



Appeal Decision

Site visit made on 28 January 2025

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/H0520/W/24/3349913

**Land Between 14 And 16 Coneygear Road, Huntingdon, Cambridgeshire
PE29 1QL**

- 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 G Popham of GFP Carpentry against the decision of Huntingdonshire District Council.
 - The application Ref is 23/02078/FUL.
 - The development proposed is described as an “open plot of land to C3 residential dwelling for 2x semi-detached two-bedroom bungalow dwellings”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and amended on 7 February 2025. Those parts of the Framework most relevant to the appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no parties interests would be prejudiced by my taking this approach.
3. The appellant has submitted a Unilateral Undertaking (UU), dated 28 February 2024, to address the Council's fifth reason for refusal. I shall return to this matter later.

Main Issues

4. The main issues are:
 - the effect of the proposal on the availability of open space,
 - the effect of the proposed development on the character and appearance of the area,
 - the effect of the proposed development on the living conditions of future occupiers, with particular regard to internal space standards and private amenity space,
 - the effect of the proposed development on highway safety, with regard to the turning areas,
 - whether the proposed development makes adequate provision for cycle storage,

- whether the proposal makes suitable provision for waste and recycling management, and
- the effect of the proposed development on the living conditions of existing occupiers of 14 and 16 Coneygear Road and 22 Maryland Avenue, with particular regard to privacy and outlook.

Reasons

Open space

5. The appeal site comprises a predominately open parcel of land, which is largely laid to grass and includes two trees. The evidence indicates that the land provides an area of recreational space, which has a visual and functional link from Coneygear Road to Maryland Avenue. While it is alleged that the land was sold with the purposes of development potential, there is no dispute between the parties that it forms an area of open space.
6. The appeal scheme seeks to erect two dwellings, with associated parking and garden areas. Having regard to the extent of the proposal, the appeal scheme would result in the loss of this area of open space. While it is asserted that the appeal site is unused by the local community, there is limited substantive evidence to demonstrate that the land is surplus to requirement. Moreover, the appeal scheme does not include any compensatory measures to mitigate the loss of this land that would provide a net benefit to the community.
7. For the reasons set out above the proposal would have a harmful effect on the availability of open space. Accordingly, the proposal would be contrary to Policy LP32 of Huntingdonshire's Local Plan to 2036 (LP) which seeks to avoid the loss of open spaces and requires any loss to be mitigated by a net gain to the community.

Character and appearance

8. The appeal site lies within a predominantly residential area, comprising a largely open area that is laid to grass, with two trees positioned close to the boundary with Coneygear Road. It is located in a prominent position, between Coneygear Road and Maryland Avenue, and adjacent to a footpath which links these two roads. There are pockets of open space, of varying sizes, within the wider area, which, together with trees, hedges and grassed verges, give the area an open, spacious and verdant feel. The spaciousness of the area is further reinforced through the siting of properties set back from the highway in relatively deep plots. The open spaces and property layouts contribute to the character and appearance of the area.
9. The appeal scheme seeks to erect a pair of semi-detached, single storey properties. While the appeal properties would reflect the design and materials of surrounding development, the proposed works would extend almost the full width and depth of the appeal site. Moreover, due to the depth of the appeal site, the rear gardens of the appeal properties would be conspicuously shallow.
10. Consequently, the proposed development would erode the open, spacious appeal site, partially enclose the adjacent footpath and result in an incongruous and cramped form of development, at odds with the prevailing character and appearance of the area.

11. I therefore conclude that the proposed development would result in unacceptable harm to the character and appearance of the area. This is contrary to LP Policies LP11 and LP12 and Policies NE3, BE1 and BE2 of the Huntingdon Neighbourhood Plan 2019 (NP).

Living conditions future occupiers

12. In assessing the suitability of the internal accommodation, the Council has referred to the Technical housing standards – nationally described space standard 2015 (NDSS). This document is not referenced by LP Policy LP14, which is included within the Council's reason for refusal. As such, I can only give it limited weight in my decision. It is however useful for guidance in the consideration of whether the appeal scheme provides appropriate space and living conditions, in accordance with the requirements of the development plan.
13. The submitted plans indicate that the proposed dwellings would have a gross floor area of 56.43 square metres, although the Design and Access Statement provides a figure of 53.45 square metres. For two bedroom, four person properties, the NDSS requires a gross internal floor area of at least 70 square metres. Even if I took the higher figure, the appeal scheme would still fall significantly below the minimum space standards. As a result, the proposed development would provide a poor level of accommodation for future occupiers of the properties.
14. The Huntingdonshire Design Guide Supplementary Planning Document 2017 (SPD) states that a distance of 21 metres between properties would ensure privacy for residential use. The proximity of the appeal scheme to Nos 14 and 22 falls significantly below the stipulated distance. As such, there would be direct views from the first floor side window serving No 14 and the first floor window to the front of No 22 into the rear gardens of the appeal properties. Consequently, future occupiers of the proposed properties would suffer unreasonably from a lack of privacy.
15. The appeal properties would be provided with limited private amenity space for future occupiers. As such, there would not be adequate space to allow effective and practical use by residents, as advised by the SPD, including leisure activities, drying of laundry, outdoor storage or planting areas.
16. For these reasons, the appeal scheme would have a harmful effect on the living conditions of future occupiers, with particular regard to internal space standards and outdoor space. This is contrary to LP Policy LP14 which states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development.

Highway safety

17. Coneygear Road is subject to a 30mph speed limit and in an unrestricted parking zone. At the time of my visit there was a relatively low flow of traffic and some on-street parking. However, I appreciate that the road conditions I experienced were only a snapshot in time, during a quieter part of the day, and traffic flow and the demand for on-street parking is likely to increase at peak times.
18. The appellant highlights that there is access from the rear of the appeal site off Maryland Close, in addition to Coneygear Road, and indicates that the proposal is aimed at low income residents who are unlikely to have two vehicles.

Nevertheless, the appeal scheme proposes two off-street parking spaces per dwelling, with vehicular access from Coneygear Road.

19. The appellant asserts that vehicles can enter the proposed off-street parking spaces in a forward gear. However, given the positioning of porches, bin storage areas and landscaping, there is limited and restricted space within the frontage of the appeal site for the manoeuvring of vehicles.
20. Limited substantive evidence, such as swept paths, has been submitted to demonstrate that there is sufficient space within the appeal site for vehicles to manoeuvre and leave in a forward gear. Consequently, vehicles are likely to exit the site in reverse gear onto Coneygear Road. This would result in vehicle movements within the highway, thereby increasing the risk of conflict with other road users, to the detriment of highway safety.
21. Although the appellant suggests visitors could park in front of the site, this was not a concern of the Council. However, this would not mitigate the harm I have found in respect of the turning area, and, in any event, there is evidence to suggest the availability of on-street parking is limited.
22. It is stated that the appeal site is highway land, with the Highway Authority advising that the appellant should contact their searches department in respect of stopping up this land. This is a matter for the Highway Authority to consider and investigate and, as such, is separate to the planning merits of this appeal.
23. For these reasons, I conclude that the appeal development would have an unacceptable harmful effect on highway safety, with regard to the turning areas. This is contrary to LP Policy 16 which seeks, among other things, to ensure proposals demonstrate that safe physical access from the public highway can be achieved.

Cycle storage

24. LP Policy LP17 states that proposals will be supported where it incorporates adequate parking for cycles, on the basis of one clearly identified secure cycle space per bedroom for all dwellings. It also requires that such provision should comply with the design and security guidance set out in the SPD. The SPD states that cycle parking should be provided by way of a covered and secure structure within the domestic curtilage.
25. For two, two bedroom dwellings, four secure cycle spaces are required. While the submitted plans show two cycles in the garden of each respective dwelling, these are not shown within a covered and secure structure. Moreover, any such structures are likely to encroach into and therefore reduce the size of already limited areas of private amenity space. This further reinforces my conclusions in respect of the living conditions for future occupiers in respect of private amenity space.
26. Consequently, the proposed development does not make adequate provision for cycle storage. This is contrary to LP Policy LP16 and NP Policy TT1, which collectively seek to ensure new development demonstrates that opportunities are maximised for the use of sustainable travel modes, and LP Policy LP17, as set out above.

Waste and recycling

27. LP Policy LP4 sets out that contributions towards the provision of infrastructure, and of meeting economic, social and environmental requirements may be necessary to make a proposal acceptable in planning terms. It also states that such contributions will be calculated as set out in the Developer Contributions Supplementary Planning Document 2011 (DCSPD).
28. The DCSPD states that household waste management is critical in developing sustainable communities, and new housing within the district will trigger a need for the provision of waste storage containers (wheeled bins). The DCSPD indicates the cost of the bins will be reviewed annually.
29. On the evidence before me, I am satisfied that a financial contribution towards such facilities would be necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the Framework.
30. The submitted UU offers to make a contribution of £170 per dwelling towards the provision of wheeled bins to serve the development. While this amount has not been confirmed by the Council, the UU is unsigned and appears not to be complete. As such, it does not carry any weight in consideration of the appeal. Even if the UU were complete, it would not overcome the other harms I have identified in the main issues.
31. Therefore, the proposal would not secure the necessary contribution to offset the costs of wheeled bin provision. In the absence of a completed UU, the proposal would not make adequate provision for waste management, contrary to the requirements of Policy LP4, as set out above.

Living conditions existing occupiers

32. To safeguard neighbouring amenity, the SPD uses 25 and 45 degree rules to assess whether a proposal is overbearing or would result in a detrimental loss of light. No information to confirm compliance, or otherwise, with this guidance has been submitted by either the appellant or the Council.
33. Notwithstanding this, the appeal proposal comprises a semi-detached pair of single storey dwellings, with pitched roofs and side gables. The appeal properties would be sited between 14 and 16 Coneygear Road and close to 22 Maryland Avenue. Nos 14, 16 and 22 are two storey properties.
34. The side elevations of the appeal scheme would face towards the side elevation of No 14, which includes a first floor window, and the front elevations of Nos 16 and 22, which are separated from the appeal site by their respective front gardens and a footpath.
35. While I cannot be certain that there would not be conflict with a line of 25 degrees or 45 degrees if applied to neighbouring habitable room windows, this conflict is not likely to be significant, given the single storey height and pitched roof design of the appeal scheme, and the layout, orientation and proximity of the neighbouring properties. As such, the proposed development would not result in an overbearing form of development and there would be no material loss of outlook for the occupiers of these properties.

36. I therefore conclude that the proposed development would not result in unacceptable harm to the living conditions of existing occupiers of 14 and 16 Coneygear Road and 22 Maryland Avenue, with particular regard to privacy and outlook. This accords with LP Policy LP14 which states that a proposal will be supported where a high standard of amenity is maintained for users and occupiers of neighbouring land and buildings.

Other Matters

37. While the appeal scheme might be aimed at the lower end of the home buyer property market, as starter homes or potential lower cost rental tenancy, there is nothing before me to secure them as such. Therefore, such benefits carry limited weight.
38. While the appellant highlights that Biodiversity Net Gain was not required at the time the planning application was considered, this is not a matter in dispute.
39. It is alleged that the appeal site was sold for the purpose of residential development, with no restriction on development imposed on its sale. These are matters between the appellant and the previous landowner.

Conclusion

40. For the above reasons I conclude that, while the proposal would not harm the living conditions of existing occupiers of neighbouring properties, the harm I have identified in respect of the open space, the character and appearance of the area, the living conditions of future occupiers, highway safety, cycle storage and waste and recycling management is determinative. Therefore, the appeal proposal conflicts with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Consequently, the appeal is dismissed.

S Pearce

INSPECTOR