



Appeal Decision

Site visit made on 22 May 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th June 2024

Appeal Ref: APP/W0530/D/24/3339771

49 Station Road Fulbourn Cambridgeshire CB21 5ER

- 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 Graham Brown against the decision of South Cambridgeshire District Council.
 - The application Ref 23/04839/HFUL, dated 15 December 2023, was refused by notice dated 13 February 2024.
 - The development proposed is described as a 'Proposed one and half storey side extension linking to existing rear garage with single storey front and rear extensions and front and rear dormers in existing roof.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposed development upon:
 - The existing building and the character and appearance of the locality, and
 - The living conditions of No.51 Station Road, with particular regard to access to light from the adjacent solar panels.

Reasons

Character and Appearance

3. The appeal site is located along Station Road, a linear residential street which extends out from the settlement towards open countryside beyond. The street contains a number of phases of development with two cottages from the seventeenth century; a large number of two storey Victorian terraces; infill detached bungalows and two storey dwellings which appear to have been constructed during the mid-late twentieth century; and further more modern development of two storey dwellings appearing to date from the twenty-first century. Whilst there is a variety of dwellings and styles; the dwellings maintain a similar building placement and simple functional designs with common features being hipped and pitched roof forms with chimney stacks, brick façades with the older dwellings of the street maintaining more ornate detailing in fenestration surrounds than infill developments. There are also characteristic setbacks with gaps in and around dwellings which emphasise a spaciousness with vegetated front and rear gardens, the tops of trees in rear gardens which can be seen as one travels along Station Road. These details create positive elements which reflect the qualities of character, appearance and local distinctiveness for this particular location. Whilst there is evidence of

good and poor extensions and alterations seen throughout the locality, extensions are generally subservient to the main dwelling and retain the original positive characteristics which contribute to local character and distinctiveness.

4. The appeal site appears to be a dwelling constructed in the mid-late twentieth century and has a functional design with main hipped roof and front forward protrusion. The building has a carport located to the side and a single storey extension to the rear.
5. In undertaking new development, Policy HQ/1 of the South Cambridgeshire Local Plan 2018 (LP) lists a number of design principles in order to ensure development respects, contributes to and enhances the local environment and character, such as consideration around compatibility with existing character; development patterns, visual relationships, scale; height, layout, siting, and massing, amongst others.
6. The extension would predominantly contain a two storey addition to the side of the dwelling which according to the Appellant's Statement of Case was deliberately designed this way in order to address concerns of a previous application. The new design although containing a smaller single storey side component, would be built almost up to the side boundary, removing the positive visual gap and setback of the dwelling from the boundary in this location. Given the overall height, depth and massing of the proposed extension, it would be a dominant form of development that has an awkward juxtaposition to the existing building in that the extension appears as an 'add-on' rather than an integrated element of the overall design. The extension would therefore not be subservient to the existing building nor be experienced as an extension, but rather a dominant component. This would in turn harm to the character and appearance of the existing building, and the local distinctiveness of the surrounding locality.
7. Taken as a whole, and in conclusion of this matter, in this particular circumstance, the proposed roof extensions would be incongruous in this location as a result of design, massing and visual bulk, and not reflective of the positive characteristics of local distinctiveness and appearance of the area. The development would cause an incongruous element within the street scene which would cause detriment to the functional architectural authenticity of the existing dwelling and of the street scene. Consequently, the proposal would be contrary to the LP Policy HQ/1 as described previously.

Living Conditions

8. The main concerns put forward by the Council relate to the lack of information in the application that demonstrates that the proposal would not cause detrimental impact towards the solar panels that are located to the roof of No.51 Station Road. The consideration of impact to solar panels as a result of development arises due to a high court decision¹ where the judge upheld a consideration that impact upon the operation of a solar panel was a material consideration to a planning determination which required assessment given the emphasis on mitigating the effects of climate change.

¹ William Ellis McClennan v Medway Council and Ken Kennedy [2019] EWHC 1738

9. Whilst there is no standard to assess overshadowing of solar panels like there is for assessing overshadowing of a window under the BREAM guidance for example, a balanced judgement and consideration is needed. In looking at the orientation of the panels combined with the positioning and height of the extension, to me the extension would appear to be setback a sufficient distance from the solar panels. Whilst there might be some overshadowing and difference to the current situation, potentially towards the winter months, it would not be at a level sufficient to cause material harm to the living conditions of the operation of the solar panels as a result of overshadowing.
10. As such, I do not consider that adverse detriment would be caused to the neighbouring occupants as a result of loss of light for the operation of the adjacent solar panels. Consequently, the proposed scheme would be in accordance with LP Policy HQ/1 as described previously.

Other Matters

11. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) prescribes a duty upon a decision maker to give special regard to the desirability of preserving the significance of a listed building or its setting. No.53 The Orchards is a Grade II listed building which is a seventeenth century vernacular cottage which is single storey, timber framed and has a pan tile roof. The building would appear to be one of the earliest developments along the road with dwellings such as these having a relationship to the agricultural origins and original development patterns to the locality. The dwelling now is surrounded by infill development on each side however dwellings are relatively functionally constructed and do not compete with the design of The Orchards. The setting of the Orchards has changed over time, however the ability to experience and appreciate the Orchards within the street scene in terms of its design, location and relationship with this edge of village location has a wide setting which is important to its significance. I agree with the officer's report that the appeal site is within the setting of this listing, however in my opinion the proposal, whilst large would cause neutral harm to the significance of the special interest of the listed building from development within its setting.

Conclusion

12. Whilst I have agreed with the Appellants with regards to living conditions, when considered as a whole against the Development Plan and material considerations, this would not be sufficient to override the harm caused towards character and appearance. For the reasons given above, I conclude that the appeal is dismissed.

J Somers
INSPECTOR