
Appeal Decision

Site visit made on 30 June 2023

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 07 July 2023

Appeal Ref: APP/V09510/W/23/3315897

Hithertree House, Nornea Lane, Stuntney, Cambridgeshire CB7 5TT

- 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 Basil Jackson against the decision of East Cambridgeshire District Council.
 - The application ref 22/00996/FUL dated 22 August 2022 was refused by notice dated 5 December 2022.
 - The development proposed is the demolition of one dwelling and outbuildings and its replacement with one self-build dwelling and garage as well as associated infrastructure.
-

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of one dwelling and outbuildings and its replacement with one self-build dwelling and garage as well as associated infrastructure at Hithertree House, Nornea Lane, Stuntney, Cambridgeshire, CB7 5TT in accordance with the terms of the application ref 22/00996/FUL, dated 22 August 2022, and subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the area.
3. Hithertree House is a two-storey dwelling set within a countryside location with open fields surrounding it. Whilst there are two pairs of two-storey, brick dwellings in the vicinity and also agricultural buildings, the appeal property stands on its own and its design is appreciated as being unique to itself. It is currently surrounded by high hedging which obscures it from views from the roadside.
4. The proposed development is for a replacement dwelling of considerably greater floor area than the existing dwelling, though its overall height would be comparable.
5. Policy GROWTH2 of the East Cambridgeshire Local Plan 2015 (LP) permits replacement dwellings in the countryside subject to LP policy HOU8, which in turn, permits such replacement dwellings subject to certain criteria including

that *'the replacement dwelling is of a scale and design which is sensitive to its countryside setting'*.

6. Whilst the replacement dwelling would be considerably larger in its footprint than the existing dwelling, the policy does not require the two to be comparable in size. The criteria requires that the replacement dwelling must be sensitive to its countryside setting. Its countryside setting is an isolated one with open fields around it and there is no obvious or consistent architectural building style or scale.
7. The appellant considers that, in terms of widths and spans, the proposed development would be reflective of those in the nearest historic cottages. However, these buildings are not appreciated by passers-by in the context of the appeal site. The appeal site is screened from view and is experienced as a stand-alone site in the countryside.
8. It might be said that the proposed building, by its design and size, is quite different from the existing dwelling. However, the existing dwelling has no special architectural merit and, on its own, it cannot be said to represent the fundamental characteristics of the area as a whole and which is defined by its open countryside.
9. The design of the proposed dwelling with its proposed roof and its pattern of windows would form a not unattractive development. The dwelling would assimilate well within its plot and would not appear as an out of scale or incongruous form of development in the area.
10. Therefore, I conclude that the proposed development accords with LP policies GROWTH2, HOU8, ENV1 and ENV2, all of which require that proposed developments are sensitive to the character and appearance of the area within which they are located.

Conditions

11. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty.
12. In the interests of good design, it is necessary to impose a condition relating to external materials.
13. It is necessary to include a condition relating to parking in the interests of highway safety and also landscaping and boundary treatment conditions to protect the character and appearance of the area.
14. It is also necessary that I impose a condition relating to biodiversity enhancements.
15. I have no information before me to indicate that there are reasonable grounds for suspecting the presence of contaminants within the existing domestic area. I have not therefore imposed a contaminated land condition.
16. Paragraph 54 of the National Planning Policy Framework 2021 states that *'planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so'*. In this case, I do not find that there is clear justification for removing such permitted development rights.

Conclusion

17. For the reasons outlined above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR

Schedule of Conditions

- i. The development hereby permitted shall begin no later than three years from the date of this decision.
- ii. The development hereby permitted shall be carried out in accordance with the following approved plans: 363/SK10; 363/SK/11; 363/SK/12 and the red edged site location plan.
- iii. No above ground construction shall take place on site until details of the materials to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.
- iv. Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- v. Prior to first occupation or commencement of use, a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include planting plans, a written specification, schedules of plants noting species, plant sizes, proposed numbers/densities and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- vi. No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the occupation.
- vii. Prior to occupation, a scheme of biodiversity improvements shall be submitted to and agreed in writing by the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.