



Appeal Decision

Site visit made on 1 September 2023

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

an Inspector appointed by the Secretary of State

Decision date: 18TH September 2023

Appeal Ref: APP/W0530/W/23/3318536

25, Home End, Fulbourn, Cambridgeshire CB21 5BS

- 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 Joanna Redstone against the decision of South Cambridgeshire District Council.
 - The application ref: 22/05229/FUL, dated 1 December 2022, was refused by notice dated 17 February 2023.
 - The development proposed is the demolition of an existing single storey bungalow, garage and various outbuildings and the erection of a pair of semi-detached houses and 1 bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the application by the local planning authority (LPA) the Fulbourn Neighbourhood Plan 2023 (FNP) has been made. The two main parties have been given an opportunity to refer to it in relation to the appeal proposal.
3. On 20 January 2023, the appellant submitted to the LPA tracking diagrams to illustrate vehicular manoeuvrability necessary to access and egress the proposed parking spaces. Amended tracking plans were submitted on 16 February 2023, one day prior to the date on the decision notice. The LPA has advised that its decision was based upon the plans as originally submitted. I have based my decision on the original tracking plans to prevent any prejudice to interested parties from a consultation point of view.

The Main Issues

4. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of the Fulbourn Conservation Area (CA); (ii) the effect of the development upon the setting of 15 Home End which is a Grade II listed building (LB); (iii) the effect of the proposal upon the living conditions of future occupiers in terms of car parking provision and amenity space and (iv) flood risk.

Reasons

Effect upon the CA

5. The CA includes an older core around the church and with ribbon development along the roads and lanes which lead to and from it. Buildings are of different ages with many dating from before 1800 though there is a general consistency of building heights and scale. Properties are typically constructed of brick or render, and where the latter has been used, buildings are nearly always painted white. Roofs are mainly double pitched with slate though others have pantile roofs and some are thatched. There are small landscaped areas dotted amongst the CA, often marking the meeting and division of the various roads and lanes within it. All these features add positively and distinctively to the significance of the CA as a whole.
6. The LPA considers that the appeal site is '*largely within the Fulbourn conservation area*' and that '*given its immediate context this is a significant part of the conservation area with a high density of positive buildings and views. The Fulbourn conservation area appraisal identifies the terraced houses immediately north of the site as important to the character of the conservation area.*'
7. The appeal site adjoining the two-storey terrace of dwellings includes a 1960's, white painted bungalow which aligns with the terraced properties. The proposed development includes the demolition of the bungalow and its replacement with a pair of semi-detached houses plus a new bungalow on what can be described as back-land development to the rear of the appeal site.
8. The proposed pair of semi-detached properties, by their setting, proportions, external materials and overall design, would be an enhancement to the character and appearance of the CA when compared to the present bungalow as it would be more in keeping with the adjoining two storey dwellings adjoining the site and that of the CA generally.
9. The proposed development of three dwellings would include provision for six parking spaces, divided up into three separate locations. The LPA considers that '*as the site is on a prominent corner, the views of 6 no. cars parked will imply that there are more houses within the wider plot than the three proposed*'. However, the spaces would be positioned somewhat removed from the public domain and this, together with their separation into three areas rather than being all combined into one larger site, would not cause harm to the character or appearance of the CA.
10. The proposed bungalow would include in part, a sedum, flat roof which is not typical of the CA. Even though the flat roof might not be visible from public viewpoints, its design and appearance would nevertheless detract from the character and appearance of the CA.
11. While I consider that much of the development would assimilate well into the CA and its environments, as currently proposed and for the above reasons, it would have a less than substantial adverse impact upon the CA. There are no identified public benefits sufficient to outweigh it.
12. Therefore, I conclude that the proposed development would conflict with policy NH/14 of the South Cambridgeshire Local Plan 2018 (LP), and chapter 16 of the National Planning Policy Framework 2021 (the Framework) which require

development to sustain and to enhance the historic environment. For the same reasons, it would not accord with policies FUL/06 and FUL/07 of the FNP.

Setting of the LB

13. No.15 Home End, which is separated from the appeal site by the terraced properties No'd 17 to 23 Home End, is a double fronted, two-storey, light green painted property with a thatched roof. Its setting is characterised by having no amenity space fronting its access, but with a relatively long space to the rear. The proposed development, by the replacement of the existing 1960's bungalow by a pair of semi-detached properties would, by its scale and design, enhance its setting. However, the proposed replacement bungalow, by its inclusion of a flat roof in part, would be harmful to its setting.
14. Therefore, I conclude that the proposed development would not accord with LP policy NH/14 or with chapter 16 of the Framework which require development to sustain and enhance the significance of heritage assets and their settings.

Living conditions - parking

15. The Highway Authority (HA) has not objected to the proposed development in terms of highway safety, subject to the inclusion of various conditions. However, the LPA is concerned about the suitability of the proposed parking spaces in terms of the manoeuvrability needed to access and egress them and from the point of view of their convenience and suitability for their users in this regard. It is also concerned that the tracker diagram shows that some spaces can only be accessed by overriding the adjoining parking space and amenity land. I have been able to see that this is the case in at least one instance. The officer report states that the HA shares these concerns, though I have no written confirmation of this. Furthermore, I have no information before me as to the size of vehicle used in the production of the tracking plans.
16. The appellant concedes that *'we accept that as initially illustrated, tracking diagrams showed in some instances that vehicles would overhang adjacent parking spaces and landscaped areas'*. I have previously concluded, in order to prevent any prejudice to interested parties, that these and not later tracking plans, should be used in the determination of the appeal.
17. On the evidence before me, I cannot conclude with sufficient certainty that all of the spaces would be accessible at all times. Even if they were, I consider that their affect upon manoeuvrability would be likely to be inconvenient to their users and would not represent good design. Therefore, I conclude that the proposed parking arrangement would fail to provide both adequate on-site parking and a high quality design, contrary to paragraphs 104(e), 130(d) and 134 of the Framework and policies HQ/1(h) and H/16(v) of the LP.

Living conditions – amenity spaces

18. The South Cambridgeshire District Design Guide Supplementary Planning Document (2010) (SPD) considers that a three-bedroom dwelling should have a minimum of 80 square metres of amenity space. Proposed plots 1 and 2 have some of their amenity spaces which are physically separate from the proposed dwellings such that the LPA considers that such spaces should not be included in the calculation, meaning that their available spaces each should be considered to be some 64 square metres.

19. However, the separated spaces would be available to the occupiers of dwellings No'd. 1 and 2 and they are not so remote from the dwellings as to be unusable. It is not unusual for amenity space to be separately located in this way. I also consider that access to the spaces from and to the dwellings would not cause any great inconvenience.
20. Therefore, I conclude that the provision and availability of amenity spaces would accord with the SPD, and also with policy HQ1 of the LP and paragraph 130 of the Framework with regard to the need for high quality development. LP policy H/16 is concerned with the use of existing private garden land and is not pertinent to the matter in hand.

Flood risk

21. The Flood Risk Assessment (FRA) which accompanies the appeal states that '*NPPF Technical Guidance(TGNPPF) classifies the flood risk vulnerability of the proposed development as 'more vulnerable'.* However, the TGNPPF was withdrawn in 2014, to be replaced by the Framework.
22. The LPA considers that a small area of the appeal site is at risk of flooding to a depth of 900mm, though neither the LPA nor the submitted FRA includes a plan of the area which might be at risk, nor is it clear as to the degree of risk when compared to the categorisation used by the Environment Agency (EA) in terms of zones 1-3. I do not have any comments from the EA or from the Lead Flood Risk Authority.
23. The Framework (2021) refers to the need for a sequential test and, if necessary, an exception test. While the FRA refers to these matters, there are no details of any application of the tests or reasons why they should not be applied in this case.
24. The appellant considers that the flood risk can be adequately overcome by the inclusion of a condition relating to finished levels. However, without a plan showing the area possibly affected, and the relative degree of the risk according to the EA classification, plus details of the application of a sequential and exception test, as may be necessary, I cannot be certain that the issue of flood risk has been adequately addressed. Planning Practice Guidance (PPG) states that '*even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied*'.
25. Therefore, on the evidence before me, I conclude that the proposed development would not accord with LP policy CC/9 and Chapter 14 of the Framework, both of which are concerned to manage the possibility of flooding by adopting a suitably precautionary approach to the matter.

Conclusion

26. While I have concluded that the proposed development would generally assimilate well into the CA including the availability of amenity spaces, I have also concluded that, overall, by the inclusion of a part-flat roof for the proposed bungalow, it would not preserve or enhance the CA and would fail to preserve the setting of the adjacent LB. I have also not been able to conclude that the proposed parking provision would be either suitable or convenient for the use

of the occupiers of the dwellings, or that the issue of flood risk has been fully addressed.

27. For the above reasons, the appeal should be dismissed.

S. Hartley

INSPECTOR