



Appeal Decision

Site visit made on 10 October 2023

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2023

Appeal Ref: APP/H0520/W/23/3321305

165 Broadway, Yaxley, Peterborough PE7 3NT

- 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 Woodhouse Developments Limited against the decision of Huntingdonshire District Council.
 - The application Ref 23/00107/FUL, dated 18 January 2023, was refused by notice dated 23 March 2023.
 - The development proposed is erection of a bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 165 Broadway, with particular regard to private outdoor amenity space.

Reasons

Character and appearance

3. The appeal relates to part of the rear garden of 165 Broadway which, as the property is on a corner plot, fronts onto Middletons Road. The appeal site itself has been fenced off from the main property and has an unmaintained appearance.
4. A bungalow would not appear untoward in the street scene in principle. Indeed, the neighbouring property at 71 Middletons Road is a bungalow and there are others elsewhere along the street. However, it would be immediately obvious that the dwelling had been introduced into a highly constrained plot. This would be particularly discernible to passers-by through the limited space to the rear of No 165, which would appear disproportionately small compared to the size of the dwelling. Even if there would be some space between the two buildings themselves, No 165 would no longer sit comfortably in its plot. The space between the dwelling and No 71 would also not be significant, adding to the overall impression of an unduly cramped form of development.
5. The shallow nature of the plot, particularly compared to that of No 71, would also result in an uncharacteristic pattern of development. While the longer gardens of No 167 and other similar semi-detached dwellings on Broadway may only be discernible in glimpsed views from the street, the incongruous

nature of the development would still be readily apparent from the private views of neighbours.

6. The constrained nature of the plot has also resulted in a need to bring the front building line out beyond that of the neighbouring bungalow. This would break the broadly linear layout of the street, creating a somewhat contrived appearance that would accentuate the discordant nature of the development.
7. The development would therefore result in a cramped and incongruous form of development that would unacceptably detract from the character and appearance of the area. It would therefore conflict with Huntingdonshire Local Plan (LP)(2019) policies LP11 and LP12 which seek, amongst other things, to ensure development responds positively to its context and are well designed. It would also conflict with paragraph 130c of the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character. The Council has referred to the National Design Guide in its reason for refusal. The development would not relate or respond well to the local context or character, thus would be contrary to objectives C1, I1 and I2.

Living conditions

8. No 165 is a relatively large semi-detached family dwelling. Although currently fenced off, the site was originally part of the larger garden serving the dwelling. This is consistent with other similar dwellings which front onto Broadway. The plans suggest that the gardens of No 165, No 167 and No 169 have previously been reduced in size to accommodate the bungalow at No 71. The gardens for these dwellings remain a reasonable size, however.
9. In this case, the development would leave only a very small private area immediately to the rear of the No 165. There is other amenity space to the front and side of the dwelling. That to the front is screened to some degree by existing trees and shrubbery. However, it is unlikely that occupants would utilise this space for such things as sitting out as the vegetation would not provide much in the way of privacy or security. The area to the side of the dwelling is mainly taken up with parking and outdoor storage. As with the front space, it provides no degree of privacy and would not be suitable for sitting out, play or for such practical things as hanging washing.
10. The only defensible space would therefore be that immediately to the rear of the property. This constitutes a very small area that would be squeezed between the rear of the dwelling and the tall fence bounding the appeal site. This is unlikely to provide sufficient space to satisfy the needs of a family. It is also likely to be a tight, enclosed space which could create an unacceptably oppressive environment. Taken together, I do not consider the scale or nature of the outdoor amenity space retained would be commensurate with the needs of a family dwelling.
11. No garden space standards have been drawn to my attention. However, this does not mean that any size of garden should be considered acceptable in principle. It is still necessary to consider whether it would be sufficient to provide a satisfactory living environment. As I have not been provided with any detailed examples for comparison, I cannot accept that the remaining garden space would be similar to new build development or what the Council may have accepted elsewhere.

12. In the event the appeal were allowed then future purchasers of the property would obviously be aware of the size of garden available. However, national and local planning policies require development to have a good standard of amenity. The concept of 'buyer beware' does not abdicate decision makers from the responsibility of ensuring living standards are acceptable for all potential occupants. While I acknowledge the current residents of No 165 might be content with the amount of space provided, I must have regard to the long term and ensuring that living conditions for all potential future occupiers is of a good standard.
13. It has been suggested that the garden space could be similarly reduced through permitted development for outbuildings associated with the dwelling. No details have been submitted illustrating what could be achieved and how this would affect the space provided. As such, I have given this little weight.
14. The development would result in a deficient amount and quality of private amenity space for the residents of No 165, to the detriment of their living conditions. This would conflict with LP Policy LP14 which seeks, amongst other things, to ensure development provides a high standard of amenity. It would also conflict with paragraph 130f of the Framework which similarly seeks to ensure development provides a high standard of amenity for existing and future users. The Council has referred to the National Design Guide in its reason for refusal. For the same reasons given above, the development would not comply with objectives B1, H1 and H2, which seek to ensure development functions well and provides quality of life for the occupants.

Other Matters

15. Residential development is acceptable in principle in this area, and it would make a small contribution to the housing land supply. There would be some limited associated social and economic benefits.
16. No other harm has been identified in terms of such things as garden space for the dwelling itself, internal space, flood risk or highway safety. However, a lack of harm is neutral and weighs neither for nor against the development. A Unilateral Undertaking has been submitted in relation to refuse storage. However, as this would only provide mitigation for the impact of development, it adds no weight in favour of the proposal. I have noted the support from the Parish Council, but this does not alter my overall conclusion on the acceptability of the development. I also acknowledge that the appellant has amended the scheme from a previous proposal to seek to address the Council's concerns. Nevertheless, I must consider the details before me.
17. In conclusion, the development conflicts with the development plan as a whole. I do not consider the material considerations set out above are sufficient to outweigh this conflict.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR