



Appeal Decision

Site visit made on 25 March 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2025

Appeal Ref: APP/H0520/W/24/3347572

11 Dukes Road, Eaton Socon, Cambridgeshire PE19 8DD

- 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 Selley against the decision of Huntingdonshire District Council.
 - The application Ref is 24/00141/FUL.
 - The development proposed is described as “Proposed detached bedroom bungalow”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the submitted Location Plan ref. PE19-8DD/11/NB/02 has an incorrect north arrow. However, notwithstanding this error, the proposed plans adequately show the site, and it is clear from the evidence where the site is in relation to its boundaries.
3. The appeal has been accompanied by a signed unilateral undertaking (the UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). Following receipt of the Council’s Appeal Statement, an amended UU was also submitted dated 13 December 2024 to correct the north arrow on the accompanying site location plan. The UU relates to a planning obligation regarding a financial contribution towards refuse bin provision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - whether the proposed development would provide acceptable living conditions for future occupants with regard to privacy; and
 - whether the proposed development makes adequate provision for any additional need for refuse bins arising from the development.

Reasons

Character and appearance

5. The appeal site relates to a parcel of land on the corner of Dukes Road where a cul-de-sac meets the main road. Most dwellings in the immediate vicinity are two-storey and of a similar form and appearance. Whilst there are some examples of blocks of flats and bungalows in the wider estate, these are typically clustered together and are well separated from the appeal site. Surrounding the site, properties are arranged in a uniform manner with consistent building lines and similar plot sizes.

Exceptions to this are the more spacious corner plots which have generous front/side gardens which allow for views between and around buildings. This, along with pockets of grassland found in the surrounding area, creates a sense of openness despite the relatively dense nature of surrounding development and contributes positively to the character and appearance of the area.

6. The site comprises part of the front, side and rear garden of 11 Dukes Road (no 11) which has a wraparound garden that is similar to other corner plots in the locality. No 11 has been extended at two-storey on the northern side of the dwelling forming an annexe that is accessed through a door on the side elevation. The remainder of the front/side garden has been gravelled and enclosed by close boarded fencing of varying heights, with a vehicular access on the corner. The position of the existing dwelling is broadly consistent with the building line on both affected streets, whereby dwellings are typically set back from the highway behind front gardens and driveways.
7. The proposal would introduce a single storey dwelling on the rear portion of the side garden of no 11. The dwelling would be constructed out of materials to assimilate with the surrounding area. However, its single storey form and hipped roof design would directly contrast with the scale and form of development in the immediate vicinity. Whilst I note there are examples of single storey extensions to properties in the locality, the immediate area does not have a strong single storey character and there are few examples of detached single storey outbuildings in the street scene. The proposal would also fail to respect the building line on both streets which, when coupled with the contrasting scale and form, would result in an uncharacteristic and incongruous form of development that would be prominent in the street scene, despite its single storey height. This would conflict with the place making principles contained in chapter 3 of the Huntingdonshire Design Guide Supplementary Planning Document (SPD) (2017) which encourages new buildings to respect established building lines and patterns of development.
8. The development would also fill the space on the site that, although bound by fencing, is absent of built form. The loss of this space, coupled with the relationship of the dwelling with its boundaries and positioning close to the highway, would reduce views that are currently available across the gardens between no 11-13 and result in a cramped arrangement. Consequently, it would reduce the openness within the street scene and contrast with the surrounding pattern of development. Taken all together, the proposal would therefore be harmful to the character and appearance of the area.
9. The sub-division of the plot would result in the new dwelling having its garden area to the south-east, with no 11 retaining the remainder of the existing rear garden. The resulting garden areas would be smaller than surrounding properties, and the positioning of the new dwelling in relation to no 11 would result in a contrived relationship with its garden. However, the gardens would not be disproportionately small when compared with the size of the dwellings they would serve and once enclosed by boundary treatments, would not be highly prominent from public vantage points. Consequently, this would not result in harm to the character and appearance of the area.
10. In association with the dwelling, hard and soft landscaping is proposed to the front of the site to provide parking areas for both dwellings, separated by an area of grass and hedging. Currently this portion of the site is covered in gravel and enclosed by fencing with no soft landscaping. I also observed during my site visit that several properties in

the area have installed hardstanding over their front gardens for parking. As such, the proposed parking areas would not be completely out of character and the use of planting around the corner of the site could assist in softening the appearance of the parking areas in the street scene. Therefore, whilst the hard landscaping would contrast with the appearance of the corner plot directly opposite the appeal site, given this part of the site is already hard surfaced and used for parking, I do not consider this would amount to visual harm.

11. Nevertheless, for the reasons given above, I conclude that the development would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with Policies LP11 and LP12 of the Huntingdonshire's Local Plan to 2036 (the LP) and Policy A3 of the St Neots Neighbourhood Plan 2014-2029, which amongst other things, seek to secure high quality design and development that responds positively to, and successfully integrates with its context.
12. I note that the Council finds conflict with Policy LP7 of the LP in its reason for refusal. However, this policy is not determinative in my consideration of this appeal as it relates to the types of development supported in the different spatial planning areas of the District, and the principle of residential development in this area from a settlement hierarchy perspective is not in dispute. The Council has also confirmed that this policy was cited in error.

Living conditions

13. The proposed dwelling would be sited in very close proximity to no 11 and its attached two-storey annexe. The annexe would span the length of the rear garden of the proposed dwelling and has windows in its rear elevation. The evidence presented indicates that these windows serve a kitchen at ground floor and a landing and bathroom at first floor, the later of which is obscurely glazed. I am satisfied that any potential for overlooking from the ground floor window could be mitigated by the 1.8m close boarded boundary fence that is proposed to enclose the garden of the proposed dwelling.
14. However, notwithstanding the fact that the first-floor windows do not serve habitable rooms, given the limited separation distance and relative positioning of the existing dwelling I consider there would be, at the very least, a perception of overlooking into the entirety of the amenity space serving the dwelling. This would not afford future occupants with an acceptable level of external privacy. That future occupiers would be aware of this arrangement prior to occupying the dwelling does not make the scheme acceptable.
15. The appellant has referred to an example of another development that has been approved in the District, however I have not been provided with any details of this application in evidence. Nevertheless, I note that this example has been referenced to justify the size of the external amenity space provided for the proposed dwelling, which the Council has confirmed is not a matter in dispute. I see no reason to come to a different conclusion on this point.
16. I therefore conclude that the proposal would fail to provide acceptable living conditions for future occupants of the proposed dwelling with regard to privacy. This is contrary to Policy LP14 of the LP insofar as it requires appropriate physical relationships between buildings to ensure a high standard of amenity to be provided for future occupiers.

Refuse bin provision

17. Part H of the Council's Developer Contributions SPD (2011) confirms and justifies the Council's requirement for a financial contribution towards refuse bins for all new residential development to ensure appropriate householder waste management. This is supported by Policy LP4 of the LP which requires contributions towards the provision of infrastructure that is considered to be necessary to make a proposal acceptable in planning terms, such as waste recycling facilities.
18. The appeal has been accompanied by a signed amended UU pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). The UU relates to a planning obligation regarding a financial contribution towards refuse bin provision. The Council has confirmed that the submitted UU is sufficient to address the Council's concerns in respect of this reason for refusal.
19. Given this policy context, I am satisfied that a planning obligation for refuse bins is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. Therefore, it meets the three statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and Policy LP4 of the HLP.
20. However, the UU is not legally sound as it does not contain details of the land registry title to the land, and it does not state that it is a planning obligation. I therefore consider that it is fundamentally flawed and consequently I have no confidence that it would be enforceable or would secure what it sets out to achieve. As such, the UU holds no weight in my decision.
21. The proposal would therefore fail to make adequate provision for additional needs for refuse bins arising from the development. It would therefore be contrary to Policy LP4 of the HLP and the Council's Developer Contributions SPD (2011), which collectively require contributions towards the provision of householder waste recycling facilities in the interest of developing sustainable communities by ensuring that waste production is reduced, and recycling is increased.

Other Matters

22. The appellant has referred to the lack of objections from technical consultees and interested parties as well as referring to several planning matters where the Council has not identified harm. This includes the development resulting in no adverse impacts on highways safety, the living conditions of existing occupiers, ecology and biodiversity and being a suitable location in settlement terms. However, these matters are neutral factors and do not alter my findings on this appeal.
23. Reference has also been made to the use of sustainable construction techniques and the development being designed to comply with building regulations in respect of accessibility. However, there is little in the evidence to suggest the development would be particularly innovative, or that it would go beyond the requirements of the development plan or other governing legislation in this regard.
24. Criticisms relating to the Council's handling of the application or interactions with the appellant have not factored into my consideration of the appeal proposal, which I have assessed on its merits.

Planning Balance and Conclusion

25. The proposal would deliver the benefit of one dwelling in a settlement. Whilst not meeting the definition of previously developed land, the proposal would nevertheless make effective use of land within a settlement for housing. It would also help broaden the supply of housing in an accessible location. The development would therefore make a small but beneficial contribution to the choice of homes in the district and its supply of housing land; as well as providing social and economic benefits during construction and after occupation. Additional landscaping would also provide minor biodiversity benefits. However, given the scale of the development, the benefits associated with the delivery of one dwelling would be limited and would not outweigh the harm I have identified.
26. Therefore, for the reasons given above, the proposal conflicts with the development plan as a whole and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude the appeal should be dismissed.

H Whitfield

INSPECTOR