

## APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

### TOWN AND COUNTRY PLANNING ACT 1990

This item is intended to update Members on appeals against planning decisions and enforcement action. Information is provided on appeals lodged, proposed hearing and inquiry dates, appeal decisions and when appropriate, details of recent cases in interest.

#### 1. Decisions Notified By The Secretary of State

Ref. No.	Details	Decision and Date
S/1423/03/F	Mr & Mrs Nicol 111 Cambridge Road <u>Waterbeach</u> Extension (Officer recommendation to refuse)	Dismissed 13/05/2004
S/0959/03/O	Mr & Mrs M Pleasants Adj 40 Green End <u>Landbeach</u> Dwelling (Officer recommendation to refuse)	Dismissed 19/05/2004
S/1966/03/F	Mr & Mrs Swann 5 Conder Close <u>Milton</u> Extension (Delegated refusal)	Part Dismissed 19/05/2004
S/2005/03/F	Mr D J Baldwin Adj Westwind, Highfields Road, Highfields <u>Caldecote</u> House (Delegated refusal)	Dismissed 24/05/2004
S/1472/02/F	Trustees of the Henry Settlement Mines Farm, Weston Green <u>Weston Colville</u> Erection of a country house, staff cottage & stables together with parkland, landscaping and excavation of lakes (Officer recommendation to refuse)	Dismissed 25/05/2004
S/1876/03/F	Mr H Wiseman Adj 15 Back Lane <u>Haslingfield</u> House (Delegated refusal)	Dismissed 25/05/2004

S/1579/03/F	Mr & Mrs T J Graver 67 Town Green Road <u>Orwell</u> Extensions (Delegated refusal)	Dismissed 25/05/2004
S/1127/03/F	J Jefford The Bungalow, Long Drove <u>Waterbeach</u> Retention of building and use as store and security office together with boundary screening to existing scrap yard. (Non-determination)	Dismissed 02/06/2004
S/0424/03/F	Mr W Willett Appletree Mobile Home Park, Histon Road <u>Cottenham</u> Reorganization & extension to mobile home park and land adjoining Histon Road, Cottenham.	Dismissed 02/06/2004
S/1996/03/F	Mr S Parr 101 High Street <u>Cottenham</u> Erection of garage with study/hobbies room above (Officer recommendation to refuse)	Dismissed 15/06/2004
S/1383/03/O	Mr C Abbs Adj 51 Beach Road <u>Cottenham</u> Dwelling (delegated refusal)	Dismissed 17/06/2004

## 2. Summaries Of Recent Decisions Of Interest

### **Trustees of the Henry Settlement- Erection of a Country House, Staff Accommodation and Landscaping- Land at Mines Farm, Weston Green, Weston Colville- Appeal Dismissed**

This application was advanced as an exception to local plan policies that seek to restrict inappropriate development in the countryside. It aims to comply with the requirements of paragraph 3.21 of PPG7 and Policy HG21 of the South Cambridgeshire Local Plan 2004 that allow, in exceptional circumstances, an isolated new house in the open countryside.

There was no argument from the appellants that the development was justified in accordance with any development plan policy other than Policy HG21. The main issue in the determination of this appeal was therefore whether the proposed development was justified because it is of the highest quality, truly outstanding in terms of its architecture and landscape design and would enhance its immediate setting and wider surroundings.

The site lies in open and gently undulating countryside outside the settlement of Weston Green. The area is characterised by a predominant agricultural land use with blocks of woodlands and hedgerows.

The Inspector noted that matters concerning the architectural style of the new house were not an issue between the parties. It was confirmed that the objection was to the standard and quality of the architecture.

Although the Inspector considered that the design of the building showed a certain amount of understanding and sympathy for English Country House tradition, there was little to suggest that the building would be truly outstanding in terms of its architecture.

Its design was said to convey an intuitive sense of form and understanding and its physical complexity was judged to add visual interest. However, it was considered that while the building may reflect a popular image of the English country house, its design would not contribute more than a picturesque addition to the countryside.

The Inspector found nothing original and distinctive in the design of the building that would advance the tradition of the Country House. He particularly thought that the use of features from particular architectural periods unconvincing as a means of suggesting a building that has been added to or altered over a long period to meet changing needs and circumstances.

The scale and elevational treatment of the building were seen as positive attributes that would give the building presence and convey a sense of grandeur. The proposed materials and building techniques were also deemed appropriate within the wider East Anglian context. However, they were not exceptional qualities that would justify such development within the open countryside.

The Inspector considered that while it is clear that care has been taken in the design of the small, domestic garden areas around the house, there are no innovative or special features that define the landscaping of this part of the site as truly outstanding.

The landscaping that is proposed for the larger part of the site reflects a traditional parkland landscaping design. However, while it may provide an attractive domestic setting for the house it is not considered to make a positive contribution to the wider countryside.

The Inspector concluded by stating that a house of the size and in the position proposed would draw much from its rural surroundings but contribute little to it. The development is therefore not justified, as it is contrary to both national planning guidance in PPG7 and local development plan policy HG21.

Another matter that was considered in the determination of this appeal was whether the development would damage or destroy important pre-historic, Roman, Saxon and Mediaeval archaeological remains that are evident within the site area.

Whilst the appellant had carried out a desktop archaeological study of the site, a proper archaeological evaluation had not been undertaken. The Inspector considered that further works needs to be carried out to ensure that the remains would continue to be undisturbed. He concluded by saying that the proposal takes insufficient account of site's archaeological potential.

## **Mr & Mrs Swann- Extensions- 5 Conder Close, Milton- Appeal Part Dismissed, Part Allowed**

The main issue in the determination of this appeal was whether the extensions would harm the residential amenities of the neighbouring properties.

No. 5 Conder Close is a two-storey, detached house that has a single storey garage attached to its north west elevation. Its front elevation is set back from that of the neighbouring house at No. 3 and Nos. 7 and 9 face towards its side elevation.

The proposed extensions were for an additional bedroom above the garage and an extension to enlarge a bedroom above the existing single storey rear extension.

The Inspector considered that as a result of the staggered relationship between Nos. 3 and 5 Conder Close, the first floor rear extension would result in a two-storey gable elevation measuring 7.1 metres long and 6.9 metres high along most of the common boundary between the two properties. As No. 3 is located just one metre from the boundary, the extension would therefore be seriously overbearing on the outlook from the rear windows and from the garden area of that property. This part of the appeal was dismissed for this reason alone. The position of the extension to the north west of No. 3 was not considered to significantly affect daylight or sunlight to that property. Whilst there is a first floor window facing No. 24 Froment Close, it would overlook the rear part of the garden only and not result in a severe loss of privacy to the occupiers of that property.

The first floor side extension above the garage will result in the dwelling having a very similar character and relationship to existing dwellings within the vicinity of the site. The Inspector considered that it would integrate well with the appearance of the main dwelling and within the street scene and would be only slightly larger than a side extension recently approved by the Council. While the first floor flank wall of the extension would be moved closer to the neighbouring properties at Nos. 7 and 9 Conder Close, it would not result in an overbearing outlook from those properties, given that the view is already of plain gable walls. Although the extension is situated to the south east of these properties, the 9.5 metre separation was not considered to result in an undue loss of light. This part of the appeal was therefore allowed subject to a condition removing permitted development rights for new windows in the north west facing elevation of the extension.

### **3. Appeals received**

<b>Ref. No.</b>	<b>Details</b>	<b>Date</b>
S/2474/03/F	Dr & Mrs Onudrah Adj 1 Stonehill Road <u>Great Shelford</u> House (Delegated refusal)	14/05/2004
S/0358/04/F	Dr & Mrs N Coleman Adj 33 Mill Hill <u>Weston Colville</u> Erection of house and garage and carport for existing dwelling (Officer recommendation to refuse)	18/05/2004

S/0207/04/F	Mr R Wright 22 Newton Road <u>Whittlesford</u> Extension (Delegated refusal)	18/05/2004
S/0158/04/O	Mr D Wakefield Adj Willoughby House, Maynards <u>Whittlesford</u> Dwelling & garage (Delegated refusal)	25/05/2004
S/0022/04/F	Houston Crest Properties Landbeach Lakes, Ely Road <u>Landbeach</u> Hotel (Delegated refusal)	25/05/2004
S/0220/04/O	Mr J Swanson Barons Farm, 7 Angle Lane <u>Shepreth</u> Dwelling and Garage (Officer recommendation to refuse)	04/06/2004
S/0108/04/F	Mr & Mrs Williams 6 Brook Street <u>Elsworth</u> Conservatory (Delegated refusal)	11/06/2004
S/0230/04/LB	Mr M Derham Hinxton Grange, <u>Hinxton</u> Installation of new fibrous plaster pre made dome for light fitting in kitchen ceiling (retrospective application). (Delegated refusal)	11/06/2004
S/0107/04/LB	Mr & Mrs Williams 6 Brook Street <u>Elsworth</u> Conservatory (Delegated refusal)	11/06/2004

S/0581/04/F Miss O MacDonald 17/06/2004  
 7 Barrons Green  
Shepreth  
 Extension to provide additional dwelling and extension to  
 existing dwelling.  
 (Officer recommendation to refuse)

**4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 4<sup>th</sup> August 2004**

<b>Ref. No.</b>	<b>Details</b>	<b>Date/Time/Venue</b>
S/0780/03/F	A Duke & Sons Off New Road <u>Melbourn</u> 2 houses	13/07/2004 Council Chamber 10.00am
9 Appeals	Plots 7-16 Pineview Smithy Fen <u>Cottenham</u> Siting of travellers' caravan & day room (Local Inquiry)	20/07/2004 Council Chamber 10.00am to sit for 8 days
E461C	Mr P O'Brien Land off Water Lane <u>Cottenham</u> Enforcement against change of use to residential caravan site (Local Inquiry)	20/07/2004 Council Chamber 10.00am to sit for 8 days
S/2447/02/F	Mr J Flynn 6A Orchard Drive, Smithy Fen <u>Cottenham</u> 1 Mobile Home, 1 touring caravan and day room (Local Inquiry)	20/07/2004 Council Chamber 10.00am to sit for 8 days
S/2370/02/F	J Culligan 7 Orchard Drive, Smithy Fen <u>Cottenham</u> Caravan & day room (Local Inquiry)	20/07/2004 Council Chamber 10.00am to sit for 8 days
S/0177/03/F	Mr J Biddall Kneesworth Road <u>Meldreth</u> Change of use of land to traveling show peoples' quarters (Local Inquiry)	27/07/2004 Council Chamber 10.00am to sit for 2 days

S/1058/03/F	Mr & Mrs Sherwood R/o 117 High Street <u>Melbourn</u> Erection of a dwelling & double garage	03/08/2004 First Floor meeting room 10.00am
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**5. Appeals withdrawn or postponed**

Ref. No.	Details	Reason and Date
S/0181/03/LDC	Shelford Lodge Ltd 144 Cambridge Road <u>Great Shelford</u> Certificate of lawfulness for siting & use of mobile home for residential accommodation	In abeyance until 08/08/04
EP246A	Shelford Lodge Ltd 144 Cambridge Road <u>Great Shelford</u> Enforcement of removal of mobile home	In abeyance until 08/08/04
S/0334/03/F	Hutchison 3G UK Ltd Bury Lodge Farm, Newmarket Road <u>Stow-cum-Quy</u> 16.7 metre high monopole telecommunications mast and associated development.	Withdrawn by appellant 07/05/2004
S/1819/02/F	Mr G North The Bogs, The Cinques Removal of mobile home personal occupancy condition.	Withdrawn by appellant 21/05/2004

**6. Advance notification of future Local Inquiry and Informal Hearing dates  
(subject to postponement or cancellation)**

Ref. No.	Details	Date
E 502	Mr H Price Adj Moor Drove, Cottenham Road <u>Histon</u> Operational Development (Local Inquiry)	10/08/2004 Confirmed 2 days

E 502A	Mr H Price Adj Moor Drove, Cottenham Road <u>Histon</u> Enforcement against material change of use to storage and residential use of caravans. (Local Inquiry)	10/08/2004 Confirmed 2 days
E472A & B	M Ragnauth Setbroad Farm Oakington Road <u>Cottenham</u> Enforcement against unauthorized building works And construction of foundations of a dwelling (informal hearing)	02/09/2004 Offered/Accepted
S/1934/03/F	Mr J Crickmore The Barn, Chesterton Fen Road <u>Milton</u> Change of use to tropical plant nursery comprising erection of 3 glasshouses, general purpose shed, alteration and extensions (Local Inquiry)	07/09/2004 Confirmed
S/1559/03/F	Taylor Woodrow Developments Off Chivers Way (Access off Kay Hitch Way) <u>Histon</u> 57 Dwellings (Informal Hearing)	03/11/2004 Confirmed
S/2624/03/F	Country Homes and Gardens Royston Garden Centre, Dunsbridge Turnpike <u>Shepreth</u> Variation of conditions 1, 2, 10, & 11 of S/1333/02 in respect of revised landscaping details (Informal Hearing)	09/11/2004 Confirmed
S/2089/03/F	Heddon Management Ltd 12 Pieces Lane <u>Waterbeach</u> 8 Houses (Informal Hearing)	30/11/2004 Offered/Accepted
S/2194/03/F	Mr C Taylor 45 Spring Lane <u>Bassingbourn</u> Construction of raised decked area, path and sunken patio/lawn (part retrospective) (Informal Hearing)	11/01/2005 Offered/Accepted