



Appeal Decision

Site visit made on 23 June 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 JULY 2025

Appeal Ref: APP/V0510/W/25/3363696

77 Stretham Road, Wilburton, Cambridgeshire CB6 3RX

- 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 Andy Orvis against the decision of East Cambridgeshire District Council.
 - The application Ref is 24/01142/FUL.
 - The development proposed is self-build single storey flat roofed 3-bedroom dwelling within existing residential garden land.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The first reason for refusal on the Council's decision notice refers twice to Policy ENV2 of the East Cambridgeshire Local Plan (2015) (as amended in 2023) (the LP) and omits reference to Policy ENV1 of the LP, which is included in the Council's officer report as a policy the proposal is contrary to. The appellant has been afforded the opportunity to comment on the above observations and I am therefore content that no party has been prejudiced as a result. Accordingly, I have considered the appeal against both policies.
3. The appellant has requested consideration of an alternative design should the appeal proposal be acceptable in all other respects. No alternative design is before me and in any case the appeal process is not generally the place for amending schemes. I have therefore determined the appeal based on the plans and evidence before me.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on trees; and
 - whether the appeal site is a suitable location for the proposed development, having regard to the development plan's locational strategy.

Reasons

Character and appearance

5. The appeal site forms much of the rear garden of No 77 and would be accessed by an independent driveway adjacent to the existing dwelling.
6. Despite many properties being set back a considerable distance from the highway and plots accommodating a range of ancillary buildings, the immediate surroundings are characterised by residential properties fronting onto the highway.
7. In contrast, the proposed dwelling would constitute backland development, and would be read as such from Stretham Road, which is at odds with the prevailing built form of the area. Furthermore, the position of the proposed dwelling further back than the rear elevation of 73 Stretham Road (No 73) would disrupt the general flow of buildings that gradually get closer to the highway moving along Stretham Road towards No 77.
8. Despite being partially obscured by a proposed high brick wall and being set back from the main highway frontage, the proposed dwelling would extend across most of the width of the plot and would therefore be a visible element within the street scene through the gap between Nos 73 and 77.
9. The flat roof, although acknowledged to have been included as an alternative to a more prominent pitched roof design of a previous scheme, would be out-of-keeping with the predominant pitched roof designs of the buildings adjacent and would therefore be an incongruous addition to the street scene.
10. Furthermore, whilst dark timber boarding is generally used as a supplementary material on properties in the area, such as on the extension to No 77 and its ancillary garage, its use to clad a whole dwelling would be excessive and contribute to the proposed dwelling's alien appearance in its context.
11. For the above reasons, the proposed development would be unacceptably harmful to the character and appearance of the area and therefore contrary to Policies ENV1, ENV2 and GROWTH 2 of the LP, which, amongst other things, seek to ensure that development proposals create positive and complementary relationships with existing development and are designed to a high quality, enhancing and complementing local distinctiveness.

Trees

12. No substantive assessment, by a competent person, has been undertaken of the existing on-site or nearby off-site trees that the proposed development could affect.
13. An assessment in this case is particularly pertinent in relation to the existing on-site Silver Birch tree. Although the plans confirm the proposed retention of the tree, no substantial evidence is before me that includes a survey to determine the anticipated extent of its root system, which is likely to be considerable given the tree's maturity, height and range of canopy.
14. I am therefore not convinced that the proposed development would avoid the tree's root protection area (RPA), which in most cases is essential to maintain a tree's health and longevity.

15. Furthermore, tree protection measures may need to be deployed during construction works and remedial work undertaken to the tree to improve its health for example, details of which are not before me.
16. For the above reasons, the proposed development is contrary to Policy ENV7 of the LP, which, amongst other things, requires development proposals to minimise harm to or loss of environmental features, such as trees.

Location

17. Policy GROWTH 2 of the East Cambridgeshire Local Plan (2015) (as amended in 2023) (the LP) sets out the locational strategy and states that most development will be focused on the market towns, with more limited development taking place in the villages which have a defined development envelope, such as Wilburton. Development outside the defined development envelopes will be strictly controlled to protect the countryside and the setting of towns and villages.
18. The policy sets out categories of development that would be acceptable in such locations, and states that development may be permitted as an exception to this providing that there is no significant adverse impact on the character of the countryside and that other LP policies are satisfied.
19. Although close to the boundary, the appeal site is outside of the defined development envelope of Wilburton, which is understandably drawn tightly to the built form to achieve its aims. The proposal does not fit within any of the categories of development set out in Policy GROWTH 2 that could be considered acceptable. However, the proposed development could be considered as an exception, subject to compliance with other LP policies.
20. Unlike the Inspector of an appeal decision¹ highlighted to me by the appellant, I have found unacceptable harm to the character and appearance of the area and that there is insufficient evidence before me to determine whether the proposal would minimise the harm to or loss of a tree. The proposal is therefore contrary to other LP policies.
21. Planning permission² was granted for the construction of a garage on the appeal site, which has since been built. Although also falling outside of the development envelope, the garage was granted based on it being ancillary to the existing residential property and discretely positioned behind its host. The appeal proposal is fundamentally different in that it seeks the provision of an additional residential dwelling and is therefore not comparable.
22. For the above reasons, the proposed development does not accord with the locational strategy of the development plan and is contrary to Policy GROWTH 2 of the LP accordingly, an outline of which is provided above.

Other Matters

23. Paragraph 70 b) of the National Planning Policy Framework (the Framework) supports small sites for self-build and custom-build (SBCB) housing, which the application form indicates would be the case in this instance. No legal mechanism is present, such as a Section 106 or Unilateral Undertaking, to secure the SBCB

¹ PINS Ref APP/V0510/W/24/3341431.

² Council Ref E/21/00857.

status of the proposed dwelling, and a planning condition would fail to satisfy the tests in the Framework.

24. Nevertheless, the proposed dwelling would contribute towards general housing supply, although limited given that only a single dwelling is proposed. The appellant has indicated that this contribution is an important factor considering the changes made to the Framework in December 2024, which for some authorities has led to a significant increase in housing need. However, despite the appellant also asserting that the Council has suspended plan-making as a result, there is no substantiated evidence before me to demonstrate that the Council now find themselves in a position of being unable to demonstrate a sufficient housing supply or delivery rate.
25. There are also other benefits to the proposed development, including the creation of ecological habitats and the inclusion of sustainability measures in construction.
26. Whilst no strong fundamental objections have been received by residents or Wilburton Parish Council, concerns have been raised with regards to the position of the proposed dwelling and its design. In any case, a lack of objection does not equate to a lack of harm, and I have assessed the proposal on its own merits.

Conclusion

27. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons above, I conclude that the appeal should be dismissed.

L Fern

INSPECTOR