



Appeal Decision

Site visit made on 7 February 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2024

Appeal Ref: APP/V0510/D/23/3333976

23 Church Street, Fordham, Cambridgeshire, CB7 5NJ

- 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 Mr & Mrs Muller against the decision of East Cambridgeshire District Council.
 - The application Ref 23/00801/FUL dated 17 July 2023, was refused by notice dated 20 September 2023.
 - The development proposed is erection of garage/gymnasium and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the application and submission of this appeal a revised National Planning Policy Framework 2023 (the Framework) had been published in response to the Levelling-Up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023. It is not considered that this impacts upon the determination of this appeal given the main changes to the Framework and the main issues that are before me.

Main Issue

3. The main issue is the impact of the proposal upon the host dwelling and the visual amenity of the area with specific regard to the Fordham Conservation Area.

Reasons

4. The appeal site is a detached dwelling located off Church Street and stands within the Fordham Conservation Area (CA). Section 72 of the Planning (Listed Buildings in Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the CA. The proposal is for the construction of a garage/gymnasium which would be located to the front of the appeal site with the front elevation (the elevation with the doors) facing towards the host dwelling. The host dwelling itself is set back from the street scene in a long, linear, plot with the front garden being bounded by low height boundary wall.
5. At the time of my site visit, I parked down the road, close to Fordham Club Branch of the British Legion, and walked back up to the appeal site which allowed me to consider the character and appearance of the area as well as the general setting of the appeal site within the CA. I found that the built form along this stretch of Church Street is varied and that there is no particularly

strong building line as a result of development which has evidently evolved to some extent over the years. Whilst there are some examples of garages or outbuildings in the front gardens of properties these are limited and no one building particularly stood out or competed with neighbouring development visually as a result of design, scale or massing.

6. The examples highlighted by the appellants are of limited similarity to the proposal which is before me. I do not find that the examples provided compete directly with their dwellings in visual terms and, in the case of the garage building at 40 Church Street, this is set back well from the road with the dwelling which it presumably serves being significantly further back again. In addition, such examples retain some visual interest which contributes to the overall visual amenity of the area. The appeal proposal would result in a substantial rear elevation, in close proximity to the edge of the appeal site, with no architectural features to break up the overall width and massing. I find that this would contribute to a visual, solid, massing combined with height and scale which would result in the proposal being overly dominant.
7. I acknowledge that 19 Church Street (no. 19) is a two-storey dwelling situated at the highest point along Church Street which sits in line with the highway boundary and that this is a contrast with 25 Church Street as a single storey bungalow which sits further back within the street scene. Regardless of the building line, and the presence of a two-storey dwelling at no.19, I find that the proposal would present as visually dominant for the reasons I have outlined above and below.
8. The Design Guide Supplementary Planning Document 2012 (SPD) is noted to be guidance with it stating that garages should ideally be positioned to the side and rear of the dwelling and that it would rarely be acceptable to construct a garage between the front elevation and the highway. Whilst each case should be determined on a site-by-site basis I find that, in this case, the proposal would result in the rear of the garage structure facing towards the street scene directly in front of the host dwelling which would, compared to the current views of the host property, largely obscure views, and dominate the front, of the host dwelling as a result of overall proposed size.
9. I also note, from my site visit, the site levels. The host property, and the existing parking area upon which the garage would be located, is already at a greater height than the road which would increase visual prominence of the proposal, contributing to overall perceived height, when viewed within the vicinity of the proposal. The proposal, albeit designed to be single storey, proposes a steep roof pitch which would introduce an uncharacteristically dominant, featureless, elevation and roof slope, visually, regardless of the new tree planting which is proposed between the outbuilding and the existing boundary wall.
10. The proposal, at approximately 9.7 metres in width and 6.3 metres in height, would be a substantial addition to the front of the host dwelling which would be prominent in the street scene and overwhelm all views of the host dwelling. Whilst I appreciate that visibility may be limited, by other built form, the further away from the appeal site you go, the proposal would still be notable within the immediate vicinity and would fully dominate the dwelling with the proposed width beginning to compete with the width of the dwelling itself. This is contrary to the guidance contained within the SPD as, whilst it may be

contended that the outbuilding is of the minimum size necessary, it should not compete with the host dwelling.

11. The 1-metre-high boundary wall, to be retained, and new tree planting would not provide sufficient screening, nor do I find it would soften the proposal within the street scene as overall, I find that the proposed garage is of an inappropriate scale and height which is exacerbated by the location and existing site levels and that this would result in less than substantial harm to the CA as a designated heritage asset. In accordance with paragraph 208 of the Framework where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. The proposal is for a garage and gymnasium to serve a private dwelling. The area upon which the proposal would be constructed is already in use as a driveway, providing parking for the host dwelling, and I have no evidence before me to suggest that the proposal is necessary to secure optimum viable use. In addition, taking into account the overall plot as identified on the submitted plans, there is no evidence to support, for example, why a gymnasium could not be accommodated to the rear of the property where such impacts could potentially be minimised and more appropriately sized.
13. When considering the impact of a proposed development on the significance of the designated heritage asset, great weight should be given to the asset's conservation and this is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. On balance, I do not find that there are reasons, or public benefits, before me which would outweigh the great weight that should be attributed to the less than substantial harm to the CA which I have identified.
14. I find that the proposal offers measurable harm to the context of the surrounding environment and given the proposed scale and height of the proposal it cannot be said to have been designed appropriately so as to respond positively to the context of the existing dwelling which would, in turn, result in impact to the character and appearance of the area which is, in this case, sufficient to warrant refusal.
15. The proposal would be contrary to East Cambridgeshire Local Plan 2015 (LP) Policy ENV1 which requires that development proposals should demonstrate that their location, scale and form will create positive, complementary relationships with existing development, LP Policy ENV2 which requires that development proposals ensure that the location, layout, massing relate sympathetically to the surrounding area, and LP Policy ENV11 which requires that development proposals, within, or affecting a CA should be of a particularly high standard of design and materials in order to preserve or enhance the character and appearance of the area.
16. The proposal would also be contrary to Fordham Neighbourhood Plan 2016 – 2036 Policy 2 which seeks to deliver high quality design through delivering a quantum of development that is appropriate for the site and responding to important characteristics of the surrounding area including views, buildings and their materials and design features and building heights.

Other Matters

17. I note the Parish Council comments and objection and I have dealt with matters relating to the surroundings within the main issue above. Given that the site seeks to erect a garage on an area already utilised for parking, albeit with some grass, I find no reason to refuse the proposal based upon biodiversity. Had I found the proposal acceptable in other regards conditions could have been utilised to ensure an appropriate level of biodiversity as a result of the development.
18. I note that the proposal would not impact upon residential amenity and that there are elements of the LP and the NP with which the proposal would comply. This does not, however, outweigh the harm which is identified in terms of the proposal dominating the front of the host dwelling.
19. I have considered the implication of conditions, particularly those relating to the specification for soft landscaping, however, I do not find that landscaping in this case would assist the proposal to become acceptable in all regards and it should be kept in mind that character, and appearance, are separate matters and it is still possible to have uncharacteristic development even if its visibility was reduced, in terms of appearance, through soft landscaping and/or tree planting.

Conclusion

20. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR