



Appeal Decision

Site visit made on 17 June 2025 by J Kirkaldy BSc (Hons) PGDip MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Appeal Ref: APP/V0510/D/25/3362295

Old Orchard House, 1B Upton Lane, Littleport, Ely, Cambridgeshire, CB6 1HF

- 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 I Sarathchandra against the decision of East Cambridgeshire District Council.
 - The application ref is 24/00808/FUL.
 - The development proposed is a two storey side extension (car port at ground floor).
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension (car port at ground floor) at Old Orchard House, 1B Upton Lane, Ely, CB6 1HF in accordance with the terms of the application, Ref 24/00808/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 10/3260R/24, 09/3260R/24, 08/3260R/24, 07/3260R/34, 02/3260R/24 and 01/3260R/24.
 - 3) The external materials to be used in the construction of the extension hereby permitted shall match those used in the existing dwelling.
 - 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. There is a degree of discrepancy between the identification of the appeal site address on the application forms (*1B Upton Place, CB6 1LE*) and all other correspondence received in connection with the appeal (*Old Orchard House, 1B Upton Lane, CB6 1HF*). However, whilst the convention would be to utilise the address identified in the application forms, the appellant's Grounds of Appeal clarify at paragraph 1.3 that the use of 1B Upton Place was an unintentional error. For this reason, the identification of the site as 1B Upton Lane has been used.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.

Reasons for the Recommendation

5. The appeal site is a two-storey detached dwelling situated within a suburban residential area. On the approach to the entrance of the appeal dwelling from the High Street, there are mature trees on the grass verge which contribute to a verdant setting. The appeal dwelling is set back from the road with the gated pedestrian/vehicular entrance positioned to the side of the front facade of the dwelling.
6. The proposed extension would occupy an area of hardstanding currently used for vehicular parking. It would attach to the side elevation of the dwelling, which, due to its position forward of the building line established with the neighbouring dwelling at no.1A Upton Lane, is visible when approaching the entrance. During my site visit, I observed that there is an existing integrated garage on the side elevation of the dwelling facing towards the entrance, although its visibility was partially obscured by the parked vehicles. Nevertheless, the existing integrated garage has a prominence within the street scene given its orientation and relationship with the road. I also noted that the garage at No.1A is positioned forward of the front elevation for the dwelling and is also prominent within the street scene.
7. Policy ENV2 of the East Cambridgeshire Local Plan (April 2015, amended 2023) seeks to ensure that car parking is discrete and the East Cambridgeshire Design Guide Supplementary Planning Document (March 2012) states that it would rarely be acceptable to construct a garage between the front elevation and the highway. However, there are clear examples where this has occurred in the surrounding area, and a carport located in such a position would not, when considered in the wider context, be an incongruous feature within the street scene.
8. The proposed extension would further widen the front elevation of the dwelling. However, I observed during my site visit that a direct frontal view of the front facade from Upton Lane (between properties no.1 and 9) is obscured due to the established hedgerow to the front boundary of the site which provides screening. The views of the dwelling from within the street scene would be limited to those visible from the entrance into the site, where the side perspectives of the dwelling would diminish the perception of the dwelling width to some degree. The existing detached outbuilding constructed to the side, although separate from the dwelling, is situated in close proximity to it which already contributes to the sense of a continuous front façade. The proposed extension would be attached to the front elevation of the outbuilding, and therefore would not further worsen that effect to such an extent that it would be unacceptable.

9. Given the size of the plot and the existing proportions and width of the dwelling, I am satisfied that the proposed extension would neither dominate the dwelling nor appear out of character with the surrounding area. It would be set back from the entrance gate and front elevation and would be subservient in height to the main dwelling, therefore, visually it would not compete. Whilst the proposed carport would be larger than many domestic carports/garages, in this location and within the large plot, it would not appear as an incongruous feature. A gap would be retained between the proposed extension and the shared boundary with the neighbouring property at no.1A Upton Lane, and the replicating design and appearance of the proposed extension would assist in integrating it with the existing character and appearance of the dwelling. The proposed extension would respect the context of the site and the surroundings such that it would not appear incongruous and consequently it would not be harmful to the character or appearance of the surrounding area.
10. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the host dwelling and surrounding area. The proposed development would comply with Policies ENV1 and ENV2 of the Local Plan which seek development to be designed to a high quality creating positive and complementary relationships with existing development and sympathetically relating to the surrounding area.

Other Matters

11. Outside of, but adjacent to the appeal site itself is an English Oak tree which is subject to a Tree Preservation Order (E5/92). Part of its root protection area would be in the general location of the proposed extension. The appellant has submitted an Arboricultural Impact Assessment (October 2024) which in brief, sets out the extent of the construction necessary in the whole root protection area of the Oak tree equates to about 1%.
12. I am satisfied that in principle the works can be carried out without threatening the vitality of the tree, subject to appropriate mitigation. However, I am in agreement with the Council that further detail is required regarding the details of mitigation, construction and protection within the root protection area in the submission of an Arboricultural Method Statement. I therefore conclude that subject to an appropriate condition the proposed development would not harm the protected tree.
13. I note that the neighbouring property at no.1A Upton Lane objected to the proposal raising concerns regarding living conditions. The Council Officer report assessed the impact on neighbouring amenity for occupants of no.1A and whilst they accepted there would be a degree of impact on residential amenity it was not considered to be significantly detrimental. Given the design, layout and relationship with no.1A and intervening amenity space I would agree with this conclusion and I'm satisfied that the proposal would not result in an unacceptable impact on the living conditions of neighbouring occupants.

Conditions

14. I have imposed the standard conditions relating to the commencement of development and a condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

15. In the interests of protecting the character and appearance of the dwelling and the surrounding area, a condition requiring the external materials of the extension to match those used in the existing building/dwelling is imposed.
16. A condition securing tree protection is necessary in the interests of protection of the environment. In order to be effective, the tree protection works are required to be in place prior to any other development works commencing. The condition is therefore required to be a pre-commencement condition. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have therefore requested and received the Appellant's written agreement to the imposition of this condition.

Conclusion and Recommendation

17. For the reasons given above the appeal should be allowed.

J Kirkaldy

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions as listed.

Martin Seaton

INSPECTOR