



Appeal Decision

Site visit made on 26 March 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2024

Appeal Ref: APP/W0530/W/23/3327481

51 Priams Way, Stapleford, Cambridgeshire CB22 5DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Diver against the decision of South Cambridgeshire District Council.
 - The application Ref is 23/01782/FUL.
 - The development proposed is new bungalow dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for proposed new bungalow dwelling at 51 Priams Way, Stapleford, Cambridgeshire CB22 5DT in accordance with the terms of the application, Ref 23/01782/FUL, subject to the conditions in the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is situated to the rear of nos 49 and 51 Priams Way. The area is characterised by predominantly two-storey semi-detached dwellings which follow a uniform building line, set back from the road by front gardens and driveways. Modern cul-de-sac developments enclose the site to the south and west. Established gardens, boundary vegetation, and verges contribute spaciousness and greenery to the area's character. Whilst the area is within a rural settlement designated as a Rural Centre, Priams Way has a distinctly suburban feel.
4. No 49 is a semi-detached dwelling, typical of surrounding development, whereas no 51 is a detached house and therefore differs in type and form from nearby dwellings. The rear garden of no 49 is shorter than those of adjacent plots. However, no 51 has a larger, wider rear garden, which includes land behind no 49. The layout and arrangement of nos 49 and 51's gardens therefore differ from surrounding dwellings.
5. The proposed dwelling would be set back behind the row of dwellings, and therefore would not follow the layout of surrounding development. Whilst there are some ancillary outbuildings in surrounding rear gardens, there are no other examples of similar developments in the area. However, the siting behind nos 49 and 51 would serve to generally obscure the development from view from the public highway.

6. The proposed dwelling would be of a contemporary, single-storey design with a flat roof. The low height and volume, and distance from the highway, would further minimise the visual impacts of the proposed dwelling.
7. Access to the site would be via the existing driveway of no 49. As the proposed development would utilise an existing driveway, the visual change associated with the formation of the access would be limited. Consequently, the development would not appear out of keeping with the local vernacular.
8. No 51 is located at the end of the row of dwellings where the carriageway forms a dead end. Since there is no through route, the number of passing pedestrians and vehicles would normally be low. Therefore, the appeal site is not in a visually prominent location.
9. Through the addition of a dwelling, the proposal would increase the density of development in the area and intensify the use of the site. However, within its suburban context and noting the scheme's limited visual impacts, the proposed development would not represent an urban influence or overdevelopment, nor would it threaten local rural character.
10. Policy H/16 of the South Cambridgeshire Local Plan 2018 (LP) supports development of new dwellings in residential gardens where there would be no significant harm to the local area, including its character.
11. The location of the proposed dwelling would differ from the established pattern and grain of development in the area. However, as set out above, there would be no adverse visual impact on the area's character from the proposed siting, and therefore significant harm to the local area would not occur.
12. The house types and arrangement of gardens at the appeal site differs from surrounding dwellings, and therefore the site has unique circumstances which could not be easily replicated elsewhere. Allowing the appeal would not set a harmful precedent for the development of residential gardens but represents the outcome of applying the development plan's policies.
13. For the reasons set out above, I conclude the proposal would not harm the character and appearance of the area. The proposal would therefore comply with LP Policy H/16 which supports development of residential gardens where there would be no significant harm to the local area. The proposal would accord with LP Policies S/7 and HQ/1 which require development be of a scale, density and character appropriate to the location, and of high-quality design which preserves or enhances the character of the local area.

Other Matters

14. Concerns were raised that the development would constrain access to the rear garden of no 49. The appellant has suggested the inclusion of a gate within the boundary fence to provide access to the proposed driveway. In addition, I note the recommendation to create a more robust boundary treatment with no 7 Gordons Close. I have attached a condition requiring submission of a scheme of landscaping condition, which would include details of boundary treatments, trees and vegetation.
15. As discussed above, the proposal would not set a precedent for other similar development, and therefore would not facilitate a harmful increase in traffic.

16. Access to the site would require demolition of the garage at no 49. I am satisfied the submitted plans show removal of the garage, and the delegated report makes clear the garage demolition was considered part of the proposal.
17. Revisions to the scheme made prior to the Council's decision increased the separation distance between the proposed dwelling and no 7 Gordon Close to achieve the standard required by the District Design Guide Supplementary Planning Document 2010. In addition, the delegated report confirms the development would have little impact on occupants of nos 49 and 51, noting the adequate separation distance and effects minimised by the low-profile design. Consequently, the evidence does not suggest the proposal would adversely impact upon the living conditions of occupants of nearby dwellings.
18. Concerns regarding disturbance during the period of construction, can be addressed through use of planning conditions, as set out below.

Conditions

19. The Council has suggested conditions which I have considered against the advice in the National Planning Policy Framework (the Framework) and Planning Practice Guidance. In addition to the standard time limit of the planning permission granted, in the interests of certainty I have attached a condition specifying the approved plans. This includes Drawing nos 716-P10-P1 and 716-P10-P2, submitted prior to the Council's decision, thus providing the Council opportunity to consider the revisions. I have not included Drawing SK-AP-01 as an approved plan, as this indicates former road orientation and does not describe the development.
20. To reduce the risk of flooding to the proposed development and future occupants, I have included a scheme for the disposal of surface water and foul water. There is potential for land contamination at the site from historical usage of nearby garages, and therefore I have attached conditions requiring investigation and remediation of land contamination prior to the commencement of development.
21. As discussed above, to ensure the construction phase of development does not adversely impact the living conditions of neighbours, I have attached conditions requiring submission of a Construction Environmental Management Plan and contractors parking plan, prior to the commencement of development, and specifying the time periods when construction may take place and when heavy vehicles may serve the site.
22. In the interests of highway safety, I have included conditions requiring the visibility splays remain unobstructed, bound material is used at the access to prevent debris spreading onto the highway, and that the construction of the access meets the local highway authority's standards.
23. To ensure the development assimilates into the area and enhances biodiversity in accordance with LP Policies HQ/1 and NH/4, I have attached a condition requiring submission of a scheme of hard and soft landscaping. I have attached a condition requiring submission of details to enable the effective management and maintenance of the proposed Green Roof.
24. To ensure the development achieves the energy efficiency and sustainable construction standards set out by LP Policy CC/3, I have attached a condition requiring submission of an Energy Statement.

25. To maintain and enhance biodiversity in accordance with LP Policy NH/4, I have attached conditions requiring submission of a Biodiversity Net Gain Plan and scheme of ecological enhancement.
26. To contribute towards the provision of infrastructure in accordance with LP Policy TI/10, I have attached a condition requiring delivery of high-speed broadband.
27. I have attached a condition requiring the submission of details of the dwelling's water efficiency specification to demonstrate the development makes efficient use of water in accordance with standard set out in LP Policy CC/4.
28. I have not imposed the suggested conditions relating to the operation of permitted development rights. Such conditions would not be necessary to make the appeal proposal acceptable in planning terms and therefore would not comply with the Framework. Furthermore, paragraph 54 of the Framework indicates planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
29. In addition, I have not attached the suggested condition regarding the prevention of drainage onto the highway, since this would duplicate the condition requiring a scheme for disposal of surface water and therefore would not be necessary. Likewise, I have not included the suggested condition regarding piling since this can be addressed through the Construction Environmental Management Plan.

Conclusion

30. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg. 716-01 *Existing Site & Location Plans*; Dwg. 716-P10-P2 *Proposed Site & Location Plans*; Dwg. 716-P5-P1 *Proposed Dwelling Plan & Elevations*.
- 3) No development shall be carried out until a scheme for the disposal of surface water and foul water that can be maintained for the lifetime of the development has been provided to and agreed in writing with the local planning authority.
- 4) No development shall be carried out until:
 - a. The application site has been subject to a detailed Phase 1 Desk Study, to be submitted to and approved in writing by the local planning authority.
 - b. The application site has been subject to a detailed scheme for the investigation and recording of contamination, based on the Phase 1 Desk Study, and remediation objectives have been determined through risk assessment. The resulting Phase 2 Intrusive Site Investigation Report is to be submitted to and approved in writing by the local planning authority.
 - c. A Remediation Method Statement containing proposals for the removal, containment or otherwise rendering harmless any contamination, based upon the Phase 2 Intrusive Site Investigation, has been submitted to and approved in writing by the local planning authority.
- 5) The development hereby permitted shall not be occupied until the works specified in the approved Remediation Method Statement are complete and a Verification Report demonstrating compliance with the approved Remediation Method Statement has been submitted to and approved in writing by the local planning authority.
- 6) If, during development, any additional or unexpected contamination is identified, then remediation proposals for this material should be agreed in writing by the local planning authority before any works proceed and shall be fully implemented prior to first occupation of the development hereby approved.
- 7) No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the local planning authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:
 - a. full details of any piling technique to be employed, if relevant
 - b. contact details for site manager, including how these details will be displayed on site
- 8) No demolition or construction works shall commence on site until a contractors parking plan has been agreed in writing with the local planning authority. The aim of the plan should be to demonstrate how the developer will control and

regulate on street motor vehicle parking for the contractors and sub-contractors undertaking the works.

- 9) No construction site machinery or plant shall be operated, no noisy works shall be carried out, and no construction related deliveries taken at or dispatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.
- 10) Any demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall service the site only between the hours of 09.30hrs - 16.00hrs, Monday to Friday.
- 11) The 2m x 2m pedestrian visibility splay, as shown on drawing 716-P10-P2, shall be retained and kept clear of all planting, fencing, walls and the like exceeding 600mm high.
- 12) The proposed vehicular access shall be constructed using a bound material, for the first 5 metres from the boundary of the adopted public highway into the site, to prevent debris spreading onto the public highway.
- 13) The development hereby permitted shall not be occupied until the vehicular access where it crosses the public highway has been constructed in accordance with Cambridgeshire County Council's construction specification.
- 14) No development above ground level, other than demolition, shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a. proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;
 - b. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable;
 - c. boundary treatments indicating the type, positions, design, and materials of boundary treatments to be erected.
 - d. landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

- 15) No construction of the biodiverse (green) roof(s) shall commence until the following details have been submitted to and approved in writing by the local planning authority.
- a. The means of access for maintenance.
 - b. Plans and sections showing the make-up of the sub-base to be used which may vary in depth from between 80-150mm.
 - c. Planting/seeding with an agreed mix of species (the seed mix shall be focused on wildflower planting indigenous to the local area and shall contain no more than a maximum of 25% sedum).
 - d. Where solar panels are proposed, biosolar roofs should be incorporated under and in-between the panels. An array layout will be required incorporating a minimum of 0.75m between rows of panels for access and to ensure establishment of vegetation.
 - e. A management/maintenance plan for the roof(s). The roof(s) shall be constructed and laid out in accordance with the approved details and planting/seeding shall be carried out within the first planting season following the practical completion of the roof. The roof(s) shall be maintained as such in accordance with the approved management/maintenance plan. The roof(s) shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance/repair or escape in case of emergency.
- 16) No development above ground level shall proceed until an Energy Statement has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate that a minimum of 10% carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The approved scheme shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with the approved details. Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Energy Statement to take account of this shall be submitted to and approved in writing by the local planning authority. The revised Energy Statement shall be implemented and thereafter maintained in accordance with the approved details.
- 17) No development above ground level shall commence until a Biodiversity Net Gain (BNG) Plan has been submitted to and approved in writing by the local planning authority. The BNG Plan shall target how a minimum net gain in biodiversity will be achieved through a combination of on-site and / or off-site mitigation. The BNG Plan shall include:
- a. A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;

- b. Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the latest appropriate DEFRA metric;
- c. Identification of the existing habitats and their condition on-site and within receptor site(s);
- d. Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the latest appropriate DEFRA metric;
- e. An implementation, management and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate.

The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion e) shall be submitted to the local planning authority in accordance with the latest DEFRA guidance and the approved monitoring period / intervals.

- 18) Prior to development above ground level, a scheme of ecology enhancement shall be supplied to the local planning authority for its written approval. The scheme must include details of bat and bird box installation, hedgehog connectivity, and other enhancements as applicable and in line with the Greater Cambridge Planning Biodiversity Supplementary Planning Document (2022). The approved scheme shall be fully implemented within an agreed timescale.
- 19) The development hereby permitted shall not be occupied until infrastructure to enable the delivery of broadband services to industry standards shall be provided for that dwelling.
- 20) The development hereby permitted shall not be occupied until a water efficiency specification, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition), has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day. The development shall be carried out in accordance with the agreed details.

END OF SCHEDULE