



Appeal Decision

Site visit made on 12 June 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2024

Appeal Ref: APP/W0530/W/24/3336688

4A Willingham Road, Over, Cambridgeshire CB24 5PD

- 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 Cockram against the decision of South Cambridgeshire District Council.
 - The application Ref is 23/03636/FUL.
 - The development proposed is a 2 bed bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - Highway safety, with regard to the use of the proposed access and provision of off-street parking;
 - The living conditions of future occupiers of the proposed development with regard to privacy, and;
 - The character and setting of the adjacent Protected Village Amenity Area;

Reasons

Character and appearance

3. The appeal site is situated to the south of Willingham Road and is occupied by a large, detached dwelling. This is to the western end of a short row of detached homes, situated in generous plots, forming an open, spacious residential setting. Within this row, bungalows are arranged in a broadly coherent building line adjacent to the highway, and taller dwellings set back from the road behind long front gardens.
4. The front garden of the existing dwelling is visible over a modest front boundary fence. The open and undeveloped nature of this area provides an appropriately spacious setting to the existing dwelling which, due to its height and width, has an imposing presence in the area despite being set back from the road.
5. Immediately to the west of the row is the expansive Village Green (the Green), while to the east is a continuous, tall, dense hedgerow up to the junction with Mill Road. A mix of residential development exists behind the row, but is generally either a significant distance back from the road, of a low height, or

screened by greenery. This includes Windmill Close which is partially visible behind the hedgerow, but it is sufficiently screened and set back as to have a minimal effect on the character of the street. As a result, the homes in the short row on allow only glimpses of development beyond, and prevent it from impinging on the open, spacious feel to the south of Willingham Road.

6. Unlike the relationship between the existing bungalows in Willingham Road and development behind, the comparatively modest scale of the proposed bungalow would do little to screen No 4A. On the contrary, views over and past the side of the proposal would be dominated by the presence of No 4A, creating a striking and discordant visual relationship. This would be exacerbated by the short separation distance and absence of any visual break between the two, as well as the presence of an unfinished but already substantial domestic building in front of No 4A. Overall, the result would be a cramped, compressed appearance to the site, harmfully at odds with, and erosive to, the open, spacious character of the area.
7. I appreciate that the proposed bungalow would adhere to the existing local building line and incorporate a design and materials appropriate to the area. Whilst this would assist in assimilating the development into its setting, it would not mitigate against it being harmfully out of keeping with its surroundings, as described above.
8. I recognise that developments with a higher average density than 30 dph have been approved at Mill Road (Ref S/2870/15/OL) and Longstanton Road (Ref S/2383/17/FL). Both developments are screened from public view (significantly in the former case, partially in the latter) and set back from the road in a way that removes them from their immediate local context, requiring less adherence to an existing street scene. Consequently, the relationship between the cited developments and the character and appearance of their setting, as accounted for in Policy H/8, is not directly comparable to that within the appeal proposal. I attach limited weight to the approval of the cited developments, therefore.
9. Overall, and for the reasons set out above, the proposed development would have an unacceptably harmful effect on the open character of the area and comprise a density of development over 30 dwellings per hectare, which has not been justified by local character, the scale of the proposals or other local circumstances. Hence, it would be contrary to those aims of Policy H/8 of the South Cambridgeshire Local Plan (2018) (the Local Plan).

Highway safety

10. The proposals include the creation of a new access to the east of the site frontage, adjacent to the Green, in place of the existing access. The proposed access would be near the hedgerow referred to above. Due to its height, width and dense foliage, the hedge would deny a departing driver a clear view to the left until they had moved partly out of the appeal site. This would be inherently unsafe, with the risks exacerbated by the possibility of eastbound pedestrians and cyclists taking the shortest route when leaving the green, and so emerging regularly, and without warning to drivers, from behind the hedge.
11. The proposed driver visibility splays have been set out from the edge of the road rather than of the footpath or the appeal site. Even then, the splays cover land outside of the appeal site. While the pavement is included it is reasonable to assume will remain free of obstruction. Conversely, it is not within the

appellant's control to keep the grass verges/part of the Green included clear of visual obstructions to drivers and there is no evidence before me to suggest they would remain so in perpetuity.

12. As it is not certain that the proposed visibility splays will remain free of obstruction and, notwithstanding the appropriateness of setting them out from the nearest edge of the road, they do not comprise an acceptable and reliable arrangement in terms of highway safety in any event.
13. I appreciate the appellant could control the height of the front boundary enclosure to ensure visibility to the right, and that details of this arrangement could be secured by planning condition. I have no evidence, however, that the same is true of the hedge, which is not shown on the plans as being wholly within the appeal site. For that reason, I do not consider that a condition requiring details of the means of enclosure and to ensure visibility splays could address the concerns I have set out above.
14. The proposals allocate one off-street parking space for the proposed new dwelling, and it is the extent of parking provision at that dwelling, rather than at 4A Willingham Road (No 4A) that the decision notice has cited as insufficient. Policy TI/3 of the Local Plan gives an indicative level of two parking spaces for a new dwelling. Whilst it is stated that one space may be outside the curtilage, the supporting text for the policy envisages development that provides a mix of private and shared off-street parking, something which is not a feature of the proposed development. In any event, justification is required for the level and type of parking proposed.
15. The design and access statement says that 'Parking for 2 vehicles will be provided as shown on the accompanying plans', but the plans do not show the location of a second parking space. I appreciate that there are parking bays near the appeal site on Willingham Road. I have also been referred to the absence of parking controls to restrict on-street parking and a general absence of such parking within the road. Nevertheless, as no details have been supplied as to where the second, off-site, parking space would be I am unable to assess the proposed parking provision, other than to find it fails to provide the justification required by Policy TI/3 of the Local Plan.
16. For these reasons, the proposed development would have an unacceptable and detrimental impact on highway safety and does not contain justification supporting parking levels. Consequently, the proposal conflicts with Policies TI/2 and TI/3 of the Local Plan where they require the provision of safe highway routes and a design-led approach to parking provision, and to the similar aims in Section 9 of the Framework.

Living conditions

17. Whilst the proposed use of obscure glazed rear windows would ensure no intervisibility between habitable rooms in the proposed dwelling and No 4A, the distance between the rear boundary of the proposed dwelling and the front windows of No 4A would be around 14m. This is less than the preferred minimum distance of 15m in the South Cambridgeshire District Design Guide SPD (2010) (the SPD).
18. The proposed dwelling would align directly with two particularly wide first floor windows at No 4A, Due to their width, these would offer extensive overlooking

opportunities into the garden of the proposed dwelling, as well as creating a pronounced, invasive perception of overlooking. This would unacceptably harm the privacy of future occupiers of the proposed dwelling.

19. I appreciate that planting laurel bushes inside the rear boundary of the proposed dwelling may interrupt the line of sight from the windows of No 4A and, by reducing the usable garden area in the appeal property, effectively increase the overlooking distance. There would be no certainty, however, that such planting would be retained, that it would be maintained at 2.5m, or that it would always possess sufficient density and coverage to serve its intended purpose. Moreover, even a dense, well-maintained laurel bush would only partially screen views into the proposed dwelling from No 4A and would be insufficient to address the harm identified above, therefore.
20. For these reasons, the proposed development would have an unacceptable and harmful effect on the living conditions of future occupiers of the proposed development with particular regard to privacy, and the relationship between the appeal proposal and 4A Willingham Road. Consequently, the proposal conflicts with Policy HQ/1(n) of the Local Plan where it requires development to protect occupiers from overlooking, and the supporting guidance within the South Cambridgeshire District Design Guide SPD (2010).

The Protected Village Amenity Area

21. The appeal site is next to the Green, a large, square, recreational space designated as a Protected Village Amenity Area. The Green is open on two sides, with continuous lines of housing facing towards it. The other sides are enclosed by a tall, mature hedgerow, behind which are other dwellings overlooking the Green, including the site.
22. As a result, a characteristic of the Green is the way it is enclosed on all sides by residential development oriented towards it. This nestles the Green in the heart of Over, providing the impression that the village has been built around the Green, up to its edges.
23. The front part of the appeal site is undeveloped but distinctly residential, comprising a long, wide, driveway to No 4A, a parking area for two vehicles near the entrance, and a timber fence. The hedgerow between the site and the Green prevents views of the Green across it from Willingham Road.
24. Though the front of 6 Willingham Road (No 6) is marked by a tight cluster of tall, dense trees and bushes, these are kept neatly aligned to the edges of the plot and, as such, are recognisable as a residential boundary.
25. Overall, the frontages of both No 4A and No 6 are readily identifiable as residential, and as part of a row of houses terminating at the Green. Their residential character contributes to the setting and enclosure of the Green.
26. In this context, the appeal proposal would not harm the contribution of the appeal site to the setting of the Green. The proposed dwelling would be viewed as being firmly on the residential side of the hedgerow. It would not block views of the Green, nor would it significantly obscure views of the part of the hedgerow most visible from Willingham Road.
27. For the above reasons I conclude that the appeal proposal would preserve the character of the area insofar as the appeal site contributes to the setting of the

adjacent Protected Village Amenity Area, in accordance with Policies HQ/1 and NH/11 of the Local Plan, and guidance contained within the Over Village Design Guide SPD (2020).

Other Matters

28. The site is near to 4 High Street, which is designated as a Grade II listed building¹. I have therefore had regard to the statutory duty referred to in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, given the proximity and physical relationship of the proposal with this designated asset, its setting would be preserved, and the proposal would not detract from it.

29. I acknowledge concerns over the accuracy of the plans in respect of landownership and the redevelopment of No 4A. I see no evidence that any discrepancy in these respects is material to the main issues in this appeal and have based my determination on the plans that were before the Council, and upon which it based its decision, therefore.

30. I appreciate that the appeal proposals comprise revised plans following earlier applications, but I must form my view on the merits of the appeal proposal in isolation.

Conclusion

31. I am satisfied that the development would preserve the character of the area insofar as the appeal site contributes to the setting of the adjacent Protected Village Amenity Area. However, this would not overcome my concerns in terms of its effect on the character and appearance of the area, highway safety, and the living conditions of future occupiers of the proposed dwelling.

32. Overall, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. On this basis, the proposal would not amount to sustainable development. The appeal is dismissed, therefore.

A Knight

INSPECTOR

¹ *List Entry Number: 1127306