
Appeal Decisions

Site visit made on 11 December 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal A Ref: APP/W0530/W/23/3320897

Network House, St Neots Road, Caldecote, Cambridgeshire CB23 8AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1), Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO).
 - The appeal is made by Ms Harriet Gray Stephens of Ashlea Network Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref 22/04908/PRIOR, dated 7 November 2022, was refused by notice dated 11 January 2023.
 - The development proposed is the erection of a 2.5 storey block of 8 No. flats following the demolition of the existing office block.
-

Appeal B Ref: APP/W0530/W/23/3320943

Network House, St Neots Road, Caldecote, Cambridgeshire CB23 8AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1), Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO).
 - The appeal is made by Ms Harriet Gray Stephens of Ashlea Network Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref 23/00471/PRIOR, dated 8 February 2023, was refused by notice dated 5 April 2023.
 - The development proposed is the demolition of buildings and construction of 7 No. new dwellinghouses.
-

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. However, the amendments therein do not alter the consideration of the main issue in these appeals.
4. There is no specific description of works included in the respective application forms. Therefore, I have taken the description of development from the Council's decision notice.
5. Appeal A and Appeal B relate to the same appeal site and are made by the same appellant. To avoid duplication, I have considered the appeals together.

6. In relation to Appeal A, the Council's decision notice sets out that insufficient information was provided to adequately address the landscaping impacts of the development. However, in their appeal statement, the Council explain that the evidence submitted as part of the appeal provides sufficient information to determine that the proposal would not have a harmful effect on the existing landscaping within the appeal site. Based on the evidence, I have no reason to disagree. For these reasons and given that the Council is no longer contesting the second reason for refusal, I have identified the main issue in relation to Appeal A accordingly.
7. The principle of development is established by the GPDO. The provisions of Schedule 2, Part 20, Class ZA of the GPDO do not require regard to be had to the development plan. However, in determining this appeal, I have had regard to the advice set out in Policy HQ/1 of the South Cambridgeshire Local Plan (the Local Plan) together with the Framework in so far as they are a material consideration relevant to the matters of design and external appearance.

Background and Main Issues

8. Schedule 2, Part 20, Class ZA of the GPDO permits development consisting of the demolition of buildings and the construction of new dwellinghouses in their place. This is subject to the development complying with the requirements of Paragraph ZA.1 (a)-(m). The Council has not raised any conflict with these requirements in relation to either of the submitted appeals. I have no evidence before me to conclude differently.
9. Permission under Class ZA is conditional upon the developer first applying to the local planning authority for a determination as to whether prior approval would be required for the matters set out in Paragraph ZA.2 (2)(a)-(m) of the GPDO. The Council consider that the respective schemes would conflict with point ZA.2 (2)(d) (design) and ZA.2 (2)(e) (external appearance).
10. Accordingly, the main issue, common to both Appeal A and Appeal B is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 20, Class ZA of the GPDO having regard to the design and the external appearance of the new building.

Reasons

11. The appeal site lies within a row of existing buildings along St Neots Road, a main route through the area and is occupied by a single storey, U-shaped building. The site's immediate surroundings are characterised primarily by one and 1.5 storey buildings of a mixed character, appearance, and housing density. The relatively low-level building height combined with the set back of the buildings from the road and abundance of soft landscaping means that the existing built form including the appeal building is not readily perceived by passers-by. Notwithstanding the examples of taller buildings within the wider area, it is within the context of this street scene that the development set out within Appeal A and Appeal B would be read.
12. The respective proposals would occupy the footprint of the existing building whilst the external materials, window proportions and incorporation of balcony features would be generally in keeping with the locality. I also acknowledge the appellant's submissions regarding the stepped design approach.

13. However, and despite the existing boundary treatments, the position of the building and the site topography, the proposed 2.5 storey (Appeal A) and 2 storey building (Appeal B) would appear conspicuously tall within the context of its surroundings when viewed from the road and neighbouring properties. This would disrupt the general consistency of the existing built form. Moreover, the overall width of the proposed building combined with the ridge height would contribute to the visual bulk of the proposed built form. This would add to its prominence. Therefore, even if I were to agree that appearance relates simply to the materials used in the building, overall, the appeal proposals would nevertheless be at odds with the prevailing pattern of development and would be perceived as an overly dominant and unduly prominent intrusion of built form. This would be harmful to the character and appearance of the area.
14. I observed at my site visit the development at Plot 4, Westside. Whilst the overall ridge height is comparable to the appeal proposals, and notwithstanding the use of hung tiles, the eaves height of the neighbouring development would appear to be lower. This, combined with the lesser width reduces the visual bulk of the 2-storey building. Therefore, unlike the appeal proposals, it is not prominent within its setting.
15. In coming to this view, I recognise that the GPDO permits an increase in the height of a building by up to 2 storeys. However, amongst other aspects, the increase in height is subject to an assessment of the design and external appearance of the new building. In undertaking this assessment, I have found that the additional storeys would not be acceptable at this location. The Class ZA example¹ highlighted by the appellant is not located within the immediate context of the appeal site which is an important consideration here. It therefore does not lead me to a different conclusion.
16. For these reasons, I find that the design and external appearance of the new building proposed in Appeal A and Appeal B would not be appropriate. The development set out in Appeal A and Appeal B would therefore fail the assessments required under points ZA.2 (2)(d) and ZA.2 (2)(e) of Class ZA. Thus, planning permission would not be granted by Article 3, Schedule 2, Part 20, Class ZA of the GPDO. The respective schemes would not be consistent with the Framework and Policy HQ/1 of the Local Plan in so far as they relate to the matters of design and external appearance.

Other Matters

17. The Council's reasoning in relation to the respective schemes is clearly articulated within the delegated reports. Reference to the development plan policies does not undermine its assessment. Whilst it may be the case that the Council has determined a limited number of prior approval applications under Class ZA, the Council's reasoning does not suggest a lack of familiarity with the process.
18. The proposed development would be acceptable in all other respects such that the other conditions listed as paragraph ZA.2 (2) of Class ZA would be met. This however is a neutral factor. There are also positive aspects of the development including biodiversity enhancement measures and the use of renewable energy technologies. However, this is a prior approval appeal and I

¹ 21/01315/GPZA

have limited my consideration to only those set out in the GPDO, and which are in dispute between the parties.

Conclusion

19. For the reasons given, Appeal A and Appeal B are dismissed.

H Wilkinson

INSPECTOR