

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

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APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION: SUMMARIES OF DECISIONS OF INTEREST – FOR INFORMATION

Purpose

1. To highlight recent Appeal decisions of interest forming part of the more extensive Appeals report, now only available on the Council's website and in the Weekly Bulletin.

Summaries

Mrs E Smith and Mrs M Hardy – Erection of house – 322 High Street, Cottenham – Appeal allowed.

2. This appeal concerned a backland site close to the triangular green in the village. The main issues were the effect on the conservation area, the adjoining listed buildings and the adequacy of the proposed access.
3. The inspector found that the linear form of the proposed dwelling would reflect a pattern of development already established on other, characteristically narrow plots on this side of the High Street. Its height would be similar to buildings on land to the rear of no. 324. In developing a site which is currently open, the inspector did not consider this would prejudice an appreciation of the historic pattern of development in this part of the High Street or appear out of place. The design was a response to the constraints of the site.
4. The access connects with the highway at a point that the inspector agreed "... requires drivers to exercise particular caution", but "... where the High Street does not appear to carry large volumes of traffic". While there may be times when a vehicle entering the site would meet a vehicle wishing to leave the site, this would not result in conditions seriously hazardous to other road users.
5. The inspector was also satisfied that there would not be a harmful effect on the setting of nearby listed buildings, or that the movement of vehicles would have a seriously adverse effect on the amenity of the occupiers of nearby houses.
6. Planning permission was granted subject to details of materials for the house and the access drive and the removal of permitted development rights.

C Huggins – Erection of house – 2 Orchard Road, Histon, - Appeal allowed

7. The main issues in this appeal were the effect on neighbours' living conditions and on the character of the appearance of the area.
8. The proposal was found to significantly reduce the rear garden area of 2 Orchard Road and the window serving bedroom 2 would directly overlook the end of that

reduced garden. However, the screening effect of an existing extension to no. 2 would ensue that the garden area nearest to the house would not be overlooked from the new dwelling. The rest of the garden would only be seen in oblique views and appropriate boundary treatment would further protect privacy. The distance between the first floor windows of the dwellings and the adjoining bungalow was also sufficient to prevent prejudicial overlooking. Due to the distances between the dwelling and other neighbouring properties, any overlooking would not be significant.

9. While the Council was concerned with a loss of light to the adjoining bungalow, the inspector found the design and separation distances acceptable. The Council was unable to challenge the technical evidence on overshadowing submitted by the appellant. While the property would clearly be visible from the adjoining bungalow, there was a generous degree of separation and the new property would not appear overbearing.
10. So far as the character and appearance of the area are concerned, the inspector was aware that bungalows predominate on this side of Mill Lane. The proposal incorporated a single-storey garage and lean-to roof and when seen in the context of the gap between properties, this would ensure an appropriate transition from single-storey to two-storey development on this side of Mill Lane. Furthermore there are two-storey dwellings opposite the site and close by. The design of the new house would not be out of character with that of existing properties and the house would not appear discordant in the street scene.
11. The appellant had agreed at appeal stage to amend the fenestration to provide a better relationship between ground and first floor openings. The inspector considered this was necessary and could be achieved by a condition.
12. The appeal was allowed subject to conditions regarding materials, boundary treatment, a revised front elevation and a restriction on the times that power operated machinery shall be operated during construction works.

Kirby Property Management Ltd/M Proctor – Use of property as Lettings Agency (B1 Office Use) – 49 Broad Street, Cambourne – Planning and Enforcement appeals dismissed

13. Both appeals raised the same issues. Namely whether the use of a residential property as an office would harm the objectives of the Cambourne Master Plan.
14. The inspector noted that Broad Street is one of the main streets into Cambourne and that there are both commercial and office uses close by. The Council argued that Broad Street does not form part of the settlement centre; the appellants argued that it does. The inspector noted that the properties along this part of the street were intended to be residential and that this is its main character the appeal site was originally a show home/sales centre and has never been used as a dwelling.
15. The Council expressed the concern that allowing the use to continue would undermine the vitality of the settlement centre. It was noted that Cambourne was intended to accommodate part of the district's strategic housing needs and its inability to achieve this would be undermined if changes of use were allowed without good reason. The inspector therefore concluded that to allow the use would harm the objectives of the Cambourne Master Plan. This was not offset by some support for the proposal from local residents in Broad Street.
16. The Council also raised some concerns on whether car parking was adequate for the

office use. At the time of his visit, the inspector saw that the property was being more intensively used than originally envisaged. Nonetheless, he considered that the allocated parking area was adequate and that Morrison's Supermarket car park could be a practical alternative. Had this been the only issue, the inspector would not have ruled against the use. However, in the light of his policy objections, it added to his overall concerns

17. Planning permission was therefore refused and the use must cease. The inspector considered that the four-month period for compliance should be extended to six months to enable the appellant ample opportunity to find alternative premises. The use must therefore cease on or before 6 January 2008.

Mr & Mrs Bateman – Front/side extensions and detached garage – 35 Bird Farm Road, Fulbourn – Appeal allowed

18. The main issue in this appeal was the impact on the character and appearance of the area. This semi-detached property occupies a very prominent position at the corner of two roads, albeit in an area of exhibiting a wide range of designs and materials. The proposed side extension would extend up to the side boundary but would be separated from the road by a broad grass verge. The inspector found that it would not appear intrusive in the street scene. The design and fenestration included the use of glass blocks, but the inspector felt this was not unacceptable given the variety in the area.
19. The appeal was therefore allowed subject to conditions regarding materials and further details of the proposed garage door.

Mr & Mrs J Chivers – Single storey garage/workshop building – 18 High Street, Little Eversden – Appeal allowed

20. Home Close Cottage is a listed building set back from the High Street, along with a former barn set at right angles to it. The Council was concerned that the proposed building would harm the setting of the listed building.
21. The proposed building would be some 20m back from the road and 10m from the side of the cottage. The inspector found this relationship acceptable and that it would not encroach upon the prominence of the former barn and its interesting relationship with the High Street. The design of the new building would provide sufficient visual separation and incorporated a hip roof feature found on a number of other outbuildings and structures in the village. The proposed use of materials was found to be appropriate, emphasising its subservience as an outbuilding and matching the use of similar materials in the locality.
21. Subject to a condition requiring the submission of sample materials, the appeal was allowed.

The Strategic Land Partnership LLP – 1. Demolition of existing house and 2. The erection of seven residential and two retail units - Land at Bishop's Cycles and 49 Station Road, Histon – Appeals dismissed

22. These two appeals followed an earlier unsuccessful appeal to demolish the former cycle shop and replace it with three dwellings. The main issue in both appeals was the impact on the character and appearance of the conservation area and in the second appeal, the impact on highway safety and the living condition of neighbours.
23. The inspector found that the existing house to be demolished has no particular

architectural or historic interest. A well-conceived scheme could equally preserve the character and appearance of the conservation area. Nonetheless, consent for demolition should only be given if there is an acceptable scheme for redevelopment.

24. The proposed semi-detached houses fronting Station Road were found to be broadly consistent with the pattern of development in the adjacent terrace and would be an improvement on the existing cycle shop building. However, the inspector found they would continue a rather uniform row of development, which would lack the characteristic variety of the area. The fenestration details were also considered inappropriate. The proposed adjoining shops and dwellings would be of substantial size and render the building an unduly harsh and incongruous feature in the street scene. It would also result in a visually important beech hedge which contributes to the semi-rural character of the area.
25. The remainder of the development would comprise three dwellings behind the frontage buildings. These were found to be uncharacteristic of the street scene, which is linear in form. Their substantial size and the gap formed by the necessary access would only increase the hardness of the development when viewed from Station Road.
26. The houses were also considered to be close to a beech tree, protected by a TPO. The tree would significantly reduce the amount of daylight available and would put its long-term retention at risk.
27. The proposal was therefore found to harm the character and appearance of the conservation area. It therefore followed that consent for the demolition of the existing property should be refused in the absence of an unacceptable proposal to replace it.
28. In considering the effect on highway safety, the inspector noted that there was a complete lack of parking provision for the retail units. While the Council's parking requirements were considered excessive, the absence of any car parking was unacceptable. It would unduly add to on-street parking to the detriment of highway safety.
29. The inspector had no issue with objections regarding overlooking of surrounding properties.