
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: 12 June 2024

Appeal Ref: APP/W0530/D/23/3334167

5 Taylors Close, Caxton CB23 3PJ (Also referred to as Firs Farm, St Peters Street, Caxton)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The application is made by Mr & Mrs J Millard against the decision of South Cambridgeshire District Council.
 - The application, ref. 23/02663/S73, dated 10 July 2023, was refused by notice dated 12 October 2023.
 - The application sought to allow alterations to the design of the approved dwelling and garage; without complying with conditions attached to planning permission 22/05539/REM, granted 30 March 2023.
 - The condition in dispute is No.1 which states that: 'The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.'
 - The reason given for condition No.1 is: 'In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.'
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Decision

1. The appeal is dismissed insofar as it relates to the alterations to the Garage.
2. The appeal is allowed insofar as it relates to the alterations to the Dwelling at 5 Taylors Close, Caxton CB23 3PJ (Also referred to as Firs Farm, St Peters Street, Caxton) and the application Ref: 22/05539/REM, granted 30 March 2023 is varied by the varying of Condition 1 and the insertion of conditions attached as an Annexe to this letter.

Preliminary Matter

3. The variation of condition contains two elements, the first component being the increasing of the length of the two storey element of the dwelling by 1 metre and the second component of the application being the increasing of height of the garage and the addition of a dormer window. The Council in their Officer Report state that the increased length of the two storey element of the dwelling is generally appropriate and in accordance with the Development Plan. With this in mind, I have no reason to dispute the opinion of Council officers regarding the acceptability of this element of the scheme with this letter being focused purely upon the matter in dispute which is related to the design of the proposed garage.

Main Issue

4. The main issue is the effect of the proposed variations to the garage upon the character and appearance of the greater locality.

Reasons

5. The appeal site is part of a group of 8 self-build plots which appear to have replaced a collection of former farm buildings. The 8 plots are centred around a cul-de-sac, where on my site visit only some of the plots have been already developed, with the appeal site forming one of the furthest plots at the end of the cul-de-sac. The dwellings that have been constructed are relatively large, detached dwellings which have a higher status than the ancillary garage buildings which carry a simpler and more functional ancillary design. Materials tend to consist of brick, timber, clay roof tiles with well landscaped gardens with setbacks to boundaries and an emphasis of spaces in and around dwellings.
6. 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, massing, amongst others.
7. In its approved form, like the other plots as part of this development the appeal site also enables the main dwelling to be the dominant component of the development with a simpler and more functional design and appearance of the garage which would match the other dwellings. The proposed variations would elongate the height of the walls, whilst the pitch of the roof would be shallower to accommodate the increased height with the addition of a dormer window to the rear. Whilst I can appreciate elements such as using the colour of the roof to assist in blending in with the walls, the architectural approach is ineffective in terms of reducing the height of the walls which gives an unbalanced and disproportionate relationship between the wall and the pitch of the roof. The appearance of the garage would be awkward in this context and would have a higher status than the garage buildings surrounding. Whilst I appreciate explanations from the Appellant with regards to the different levels of the site, this does not alleviate the problems associated with the massing, proportions and height of the garage which would have a domineering presence within this group of buildings.
8. Given the lower status and functional design of garages in this location, the addition of a dormer window is also problematic given that it overcomplicates the design of the functional building and upgrades the status of the building above that of a garage. The dormer window on the garage would be an anomaly and would not reinforce the positive characteristics of the surrounding locality.
9. In conclusion on this matter, the proposed increase of height of the garage and the addition of a dormer window would not present an appropriate architectural response and would have a detrimental impact upon the character and appearance of the surrounding locality and the proposed buildings. Consequently, the alterations to the garage as proposed would be contrary to LP Policy HQ/1 as described previously.

Other Matters

10. As the alterations to the design of the dwelling is both physically and functionally severable from the garage, I consider a split decision would be a logical outcome.

Conclusion and Conditions

11. For the reasons given above, the appeal is allowed and condition 1 insofar as it relates to the dwelling is varied in accordance to the Annexe to this letter.
12. In reviewing the other conditions that are not part of this appeal, these have also been considered in accordance with the Planning Practice Guidance (PPG). Condition 1 is a standard condition which notes that the scheme be undertaken in accordance with the approved plans which is necessary for the avoidance of doubt and in the interests of proper planning. Condition 2 relates to the installation of soft and hard landscaping and is appropriate and necessary in that it enables the scheme to reinforce the character and appearance of the area. Condition 3 seeks the submission of details for cycle storage which is appropriate and necessary in order to supplement development plan policies around sustainability and the promotion of alternative means of transport. Condition 4 seeks approval of external materials which is necessary in order to enable the scheme to blend appropriately into the character and appearance of the surrounding locality. Condition 5 seeks that the building only be ancillary and not independently let or rented as short term accommodation. On considering this condition against the PPG, the garage by its very nature is ancillary, and is unable to be let/rented to short term guests as any use above that is ancillary to residential occupation of the main dwelling would require planning permission in any event. As such this condition is unnecessary and would not meet the tests under the PPG. As such, this condition is not included.

J Somers

INSPECTOR

ANNEXE: Schedule of Conditions to be inserted

1. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice

0362/22/P02 REV B Proposed Garage Floor Plans, Elevations, Location Plan and Block Plan

0362-22-P03 REV B Proposed Sections and Landscaping Plan

0362/22/P01 Proposed Floor Plans, Proposed Elevations, Dated 12/08/2022
2. All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. 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, unless the Local Planning Authority gives its written consent to any variation.
3. The development, hereby permitted, shall not be occupied or the use commenced, until details of facilities for the covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout. The facilities shall be provided in accordance with the approved details and shall be retained as such.
4. No development shall take place above slab level until details of the external material to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

END OF SECTION