



Appeal Decision

Site visit made on 20 August 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2024

Appeal Ref: APP/V0510/W/24/3340272

Land south of 172 Mildenhall Road, Fordham, Cambridgeshire CB7 5NS

- 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 D & R Developments against the decision of East Cambridgeshire District Council.
 - The application reference is 23/01270/FUL.
 - The development proposed is a bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for a bungalow on the land south of 172 Mildenhall Road, Fordham, Cambridgeshire in accordance with the terms of the application, reference 23/01270/FUL, subject to the attached schedule of conditions.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of the residents of 172 Mildenhall Road with regard to outlook.

Reasons

3. The council's concern is that the proposal would erode the symmetrical and spacious character of the area but accept that the proposed bungalow would be within the defined development envelope of Fordham and would be of a design that reflects the surrounding dwellings on Newport Avenue. The site, which forms part of the former rear garden of 172 Mildenhall Road, has a long frontage along Newport Avenue. The new house would be set back from the road by a similar distance to the neighbouring bungalows and although it would increase the prominence of development, it has been carefully designed to ensure that its scale and position would be subservient to the original house and complementary with regard to the bungalows beyond.
 4. The proposal would make good use of this site and given its position, height and design, would not result in harm to the character or appearance of the area. It would not therefore conflict with the requirements of policies ENV 1 or ENV 2 of the East Cambridgeshire Local Plan 2015 (amended 2023)(LP) or policy 2 of the Fordham Neighbourhood Plan 2016-2036 (2018)(NP).
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5. The council is concerned that the built form of the new house would be overbearing for the neighbouring residents when within the garden and rear rooms of 172 Mildenhall Road. The rear garden of that dwelling is already enclosed by its own single storey outbuilding. The proposed rear boundary fence alignment differs from the boundary that is currently in place. However, the rear extension would extend only a limited distance along the rear boundary, retaining an open aspect over the rear fence from much of the adjoining garden. Given the single storey height of the proposed building and the pitched roof, the proposal would not unacceptably harm the living conditions of the neighbouring residents with regard to outlook. There would not therefore be conflict with the amenity requirements of LP policy ENV 2 or NP policy 2(i).
6. Concern has been raised with regard to the privacy levels within the proposed rear garden. Revised plans were submitted showing an attached bike store rather than a free standing shed. Both show the provision of two trees close to the boundary. Residents of the new house would benefit from a small area of patio immediately outside the kitchen and living room that would be entirely private. The built form of the kitchen would screen this area from views from the two adjacent houses. The remainder of the rear garden, including part of the patio, would be visible from the bedroom windows of the two adjacent houses with the nearest part of the garden being particularly close to their windows. However, the garden would extend a significant distance from the northern boundary and much of it would be a reasonable distance from the adjacent houses. This level of overlooking would not be unusual and future residents would have the opportunity to manage this into the future, by the provision of screening within the garden, should it be a concern to them.
7. Overall, this is a location where new housing can be supported. There would not be harm to the character or appearance of the area or to the amenities of adjacent residents. There would be no conflict with the development plan or the design and amenity requirements of the National Planning Policy Framework 2023. In the absence of any matters that weigh against the proposal, I allow the appeal.
8. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. I have approved the revised plans showing a permanent attached outbuilding as this offers improved privacy. The application form sets out the details of the materials to be used and a condition requiring these materials would be sufficient to ensure that the development would have a satisfactory appearance.
9. I have also imposed conditions suggested by the council with regard to biodiversity, drainage and landscaping to ensure that the proposal would not result in local flooding concerns, would enhance biodiversity and would have an acceptable appearance in accordance with LP policies ENV 7 and ENV 8; NP policy 8; and the council's Supplementary Planning Document: Natural Environment 2020.
10. I have required that dropped kerbs be provided for both properties as, regardless of changing ownership, this proposal prevents use of the original access to 172 Mildenhall Road. I have also required that driver - pedestrian

visibility be achieved and maintained in the interests of highway safety and to accord with LP policy ENV 2.

Peter Eggleton

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Rev C, 705 P-01 Rev P3 and P-02 Rev P1.
- 3) The works hereby permitted shall be carried out in accordance with the description of materials set out in the application form.
- 4) Prior to first occupation of the dwelling a scheme for the disposal of surface water shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the occupation of the dwelling.
- 5) Prior to the first occupation of the dwelling, dropped kerbs shall be installed to provide appropriate access for the new dwelling and 172 Mildenhall Road.
- 6) Visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the footway.
- 7) Prior to first occupation of the dwelling a schedule of hard and soft landscape works and biodiversity improvements, including the number and location of bird and bat boxes, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details. The approved hard landscaping and bird and bat boxes shall be installed before first occupation of the dwelling and retained thereafter. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.