
Appeal Decision

Site visit made on 18 July 2023

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal Ref: APP/W0530/D/23/3316301

The Birches, Everton Road, The Heath, Gamlingay, Sandy SG19 2JJ

- 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 Mrs Melanie Skipper against the decision of South Cambridgeshire District Council.
 - The application Ref: 22/04022/HFUL, dated 8 September 2022, was refused by notice dated 2 December 2022.
 - The development proposed is a detached garage, store & annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the living conditions of the occupiers of 15 and 17 Everton Road (Nos 15 and 17) by way of visual impact, outlook and light; (ii) whether it would be an ancillary use to the host dwelling; and (iii) the effect on the character and appearance of the area.

Reasons

Living Conditions

3. The appeal site comprises an area of land to the side of a large dwelling which has been recently constructed. It also incorporates the site access. The land where the proposal would be sited contains earth mounding and rough vegetation. The common boundary with Nos 15 and 17 to the north-east is defined by close boarded fencing.
4. The side elevation of Nos 15 and 17 is orientated towards the site. For the most part, it is 2 storey and contains a clear glazed facing window at first floor level. At ground floor level, there is a single storey element that projects towards the boundary which itself contains a number of openings that look in the direction of the boundary. In between Nos 15 and 17 and the boundary, there is a side access and some trees which run alongside the fence.
5. The rectilinear footprint of the proposal would be sited so that it would present a long rear elevation facing Nos 15 and 17. The proposal would also be sited a modest distance off the boundary at up to a maximum distance of just over 3 metres (m). Around two thirds of the proposal would be 1.5 storeys, reaching a height of some 7.5m.

6. When its close proximity to the boundary is considered with its height and siting, it would have an undue visual impact on the parts of Nos 15 and 17 closest to it. The separation of around 8.6m to 10.7m to the side elevation would not be of sufficient distance to negate this concern, in particular with the number of openings it contains, whether or not these are the sole or the secondary windows for the rooms which they serve. The outlook would be decidedly disrupted and the overall effect would be an undue sense of overbearing on the boundary.
7. Nor would this detrimental effect be adequately addressed by the fence and the trees. The trees do not provide such a degree of coverage that they would lessen the effect to an adequate degree. This is evident by that the first floor window is easily visible from the site, as I observed on my site visit. The staggered form of this neighbouring property also does not alter the adverse impact that the proposal would have on the living conditions.
8. While not decisive on its own, there would be also some loss of light to Nos 15 and 17 during the evening times. The siting, height and proximity would likely impede light to the ground floor windows in particular. This would add to the overall level of harm to the living conditions.
9. I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of Nos 15 and 17 by way of visual impact, outlook and light. As such, it would not comply in this regard with Policy HQ/1 of the Council's South Cambridgeshire Local Plan (2018) (Local Plan) where it seeks to protect the amenity of occupiers from development that is overbearing, or results in a loss of daylight, amongst other considerations.

Ancillary Use

10. At ground floor level, the proposal would involve a garage/workshop, a garage/store and a games room. At first floor level, would be a kitchen/annexe area, bathroom and a bedroom. The garage facilities would be used for work on domestic motor vehicles and the games room would also be shared with the main house. These elements would be ancillary.
11. The first floor accommodation would provide for what could be said to be separate facilities. The appellant has though stated that they would be used by a family member and moreover it would be located in very close proximity to the domestic garage workshop use related to the host dwelling. A functional link would therefore exist and one which would seem to deter separate occupation. The parking could seem to equally serve the domestic garage workshop use as it would the living accommodation.
12. The degree of physical separation seems to reflect the proportions of the site, rather than any intention for it to be occupied as a separate unit. The appellant has also stated that it would not be a 'legally detached annexe'. If I was minded to allow the appeal, it is a matter that could be dealt with through the imposition of a planning condition.
13. I conclude that the proposal would be an ancillary use to the host dwelling. I am not persuaded that the level of self-containment would result in conflict in this regard with Policy H/13 of the Local Plan in as far as it would not create a separate dwelling or be capable of separation from the existing dwelling.

Character and Appearance

14. Everton Road consists of a linear pattern of development that extends along the same side of the road as the site for some distance. The forms of the dwellings are varied and there are a number of examples of what appear to be fairly recently built dwellings. This includes The Birches itself, which is a large and well-proportioned dwelling. A number of the dwellings contain outbuildings, in particular garages. Due to the level of development that has taken place, spacing between the dwellings is limited in places and the building line is largely indistinct.
15. The proposal, while sited nearer the road than the host dwelling, would be no further forward than a property at the end of a short terrace found to the north-east of the site. Accordingly, what prevailing building line there is would not be unduly diminished. Its large size for an ancillary building would still be less than that of The Birches and so it would be subservient to it. The scale would also be adequately mitigated by that it would project away from the road, as well as that the nearest part to the road would be single storey. It would not therefore create a visually intrusive projection within the streetscene to an unacceptable degree.
16. The separation distances between properties are no longer a particular aspect of the local context. The openness of the countryside therefore relates more to the land behind the development on this side of Everton Road, or the land opposite which is appreciably more open. The loss of the gap between the host dwelling and the boundary to the north-east would not therefore impact on openness to the degree that it would render the proposal unacceptable. In overall terms, it would not be an inappropriate design in relation to this issue.
17. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. Hence, it would comply in this regard with Policies HQ/1 and H/13 of the Local Plan where they concern high quality design and as appropriate to the scale and nature of development, it must preserve or enhance the character, and be appropriate in terms of scale, siting and design; and, that development will be permitted where it is in scale and character with the existing dwelling, and would not materially change its impact on surroundings, amidst other matters.

Other Matters

18. I note the rationale for the construction of the proposal and its intended use. However, the effect on living conditions would be marked for the reasons that I have set out and so I do not find the harm that would arise would be outweighed by these circumstances.
19. I have been referred to numerous other examples of development in the area, in relation to comparisons with what is proposed. A number of these are some distance from the site. Nonetheless, where I have found unacceptable harm as regards living conditions depends on a particular judgement of the site circumstances and the proposal. These other developments do not therefore alter my conclusion.
20. Interested parties in responding to the planning application raised a number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a

significant bearing on my decision. How the Council dealt with the planning application and issuing of the decision is not a matter for me to comment on in the context of the appeal, as this depends on my consideration of the effects of the proposal itself.

Conclusion

21. Whilst I consider the proposal to be not unacceptable with regard to its ancillary nature and character and appearance matters, the effect on the living conditions of the occupiers of Nos 15 and 17 would be unacceptable and is decisive. Accordingly, I conclude that the appeal should be dismissed.

Darren Hendley

INSPECTOR