



Appeal Decision

Site visit made on 19 September 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2024

Appeal Ref: APP/W0530/W/23/3314131

39A and Lion Works, Station Road West, Whittlesford CB22 4NL

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Best against the decision of South Cambridgeshire District Council.
- The application Ref 21/02476/REM, dated 27 May 2021, sought approval of details pursuant to condition No 1 of a planning permission Ref S/0746/15/OL, granted on 14 August 2018.
- The application was refused by notice dated 6 July 2022.
- The development proposed is redevelopment of the site for residential use.
- The details for which approval is sought were originally described as: 'Details of all matters reserved by Condition 1 of the outline planning permission (S/0746/15/OL) to provide 75 residential units, together with demolition of 39a Station Road West and formation of new access road'.

Decision

1. The appeal is dismissed, and approval of details required by a condition is refused, namely: access, appearance, landscaping, layout and scale details submitted in pursuance of condition No 1 attached to planning permission Ref S/0746/15/OL dated 14 August 2018.

Preliminary Matters

2. Notwithstanding the description on the planning application forms which is set out in the banner heading above, the plans upon which the local planning authority (LPA) based its decision proposed 66 dwellings comprising of 13 houses and 53 flats. I have assessed the appeal on the same basis.
3. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Chapter 12 of the Framework seeks to achieve 'well-designed and beautiful places'. I have found under the first main issue that the proposal is not well-designed and would be harmful to the character of the appearance of the area. The expectation that development that is not well-designed should be refused has been carried forward from the old Framework. Therefore, it has not been necessary to seek the views of the main parties in respect of the revised Framework.
4. Revised drawings have been provided with the appeal submission which alter the internal layout of some of the flats so as to comply with the internal space requirements of Policy H/12 of the South Cambridgeshire Local Plan (2018) (LP). These drawings also show amendments to the external balconies of flats

in proposed Building D and modifications to include windows serving the rear bedrooms of Flats E.1.2 and E.1.3 in Building E at first floor level. Finally, the amendments propose that the first-floor windows on the eastern elevation of Building E be obscure glazed. In these respects, the revised drawings do not make any substantive changes to the layout or appearance of the proposed buildings. Therefore, having regard to the Holborn Studios Ltd judgement¹, no party would be prejudiced by me taking these revised drawings into account as part of my considerations.

Background and Main Issue

5. The appeal site benefits from outline planning permission granted in August 2018², which established that the site was suitable for residential development with all matters reserved for future approval. The reserved matters application, which is the subject of this appeal, seeks approval for the access, appearance, landscaping, layout and scale of the development as required by condition No 1 of that permission. Based on the LPA's reasons for refusal, the main issues are whether or not the details submitted to address the requirements of the condition are acceptable with particular regard to:
 - (i) the effect on the character and appearance of the area, including landscape character; and
 - (ii) whether acceptable living conditions would be provided for occupiers of the development.

Reasons

Character and appearance

6. The appeal site is previously developed land comprising of a detached bungalow at No 39A Station Road West and land to the rear of this which has an established use as a scrap yard. The scrap yard has a discreet presence on Station Road West and within the wider landscape. This is due to its position at a lower level to the adjoining agricultural land to the north and west and the mature vegetation to its boundaries.
7. The site is situated next to Whittlesford Park railway station. The area in the immediate vicinity of the railway line is characterised by a mix of residential, industrial and commercial development. However, the railway line segregates Station Road West from the main focus of the industrial and commercial development. As one moves away from Whittlesford Parkway station and a neighbouring veterinary practice, the remainder of Station Road West is tree lined with grass verges and hedges and is predominantly characterised by dwellings of modest height and traditional design, often set within generous plots. This makes for a low density and attractive residential environment at Whittlesford Bridge.
8. The quantum of development was not fixed at the outline stage. The site plan that formed part of the outline application showed an illustrative layout for 60 dwellings. Whilst only indicative, this envisaged 18 flats towards the site's eastern boundary with the remainder of the site being developed to provide individual dwellings, some of which would be detached. The plots in that

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

² LPA Ref S/0746/15/OL

instance did not mimic the generally more spacious plots on Station Road West. Even so, they indicated that the envisaged scheme would provide scope for buildings to be predominantly set back from a spine road and that front gardens would serve individual dwellings. All buildings were also shown to have pitched roof forms. Therefore, the indicative details would have given a reasonable expectation that such aspects would guide the detailed design.

9. Furthermore, Policy H/8 (Housing Density) of the LP confirms that housing density on a site may vary from the average net densities sought in the LP where justified by the character of the locality, the scale of the development, or other local circumstances. In that respect, the appellant acknowledges that the indicative layout showed amongst other things a dense layout close to the northern and western boundaries and no meaningful areas of public open space (POS). The appellant also recognises that a high proportion of the indicative outline layout consisted of circulation space, roads and parking areas. Therefore, it would be reasonable to expect that these factors would need to be addressed and that achievable densities would be influenced by the reserved matters details being well-designed and sympathetic to local character.
10. However, in contrast to the scheme envisaged at the outline stage, the reserved matters details are for a higher density development including a heavier emphasis on flats which would be laid out in a more formal arrangement. The flats would occupy a significant proportion of the site, extending much further away from the eastern boundary than previously envisaged. These buildings would be predominantly three-storeys in height and would be of a blocky, contemporary aesthetic, at odds with the generally modest, traditional grain of the area's residential vernacular.
11. Moreover, blocks B and C include three-storey elevations of considerable mass abutting the proposed spine road. To the opposite side of the spine road, the large blocks at D and E would add to the hard interface of built form and the street edge as their considerable combined footprint would only facilitate narrow margins for soft landscaping which in turn would be enclosed by low boundary walls. Therefore, even accounting for the tree planting proposed along the spine road and the soft landscaping and communal spaces in the vicinity of blocks B and C, there would be an unacceptable dominance of built form in the street scene.
12. The houses within the development would also have a bulky appearance, being a minimum of two-and-a-half storeys in height and either semi-detached or terraced. The appellant suggests that the layout and mutual spacing of the proposed houses would not be dissimilar to that of cul-de-sacs in the local vicinity, such as at Owls Close, The Moraine and Knight's Orchard. However, from what I saw, those cul-de-sacs have a more informal arrangement with open green frontages a common characteristic. By comparison, the dwellings at plots 1 -3 would only have very narrow frontages and the foregrounds of plots 4 - 13 would mainly consist of road and parking areas only interspersed by minimal soft landscaping.
13. The Locally Equipped Area of Play (LEAP) and a communal space to the north of Block B would partially soften the rear portion of the site. However, the spine road would narrow considerably at this point and the visual corridors to these spaces would be along straight roads, dominated by hard landscaping and bulky buildings.

14. Consequently, the proposal would have an overtly urban character and appearance and this would be readily experienced by occupiers and visitors to the development. As confirmed in the appellant's Landscape and Visual Impact Assessment (September 2021) (LVIA) the upper storeys of the buildings will be seen along the access point and between the roofs of existing buildings in views from Station Road West. From here, the bulky appearance of the buildings and the more intensive pattern of development would jar with the grain of the village's residential vernacular. This would also be evident in views from existing residential properties on Station Road West and to those familiar with the area on arriving or leaving the village by train. In all these respects, I find that the development would not sit comfortably alongside the more suburban attributes of the village's residential environment.
15. The appellant's Landscape Appeal Statement confirms that the site lies within Landscape Character Type 3: Lowland Farmlands and Landscape Character Area 3D: Cam and Granta Tributaries in The Greater Cambridge Landscape Character Assessment (2021) (LCA). The evidence before me indicates that the guidelines in the LCA for this area include amongst other things managing the scale, siting and design of settlement expansion to avoid incongruous development in the rural landscape, ensuring density and pattern of new developments reflect that of existing villages and ensuring that new developments reflect the form, scale and proportions of the existing vernacular buildings of the area.
16. The LVIA acknowledges that to allow for the remediation of the site, the majority of existing trees and hedging would be lost. Consequently, the site would likely be more discernible from surrounding vantage points than is presently the case. I accept that the principle of residential development has been established through the outline permission and therefore that development of the site is likely to be perceptible to some extent in the landscape.
17. However, on my site visit I noted that there are breaks in the hedgerow along Duxford Road which facilitate views across a prevailing rural landscape towards the site from the public footpath. 'Photograph A - View from Duxford Road looking south east' in the LVIA shows that the commercial buildings to the east of the railway line, whilst discernible, have a discreet presence in this view and this is consistent with my own observations. The development would be closer to Duxford Road in this view. As illustrated in the LVIA visualisations (Drawing No CSA/4568/115 Rev A), even accounting for the relative levels, the design and collective bulk of the buildings would introduce a distinctly more urban character into the landscape in this view. The proposed facing materials, including the 'gault brickwork' are unlikely to be as recessive as the greyed-out buildings depicted in the LVIA.
18. Furthermore, whereas the village's well-treed surrounds largely screen the existing residential environment in views across the landscape from Duxford Road, the intensive form of the proposal would be considerably more exposed and would appear incongruous, thereby conflicting with the guidance in the LCA. This would be particularly the case in the early years following completion before the landscape buffer is fully established. The 'Proposed View (year 15)' indicates that even in the longer term, the development would not assimilate into the landscape as well as the village's existing residential environment in this view.

19. Therefore, I find that the appellant's LVIA underestimates the effects of the proposal on the landscape. I accept that in some of the other viewpoints within the LVIA, the effects on the landscape would be less pronounced. However, for the reasons described, the proposal would not retain or enhance the local character or distinctiveness of the local landscape in the identified view. There would be a moderate adverse effect on the landscape and this would be likely to endure for a significant period.
20. I conclude the proposals would have a significantly harmful effect on the character and appearance of the area. This also takes into account the effect on the local landscape which would be moderately adverse. In these regards, the proposals conflict with the high quality design, character, context and local landscape requirements of Policies S/2 (Objectives of the Local Plan), S/7 (Development Frameworks), HQ/1 (Design Principles), H/8 (Housing Density), NH/2 (Protecting and Enhancing Landscape Character) and NH8 of the LP. For the same reasons, the proposal would also conflict with Paragraph 135 of the Framework.
21. Given the location of the site outside the Green Belt boundary, I do not find that the proposal would conflict with the purposes of the Green Belt set out in the Framework. I agree with the appellant that it is not fundamentally a function of the Green Belt to convey additional landscape protection on adjoining land. However, I have taken Policy NH/8 (Mitigating the Impact of Development In and Adjoining the Green Belt) of the LP into account insofar as it requires development on the edges of settlements which are surrounded by Green Belt to include careful landscaping and design measures of a high quality insofar as these generally reflect the requirements of the other aforementioned policies in the development plan and the Framework for the design of proposals and landscaping to positively respond to their immediate context.

Living conditions

22. Based on the layout that was before the LPA when it made its decision, and Drawing No B101 Rev 2 submitted with the appeal, the side elevation of the end terrace dwelling on plot 4 would align closely with the rear boundary of Plot 3. Given its scale and close proximity, it would be likely to appear overbearing when experienced from the rear windows and rear garden serving plot 3. In addition, the LEAP is located immediately to the south of this dwelling and any activity within the area would likely be highly noticeable for users of this neighbouring garden. These factors would be likely to have an unacceptable effect on living conditions for occupiers of Plot 3.
23. Even if the total area of the gardens serving Plot 10 would be compliant with the recommended quantum set out in the South Cambridgeshire District Council District Design Guide Supplementary Planning Document (2010) (SPD), a substantial proportion of these gardens would be narrow due to their triangular shape. The proposed retaining structure and landscape buffer along the appeal site's western boundary would also be likely to be imposing for occupiers of Plot 10, emphasising the cramped parameters of these gardens. These factors would be likely to unacceptably inhibit the usability and enjoyment of these spaces for occupiers of Plot 10.
24. Block E reduces to single storey scale where it aligns with the side boundary of the rear garden at Plot 13. Even so, due to its close proximity, bulk and three-storey scale, Block D would be likely to have an imposing presence when

- experienced from the rear windows and rear garden serving Plot 13. The first and second floor flats within block D which are located nearest to the rear garden at Plot 13 would include west facing terraces which would be likely to facilitate close up views into this neighbouring garden. This would unduly compromise the privacy of occupiers of Plot 13.
25. Furthermore, no detailed evidence has been provided to demonstrate that suitable levels of light would be provided to the rear facing rooms and rear garden serving Plot 13. The evidence provided within the appellant's Daylight, Sunlight and Overshadowing Report (May 2021) is based on a previous iteration of the scheme. In any case, an assessment of Plot 13 is notably absent. This adds to my overall concerns that suitable living conditions would not be provided for occupiers of Plot 13.
26. The LPA's decision also suggests that insufficient accessible amenity space has been provided for occupiers of the apartment blocks, in particular block D. The SPD states that ground floor apartments should have a minimum of 10m² private amenity space immediately outside their living accommodation, or use of a communal garden, where 25m² is allowed for each apartment. The SPD states that upper floor apartments should have use of a private balcony, of a minimum of 3m², plus use of a communal garden, where 25m² is allowed for each apartment.
27. The ground floor flats in block D would have private gardens. All the upper floor flats in this block would have use of a private terrace. However, block D is set away the nearest communal gardens and no calculations have been provided to demonstrate that communal gardens in the wider scheme take the upper floor flats within this block into account. Therefore, without clear evidence to demonstrate otherwise, I find that there is some tension in terms of the whether the upper floor flats in block D would meet the amenity space requirements of the SPD. This adds to my overall concerns that the development would not provide acceptable living conditions for its occupiers.
28. I conclude, the proposals would not provide acceptable living conditions for occupiers of the development. In that regard, the development would conflict with the requirements to protect the amenity of occupiers in Policy HQ/1 (Design Principles) of the LP. For the same reasons it would also conflict with paragraph 135 of the Framework which amongst other things requires that developments function well and that they create places with a high standard of amenity for future users.

Other Matters

29. The appellant suggests that the outline planning permission approved a density well above those recommended by Policy H/8 of the LP on the basis that it would remove an unneighbourly use. However, from what I have seen the outline permission did not fix any parameters including any approved density. I accept that the removal of the existing 'unneighbourly use' and remediation of any contamination are factors which weigh positively in favour of the development. I also acknowledge that the Framework supports the efficient use of land. However, such factors do not justify a scheme which would significantly jar with the defining characteristics of the area and which would result in unacceptable living conditions for its occupiers.

30. The evidence before me indicates that the site is identified by the Greater Cambridge Brownfield Land Register 2020 and the Greater Cambridge Housing Trajectory and Five Year Housing Land Supply Report 2022 as having a capacity for 59 dwellings. Notwithstanding that this is a lesser quantum of dwellings than the proposal before me, there is nothing before me to suggest that this figure was informed by a detailed scheme which demonstrated that the design and living conditions requirements of the development plan and the Framework could be met.
31. The proposal would deliver market and affordable housing of mixed typology in an accessible location next to the railway station. There would also be jobs through construction of the development and householder expenditure in the local area. These environmental, social and economic benefits are aspects which would already have attracted positive weight in favour of the development when the principle of development was approved at the outline stage. I also acknowledge that the LPA found the proposal to be acceptable in other respects, including in terms of the access details provided as well as the housing mix, the s106 agreement secured at the outline stage including the provision of affordable housing, the relationship with existing residential properties and other technical requirements. Even so, these considerations do not overcome the harm identified under the main issues.

Conclusion

32. The details submitted in respect of the reserved matters would have a significantly harmful effect on the character and appearance of the area. I have also found that proposals would not provide acceptable living conditions for occupiers of development. The development therefore conflicts with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR