



Appeal Decision

Site visit made on 20 September 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal Ref: APP/W0530/W/23/3320378

44 Broad Lane, Haslingfield, Cambridgeshire CB23 1JF

- 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 Baccarella & Snelling of Stellco Developments LTD & The Snelling Family against the decision of South Cambridgeshire District Council.
 - The application Ref 22/04371/FUL, dated 20 October 2022, was refused by notice dated 3 February 2023.
 - The development proposed is the demolition of dwelling and erection of five dwellings with associated garaging, formation of private driveway, and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans have been submitted by the appellant since the Council's decision, which include amendments to the design of Plot 5 to omit two first floor windows in the west side elevation and replace one dormer with two rooflights in the west roof slope. The Council have advised that the amended plans would resolve the overlooking concerns raised in respect of reason for refusal two and therefore, there is no longer a dispute between the parties in regard to this matter.
3. I have considered the amended plans on the basis of the *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2017) EWHC 2823 judgement. As the amended plans do not relate to substantive changes to the overall scheme, I consider no interested party would be prejudiced by considering such plans. I have therefore had regard to the amended plans in reaching my decision.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and,
 - The effect of the proposed development on the living conditions of neighbouring occupiers of No 46 Broad Lane, No 48 Broad Lane, No 113 New Road and No 1 Dodds Mead, with reference to privacy.

Reasons

Character and appearance

5. The appeal site comprises No 44 Broad Lane (No 44) and its large rear garden area. The appeal site is generally surrounded by residential properties to all sides and is within Haslingfield village. Although there is a variety of house design and scale within the village, immediately surrounding the appeal site, Nos 1 and 2 Dodds Mead and 113 New Road are single storey bungalows and there is a row of modest sized 1.5 storey chalet style dwellings along Broad Lane, of which No 44 is an integral part.
6. Most dwellings surrounding the appeal site are set within fairly large sized plots, creating a low-density character to the area. The proposed large dwellings in comparison would have smaller building to plot ratios than that found typically within the immediate area, particularly when compared to other large two-storey detached properties, such as the extended property at 115 New Road. Whilst the detached 2-storey properties at 3-6 Dodds Mead are more compact and have smaller building to plot ratios, this does not significantly influence the prevailing character of the immediate setting of the appeal site.
7. Proposed plots 1 to 4 would not appear unduly prominent directly from Broad Lane, as appreciated from the CGIs, due to their significant setback and siting to the rear of existing properties. However, due to the scale, massing, and position of Plots 3 and 4, they would appear overly prominent from the public footpath that runs between New Road and Dodds Mead.
8. Despite the existing boundary treatments and vegetation on the edges of the appeal site, Plot 3 would also appear overly prominent from New Road, due to the significant gap between existing properties along New Road and given that it would have a large bulky design, with high-pitched roof and end gables. The large scale, bulky appearance, and siting of Plots 3 and 4 would be discordant with the character and scale of properties immediately surrounding the site, particularly as they would be seen in the context of the modest single storey bungalows at 113 New Road and 1 & 2 Dodds Mead.
9. Due to the overall scale of Plot 2, including its roof height and design, this dwelling would only be glimpsed from the street scene in New Road, in the gap between 111 and 113 New Road. Plot 2 would not therefore appear unduly prominent from New Road or other public vantage points. In addition, the CGIs demonstrate that Plot 2 would not appear overly prominent or visually harmful from Broad Lane, due to the significant setback from the road.
10. Plot 1 would be located directly behind 46 and 48 Broad Lane. Due to its design stepping up from single storey to 2-storey going away from Board Lane, this would break up the bulk and massing of the property and help to assimilate its form into the surrounding context of the immediate area. This property would not therefore appear overly prominent from public vantage points. Plots 1 and 2 would not therefore be harmful to the visual amenities of the surrounding area.
11. Plots 2-4 would have closer distance separations between each other and to surrounding existing neighbouring dwellings, than that typical of existing dwellings surrounding the site. This in combination with the proposed plot

density and the scale and mass of some of the plots would give the appearance of a cramped form of development compared to the prevailing character of the immediate surroundings.

12. I observed the examples of extended dwellings and new dwellings in the local area, including at 15 Broad Lane; 115 New Road; 3 Butler Lane; and 45 Church Street. However, I find these are not directly comparable to the appeal site context, nor the proposal, as there are differences in respect of their setting, scale, and relationship to surroundings.
13. Although 15 Broad Lane has a similar ridge height to some of the proposed dwellings, it is further away on the opposite side of Broad Lane, with differing character and form to that proposed and, furthermore this property is seen against the backdrop of extensive vegetation on the adjacent site. Unlike the proposed dwellings, 115 New Road is set within a wider and larger plot and fronts onto an existing highway. The properties referenced in Butlers Lane and Church Street are large properties within the village but, are much further from the appeal site. These other sites have therefore had limited influence on my assessment of the appeal proposal.
14. Drawing my findings together, the combination of the scale, mass, and density of Plots 2, 3, and 4 would result in a cramped form of development and, due to the over prominence and scale of plots 3 and 4, the proposal would be at odds with its immediate setting in this part of the village.
15. Having regard to the above, I conclude on this issue that, the proposed development would have a harmful impact on the character and appearance of the surrounding area. The proposal would therefore conflict with Policies HQ/1 and H/16 of the South Cambridgeshire Local Plan (SCLP) which, amongst other matters, require development to respect the character of a local area and be of appropriate scale and design.

Living conditions

16. The provision of only two small rooflights in the side roof slope of Plot 5 facing 46 and 48 Broad Lane, well above floor level and serving an ensuite bathroom, would prevent unacceptable overlooking towards these neighbouring properties.
17. The principal private rear garden of 113 New Road is immediately to the rear of Plot 2. Whilst No 113 has two garden areas, the second area to the side of the property has open aspects to public vantage points and therefore is not private. Plot 2 would have three first floor bedroom windows in the rear elevation facing toward the rear garden, with only a short separation of approximately 11 metres between the proposed windows and the shared boundary. This close relationship would result in undue overlooking to the private rear garden of No 113. Whilst there are mature hedges along the boundary, there are some gaps in the vegetation. It is therefore likely that overlooking would occur above and through gaps in this vegetation.
18. Notwithstanding that the rear garden would be overlooked, the rear elevation and windows in Plot 2 would be at an oblique angle to the rear elevation of No 113. Also, the separation would be more than the 25 metres minimum window to window requirement set out within the Council's adopted Sustainable Design

- and Construction Supplementary Planning Document (SPD), and so there would be no unacceptable overlooking into the rear habitable rooms of No 113 itself.
19. Plot 4 would have a short rear garden compared to other large dwellings in the local area and the dwelling would have three first floor bedroom windows facing towards 1 Dodds Mead (No 1). No 1 is a bungalow which has one of its main private garden spaces to the side nearest to the appeal site. The garden of No 1 is of a short width and there are existing windows in the elevation of No 1, which face towards the appeal site, including a bedroom window. The appellant explains the windows in the rear of Plot 4 would be approximately 19.5 metres away from the bedroom window in No 1, and views would be filtered by trees and vegetation along the intervening footpath. However, in my view overlooking would occur through the gaps in the boundary vegetation and, due to the first-floor position of the proposed windows and relationship to the garden of No 1. This would likely create a feeling of over intense overlooking.
20. The existing intervening vegetation along the boundary of the appeal site nearest No 1 would not significantly reduce overlooking from Plot 4 into the garden and windows of No 1. This is because the proposed windows would be at first floor level in relatively close proximity to No 1 and that, all of the vegetation would not be in leaf all year round. I have had regard to the line-of-sight analysis provided by the appellant in their final comments. However, the section does not appear entirely consistent with the topographic survey data in relation to No 1 and, I cannot verify the thickness of shown heights of the boundary vegetation in any event. The line-of-sight analysis does not therefore resolve my concern that unacceptable overlooking of No 1 is likely to occur.
21. In view of the above, whilst the scheme would have an acceptable effect on the living conditions of the occupants of Nos 46 and 48 Broad Lane in respect of the proposed amended plans for Plot 5, I conclude there would be an unacceptable effect on the living conditions of the occupants of 113 New Road and 1 Dodds Mead with reference to privacy. The proposal would therefore conflict with Policy HQ/1 of the SCLP, which amongst other matters, requires development to protect the amenity of occupiers of surrounding uses from overlooking.

Other Matters

22. The appellant highlights that much research, innovation and thought has been put in by them to seek an appropriate design for the proposed development. Ultimately however, I have found that the proposal would not meet sufficient standards of design with reference to its effects on local character and neighbouring residents in regard to some of the proposed dwellings.

Conclusion

23. I have had regard to the benefits of the proposed scheme, including the social and economic benefits of delivering four additional dwellings which would contribute towards the vitality of this rural community. However, such benefits do not weigh sufficiently against the conflict I have found in relation to the development plan and, there are no other material considerations, including the National Planning Policy Framework which would overcome such conflict.

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

C Billings
INSPECTOR