



Appeal Decision

Site visit made on 8 April 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th May 2025

Appeal Ref: APP/D0515/W/25/3358777

33 Bassenhally Road, Whittlesey, Cambridgeshire PE7 1RN

- 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 T Cattermole against the decision of Fenland District Council.
 - The application Ref is F/YR24/0206/F.
 - The development proposed is the erection of 1 new bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 33 and 33A Bassenhally Road, with regard to sunlight and outlook; and
 - whether the proposal would provide adequate living conditions for the future occupiers of the dwelling, with regard to private amenity space, outlook, daylight and sunlight.

Reasons

Character and appearance

3. The appeal site currently consists of a garden and parking area for the bungalow at 33 Bassenhally Road. The properties in the cul-de-sac are all bungalows which have a degree of separation between the dwellings and their respective boundaries which, together with the openness of the appeal site, creates a sense of spaciousness that contributes positively to the character and appearance of the area.
4. Even if the plot is a similar size to other plots in the cul-de-sac, the proposed dwelling would take up a greater proportion of the site compared to these other properties. Furthermore, the bungalow would occupy almost all of the width of the plot and would only have a narrow separation between the building and the two side boundaries. As such the proposed dwelling would have a cramped appearance which would fail to integrate with the built form of the cul-de-sac and would significantly erode its spaciousness.

5. I note that the properties in Munday Gardens have a similar plot size and the dwellings take up a comparable proportion of the site to the appeal proposal, and that the properties in Spire View have very little separation to the sides. However, these developments appear to have been deliberately designed in these ways and therefore they each have a cohesive appearance, unlike the appeal scheme.
6. Consequently, the proposed dwelling would detract from the character and appearance of the area. The proposal would therefore be contrary to Policy LP16 of the Fenland Local Plan (2014) (LP) and Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040 (2023) (NP) insofar as they require development, including its layout, to respect and contribute positively to the character of the area and the built environment.

Living conditions of neighbouring occupiers

7. A drawing submitted by the appellant shows that the property at No 33A has a sunroom with windows on both sides and bi-fold doors to the rear of the property. The bi-fold doors, which face north, would not receive direct sunlight while the eastern-facing side window is likely to only receive sunlight during the mornings. The western-facing window, however, provides for the majority of the sunlight received by the sunroom, during the afternoons and evenings.
8. The position and proximity of the proposed dwelling would result in a significant reduction in direct sunlight received by the western-facing window, especially in the months when the sun is lower in the sky. This would result in the sunroom being a darker and less pleasant space for the occupiers of No 33A. However, the bi-fold doors and eastern-facing window would ensure the sunroom would continue to receive adequate daylight, and consequently the harm that would be caused by the reduction in direct sunlight would be moderate.
9. The proposal would see the relocation of the parking area to the northern side of No 33. The Council states that three bedroom windows at No 33 would overlook the new parking area. During my site visit I observed two windows in the eastern elevation of No 33 which would look out on to the access to the parking area. However, it is not clear whether either or both of these windows are amongst those referred to by the Council. Nevertheless, the parking area would only take up part of the outdoor space to the rear and there is no guarantee that the parking area would be fully occupied at all times. Additionally, there would be a reasonable distance to the northern and eastern boundary treatments when vehicles are not parked or using the access. The proposal would therefore not be unduly detrimental to the outlook from the bedroom windows at No 33.
10. However, the proposal would cause harm to the living conditions of the occupiers of No 33A through the loss of sunlight to the sunroom. The proposal would therefore conflict with LP Policies LP2 and LP16 and NP Policy 7, insofar as they require development to provide high levels of residential amenity for neighbouring users, including with regards to loss of light.

Living conditions of future occupiers

11. Part (h) of LP Policy LP16 states that, as a guide, a minimum of a third of the plot curtilage should be set aside as private amenity space. The Council has calculated, albeit approximately, that the plot size is 300 square metres and that

the private amenity space would be 91 or 93 square metres (according to the officer's report and Council's appeal statement respectively).

12. It is unclear whether or not the measurement for 'amenity space' given by the appellant includes the side walkways or the small landscaped area to the front of the dwelling. These areas could not reasonably be classified as private amenity space, given the narrowness of the walkways which would severely restrict its usefulness as amenity space, and the lack of privacy of the landscaped area to the front. For these reasons I therefore consider the Council's calculations to be the more relevant in terms of the policy objectives.
13. As such, the private amenity space would be less than a third of the plot curtilage and thus would fail to meet the requirements of LP16(h). Furthermore, the limited size of the private amenity space would unlikely be of a sufficient size for the typical garden paraphernalia and usage that would be expected for a three bedroom house that could reasonably accommodate a family.
14. One of the proposed bedrooms would have a side facing window in very close proximity to the boundary fence. As a result, the daylight and sunlight received by the window would be restricted. Furthermore, the window would provide a very restricted outlook which would be so enclosed as to feel oppressive. While the appellant's suggestion of a rooflight would provide more daylight and sunlight for the bedroom, it would not result in a greater outlook.
15. I have been provided with excerpts of drawings of developments in Mill Road and at 8 Delph Street, for properties with bedroom windows in close proximity to a boundary¹. However, no other substantive details have been submitted, such as the officer's report or the exact nature of the boundary treatment for Mill Road, or the appeal decision for 8 Delph Street. I am therefore unable to make any meaningful comparison between these other developments and the appeal scheme. Consequently, I cannot be certain that the other developments are directly comparable to the scheme before me. In any event, I have assessed this appeal on its own planning merits.
16. The Council refers to the outlook from a bedroom over the parking area of the proposed dwelling, and that vehicle movements could cause noise and light disruption to users of the master bedroom. Although this does not form part of the reason for refusal, it has been included by the Council in their appeal statement, which the appellant has seen and had the opportunity to comment on. However, the parking area may not always be fully occupied, and beyond this there would be an unrestricted outlook down the private road. The location of the parking area would therefore not be unduly detrimental to the outlook from the respective bedroom. Furthermore, including the proposed dwelling there would be six dwellings in the cul-de-sac, so the number of vehicle movements is likely to be limited. As such the proposal would be unlikely to cause any significant disruption to the users of the master bedroom through noise or light.
17. Nevertheless, the proposal would fail to provide adequate living conditions for future occupiers through an insufficient provision of private amenity space, and a lack of daylight and sunlight to and poor outlook from the side bedroom window. The proposal would therefore conflict with LP Policies LP2 and LP16 and NP

¹ Planning application refs. F/YR17/0163/O/ and 24/00017/REF respectively

Policy 7, insofar as they require development to provide high levels of residential amenity and adequate private amenity space for users of new buildings.

Other Matters

18. In their appeal statement, the appellant asserts that the remaining private amenity space for No 33 would fall just short of the requirements of LP Policy LP16(h), despite the Council finding otherwise. However, as I am dismissing the appeal on other grounds, this matter is not determinative in this case.
19. The proposal is for a self-build dwelling, however there is no mechanism before me to secure the new dwelling as a self-build property. I therefore attach limited weight to the self-build benefit, which would not outweigh the harm identified.

Conclusion

20. The proposal conflicts with the development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR