



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: 4th April 2025

Appeal Ref: APP/D0515/W/24/3352328

1 Stonald Avenue, Whittlesey, Cambridgeshire PE7 1QZ

- 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 Jonathan Fowler against the decision of Fenland District Council.
 - The application Ref is F/YR24/0205/F.
 - The development proposed is the erection of new dwelling including parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council altered the description of development during the determination of the application, however there is no evidence to suggest that the appellant agreed to this change. The appellant has stated on their appeal form the same description used on their application form, so I have used this in the banner heading above.
3. The appellant originally submitted an appeal statement relating to a different site. Following confirmation from both parties I have proceeded on the basis of the appellants appeal statement for “Land rear of 1 Stonald Avenue Whittlesey Rev 1.1”. The Council had the opportunity to comment on this statement and is not prejudiced by this.
4. The Officer Report refers to the preparation of a new Local Plan, which was subject to consultation in 2022. I have not been supplied with a copy of the emerging Local Plan. However, the reasons for refusal do not identify any conflict with any emerging policies and I note the plan remains at a very early stage of preparation. I have therefore based my decision on the current adopted Development Plan.

Main Issues

5. The main issues are the effect of the proposed development upon;
 - the character and appearance of the surrounding area; and
 - highway safety, with particular regard to parking provision.

Reasons

Character and appearance

6. The appeal site lies on the eastern side of Commons Road and comprises part of the rear garden of 1 Stonald Avenue, which is an end of terrace dwelling. To the south of the site is a track that provides access to the rear of properties on Stonald Avenue

and their rear parking areas. Properties on Commons Road vary in style and design and are mostly set within spacious plots. North of the junction with Stonald Avenue, properties are typically detached single storey dwellings, whereas to the south, properties are mostly two-storey detached dwellings, save for the two-storey terraced row to the south of the appeal site.

7. On Commons Road, properties are mostly positioned back from the highway behind front driveways enclosed by a variety of low-level boundary treatments. Where properties are orientated side-on to Commons Road, their rear gardens are enclosed by taller boundary treatments. There are some examples of single storey buildings positioned close to the back edge of the footpath. However, these are mostly subservient in scale and appearance. Nevertheless, the general setback position of dwellings and the relatively uniform building line gives a sense of spaciousness and regularity in the street scene, provides visual relief from the buildings and contributes positively to the character and appearance of the area.
8. The appeal scheme proposes a two-storey detached dwelling set close to the footpath, significantly closer than surrounding development and forward of the prevailing building line. By virtue of its scale and positioning, this would result in a prominent and uncharacteristic form of development that would be imposing and incongruous in the street scene. Given the constrained plot depth, the dwelling would also be sited close to its front and rear boundaries. This cramped relationship would be particularly noticeable from the south of the site given the proposal to open the sites southern boundary to provide on-site parking spaces and the views that can be achieved down the adjacent access track. Consequently, the proposal would result in a cramped and incongruous form of development that would be overtly prominent in the street scene, resulting in harm to the character and appearance of the area.
9. My attention has been drawn to other developments in the surrounding area where built form is sited close to the footpath and the plot size is smaller than surrounding properties. I have taken these into account in terms of any influence on the character and appearance of the area so far as I am able to, based on the information before me. However, the example cited on Delph Street is a significant distance from the appeal site where the pattern of development and general character is not directly comparable. While other reference numbers for developments have been cited, I have not been provided with any details of these cases. I am therefore unable to draw any direct comparisons to the appeal scheme.
10. I note the intention to match the design of No 2A which lies south of the appeal site. However, this property has a greater plot depth, is less cramped against its boundaries and is sited more broadly in line with the prevailing building line to the north, resulting in a more characteristic form of development. Development to the rear of 2 Stonald Avenue is positioned at the back edge of the footpath, however this dwelling is single storey. Due to its scale and positioning it is less prominent in the street scene and not directly comparable to the appeal scheme. Similarly, other examples of single storey outbuildings forward of the build line have a distinctly different appearance than the proposed dwelling, and due to their scale, do not have an imposing impact in the street scene. Each scheme must be considered on its individual merits and these examples do not alter my conclusion on this main issue.
11. For the above reasons, I therefore conclude that the proposed development would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with Policy 16 of the Fenland Local Plan (2014) (the FLP) and Policy

7 of the Whittlesey Neighbourhood Plan 2021-2040 (the NP) which collectively seek, amongst other things, to secure high-quality design that respects the existing settlement pattern and street scene and enhances the character of the area.

Highway safety

12. Policy LP15 of the FLP sets out that developments should provide well designed car and cycle parking appropriate to the development proposed, ensuring it meets the Council's parking standards in Appendix A to the FLP. Appendix A states for a three-bedroom dwelling, as proposed, a minimum of two car parking spaces are required.
13. Commons Road is an adopted road not subject to any parking restrictions. Most properties have space for off-street parking in front gardens, however, there are examples where properties rely on on-street parking.
14. The appeal scheme would be provided with two parking spaces, accessed via the adjacent access track close to the junction with Commons Road. Both the Council and the Highway Authority (HA) contend that due to the size of the parking area and available width behind each space, both spaces would not be usable. Consequently, only one on-site space would be provided. However, the appellant contends that this would not be dissimilar to other parking arrangements in the vicinity and the HA have not objected to the scheme.
15. Given the appeal proposal would only provide one usable space, the development would be contrary to Policy LP15 of the FLP. However, from my observations on site, I note that on-street parking on Commons Road is not subject to any parking restrictions. While my site visit can only represent a brief snapshot in time, there was a good level of on-street parking capacity available nearby and there is no substantive evidence demonstrating what I saw was untypical at that time. There are also other examples of properties that rely on on-street parking, such that this would not be an uncharacteristic arrangement.
16. I have had due regard to the Council's concerns and those from interested parties. However, while parking will be greater in the evenings and weekends, there is little substantive evidence to demonstrate that there is parking stress at any times or that that current conditions are prejudicial to highway safety. I note the proximity of the site to junctions and likely desire for future occupants to park close to their front door. However, based on the evidence before me, there is nothing to demonstrate that additional parking on the highway nearby would be harmful to highway safety. Moreover, the HA have also offered no objections to the proposal.
17. Amongst other matters, comments from interested parties have also raised concerns in relation to the geometry of the access track, proximity to the junction with Bowker Way and potential obstruction of access to properties on the opposite side of Commons Road. However, they advance no substantiating technical evidence in this regard. I also note correspondence from the HA explains that, given the site context, a highway safety objection could not be supported. Moreover, the Council did not refuse permission on this basis. Therefore, having regard to the evidence before me, I have no reason to come to a different view.
18. While the appeal scheme would conflict with Policy LP15 and Appendix A of the FLP for reasons already outlined, it is not satisfactorily demonstrated the proposed parking arrangements would be prejudicial to highway safety. On this basis, while noting the conflict with adopted development plan policy, the conflict is attributed limited weight.

Other Matters

19. I note representations have raised a number of other concerns, including in relation to the impacts upon living conditions through overshadowing, loss of privacy, increase noise disturbance and the right to access and responsibility to maintain the adjacent access track. As I am dismissing the appeal for other substantive reasons and compliance with any relevant policies in these regards would be largely neutral matters, it is not necessary for me to consider these matters in detail.

Planning Balance and Conclusion

20. The proposal would deliver the benefit of one dwelling within a defined settlement, broadening the supply of housing in an accessible location close to services and facilities. 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. However, given the scale of the development, the benefits associated with the delivery of one dwelling would be modest and would not outweigh the harm I have identified in respect of the character and appearance of the surrounding area.
21. 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