



Appeal Decision

Site visit made on 6 June 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/D0515/W/22/3313051

Land at junction of Fold Lane and Kirkgate, Tydd St Giles PE13 5LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Carter against the decision of Fenland District Council.
 - The application Ref F/YR22/0674/O, dated 11 May 2022, was refused by notice dated 28 July 2022.
 - The development proposed is described as "Proposed 1no. dwelling (outline only)".
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Decision

1. The appeal is allowed and planning permission is granted for 1 no. dwelling (outline only) at Land at junction of Fold Lane and Kirkgate, Tydd St Giles PE13 5LD in accordance with the terms of the application, Ref F/YR22/0674/O, dated 11 May 2022, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Preliminary Matters

2. The application was submitted in outline for one dwelling with all matters reserved (access, appearance, landscaping, scale and layout) for future consideration. The appellant has submitted an indicative plan. This gives an indication of the site layout, siting of the dwelling and position of the proposed access. I have therefore taken this into account in so far as establishing whether it would be possible, in principle, to erect a dwelling on the site.
3. My attention has been drawn to a previous appeal decision¹ relating to the site. From the information before me the extent of the appeal site differed; with it being larger, including land not within the current appeal site boundary, and related to a different description of development for two dwellings. Accordingly, I do not consider the cases to be directly comparable. In any event, I have assessed this appeal on its own merits.

¹ APP/D0515/A/07/2056881

Main Issue

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

Reasons

5. The appeal site is a rectangular parcel of land which fronts both Kirkgate and Fold Lane. At the time of my site visit, I observed the site to be largely overgrown with a number of trees within it. Adjacent to the site is a substantial brick-built shed and a parcel of land which is landscaped.
6. The appeal site is located within the settlement of Tydd St Giles and is on a vacant plot of land within an otherwise built-up area. The size and shape of the appeal site would be similar to the adjacent property, Pitt Cottage, and properties on the opposite side of the road from the appeal site. Existing dwellings front Kirkgate and there are a number of dwellings which front Folds Lane, located to the south of the appeal site. The appeal site would be visible from both Kirkgate and Fold Lane. I consider that a dwelling on the site would reflect the existing pattern of residential development in the locality.
7. The removal of the vegetation on the site would not have a significant harmful effect on the character and appearance of the area. Landscaping for the proposed development is a reserved matter.
8. As property types vary in the locality, in terms of their scale and architectural style, including two-storey detached dwellings and single storey properties, I do not consider there to be a strong local identity to the built form. Whilst the application is made in outline only, I consider that the proposed development, including boundary treatments, could be designed in a manner which meets the aims of the Fenland Local Plan adopted 2014 (LP) such that the development would not adversely affect the streetscene and would make a positive contribution to the character of the area.
9. For the reasons set out above, I do not find that the proposed development would harm the character and appearance of the area. I therefore find no conflict with Policies LP12 and LP16 of the Fenland LP, which amongst others, requires development to be of a scale and in a location in-keeping with the core shape of the settlement.

Other Matters

10. The indicative plans suggest the property would be accessed via Folds Lane, however, the access and layout of the dwelling, including parking, would be determined at the reserved matters stage. Whilst concern has been raised by interested parties with regards to the effect of the proposed development on highway and pedestrian safety, I observed the visibility along Folds Lane and Kirkgate to be good. It is also of note that the Council does not object to the proposal on highway grounds. From the information before me, I find no evidence to indicate that the development could not be designed in a way that would meet the requirements for highway safety.
11. Interested parties have raised concern with regards to the potential for overlooking and overshadowing of existing properties and loss of outlook. The layout and appearance, including the fenestration, of the proposed dwelling would be subject to consideration at the reserved matters stage.

12. Given the scale and nature of the proposed scheme it would be unlikely to have a detrimental effect on local air quality, odour or noise. The Council raised no concerns in this regard, and based on the evidence before me, I have no reason to disagree.
13. I note the wildflower planting on the adjacent land; however, I have no evidence that this area would be affected by the proposed development. I note that the Council raised no concerns in this regard.
14. Third parties have raised concerns regarding the impact of the proposed development upon drainage and flooding. The Environment Agency and local drainage board raised no objection in principle to the proposed development in respect of drainage matters. I have no technical evidence to reach a contrary view on this matter.
15. Interested parties have stated that this area of the village has an important historical narrative. I note that the Council did not have any concerns in this respect. Based on the limited information available to me I see no reason to disagree.
16. Concerns relating to the ownership of the appeal site are not matters for me to consider as part of this appeal. I also note the concerns of interested parties regarding notification of the planning application by the Council. However, I can only deal with the planning merits of the case.
17. Interested parties have stated that acceptance of the proposed development would set a precedent for similar developments. I have considered the particular circumstances of the case on its own merits. Any such future proposals would need to be assessed on their own merits.

Conditions

18. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

R. Gee

INSPECTOR