



Appeal Decision

Site visit made on 30 June 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/D0515/W/25/3363472

Land and Garages adjacent to No 9 River Drive, March, Cambridgeshire, PE15 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nicholas Underwood against the decision of Fenland District Council.
 - The application reference is Ref: F/YR24/0768/F
 - The development proposed is described as 'Erect 1 x self-build/custom dwelling (2-storey 3-bed) with a 2.0m high boundary fence, involving the demolition of existing garages.'
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Decision

1. The appeal is dismissed

Preliminary Matters

Main Issues

2. The main issues in this case are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect of the proposed development on the living conditions of occupiers of surrounding residential properties, specifically 9 River Drive and 29 Cotswold Drive, with regard to overlooking.
 - The effect of the proposed development on the living conditions of future occupiers of the proposed development with regard to the availability and use of outdoor amenity space.
 - The effect of the proposed development on highway safety in terms of car parking provision and impact on users of the public highway.

Reasons

Character and appearance.

3. The appeal site is located in a residential area that features a mix of building styles, including single-storey developments. There is no prevailing architectural style, and it is evident that many buildings in the area have been modified and altered over time. The dominant house type in the immediate vicinity of the appeal site is single-storey bungalow-style development with traditional pitched roofs. This includes all dwellings on both River Drive and Cotswold Close, as well as the

section of Deerfield Road directly southeast of the appeal site at No. 80. Collectively, these contribute to a local character that is low in scale and suburban in appearance.

4. The proposed dwelling represents a departure from the character and style of development in the immediate surrounding area. While I agree with the appellant that there is scope to accommodate development with a more contemporary approach to design and architectural detailing, as proposed, two key features render the dwelling particularly distinctive within its context. Firstly, the proposed dwelling is notably linear in form due to the shape of the appeal site. Its proportions, conceived to address this constraint, differ significantly from those of nearby buildings. Secondly, the inclusion of a first floor—largely accommodated within two substantial dormers that extend to just below the ridge of the roof—results in a roofscape that contrasts sharply with others in the immediate vicinity. This impact is further exacerbated by the dormers projecting forward, to a point close to the main elevation of the ground floor. The result is a building with considerable massing at first-floor level, in stark contrast to the surrounding development referred to above.
5. Consequently, the building would appear as an incongruent and dominant feature in the immediate area. Its scale and massing—primarily due to the first-floor stricture—would have a notably negative impact on the character and appearance of the area. While I acknowledge the role of increasing residential density in delivering the Government's objectives to boost housing supply, this should not come at the expense of contextually appropriate development. I agree with the Council's comments that the prominence of the proposed dwelling would be particularly evident from the windows and gardens of adjoining residential properties, as well as from the nearby public right of way.
6. Built form, including the covered car port and terrace would cover an extensive area of the appeal site. Notwithstanding the stated plot ratio of 0.60, the proximity of development to the site boundary would contribute to a cramped appearance when viewed from the surrounding area. This would be exacerbated by the massing of the first-floor dormers on the primary elevations of the dwelling.
7. The appellant has questioned the consistency of Policy LP16 of the Fenland Local Plan 2014 (the Local Plan) with national policy, including that contained in the National Planning Policy Framework (the Framework), particularly regarding development density and local distinctiveness. In doing so, they have referred to emerging policy in the new Local Plan. In line with paragraph 49 of the Framework, I have attached very limited weight to this emerging policy, which is at an early stage and some way from adoption. This policy may change prior to adoption. While the age of the Fenland Local Plan 2014 is acknowledged, it remains the sole Local Plan that carries material weight when assessing proposals under Section 38(6) of the Planning and Compulsory Purchase Act 2004.
8. For these reasons, I find that the proposed development would introduce a scale of development into the area that is contrary to Policy LP16(d) of the Local Plan, which, among other things, states that development should not adversely impact either in design or scale terms the street scene, settlement patterns, or the landscape character of the surrounding area.

Living conditions of surrounding occupiers

9. The finished floor level of the proposed dwelling is significantly higher than the garden area of No.9 River Drive (No.9). I am not satisfied that, due to the resulting effective height of the boundary fence, overlooking of No.9's garden would not occur from the proposed dwelling. While the provision of planting—such as bamboo—along this boundary is intended to reduce the potential for overlooking, mature vegetation would take time to establish and is inherently temporary. It therefore cannot be relied upon as a permanent solution to prevent overlooking.
10. The appellant has suggested that the ground level of the terraced area could be reduced to address the overlooking issue and has provided diagrams in their appeal statement showing this. However, given the proximity of the relationship, I am not satisfied that the adverse impact of overlooking could be adequately mitigated through scheme amendments as proposed.
11. External screening is proposed for the first-floor windows of the dwelling from bedrooms overlooking No.29 Cotswold Close (No.29). These brise soleil fins are designed to prevent direct overlooking by limiting oblique views into the garden area. The fins would be moveable, individually adjusted on site, and then fixed to control the view. While this solution could potentially prevent direct overlooking of No.29, I have not been provided with evidence indicating the specific angle at which the fins would need to be installed to achieve this. Furthermore, the required angle may significantly reduce the amount of natural light entering the first-floor habitable rooms of the proposed dwelling. In this context, and based on the evidence before me, I am not satisfied that the proposed solution is appropriate to address the issue of overlooking No.29 while protecting the living conditions of future occupiers of the proposed dwelling.

Living conditions of future occupiers

12. The proposed dwelling would include outdoor amenity space in the form of a garden and a covered terrace area. This represents a novel and innovative approach to providing amenity space, which—due to its direct relationship with the main living area on the ground floor—would be accessible, flexible, and usable. The space would also benefit from sunlight, particularly during the afternoon and evening. While I note that the proposed amenity area constitutes less than one-third of the overall plot, which is the suggested requirement under Policy LP16 (H), I am of the view that this shortfall is mitigated by the quality and usability of the space provided in the context of the scale and nature of the development proposed.
13. For these reasons, I consider the proposed private amenity space to be appropriate for the development and therefore in accordance with LP2, LP15 and LP16 (h) of the Local Plan and policy H2 of the March Neighbourhood Plan in this regard.

Highway Safety

14. The Council has identified that the proposal conflicts with the requirement for gated carports to provide a minimum six-metre spacing to allow vehicles to park off the public highway. Notwithstanding the status of the roadway leading to the proposed dwelling from Deerfield Road, there are practical considerations that influence what would constitute an appropriate design solution for the carport. The access road would serve only the proposed dwelling, and in this context, I do not consider it necessary to provide a six-metre space to allow vehicles to park outside

the proposed carport. The only other potential access would likely be for pedestrian access and I do not envisage that the proposal would conflict with the passage of pedestrians along the route to a degree that would cause harm due to the likely limited use of the roadway for vehicular access associated with a single dwelling.

15. For these reasons, I am satisfied that the proposal is appropriate in the context of the carport and its relationship to the access road serving the dwelling. It would not obstruct users of the roadway or negatively affect the living conditions of future occupiers of the proposed dwelling. Furthermore, Appendix A of the Local Plan allows for flexibility in this regard, particularly concerning the distance between garages and footways adjacent to residential properties.
16. Although the Council has identified that the proposed carport fails to provide the required six-metre space to allow vehicles to park off the public highway—thereby classifying the roadway accessing the proposed dwelling as a public highway—they have also stated that the same roadway is a byway and not an adopted road. As a result, they state that the red line boundary of the application is incorrect and that they are unable to confirm whether legal access to the application site can be established.
17. The Council has validated and determined the application before them, and I shall do the same in the context of this appeal. Notwithstanding the legal status of the access road, I am satisfied that it has historically provided access to the existing garages on the site. In this context, I will determine the appeal on the basis that legal access to the site is available via the access road, regardless of its formal legal classification. It is not within my remit to determine the legal status of the road. I am therefore satisfied that access can be gained to the appeal site and that this would not compromise future residential amenity. Accordingly, the proposal complies with Policies LP15 and LP16 of the Local Plan, which, among other requirements, seek to ensure that development provides well-designed, safe, and convenient access. This does not however outweigh the harm I have found with regard to other main issues.

Other Matters

18. The conduct of the Council, including its cooperation in the processing and determination of the planning application, has been raised as a concern at several points in the appellant's documentation. However, it is not within my remit, as part of the planning appeal process, to assess the Council's performance as a local planning authority. There are alternative mechanisms available to the appellant for pursuing such matters.
19. I acknowledge that the principle of development on this previously developed site within an established settlement is accepted. The proposal would remove dilapidated garages, which may currently attract crime and antisocial behaviour, and introduce a new dwelling that contributes to reducing CO₂ emissions, lowering energy consumption, and making a modest contribution to housing supply. Nevertheless, these benefits do not outweigh the conclusions I have reached regarding the main planning issues outlined above.
20. I have considered the representations made by surrounding residents, noting that several occupants in the immediate vicinity did not object to the proposal. I also recognise that the scheme could enhance the adjacent public right of way and

deliver a positive biodiversity net gain, while addressing surface water flooding. Despite these positive aspects, they do not outweigh the conclusions I have reached regarding the main issues.

Conclusion

21. I have found that the proposal would cause harm to the character and appearance of the area. Additionally, I have identified adverse impacts on the living conditions of neighbouring occupiers due to overlooking. However, I have not found harm in relation to the living conditions of future occupiers of the proposed development with respect to the availability and usability of outdoor amenity space, nor in terms of highway safety regarding car parking provision and the impact on users of the public highway. As the proposal conflicts with the development plan as a whole, and the material considerations — including those set out in the National Planning Policy Framework — do not justify a departure from it, the appeal is dismissed.

F P Tinsley

INSPECTOR