



## Appeal Decision

Site visit made on 30 January 2007

by Sue Glover BA (HONS) MCD MRTPI

an Inspector appointed by the Secretary of State for  
Communities and Local Government

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Date: 6 February 2007

**Appeal Ref: APP/W0530/A/06/2020762**

**Land rear of Newdigate House, Horseheath Road, Linton, Cambridge, CB1 6LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr D Fairey against the decision of South Cambridgeshire District Council.
- The application (Ref S/0348/06/O), dated 1 February 2006, was refused by notice dated 24 May 2006.
- The development proposed is eleven dwelling units.

**Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.**

### Procedural Matter

1. From the information provided, it is clear that all matters are reserved for subsequent approval. However, the application is for 11 dwellings, the type and size of which are unspecified. An illustrative layout has been provided.

### Main Issues

2. I consider that the main issues are the effect of the proposal on the:
  - character and appearance of the street scene and the area in general;
  - living conditions of nearby residents in respect of privacy, daylight and outlook;
  - and whether there would be sufficient affordable housing.

### Planning Policy

3. The development plan includes the *Cambridgeshire & Peterborough Structure Plan 2003, Planning for success* (SP) and the *South Cambridgeshire Local Plan* (LP), adopted in 2004. SP Policy P1/3 indicates that a high standard of design for all new development will be required. Amongst other things, it should provide a sense of place which responds to the local character of the built environment.
4. LP Policy SE2 indicates that residential development will be permitted on unallocated land within the village framework provided that, amongst other matters, that it would be sensitive to the character of the village and the amenities of neighbours. It also says that development should provide an appropriate mix of dwellings in terms of size, type and affordability and should achieve a minimum density of 30 dwellings per hectare (dph).

5. LP Policy HG7 sets out the Council's policy on providing affordable housing within village frameworks for residential development of more than 10 dwellings. In settlements such as Linton, the policy indicates that approximately 30% of the total number of dwellings should be affordable unless local circumstances, such as the proximity to local services, dictate otherwise. LP Policy HG10 also requires a mix of units in a range of types and sizes and affordability. The design and layout of schemes should be informed by the wider character and context of the local townscape and landscape.

## **Reasons**

### *Character and appearance*

6. The appeal site is positioned to the rear of Newdigate House and dwellings that front Dolphin Close. It also adjoins a new housing development to the rear of no. 1 Horseheath Road, so it is surrounded on 3 sides by housing. At the northern end of the site there is a spinney about 6m deep. This adjoins the school playing fields and the school's outdoor swimming pool. There are distant views of the appeal site and its spinney from public viewpoints across the playing fields and closer views from nearby dwellings and the school grounds.
7. I noticed that the dense spinney comprises for the most part thin specimens spaced close together and heavily overgrown with ivy. Whilst the spinney is in a poor condition, nevertheless it does have visual amenity value as a group of trees providing a soft feature in an otherwise built or open grassland landscape. Its retention, in part at least, would provide an effective break or buffer between the proposed housing and the playing fields beyond. Given its poor condition, I consider that it should be managed and/or replaced with appropriate landscaping.
8. I have considered whether 11 dwelling units could be constructed on the appeal site without impinging significantly on the spinney site. Whilst there is some mix of units indicated on the illustrative plan, there are a significant proportion of units with a more generous footprint and with a garage. I consider that there is ample scope for providing a higher proportion of smaller units, thus allowing the retention of a landscaped buffer to the north. LP Policy HG10 in particular encourages a range of types and sizes including 1 and 2 bedroom dwellings.
9. I am satisfied that the management and/or replacement of the spinney could be controlled by the reserved matters, and there would therefore be no harm to the character and appearance of the street scene or the area in general. The proposal complies in this respect with SP Policy P1/3 and LP Policies SE2 and HG10.

### *Living conditions*

10. The illustrative layout indicates proposed dwellings in close proximity to the rear of nos. 29 and 31 Dolphin Close where there would be potential for serious overlooking into rear windows and private garden areas both into and from Dolphin Close. Other adjoining dwellings are positioned further from the appeal site boundary or, as the case of plot 6 of the new development, sideways to it. I consider that the retention of a buffer zone adjoining the boundary of nos. 29 and 31 Dolphin Close, with a different mix of dwellings and layout from the illustrative plan, would protect residents' living conditions in respect of their privacy. Such a buffer would also ensure that the proposed dwellings would not appear

overly dominating and therefore harm residents' outlook, or restrict significant levels of daylight.

11. Given my conclusions about the scope for increasing the proportion of smaller units, I am satisfied that 11 dwelling units could be built within the appeal site without causing harm to the living conditions of nearby residents or to the future occupiers of the proposed units. In this respect the proposal therefore complies with SP Policy P1/3 and LP Policies SE2 and HG10.

#### *Affordable housing*

12. The appellant has offered 2 affordable dwelling units out of the total 11. However, LP Policy HG7 makes it clear that the number should be approximately 30%, which would therefore require 3 units to be affordable. The Council has indicated that there is a clear proven need for affordable housing in Linton. I have been provided with evidence from the Linton Parish Housing Needs Survey undertaken in 2003 and Housing Register information from November 2006. The appellant has not disputed this need. I therefore conclude that 3 affordable dwelling units should be provided out of the total of 11 in accordance with LP Policy HG7.
13. Whilst there is no unilateral undertaking, there would be a significant benefit by the provision of affordable housing in Linton and the appellant has stated a willingness to provide 3 affordable dwellings if indicated to do so. Since the alternative would be to dismiss the appeal on these grounds, I shall therefore impose an appropriate condition in order to meet the requirements for affordability as set out in LP Policy HG7.

#### **Conditions**

14. I have had regard to those conditions put forward by the Council. In addition to conditions requiring the provision of 3 affordable housing units, the submission of the reserved matters, and the standard time conditions, I shall also impose a condition requiring details of trees and hedgerows to be retained and of proposed landscaping and boundary treatment to be submitted as part of the matters reserved in order to protect the character and appearance of the area. However, I am satisfied that unacceptable noise and disturbance from construction activities may be dealt with under other legislation. The wording of the conditions I will impose is consistent with the advice in *Circular 11/95, The Use of Conditions in Planning Permissions*, and the thrust of the wording requested by the local planning authority.

#### **Other Matters**

15. Concern has been raised about overlooking of the school swimming pool, which is used by pupils and families. I note that the playing fields are bounded by houses and are already substantially overlooked. However, the retention or replacement of the spinney, as indicated in the first issue, would prevent overlooking of the pool and any unwanted attention at close quarters. With regard to matters of highway safety, I have taken into account the views of the highway authority about detailed requirements and I consider that there would be no harm in this respect.
16. The Council indicates that a contribution is required for education provision. Whilst LP Policy CS10 sets out where financial contributions are required for local schools, the Council did not reject the proposal for this reason and I note that the appellant disputes the

information supplied by the education authority. I have not been provided with a copy of the supplementary planning guidance referred to in the text of the policy, if it exists, which sets out the way the policy would be applied. For these reasons, I consider that there is significant doubt about whether such a contribution is necessary to make the development acceptable in planning terms, and it would therefore be contrary to the advice in *Circular 5/05, Planning Obligations*.

### Conclusions

17. Given that all matters are reserved for subsequent approval, I consider that there is adequate space within the appeal site, taking account the position of the spinney and the proximity to some nearby houses, to design an acceptable scheme with 11 units without harm to the character and appearance of the street scene or the area in general, or to the living conditions of nearby residents. For the reasons given above and having regard to all other matters raised including those by the Parish Council and local residents, I conclude that the proposal is acceptable.

### Formal Decision

18. I allow the appeal, and grant planning permission for eleven dwelling units at land at the rear of Newdigate House, Horseheath Road, Linton, Cambridge, CB1 6LU in accordance with the terms of the application, Ref S/0348/06/O dated 1 February 2006, and the plans submitted therewith, subject to the following conditions:
- 1) Details of the siting, design, external appearance of the buildings, the means of access thereto, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
  - 2) The details of landscaping required by condition 1) shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection during the course of development, and the specification of proposed trees, hedgerows and shrubs including details of species, density and size of stock, and details of all proposed boundary treatment.
  - 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
  - 4) The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
  - 5) The development shall not begin until a scheme for the provision of 3 affordable dwelling units as part of the development has been submitted to and approved in writing by the local planning authority. The affordable dwellings shall be provided in accordance with the approved scheme. The scheme shall include:
    - the type, and location on the site, of the 3 affordable dwelling units;
    - the timing of the construction of the 3 affordable dwelling units;
    - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the 3 affordable dwelling units; andthe occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

*Sue Glover*  
INSPECTOR