
Appeal Decision

Site visit made on 19 January 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2024

Appeal Ref: APP/W0530/W/23/3323398

1 New Road, Guilden Morden, Cambridgeshire SG8 0JN

- 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 A Johnson against the decision of South Cambridgeshire District Council.
 - The application Ref 22/05316/FUL, dated 7 July 2022 was refused by notice dated 3 March 2023.
 - The development proposed is erection of two cottages and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In reaching this decision, I have had regard to the revised version of the National Planning Policy Framework ('the Framework') which was published in December 2023, and I have sought the parties' comments upon it. Accordingly, no party has been prejudiced by me doing so.

Main Issues

3. The main issues are:
 - whether the proposal would provide suitable living conditions for future occupiers of Plot 2 with particular regard to outlook and private outdoor amenity space;
 - the effect of the proposal upon the character and appearance of the area, and;
 - the effect of the proposal upon the living conditions of occupiers of 30 Fox Hill Road with particular regard to outlook and light.

Reasons

Living conditions of future occupiers

4. It is stated by the Council, and it is not disputed, that there would be around 8m of separation between the rear elevation of the proposed dwelling on Plot 2 and the existing two-storey gable end of 1A New Road ('No 1A'). There is currently a single window at first floor level in the side elevation of No 1A, however there is no evidence before me to indicate the nature of the space it serves. The rear elevation of Plot 2 would contain windows serving the kitchen and lounge.

5. Paragraph 6.68 of the South Cambridgeshire Local Plan Development Framework District Design Guide Supplementary Planning Document ('the SPD') advises that it is preferable for new developments to achieve at least 15 metres between windows in the rear elevation of a property and the property boundary. It goes on to advise that facing windows should be separated by at least 25 metres, and where blank walls are proposed facing windows, that a minimum of 12 metres separation should be achieved.
6. The level of separation between the windows in the rear elevation of Plot 2 and No 1A would be limited. Even if I were to treat the side elevation of No 1A as a blank elevation, the proposal would fail to meet the minimum separation of 12 metres advised within the SPD. I acknowledge that the wording of the SPD refers to the erection of blank walls close to windows, as opposed to the opposite situation, which is proposed here. However, as the resultant relationship would be the same, it is reasonable to apply this standard in both instances. The proposal would also fail to achieve the preferred distance between the rear elevation of the Plot 2 dwelling and the property boundary.
7. Although the lounge and kitchen/diner of the proposed Plot 2 dwelling would both be dual aspect, occupiers of Plot 2 using rearwards areas of the property would be faced with a substantial two-storey elevation at close proximity. Even if I were to agree that the proposal would not lead to a loss of sunlight or privacy, this relationship between the buildings would nevertheless lead to ground floor rooms within Plot 2 having an unacceptably oppressive and enclosed atmosphere. The absence of an objection from the Council's Environmental Health team does not overcome my concerns in this regard.
8. The Council has also raised concern over the size of the garden which would be associated with Plot 2, which it states, would amount to around 73 square metres. There is no indication within the evidence before me of the areas that have been included within this calculation. The appellant has stated that this figure may not have included all areas that would be associated with the property, and it is not clear whether the footprint of the proposed cycle store within the rear garden has been included.
9. The SPD advises that ideally the occupiers of three-bedroom properties should be provided with 50 square metres of outdoor amenity space in urban areas and 80 square metres in rural areas. It does, however, acknowledge that there may be flexibility in applying these standards and it is clear in stating that they are 'ideals'. They are not, therefore, minimum requirements.
10. Based on the Council's figure, the proposal would fall short of the ideal 80 square metre provision. However, it would not be a significant shortfall and the amount of space would still substantially exceed the level of provision that would be expected at a three-bedroom property in an urban area.
11. The lack of depth of the rear garden would contribute to the lack of outlook that would be afforded to occupiers of Plot 2, as set out in my reasoning above. However, it appears that the provided space overall, would nevertheless, be of a suitable size to allow future occupiers to undertake private outdoor recreation and other activities such as drying washing.
12. The appellant has advised that the garden areas associated with both proposed dwellings could be modified by moving the shared fence line. Whilst this could

increase the overall level of space available to occupiers of Plot 2, it would be unlikely to overcome the issue of separation between Plot 2 and No 1A.

13. To conclude on this main issue, although the proposal would not lead to unsuitable living conditions for future occupiers with particular regard to private outdoor amenity space, it would fail to provide the future occupiers of Plot 2 with suitable living conditions with particular regard to outlook. It would therefore conflict with South Cambridgeshire Local Plan ('SCLP') Policy HQ/1 which states that proposals should protect the health and amenity of occupiers. It would also conflict with advice in Chapter 12 of the Framework in relation to creating high quality buildings and spaces. Additionally, it would also fail to accord with advice within the SPD, as set out above.

Character and appearance

14. The appeal site comprises a residential bungalow and garden located on a corner plot at the junction of New Road and Fox Hill Road. The area contains properties of mixed age, size and design. These factors, along with varying plot sizes, also means that there is a variety to the density of development in the area.
15. The proposal would introduce two new dwellings, with the existing bungalow being demolished. Taking the density figure of either party, the proposal would exceed the 30dph for new development in rural areas set out in SCLP Policy H/8. This provides a useful indication that the proposal is towards the higher end of expected densities, however as stated within the policy; higher densities could be acceptable, depending on local character, the scale of development and other circumstances.
16. The proposed dwellings would be pushed towards the south-western boundary of the appeal site. In doing so, they would address Fox Hill Road markedly more closely than the neighbouring property, 30 Fox Hill Road ('No 30'). Fox Hill Road climbs towards the appeal site as it is approached from the northwest, and the appeal site is also slightly raised above the road. This would afford the proposal with a high level of prominence.
17. However, there is no consistent character on Fox Hill Road in relation to how the road is addressed with examples of properties both closely addressing the road and doing so from behind front gardens. Accordingly, there is no strong established building line, and as a result, despite its prominence the proposal would not result in unacceptable harm to the wider streetscene. The design of the proposed dwellings would be reflective of the rural character of the settlement.
18. Notwithstanding that I have found that the proposal would fail to provide suitable living conditions for future occupiers of Plot 2, as I have set out above, I have found that no harm to the character and appearance of the area would result from the density of the proposal. Accordingly, local circumstances indicate that a higher density would be appropriate in this location, having regard to SCLP Policy H/8.
19. As the proposal would not harm the character and appearance of the area, it would therefore be in accordance with SCLP Policies HQ/1, H/8 and H/16 insofar as they relate to this main issue. Together, and amongst other factors, these policies state that proposals must preserve or enhance the character of

the local area, be place responsive and be compatible with their location. It would also accord with Chapter 12 of the Framework. Furthermore, it would broadly align with the Design SPD which states that infill proposals should respect their surroundings.

Living conditions of occupiers of neighbouring properties

20. No 30 lies to the north-west of the appeal site and would have a shared boundary with Plot 1. The proposed dwelling on Plot 1 would be of broadly similar orientation to No 30, in that it would address Fox Hill Road. However, it would be set closer to the road and be at a different angle.
21. No 30 has front elevation windows close to the shared boundary. At present there is a mature hedge on the boundary between No 30 and the appeal site at the point where the appeal site projects beyond the front elevation of the neighbouring property and which likely serves to provide screening for the existing oil tank within the appeal site.
22. Given the relative angles that would exist between the properties, and the fact that Plot 1 would be set closer to the road, despite the existing hedge, it is likely the proposal would be visible to occupiers of No 30. As Plot 1 would be located to the south of No 30, it would also have some effect on the levels of light that would be available within this room. However, given the otherwise open aspect of the front elevation of No 30 and its broadly south-west orientation, it is likely the adequate levels of outlook and light would be retained by occupiers of this dwelling.
23. The proposal would not unacceptably harm the living conditions of occupiers of 30 Fox Hill Road with particular regard to outlook and light. It would therefore accord with SCLP Policy HQ/1 which states that proposals must protect the health and amenity of surrounding uses. It would also accord with advice in Chapter 12 of the Framework in relation to creating high quality buildings and spaces in relation to this main issue. Additionally, it would accord with advice within the Design SPD, which states that new development should not lead to a sense of being overbearing at adjacent properties.

Other Matters

24. I have been directed to another recent development in the area, however I have been provided with few details in relation to this scheme or the context of its approval. Furthermore, I observed that the relationship of this development to neighbouring properties did not appear to be wholly comparable to that of the scheme which is before me. Consequently, whilst I acknowledge the importance of consistency in decision making, this example is not determinative in my considerations.
25. It has been highlighted that the appeal site is not at risk of flooding, and that the proposal would not harm highway safety, or have an adverse effect upon biodiversity. Even if I were to agree, these would be neutral factors which would not weigh in favour of the proposal.

Planning Balance

26. The proposal would make a modest contribution of two dwellings towards boosting the supply of housing, in accordance with Paragraph 60 of the Framework. I have no reason to doubt that it could be delivered quickly, and it

would be located within an existing settlement. I afford these factors moderate weight in favour of the proposal. It would also have economic benefits for a temporary period during construction and thereafter following occupation. Additionally, the development would include energy-saving measures. Given the modest scale of the proposal, I afford these benefits minor weight.

27. However, I have found that the proposal would fail to provide suitable living conditions for future occupiers of Plot 2. It would conflict with the development plan taken as a whole. Although the proposal would result in some benefits, these would not outweigh the harm and conflict with the development plan that I have identified.

Conclusion

28. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR