Council's Environmental Health Officer.
24. The application was supported by an Arboricultural Impact Assessment. It is reasonable and necessary that the development is carried out in accordance with this information and that the appropriate protection is in place in order to both protect and enhance the natural landscape and biodiversity. A condition to secure the implementation of the submitted soft landscaping scheme is necessary in accordance with LP Policy ENV2.
25. Previously wildlife and biodiversity interests on the site were adequately protected by a planning condition and I have no reason to disagree with this approach. However, whilst details of a basic mitigation strategy have been provided as part of the appeal proposal, this is without the benefit of the supporting reports. As such, in order to ensure that protected species and biodiversity are adequately protected I have imposed a condition to secure a mitigation and enhancement strategy.
26. Having regard to contaminated land, while a condition requiring site investigation is not required, a condition relating to unexpected contamination is nevertheless necessary given the proposed residential use of the site in relation to previous uses of the site. A condition is necessary to ensure compliance with the surface water drainage scheme, as well as ongoing maintenance, in order to ensure that the development would not have any adverse effects in relation to flooding in the locality.
27. A condition to secure appropriate climate change and sustainability measures is necessary in accordance with LP Policy ENV4 which states all proposals for new development should aim for reduced or zero carbon development. In the interests of highway safety, a condition is imposed regarding the provision of adequate turning and parking space within the site.
28. I note concerns regarding the length of time it may take the appellant to complete the development and the suggestion of the imposition of a prescribed timeframe for its completion and removal of the mobile home. However, given the scale of the development and likely disruption, such a restriction would not be reasonable. Furthermore, the Planning Practice Guidance indicates that conditions requiring a development to be carried out in its entirety will fail the test of necessity.

Conclusion

29. For the reasons given, I conclude that the appeal should be allowed.

Emma Worley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21 819 3 001 P, 21 819 3 005 P Rev F, 21 819 3 010 P Rev E, 21 819 3 015 E Rev E and 006 STURVI.
- 3) Prior to their installation details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained as such in perpetuity.
- 4) The Construction Environmental Management Plan Ref. 21 819 005 P Rev D A1 shall be adhered to throughout the construction period for the development.
- 5) Prior to any piling taking place a Method Statement detailing such works shall be submitted to and agreed in writing with the local planning authority. Piling works shall be carried out in strict accordance with the approved Method Statement.
- 6) The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment Report by Argenta Tree Surveys Ref. ATS0187.4 V1 dated February 2022.
- 7) All planting, seeding or turfing comprised in the approved Soft Landscaping Plan Ref. P2 170322 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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 similar size and species.
- 8) Prior to the commencement of the development hereby approved, an ecological mitigation and enhancement strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall also include an implementation timetable. The works shall thereafter be carried out in accordance with the approved details and timetable and shall be retained in perpetuity.
- 9) Any contamination that is found during the course of the construction of the development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 10) Prior to the first occupation of the dwelling hereby permitted the surface water drainage of the site shall be completed in accordance with the submitted

details. The drainage system shall thereafter remain operational and shall be managed and maintained in perpetuity.

- 11) Prior to the first occupation of the dwelling hereby permitted a scheme of climate change and sustainability measures to be incorporated into the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and shall thereafter be retained.
- 12) Prior to the first occupation of the dwelling hereby permitted space shall be laid out within the site in accordance with drawing 21-819 3 005-P Rev F for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

*******end of conditions*******