
Appeal Decision

Site visit made on 9 October 2024

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/W0530/D/24/3346083

90 Bannold Road, Waterbeach, Cambridge CB25 9LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 appeal is made by Mr Stephen Simons against the decision of South Cambridgeshire District Council.
- The application ref. is 24/00374/S73.
- The application sought planning permission for "Proposed detached garage" without complying with conditions attached to planning permission ref. 21/01884/HFUL, dated 5 April 2022 re appeal decision ref. APP/W0530/D/21/3289992.
- The conditions in dispute are nos 2 & 4. **Condition 2** states that: "The development hereby permitted shall be carried out in accordance with the following approved plans numbered or annotated: PL-01; PL-02; PL-03; and unnumbered Location Plan, other than where the details are altered pursuant to other conditions of this planning permission." **Condition 4** states that: "The proposed side-hung timber garage doors shall be omitted. They shall be replaced with doors which do not open outwards towards the adopted highway. The replacement doors shall not be fitted until plans and details of their design, opening system, materials and coloured finish have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall thereafter be built in accordance with those approved plans and details."
- The reason given for **condition 2** is to provide certainty. The reason given for **condition 4** is to avoid any materially harmful highway safety issues for users of Bannold Road.

Decision

1. The appeal is allowed and planning permission is granted for proposed detached garage at 90 Bannold Road, Waterbeach, Cambridge CB25 9LQ in accordance with application ref. 24/00374/S73, without compliance with conditions 2 & 4 previously imposed on planning permission ref. 21/01884/HFUL, dated 5 April 2022 re appeal decision ref. APP/W0530/D/21/3289992 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of 5 April 2022.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: PL-05 and PL-06.
 - 3) The external walling and roofing materials to be used in the construction of the garage hereby permitted shall follow the specifications as stated on the householder application form that accompanied application ref. 21/01884/HFUL

Matters of clarification, background and main issue

2. Planning permission was granted for a detached garage at no. 90. That original planning permission will continue to exist whatever the outcome of this appeal.
3. This appeal seeks permission to carry out the development without complying with condition 2 which requires the development to follow the approved plans and condition 4 which sought to control the garage doors that were shown positioned 5m back from the highway boundary.
4. As an alternative, the appellant wishes to have a sectional up and over garage door in the east elevation facing across the front garden rather than in the north elevation facing the highway. It is stated that this would increase privacy and security when the appellant is working in the garage. At the same time, the garage would be increased in width by about 1.5m, making it about 5.7m wide. The ridge of the hipped roof would be raised fractionally, with the Council estimating the increase in height to be about 0.2m. The separation distances from the dwelling and the highway would remain as approved at 1.75m and 5m respectively.
5. The intention is for the 2 submitted plans to be followed instead of those previously approved. If the proposal is acceptable, it would require condition 2 to be varied, whilst condition 4 would be removed as it would no longer be necessary or relevant.
6. The main issue is the effect of the proposed detached garage, having regard to its scale, upon the appearance of the host dwelling within the surrounding area.

Reasons

7. My assessment of the main issue is based on the most relevant policies of the development plan, which are to be found in the South Cambridgeshire Local Plan September 2018 (LP) and takes into account all other material considerations including the Council's District Design Guide Supplementary Planning Document March 2010 (SPD) and the National Planning Policy Framework (the Framework).
8. Bannold Road is a straight road progressing eastwards through the built-up area of Waterbeach into the flat open countryside beyond. No. 90 stands on the last frontage plot on the southern side of the road before the countryside takes over. It is a bungalow with further rooms in the roof space. There are 3 dormers and a roof light in the front roof slope.
9. In the earlier appeal decision, it was found that even though the garage, as proposed then, would be sited in front of the dwelling and be highly visible, it would not disrupt the established character of the frontages in the vicinity of the site and would not be excessively prominent in the street scene taking into consideration the development's local and wider context. In particular, it was noted that the forward position of the proposed garage would not be uncommon of garages within the wider area. I see nothing in the appeal scheme before me to change those findings.
10. The Council had no objections to the relocation of the garage door but said that by virtue of the increase in scale of the proposed garage, the proposed development would result in an out of proportion garage in comparison to the existing dwelling.

11. However, the physical changes in the scale of the garage are relatively modest in extent. The height and hipped roof shape of the garage would be almost the same at that previously approved. The low hipped roof would still be swept down on one side to create an eaves line, next to the boundary with no. 88, of only about 1.8m above ground level. The garage would be still be lower than the roof structure over the main entrance porch. The scheme would still leave over 50% of the plot width open when viewed in line with the garage door. The 3 dormers, the roof light and virtually the whole front roof slope would still be clearly visible. Of the 4 front bays across the ground floor (3 windows and the entrance door), the main window at the eastern end and the entrance door would be fully visible. The window at the western end would be visually blocked just as approved. This appeal scheme would lead to about half of the central window being covered.
12. In the short-lived views that are available when passing directly in front of no. 90, I am not therefore convinced that the garage would appear out of proportion with or visually dominate the existing dwelling. Reasonable public views of the dwelling would be retained and the garage would appear subservient to it. The garage would not appear unduly assertive or of inappropriate scale in its local context. The complementary materials of weatherboarding and plain tiles would also assist in this regard. In the wider context, most of the dwellings between 25 and 45 Bannold Road have single or double garages in front of their principal elevations. In my view, the proposed garage would compare favourably in terms of its scale in relation to the host dwelling when judged against a number of those other garages particularly at nos 27, 31, 33, 35 and 37.
13. As before, some observers might judge the garage to be part of a subsidiary front-projecting ground floor extension which reflects the staggered formation already evident between nos 86 and 88. Others may see it as providing some form of visual stop to development on this side of the road which would be a reasonable design to employ at this edge of settlement location.
14. I consider that the proposed development would represent a visually attractive solution, exhibit a high standard of design, be sufficiently complementary and sympathetic to the original parent building in terms of size, scale, siting and design and be sufficiently respectful of the local context, surroundings and street scene.
15. I find on the main issue that the proposed detached garage, having regard to its scale, would not be materially harmful to the appearance of the host dwelling within the surrounding area. It would not conflict with LP Policy HQ/1 which requires development proposals to reflect the principles of good design, one of which refers to compatibility with their location and appropriateness in terms of scale in relation to the surrounding area. There would also be respect for the SPD and the Framework, insofar as it seeks to achieve well-designed and beautiful places.
16. I have also had regard to the Waterbeach Neighbourhood Development Plan (WNDP), made in March 2022. It was listed in the policy section of the Officer's delegated report but not relied upon in either the planning assessment section of that report or in the decision notice itself. Still, it forms part of the development plan but I consider that the proposal would respect a core objective of the WNDP to retain the distinctive rural character of the existing settlement. I note also that the proposal would not affect a Waterbeach Parish Key View.

Conditions

17. I have considered the 3 conditions suggested by the Council, in its questionnaire, in the event of the appeal being allowed.
18. The Planning Practice Guidance (PPG) indicates that a grant of planning permission under section 73 should not extend the time period for implementation. I have therefore amended the Council's first suggested condition to include the date of the original planning permission.
19. Given my findings, it is not necessary to comply with conditions 2 and 4 of the original planning permission. In short, the Council's second suggested condition is imposed to the extent that I have replaced condition 2 with a new condition that refers to an amended list of approved plans to follow in order to provide certainty. Condition 4 is removed in its entirety as there are now no garage doors facing the highway.
20. The PPG explains that where an application under section 73 is granted, the planning permission should repeat the relevant conditions from the original planning permission that continue to have effect. I have therefore included the Council's third suggested condition controlling materials as this remains relevant in the interests of safeguarding the character and appearance of the locality.

Conclusion

21. For the reasons given above and having regard to all other matters raised and the absence of objections from local residents and local organisations, I conclude that this appeal should be allowed. A new planning permission is granted.

Andrew Dale

INSPECTOR