
Appeal Decision

Site visit made on 11 June 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2024

Appeal Ref: APP/H0520/W/23/3330121

294 Herne Road, Ramsey St Marys, Cambs. PE26 2TD

- 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 S Lancaster against the decision of Huntingdonshire District Council.
 - The application Ref is 22/02000/FUL.
 - The development is proposed demolition of existing residential property and construct 2 No. detached dwellings with detached garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice did not fully reference the plans it considered in its determination of the application. The appellant provided multiple plans of a proposed scheme with overlapping references. Therefore, for the avoidance of doubt and following clarification with the parties, this appeal is determined in relation to the following plans:
 - Location Plan (unreferenced) - 26 March 2021
 - 7792-101 - House type 1 proposed elevations and floor plans - July 2022
 - 7792-102 - House type 2 proposed elevations and floor plans - July 2022
 - 7792-103 - 2 double garage block proposed elevations and ground floor plan - July 2022
 - 7791-104 - Revision C - Proposed site layout plan - January 2021
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

4. The main issues are:
 - a) the effect of the proposed development on the living conditions of the occupants of the neighbouring property at 300 Herne Road with particular regard to overlooking;

- b) whether refuse storage arrangements adequately cater for the development; and
- c) the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

- 5. The proposed dwelling at plot 1 comprises a two storey detached house. This plot would feature first floor accommodation with windows to the side elevations to bedrooms 1 and 2. The window to bedroom 1 has an elevated position and direct aspect towards the neighbouring property at 300 Herne Road. The window would allow views into the rear garden and towards side facing rooms at this neighbouring property. This would be to the detriment of the privacy and living conditions of the occupants.
- 6. This window would have most direct vantage over a driveway and parking area due to the positioning of the more private garden area further to the north. Whilst this area is set further away, the window to bedroom 1 would still command an elevated position and deny this neighbouring property of reasonable levels of privacy to much of the rear part of the property and to facing windows.
- 7. The proposed development would therefore result in a loss of privacy for the occupants of 300 Herne Road to the detriment of the living conditions of the occupants. The proposal therefore conflicts with policy LP14 of the Huntingdonshire Local Plan 2019 (HLP) which, amongst other things, requires development not to result in overlooking causing a loss of privacy.

Refuse arrangements

- 8. Policy LP4 of the HLP requires appropriate contributions towards infrastructure delivery to be provided. This includes waste and recycling facilities, and these should be delivered through a planning obligation and the Huntingdonshire Developer Contributions Supplementary Planning Document 2011 (HSPD) specifies the manner and format that this should take. However, no planning obligation was provided with the appeal and there is therefore no mechanism for waste and recycling provision. The provision of waste and recycling storage is necessary to make the development acceptable in planning terms. It is directly related to the development and fairly and reasonably related in scale and kind to the development which is for one (net) additional dwelling.
- 9. A condition to require the completion of the planning obligation has been proposed by the appellant. However, such a condition would not accord with the Planning Practice Guidance (PPG). The PPG advises that a condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate. Ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed.
- 10. As no planning obligation has been provided, there is no mechanism for the development to be able to comply with HLP policy LP4 and the HSPD and the development therefore conflicts with this policy and guidance.

Character and appearance

11. The site is located along Herne Road on the outskirts of the village of Ramsey St Marys. This part of Herne Road, where the site is located, is characterised by short rows of detached and semi-detached houses. These short rows of homes are separated by open fields. For its entire length, two storey houses and bungalows coexist next door to one another providing a variation in height and this is a distinctive part of the areas character. Whilst there is some variation in the size of homes, the majority sit on relatively spacious plots with reasonable distances to the side boundaries. As a consequence, the area has a spacious layout between buildings which is reinforced by fields in the areas between rows of homes.
12. The proposal would introduce two detached homes with a pair of attached double garages between them. This would present a mix of single storey and two storey structures on the site. Whilst these buildings would be located quite close together, a reasonable distance to the side boundaries would remain, particularly towards the north of the site. As a result, the proposal would not appear overly cramped within the plot. The introduction of a mix of single storey and two storey buildings on the site would not be harmful to the character of the area due to the variation in building types along Herne Road.
13. Therefore, I conclude that the proposed development would not be detrimental to the character and appearance of the area. It would comply with the provisions of HLP policies LP9, LP11 and LP12 which, read together, require development to respond positively to its context and draw inspiration from the key characteristics of its surroundings.

Other Matters

14. In reaching this decision I have had regard to the effect of the proposed development on other neighbouring properties including the effect of overshadowing. The proposed dwellings are set to the north of 290 Herne Road and therefore cannot cause any additional overshadowing. Nor would the proposal result in any other adverse effects on the occupants of this neighbouring property.

Conclusion

15. The proposal would result in overlooking to 300 Herne Road to the detriment of the living conditions of the occupants. Further, it does not provide a planning obligation to deliver appropriate waste and recycling provision. Whilst I have found that the development would not be harmful to the character and appearance of the area, the conflicts I have found mean that the development does not comply with the development plan. The material considerations do not indicate that the appeal should be decided other than in accordance with the development plan and therefore the appeal is dismissed.

Nick Bowden

INSPECTOR