

## AGENDA

**PLANNING COMMITTEE**

**WEDNESDAY, 5 MAY 2021**

**1.00 PM**

**VIA ZOOM CONFERENCING SYSTEM**

Committee Officer: Jo Goodrum

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Due to the Covid-19 outbreak and the restrictions by the Government on gatherings of people, this meeting will be conducted remotely using the Zoom video conferencing system. There will be no access to this meeting at the Council offices, but there will be public participation in line with the procedure for speaking at Planning Committee.

The you tube link for todays meeting is:

- 1 To receive apologies for absence.
- 2 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 3 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 4 F/YR20/0963/F  
Land North of Elbow Cottage, Elbow Lane, Church End, Parson Drove. Erect a single-storey 2/3-bed dwelling including conversion of existing stables to plant room (Pages 3 - 16)

To determine the application.



The Government Standard

5 F/YR21/0015/F  
Land South Of 20, Primrose Hill, Doddington. Erect a dwelling (single storey, 3-bed) (Pages 17 - 24)

To determine the application.

6 F/YR21/0059/F  
Land South Of 63, Creek Road, March. Erect 1 dwelling (2-storey 3-bed) (Pages 25 - 36)

To determine the application.

7 F/YR21/0060/F  
Land West Of, 25 Linden Drive, Chatteris. Erect a single-storey 3-bed dwelling with detached garage (Pages 37 - 46)

To determine the application.

8 F/YR21/0199/F  
106 Cavalry Drive, March. Erect a 2-storey side extension, formation of a pitched roof to existing garage and removal of existing conservatory. (Pages 47 - 54)

To determine the application.

9 F/YR21/0229/F  
Land North Of, 39 March Road, Rings End. Erect a 2-storey 3-bed dwelling involving demolition of outbuilding. (Pages 55 - 72)

To determine the application.

10 Items which the Chairman has under item 2 deemed urgent

Members: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis, Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding and Councillor W Sutton,

F/YR20/0963/F

**Applicant:** Mr J Crowson

**Agent:** Mr Liam Lunn-Towler  
Peter Humphrey Associates Ltd

**Land North of Elbow Cottage, Elbow Lane, Church End, Parson Drove  
Cambridgeshire**

**Erect a single-storey 2/3-bed dwelling including conversion of existing stables to plant room**

**Officer recommendation:** Refuse

**Reason for Committee:** Number of letters of support received contrary to the officer recommendation.

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## 1. EXECUTIVE SUMMARY

- 1.1. The proposal is for the construction of a single-storey dwelling, including the conversion of the existing stables to a plant room to serve a system for raising the dwelling above ground in the event of a flood on site.
- 1.2. The site has previously been refused consent for the construction of a dwelling, which was subsequently dismissed at appeal in 2018.
- 1.3. The site lies within flood zone 3 and no sequential test has been undertaken in relation to the proposal.
- 1.4. The scheme is put forward on the basis that it is justified under para 79 of the NPPF as being truly outstanding or innovative, in terms of its appearance within the surroundings and the jacking mechanism for raising the property. The nature of the design and innovations has been assessed however the scheme is considered to fail to comply with the requirements of paragraph 79 of the NPPF in that regard.
- 1.5. The proposal results in harm to the character and appearance of the area, is located in an elsewhere location and does not meet any of the identified exceptions to the policies restricting development in such areas.
- 1.6. The recommendation is therefore for refusal.

## 2. SITE DESCRIPTION

- 2.1. The application site consists of an open piece of land approximately 400m north of the B1166 Main Road, Church End, and is accessed via a narrow single track road, Elbow Lane. The site contains an existing stable block/tack room that is to be converted as part of the proposal (see section 3).

- 2.2. Elbow Lane itself terminates at the southern boundary of the site, however byways run around the site to both the west and east boundaries, the result being that the site is open to public views despite its relatively secluded location.
- 2.3. The site is located within flood zone 3, and is classed as being an 'Elsewhere' location under the terms of policy LP3 of the Fenland Local Plan 2014.

### 3. PROPOSAL

- 3.1. The application proposes the construction of a single-storey dwelling on the site and the conversion of the existing stable block to provide a plant room to serve the property. The plant room is to be converted to house equipment used to power a set of jacks used to raise the proposed house in the event of the site flooding.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QHRZJ1HE01U00>

### 4. SITE PLANNING HISTORY

20/0054/PREAPP	Erect a single storey 2 bed dwelling and plant room	19.05.2020
F/YR18/0103/O	Erection of a dwelling (outline application with matters committed in respect of access)	Refuse 23.03.2018 Appeal Dismissed
F/YR16/0709/F	Erection of a stable block and tack room (retrospective)	Grant 04.10.2016

### 5. CONSULTATIONS

- 5.1. **Parson Drove Parish Council**  
Recommend approval

- 5.2. **Cllr G Booth (Ward Member)**

*I believe the application is sensitive and modest in design for the local area and will not cause any harm. I believe the proposed design is in keeping with other properties on Elbow Lane and will fit in with the nature of development in this area. I also believe that this application would help the Council fulfil its statutory duty to ensure there is a 5-year land supply for development and housing targets.*

- 5.3. **Cllr S Bligh (Ward Member)**

*I have been contacted by the applicant of the above planning application, I have looked at the details available on the public access portal and I feel that allowing this to be built will not cause any significant harm to Elbow Lane or Church End of Parson Drove.*

*I believe the design is both innovative and sympathetic to its rural location. The applicant informs me that he has the support of his neighbours both immediate and surrounding.*

*With all the above in mind, I support this application fully and also support Cllr Booths call in to committee should officers be minded to refuse.*

- 5.4. **North Level Internal Drainage Board**  
No comments to make

## 5.5. Environment Agency

No objection.

The sequential test is the responsibility of the Local Planning Authority to apply to the proposal.

The Planning Authority should be satisfied that the mitigation measures proposed are suitable to assist in making the development and future users safe from the harmful effects of flooding.

The application site is not served by a public sewer, so will need to be served by a non-mains drainage system that may require an Environmental Permit.

## 5.6. Local Residents/Interested Parties

8 letters of support for the proposal have been received from properties on Tholomas Drove, Sandbank, Elbow Lane and Bevis Lane. Only one of the responses identifies justification for their support, as follows. The remainder simply confirm they have no objection to the proposal.

- Exciting to see a house built via this method as a way forward to development in the Fens.
- The applicant already owns the land and has a stable on the site.

## 6. STATUTORY DUTY

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

## 7. POLICY FRAMEWORK

### 7.1. National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 14: Conflicts with the neighbourhood plan where adverse impact outweighs benefits

Para 79: Avoid the development of isolated homes in the countryside unless specified exceptions apply

Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

Para 131: Great weight should be given to outstanding or innovative designs.

Para 155: Development should be directed away from areas at highest risk of flooding.

Para 157: Need to apply the sequential and exceptions tests.

Para 158: Development should not be permitted if there are reasonably available sites in areas at lower risk of flooding.

Para 159-161: Need for the exception test.

### 7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

### 7.3. National Design Guide 2019

Context

Identity

Built Form  
Homes and Buildings  
Resources  
Lifespan

#### 7.4. **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP12 – Rural Areas Development Policy  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District

#### 7.5. **Parson Drove Neighbourhood Plan 2020**

Policy 1 – Housing Growth  
Policy 2 – Scale of Housing Development  
Policy 4 - Maintaining Separation Between Parson Drove and Church End  
Policy 5 – Road and Pedestrian Safety

### 8. KEY ISSUES

- **Principle & Sustainability of Development**
- **Impact on Character of the area**
- **Flood Risk**
- **Other Issues**

### 9. BACKGROUND

9.1. The planning application history on the site commences in 2016 when retrospective permission was sought for the retention of a stable block and tack room. At that time, the application was accompanied by evidence that the land had been used as a 'paddock' for over 40 years, pre-dating planning legislation and therefore the use of the land for the keeping of horses was considered to be lawful.

9.2. In 2018, an application was submitted in outline for the construction of a dwelling on the land to the south of the immediate application site, more closely related to the existing dwellings on Elbow Lane. This was refused on two grounds, its 'Elsewhere' location as defined in policy LP3, and its position within flood zone 3. The decision was the subject of an appeal to the Planning Inspectorate, and a claim for costs against the Local Planning Authority. The appeal was dismissed in October 2018 with the Inspector making the following key findings:

- The proposal would represent an isolated home in the countryside in respect of the NPPF (this is significant given the Mar-18 *Braintree* judgement relating to isolation of dwellings)
- The application site would be in an elsewhere location and would not provide a suitable site for housing, having particular regard to the accessibility of local services and facilities.
- The development of the site would have a harmful effect on the character and appearance of the area
- The scheme failed the sequential and exceptions tests in terms of flood risk.

- 9.3. Following the appeal, pre-application advice was sought in respect of the current proposal prior to the submission of an application.
- 9.4. The applicant was advised that officers would be unlikely to recommend an application for approval on the following grounds:
  - The application site is an elsewhere location and the proposal fails to meet any of the identified exceptions to residential development in such locations.
  - The development of the site would harm the character and appearance of the area, and the scheme did not have the scope to comply with the sequential and exceptions tests.
  - The striking design lacked sensitivity to its context and the 'inside out' nature of the design process does not indicate an attempt to enhance the immediate setting of the proposal.
  - The proposed method of addressing flood risk is innovative, but would not in itself satisfy the sequential test, and instead seeks to resolve a constraint that would not exist should a sequentially acceptable location be considered.
  - Personal circumstances are of relevance, however they often do not outweigh harm arising from proposals, and were not considered to do so in this case.
  - Any formal application should be accompanied by a noise impact assessment, including detail on the regularity with which the jacking system would be likely to be used, and the impacts of noise generated on nearby receptors.

## 10. ASSESSMENT

### Principle & Sustainability of Development

- 10.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy. The site is located beyond the developed part of any of the identified settlements within the district and as such is classified as an 'Elsewhere' location where development is to be restricted to certain specific types appropriate to a countryside location.
- 10.2. The proposal is for a residential dwelling not required in connection with an agricultural business or animal husbandry need, and such a use does not meet any of the identified exceptions in policy LP3 to justify a dwelling in such a location. The proposal is therefore contrary to policy LP3 of the Fenland Local Plan.
- 10.3. Policy 1 of the Parson Drove Neighbourhood Plan identifies that for development in Church End, proposals must be able to demonstrate evidence of clear local community support for the scheme, generated via a thorough and proportionate pre-application community consultation exercise or via the support of the Parish Council. No indication is made within the design and access statement that the application was subject to such an exercise, although the responses received during the application do suggest support for the scheme, and the Parish Council recommendation is for approval, which satisfies the requirements of policy 1.
- 10.4. The sustainability of the site must also be considered. The site is located approximately 400m north of Main Road, Church End, along a narrow single-track lane with narrow grass verges to either side of the road, flanked by hedgerows. The site is not physically isolated, however as identified by the Planning Inspector in considering the previous appeal on the land to the south,

the site is approximately 1km from the village of Church End, which lacks the majority of local services and facilities. The site would therefore necessitate the need to travel for day-to-day services in villages and settlements requiring the use of the private car, and as such the site would be functionally isolated. Policy 5 of the Parson Drove Neighbourhood Plan states that proposals for new dwellings will be supported “*provided adequate footways and road widths exist along the site frontage(s) or the developer makes provision for these, unless it can be demonstrated to be impractical due to physical design constraints or would be of detriment to the safety and convenience of all users of the highway.*”

- 10.5. Overall therefore, the proposal is considered to be contrary to the provisions of policy LP3 and LP12 of the Fenland Local Plan, and policy 5 of the Parson Drove Neighbourhood Plan.

#### **Impact on Character of the area**

- 10.6. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.7. The proposal is for the construction of a single-storey dwelling on unusual plan form, with mono-pitch style corrugated metal roof panels finished in light grey (RAL 7035), and a render coating to the dwelling walls finished in Navy Blue (RAL 5002).
- 10.8. The general character of existing development along Elbow Lane is of traditional brick dwellings under dual-pitch roofing with a typical front facing elevation leading directly onto the road.
- 10.9. The previous appeal on the land immediately to the south identified several elements that contributed to the character of the area as it exists at the current time. Specifically, these were identified as being an open and rural character, with a relatively flat topography and a varying degree of visibility due to seasonal changes in the vegetation in the area. The decision went on to state that the appeal site and the adjoining fields “*provides a significant contribution to the visual quality of and an important contribution to, the rural open landscape setting of the area. This positive contribution to the character and appearance would largely be lost by the development, which would urbanise the open and undeveloped nature of the site.*”
- 10.10. Whilst it is accepted that the previous appeal site and proposal are not directly related to the current scheme, the impact of the current development would be of a similar nature to the previous proposal (extending development out into the countryside beyond the existing limits of the village), with the design of the proposed dwelling varying substantially from anything that could be considered to reinforce local distinctiveness in the area.
- 10.11. Whilst it is accepted that the jacking up of the dwelling would be undertaken specifically in response to flooding of the land, and as such would be temporary in nature, this would only exacerbate the negative impact of the design of the proposed dwelling and increase its visibility within the wider setting of the site, resulting in harm over a wider area.

10.12. On that basis, the proposals are considered to represent harm to the character and appearance of the area, failing to enhance its setting or make a positive contribution to local distinctiveness.

### **Flood Risk**

10.13. Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.

10.14. As has already been identified, the application site is located in an Elsewhere location, and as such in accordance with the FDC approach to sequential test for housing the sequential test is required to be carried out across the whole of the rural area of the district.

10.15. The application is accompanied by a Flood Risk Assessment produced by Ellingham Consulting on behalf of the applicant. This document acknowledges under section 3.3 that if such a search is undertaken that there may be other sites in flood zones 1 or 2 that area capable of accommodating the construction of a single dwelling. On the basis of that information the application fails the sequential test.

10.16. The Flood Risk Assessment goes on to list a number of factors to which it states that weight should be given. These relate to the immediate availability of the site, its ownership status and the personal circumstances of the applicant and their family. None of these matters are factors that are identified as being relevant to the sequential testing of a site under the Cambridgeshire Flood and Water Supplementary Planning Document and therefore do not provide any weight in favour of the application in respect of this matter.

10.17. The proposed means of mechanically raising the house in the event of a flooding event on the site contributes towards the safety of the development with regard to the exceptions test, however this does not take the place of the sequential test with regard to the location of the development in the first instance.

10.18. In order to pass the exception test, the development is required to be safe from all sources of flood risk, and provides wider sustainability benefits to the community that outweigh flood risk.

10.19. The D&A Statement accompanying the application indicates three benefits of the scheme on sustainability grounds. These are the employment and council tax benefits deriving from the construction and occupation of the dwelling itself, the provision of a home to meet the personal circumstances of the applicant and their family, and the construction of the dwelling to the highest insulation standards, whilst the jacking system provides resilience to climate change. The first of these benefits is acknowledged, however the scale of the benefit given the proposal is for a single dwelling is limited. It is accepted that the construction of a custom-designed house to meet specific needs would be of benefit to the applicant and their family, however this relates only to the applicant and their

family, and does not result in a wider sustainability benefit to the community as required by the SPD. Similarly with regard to the final point, insulation measures within the dwelling do not constitute a wider sustainability benefit, and the jacking system whilst innovative and unique in relation to the provision of a permanent dwelling, does not result in a significant benefit to the community. Research projects into such methods are underway in other parts of the country and should they prove successful, economically viable and acceptable for deployment on a larger scale then there may be a resulting community benefit, however the construction of a single dwelling using such methods would not be accompanied by similar benefits.

## Other Issues

### NPPF Paragraph 79

- 10.20. The Design and Access Statement accompanying the planning application acknowledges that consideration must be given to paragraph 79 of the National Planning Policy Framework with regard to the acceptability or otherwise of the proposal. This paragraph states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one of a list of special circumstances applies. Sub paragraph e) states that one of those circumstances relates to a design of exceptional quality, that is truly outstanding or innovative, reflecting the highest standards in architecture that would help to raise standards of design more generally in rural areas.
- 10.21. It is the jacking process that is identified as being innovative in this case, stated as being unique to Fenland. Research has uncovered no permissions for permanent residential dwellings utilising such a system, albeit a 5-year permission has been granted on a trial basis to Larkfleet Homes to investigate the practicalities of such a system on a large-scale basis.
- 10.22. The Design and Access Statement also states that the external appearance of the building is considered to be intentionally striking, such that the bungalow will be visible within the open landscape and that this will raise design standards in the area and enhance its setting. This section of the statement then also confirms that the recommendation made at pre-application stage for a more sensitive design is acknowledged but that paragraph 79 is not prescriptive as to how the design relates to its surroundings.
- 10.23. The statement fails to explain however precisely how the design of the property is intended to raise standards in the area, whilst it also fails to acknowledge or explain how it meets the requirement in paragraph 79 that the design *“would significantly enhance its immediate setting and (LPA emphasis) be sensitive to the defining characteristics of the local area.”* Instead it seems that the design of the dwelling is deliberately at odds with the defining characteristics of the area, and that its consideration will therefore depend entirely on the subjective estimation of its appearance as to whether or not it enhances its setting rather than an objective assessment of design quality.

### Justification of need for the dwelling.

- 10.24. The application is accompanied by a statement from the applicant containing confidential medical information in respect of the applicant and their family in support of their application. These matters have, insofar as they relate to the applicant, been diagnosed subsequently to the consideration of the previous application and planning appeal according to the statement

10.25. The information has been taken into consideration in respect of the scheme, however it is concluded that the support it provides in favour of the proposal is not sufficient to overcome the policy justification for refusal of this particular scheme.

## **11. CONCLUSIONS**

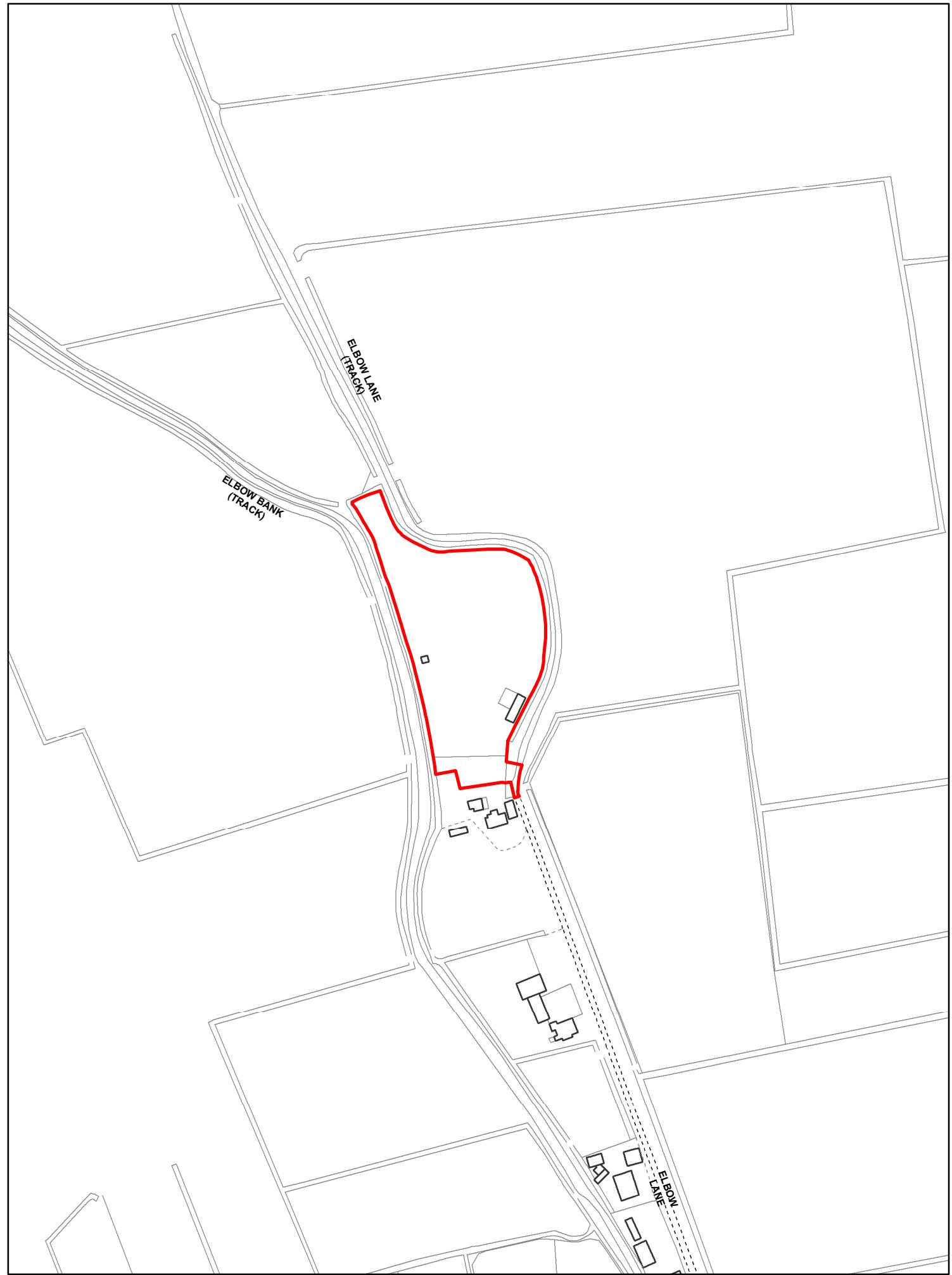
- 11.1. The proposal is in an elsewhere location as defined in the Fenland Local Plan (2014) and does not meet any of the identified justifications for the construction of a dwelling in such a location. The scheme is therefore contrary to planning policy as a matter of principle. The design and jacking mechanism proposed for the scheme would not result in a proposal that is truly outstanding or innovative in terms of paragraph 79 of the National Planning Policy Framework sufficient to justify departing from the relevant policy in that respect.
- 11.2. The scheme is functionally isolated from nearby services, and does not make provision for travel by sustainable means, and is therefore contrary to paragraph 7 of the National Planning Policy Framework.
- 11.3. The scheme is of a design that fails to be sympathetic to the local distinctiveness and character of the area, and would be at odds with the understated, more traditional design of properties within the area. The design and access statement fails to explain how the proposed design is intended to raise the standards of design quality in the area as a result of the scheme and therefore does not satisfy the requirements for consideration under paragraph 79 of the National Planning Policy Framework, and the scheme is contrary to policy LP16 of the Fenland Local Plan with regard to its impact on the character and appearance of the area.
- 11.4. The application site is located within flood zone 3, the zone of highest flood risk and where local and national planning policy requires applicants to demonstrate that there are no sequentially preferable sites capable of accommodating the development. There is no attempt to provide evidence to satisfy the sequential test, and the scheme is not accompanied by wider community benefits that would result in it passing the exceptions test. The scheme is therefore contrary to policy LP14 of the Fenland Local Plan (2014) and section 14 of the National Planning Policy Framework.
- 11.5. Finally, the application is accompanied by a statement indicating that it should be considered under paragraph 79 of the National Planning Policy Framework as a design of exceptional quality that is truly outstanding or innovative, that would help raise the standards of design more generally in rural areas, and would significantly enhance its immediate setting whilst being sensitive to the defining characteristics of the local area. The matters relating to design are addressed above, and although the jacking system proposed to raise the dwelling in the event of a flood is unique within the district at this time, research has shown that such a system is being trialled elsewhere within the country by a national housebuilder and on that basis does not meet the requirement in paragraph 79 of being truly outstanding or innovative.

## **12. RECOMMENDATION**

**REFUSE, for the following reasons**

### **Reasons**

1	<p>Policy LP3 of the Fenland Local Plan (2014) supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal fails to demonstrate that the proposed dwelling is essential for any of the operations as identified in LP3 and therefore would result in development in an unsustainable location which would be harmful to the character of the open countryside. The development therefore does not comply with the requirements of policy LP3 of the Fenland Local Plan (2014).</p>
2	<p>Policy LP14 Part B of the Fenland Local Plan (2014) seeks to direct development to areas of lowest flood risk to ensure the safety of people and property this being further reinforced by policies LP2 and LP12 of the Fenland Local Plan (2014). The proposal would result in More Vulnerable development being located within Flood Zone 3, the area of highest flood risk thereby putting people and property in danger of identified risks to the detriment of their safety and as such it would be contrary to Policies LP14, LP2, LP16 and the guidance contained within the National Planning Policy Framework.</p>
3	<p>Policy LP16 of the Fenland Local Plan (2014) requires development to deliver high quality environments that make a positive contribution to the local distinctiveness and character of an area. Paragraph 79 of the National Planning Policy Framework requires that in order to support development in a location such as this, its design should be of exceptional quality, significantly enhancing its immediate setting and being sensitive to the defining characteristics of the local area. The proposed dwelling is of a modern design and is finished in a navy blue render, in a location where traditional brick dwellings make up the surroundings dwellings. The proposed design would fail to be sympathetic to its surroundings, and would result in a property that causes visual harm to its surroundings contrary to the requirements of policy LP16 of the Fenland Local Plan (2014) and paragraph 79 of the National Planning Policy Framework.</p>



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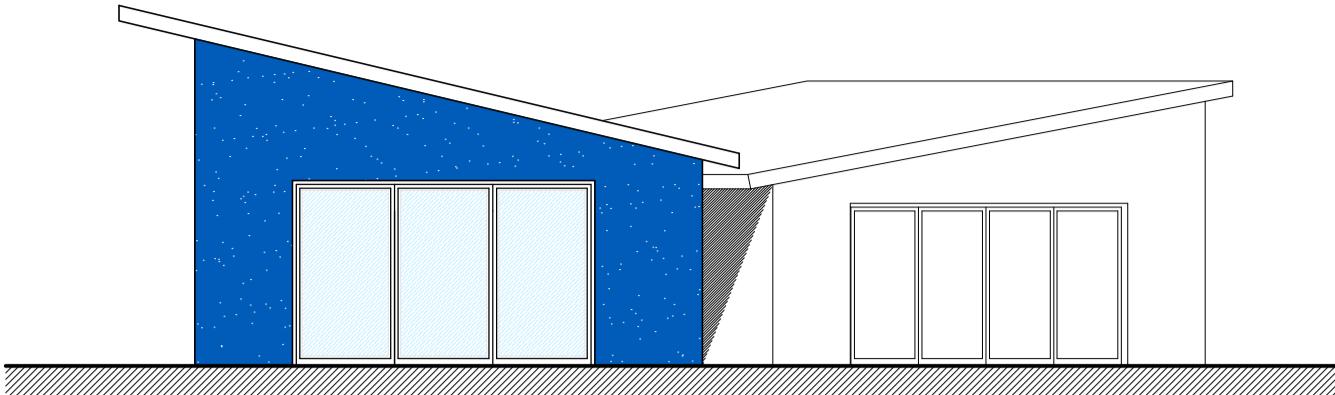
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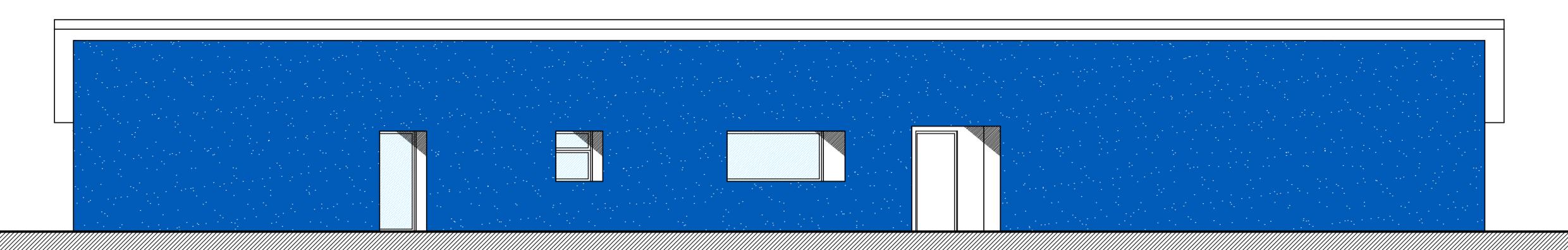
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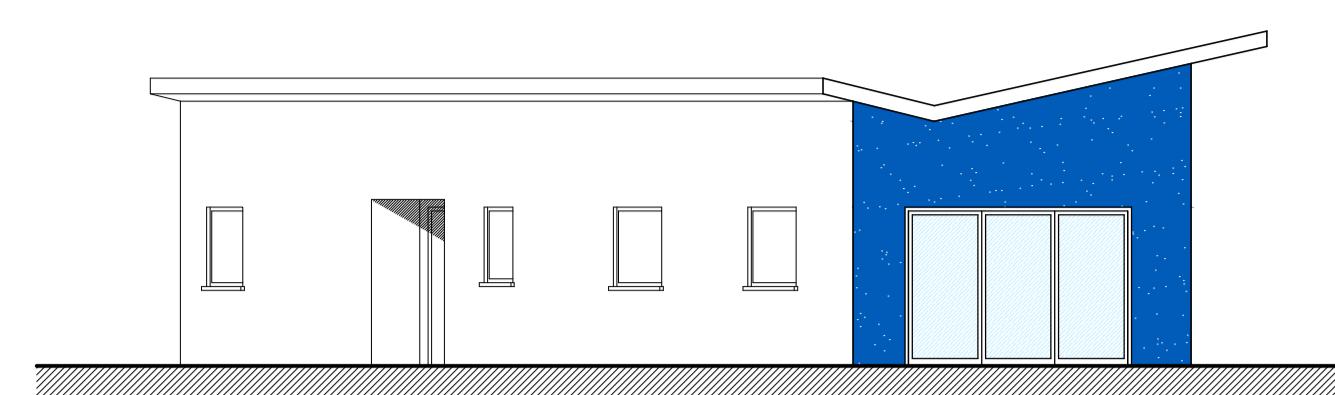
PROPOSED ELEVATION A (South West)

SCALE 1:100



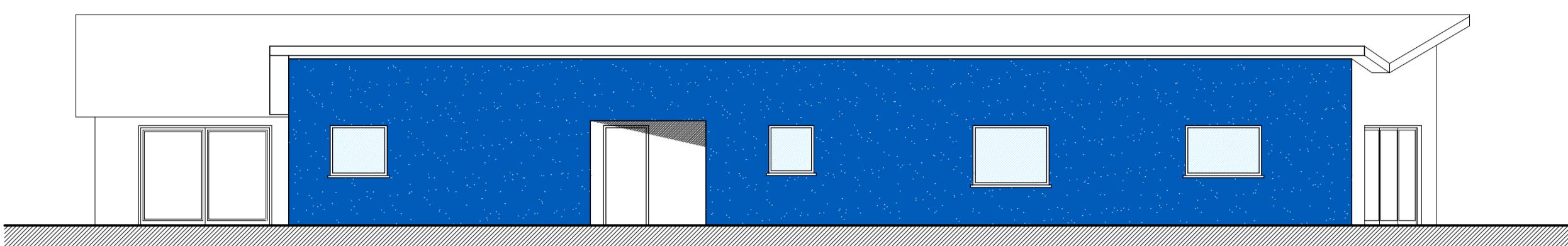
PROPOSED ELEVATION B (North West)

SCALE 1:100



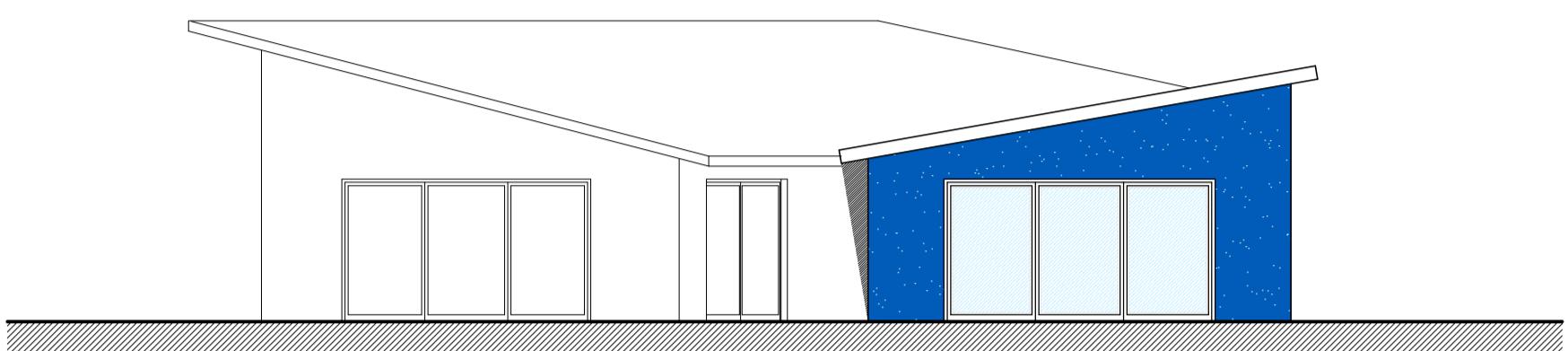
PROPOSED ELEVATION C (North East)

SCALE 1:100



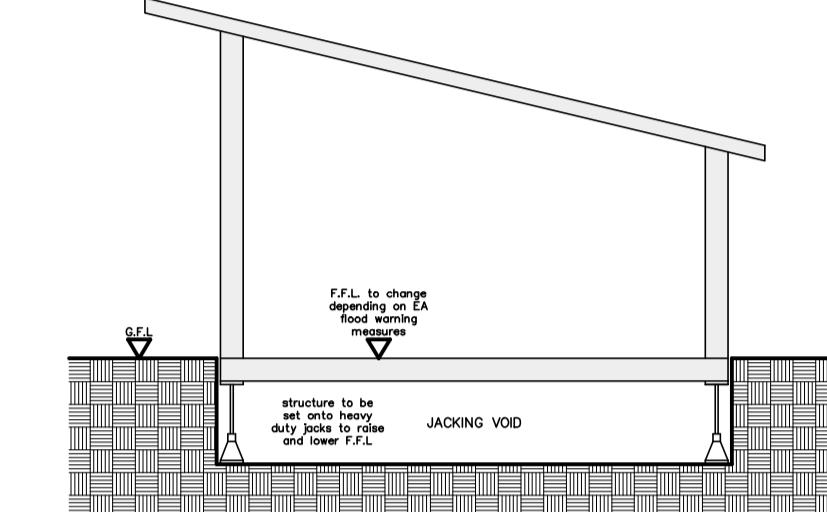
PROPOSED ELEVATION D (South East)

SCALE 1:100



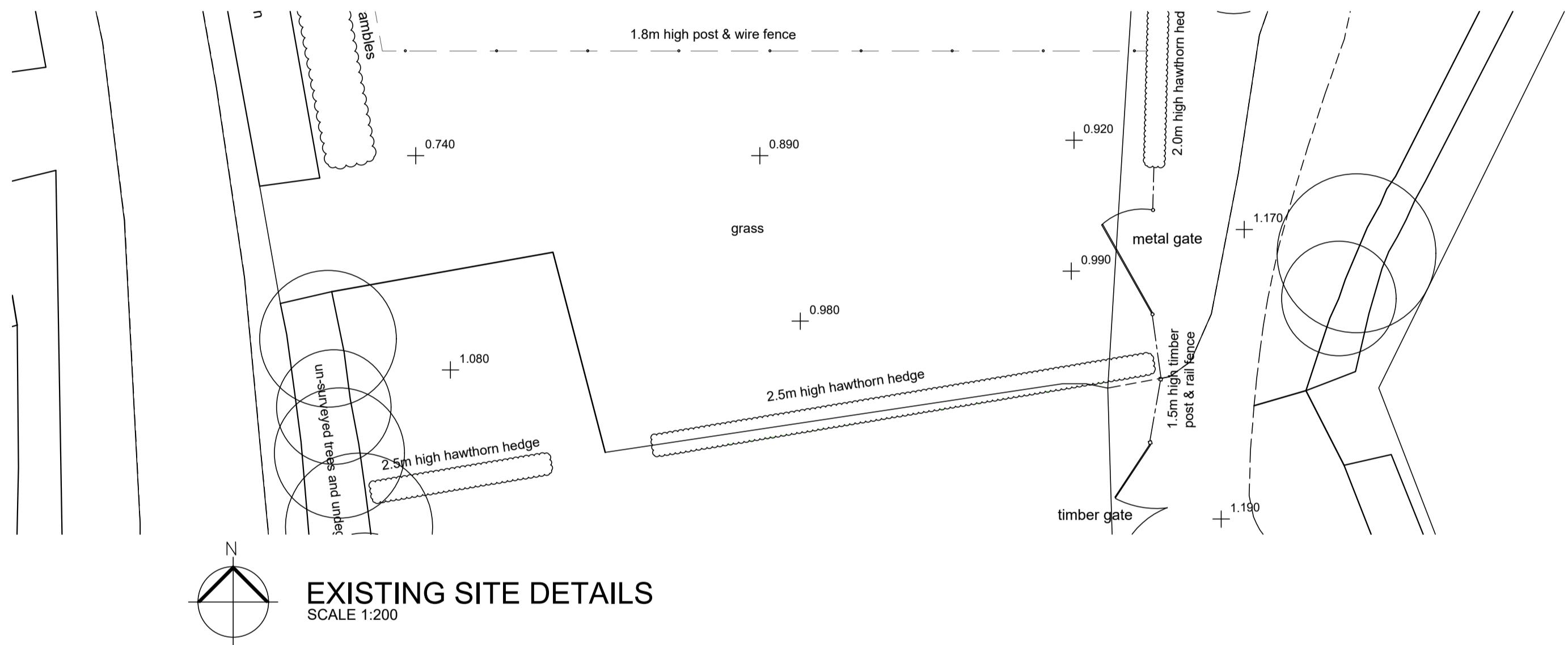
PROPOSED ELEVATION E (South South West)

SCALE 1:100



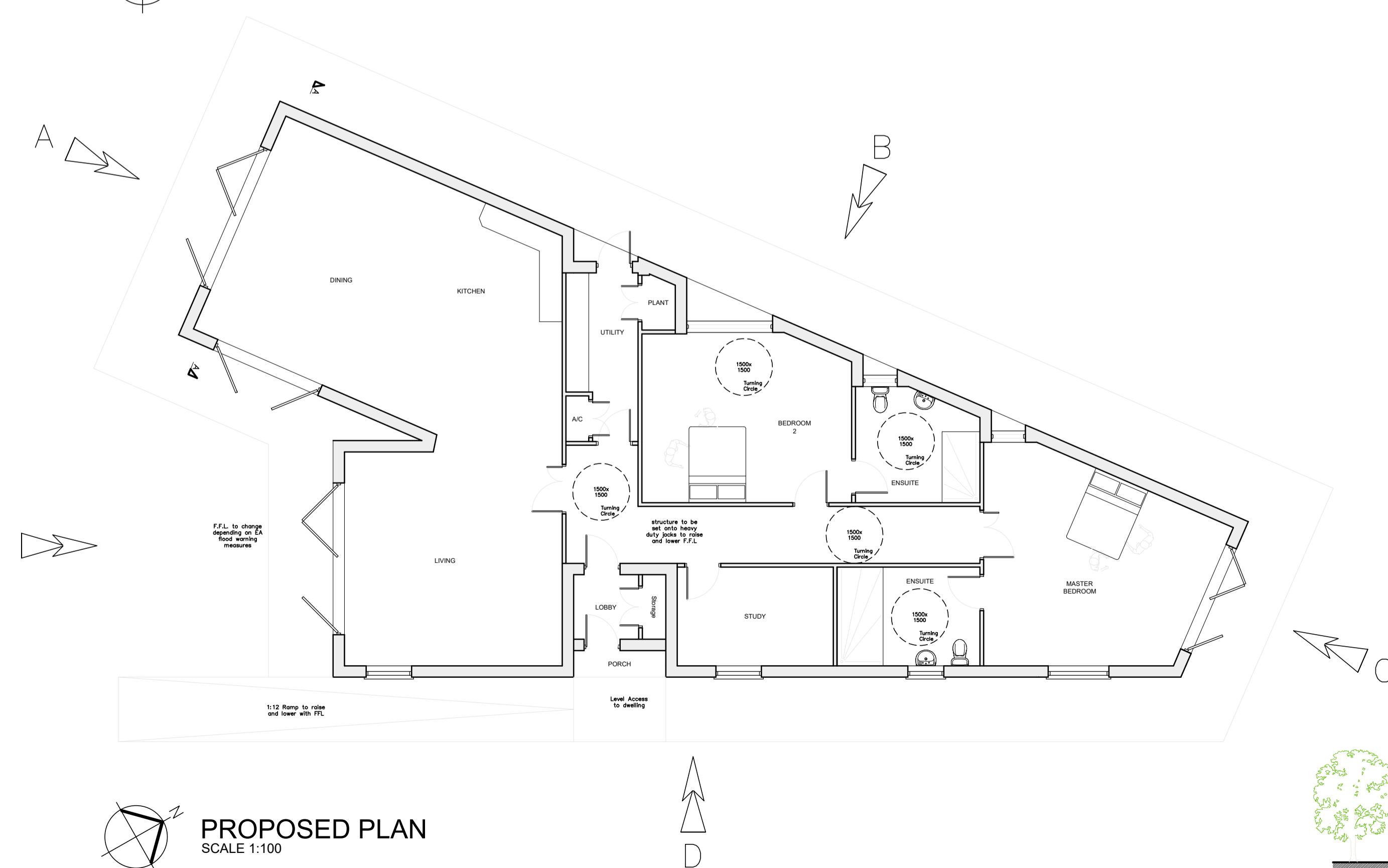
PROPOSED SECTION A-A

SCALE 1:100



EXISTING SITE DETAILS

SCALE 1:200



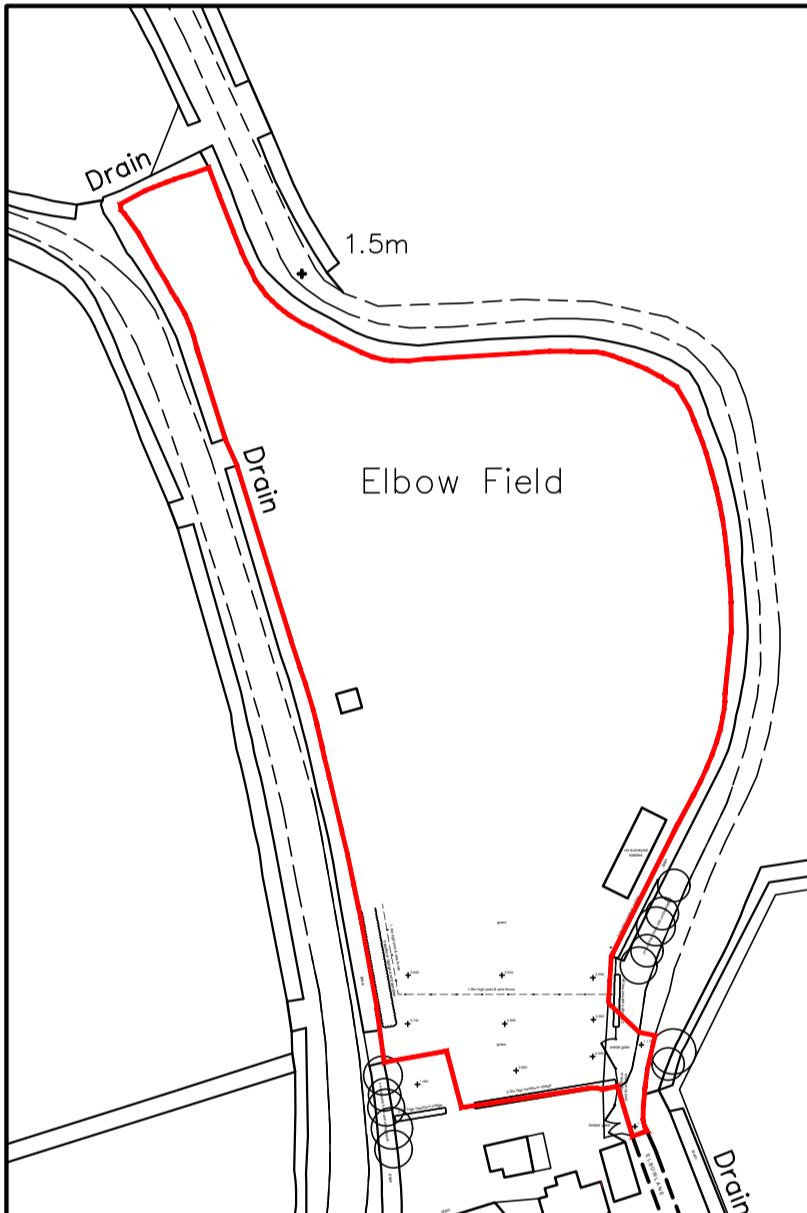
PROPOSED PLAN

SCALE 1:100



STREET SCENE

SCALE 1:200



LOCATION PLAN

SCALE 1:1250

REVISION:  
**Peter Humphrey Associates** Ltd.  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
PROPOSED NEW DWELLING  
LAND OFF ELBOW LANE  
PARSON DROVE  
WISBECH  
CAMBS

CLIENT  
MR & MRS CROWSON

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F/YR21/0015/F

**Applicant: Mr & Mrs Gowler**

**Agent :**

**Land South Of 20, Primrose Hill, Doddington, Cambridgeshire**

**Erect a dwelling (single storey, 3-bed)**

**Officer recommendation: Refuse**

**Reason for Committee : No of representations received contrary to Officer recommendation.**

## **1 EXECUTIVE SUMMARY**

- 1.1 The site is located within the open countryside where residential development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services by Policy LP3 of the Fenland Local Plan 2014.
- 1.2 As such the applicant has put forward the proposal as an NPPF paragraph 79 home. Part e) facilitates an isolated new home in the countryside if the design is of an exceptional quality. The design of the dwelling is considered to be unique within the Fen landscape.
- 1.3 Unfortunately, the application is not considered to be truly isolated due to the proximity of nearby dwellings, reference, the *Braintree* judgement.
- 1.4 The main policy consideration is therefore Policy LP3 which identifies the site as being within the open countryside where residential development in this instance would be contrary to that policy.
- 1.5 The recommendation is therefore to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 This 0.27ha site is agricultural land located within the open countryside on Primrose Hill, Doddington, opposite Dykemoor Drove. An existing farm access falls away slightly from the main highway which is screened from the site by a bank of sapling trees. The access track is bounded to the north by a mature hedge several metres high. The site is within Flood Zone 1.

## **3 PROPOSAL**

- 3.1 The proposal is a full application for the erection of a single storey 3 bed dwelling. The design of the dwelling is focussed on using the unique features of the site to create a low carbon dwelling. The applicant proposes that the dwelling will be

carbon neutral and where possible, carbon neutral materials and recycled and re-used materials will be used in its construction.

3.2 For these reasons, the applicant is proposing the dwelling as a “paragraph 79” home, in particular part e). Paragraph 79 of the NPPF states that:

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*
  - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

3.3 The dwelling is to be partly sunken into the ground to have minimal impact on its open countryside location. The roof height will be approximately 3.8m above ground level. Large areas of glazing are proposed facing south east to provide solar gain in the morning. This is in the form of a curved wall of mostly glass. The maximum diameter of the dwelling will be 20m approximately. The roof overhang and deciduous trees will provide solar shading to the glazing and dwelling during the summer.

3.4 The roof will be slightly sloping to allow some solar gain and light to penetrate the property. It is proposed that the construction will be reinforced concrete, externally insulated to achieve a high thermal mass. High thermal mass helps to retain heat in the winter but prevent solar overheating in the summer.

3.5 The following low carbon technologies are proposed:

- MVHR – Mechanical Ventilation with Heat Recovery
- Air Source Heat Pump Heating and Hot Water
- Photovoltaic panels also mounted to provide additional shading.
- Solar divertor system to direct excess electric to hot water, car chargers, appliances, or battery storage.
- Battery storage system to provide electric at night when solar is not generating

High levels of insulation include:

- Walls 200mm fibre insulation – Normal new dwelling 125mm fibre insulation
- Roof 200mm foam insulation – Normal new dwelling 120mm foam insulation
- Floor 200mm foam insulation – Normal new dwelling 100mm foam insulation
- Windows Energy Efficiency 0.8 – Normal new dwelling 1.2

Thermal bridging is also proposed at the junctions of the building.

3.6 The flat roof will be finished as a wild meadow roof. The applicant considers this type of roof finish is more beneficial to wildlife than a traditional green roof, plus

maintenance is minimum but the low height of roof over the plant roof allows for easy access.

- 3.7 One ash tree is to be removed and 8 saplings will be relocated.
- 3.8 The existing access serves 3 x agricultural fields. At the request of the Highways Officer additional detailing has been added to the plan with regard to the highway cross over. The access will be metalled and drained for 10m into the site. Two parking spaces are proposed.
- 3.9 Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QMKE53HE0D800>

#### **4 SITE PLANNING HISTORY**

None

#### **5 CONSULTATIONS**

##### **5.1 Doddington Parish Council- support the application**

##### **5.2 CCC Highways Officer**

Requested the agent adds a note to state the highway crossover will be constructed to CCC Highway Construction Specification, and add dimensions (widths) to the access plan. Accept the existing field access provides a suitable arrangement for the shared use.

##### **5.3 FDC Environmental Health**

*The Environmental Health Team note and accept the submitted information for the erection of a single storey dwelling and have 'No Objections' to the proposal as it is unlikely to have a detrimental effect on the air quality or noise climate. Records show the application site has no former use and therefore contamination is unlikely to be an issue.*

##### **5.4 Local Residents/Interested Parties**

Six letters of support have been received.

#### **6 STATUTORY DUTY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

#### **7 POLICY FRAMEWORK**

##### **7.1 National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG)**

Para 2: NPPF is a material consideration

Para 78: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 79: Avoidance of isolated homes in the countryside except in exceptional circumstances

##### **7.2 National Design Guide (NDG)**

- C1 – Understanding and relate well to the site, its local and wider context
- I1 – Responding to existing local character and identity
- H1 – Healthy, comfortable and safe internal and external environment
- H2 – Well-related to external amenity and public spaces
- R1 Follow the energy hierarchy
- R2 Careful selection of materials and construction techniques
- R3 Maximise resilience

### **7.3 Fenland Local Plan 2014 (FLP);**

- LP1: A Presumption in Favour of Sustainable Development
- LP2: Facilitating Health and Wellbeing of Fenland Residents
- LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP16: Delivering and Protecting High Quality Environments Across the District

## **8 KEY ISSUES**

- **Principle of Development/ Paragraph 79 of NPPF**
- **Design/ Impact on Character of the Area/ Residential Amenity**

## **9 ASSESSMENT**

### **Principle of Development/ Paragraph 79 of NPPF**

- 9.1 Policy LP3 identifies the site as being in an elsewhere location where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.
- 9.2 However, paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
  - a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
  - b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
  - c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
  - d) *the development would involve the subdivision of an existing residential dwelling; or*
  - e) *the design is of exceptional quality, in that it:*
    - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
    - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
- 9.3 The applicant has asked for the proposal to be considered against paragraph 79 e), specifically stating that “*The design of the dwelling is focussed on using the unique features of the site to create a low carbon dwelling. It's proposed that the dwelling will be carbon neutral and where possible carbon neutral materials to be used along with recycled and re-used materials*”.
- 9.4 Paragraph 79 of the National Planning Policy Framework however only applies to the development of isolated homes in the countryside and therefore consideration

must be given as to whether or not the current scheme falls for consideration in this regard. What constitutes an isolated home should be determined on its own merits, but having researched recent appeal decisions and high court judgements, certain principles should be given due regard. The following decisions are considered to be particularly relevant in the assessment and determination of this application.

- 9.5 The case of *Braintree DC v SSCLG* was considered by the Court of Appeal in terms of what constitutes an isolated dwelling, and this in turn has been used in the determination of a recent appeal. In appeal reference APP/F0114/W/18/3208289 the Inspector when determining the appeal referred to the *Braintree* judgement which stated that the term “isolated” should be given its ordinary meaning of “far away from other places, buildings or people”. It also considered that proposals cannot be considered isolated if there are other dwellings nearby.
- 9.6 As the application site is situated within close proximity to a number of scattered dwellings along Primrose Hill, the proposal is not considered to comply with the key requirement of paragraph 79 of the NPPF as it cannot be considered to be isolated in the normal sense of the word.
- 9.7 As such, the proposal cannot be assessed under paragraph 79 but must be considered on its own merits. With regard to its location, the site is within the open countryside. Therefore the principle of the proposal cannot be supported as the proposal would be contrary to Policy LP3.

### **Design/ Impact on Character of the Area/ Residential Amenity**

- 9.8 Policy LP16 also seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. Policy LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and provides appropriate amenity for future occupiers.
- 9.9 The National Design Guide 2021 under *Resources*, specifically R1, R2 and R3 recommends that developers should maximise resources, through the careful selection of materials and construction techniques.
- 9.10 The design of the dwelling would be unusual within the Fen landscape, but also set down slightly from ground level, minimising the appearance of the dwelling within the street scene.
- 9.11 It would have a contemporary design with a curved glass wall creating an unusual footprint. The dwelling would be 3.8m high and approximately 20m across at its widest point. The remaining external materials would comprise reinforced concrete, thermally insulated. A wild meadow roof is proposed rather than a green roof, with PV panels, an air source heat pump and mechanical ventilation with heat recovery. Bat and bird boxes would also be incorporated
- 9.12 One tree will be lost but other saplings will be relocated. These will in due course shield the development from the highway, and the mature hedging to the north of the access road, reduce any views of the proposed dwelling. With regard to any potential impact on the character of the area, the proposal is considered to have a neutral impact. The incorporation of a range of energy efficient measures also finds support with the National Design Guide.

9.13 The site is located approximately 35m from the nearest residential property. Therefore, it would not impact on the amenity of neighbouring users. The proposed living space and garden area is likely to deliver a nice family home. There is considered to be no conflict with Policies LP2 and LP16 with regard to residential amenity.

## 10 CONCLUSIONS

10.1 The site is located within the open countryside where residential development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services by Policy LP3 of the Fenland Local Plan 2014.

10.2 As such the applicant has put forward the proposal as an NPPF paragraph 79 home. Part e) facilitates an isolated new home in the countryside if the design is of an exceptional quality. The design of the dwelling is considered to be unique within the Fen landscape.

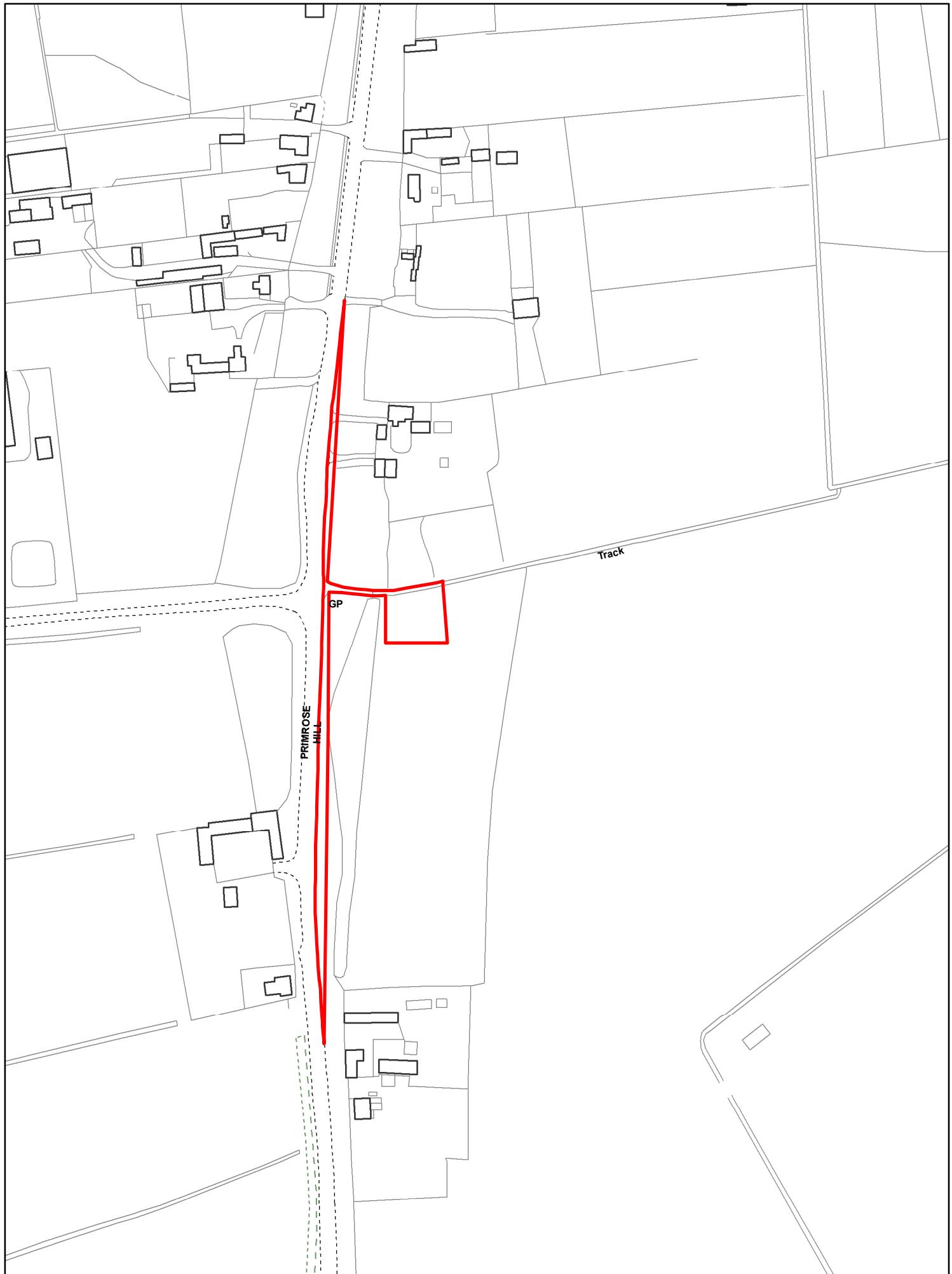
10.3 Unfortunately, the application is not considered to be truly isolated due to the proximity of nearby dwellings, reference, the *Braintree* judgement.

10.4 The main policy consideration is therefore Policy LP3 which identifies the site as being within the open countryside where residential development in this instance would be contrary to that policy.

## 11 RECOMMENDATION

The recommendation is to refuse the application for the following reason:

1	Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal has not demonstrated that the development is essential for any of the operations as identified in LP3 and therefore would result in development in an unsustainable location. The development therefore does not comply with the requirements of Policy LP3.
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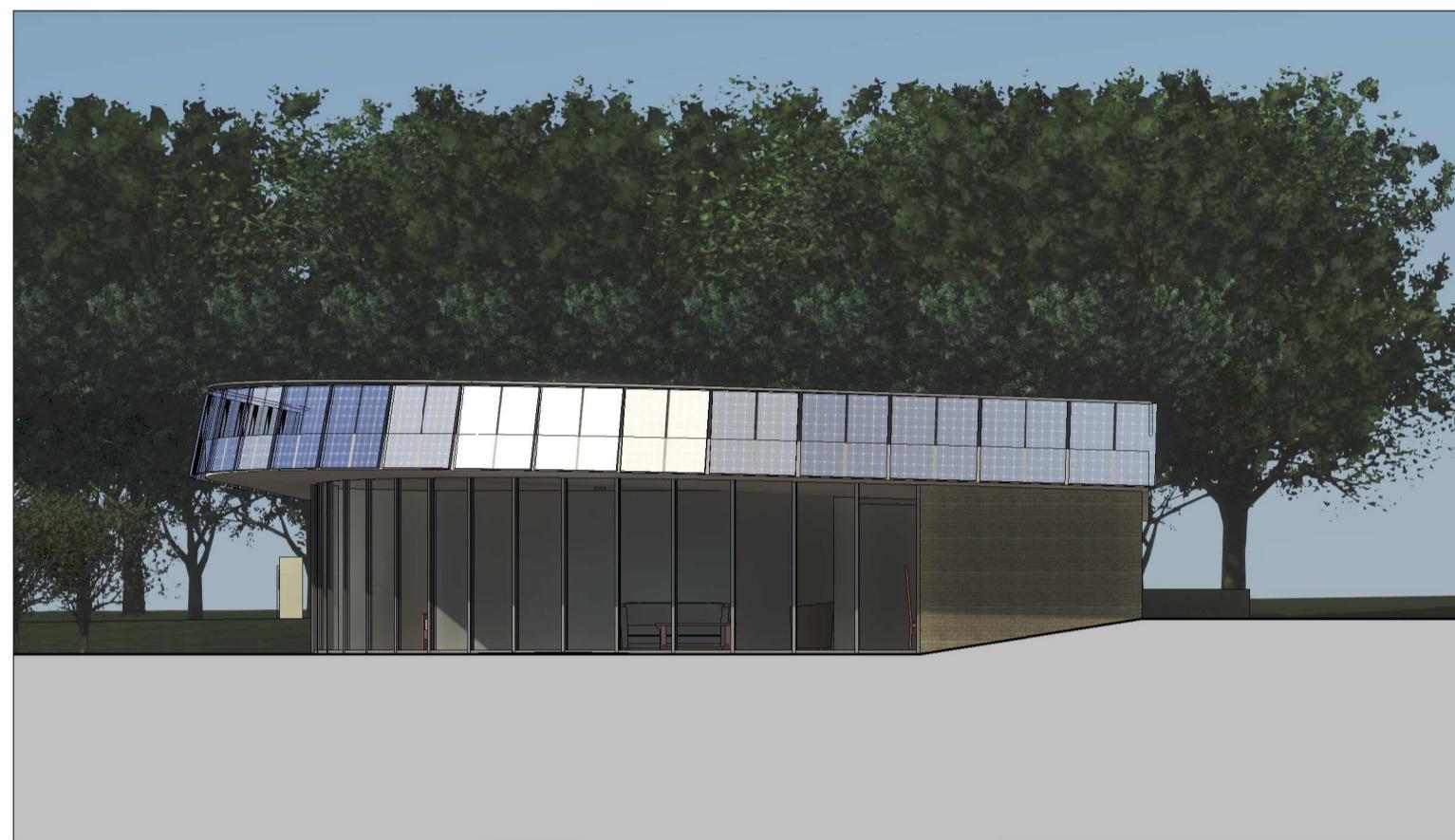
**Street Scene / Planning Front (north)**

1 : 100



**Street Scene (Primrose Hill)**

1 : 100



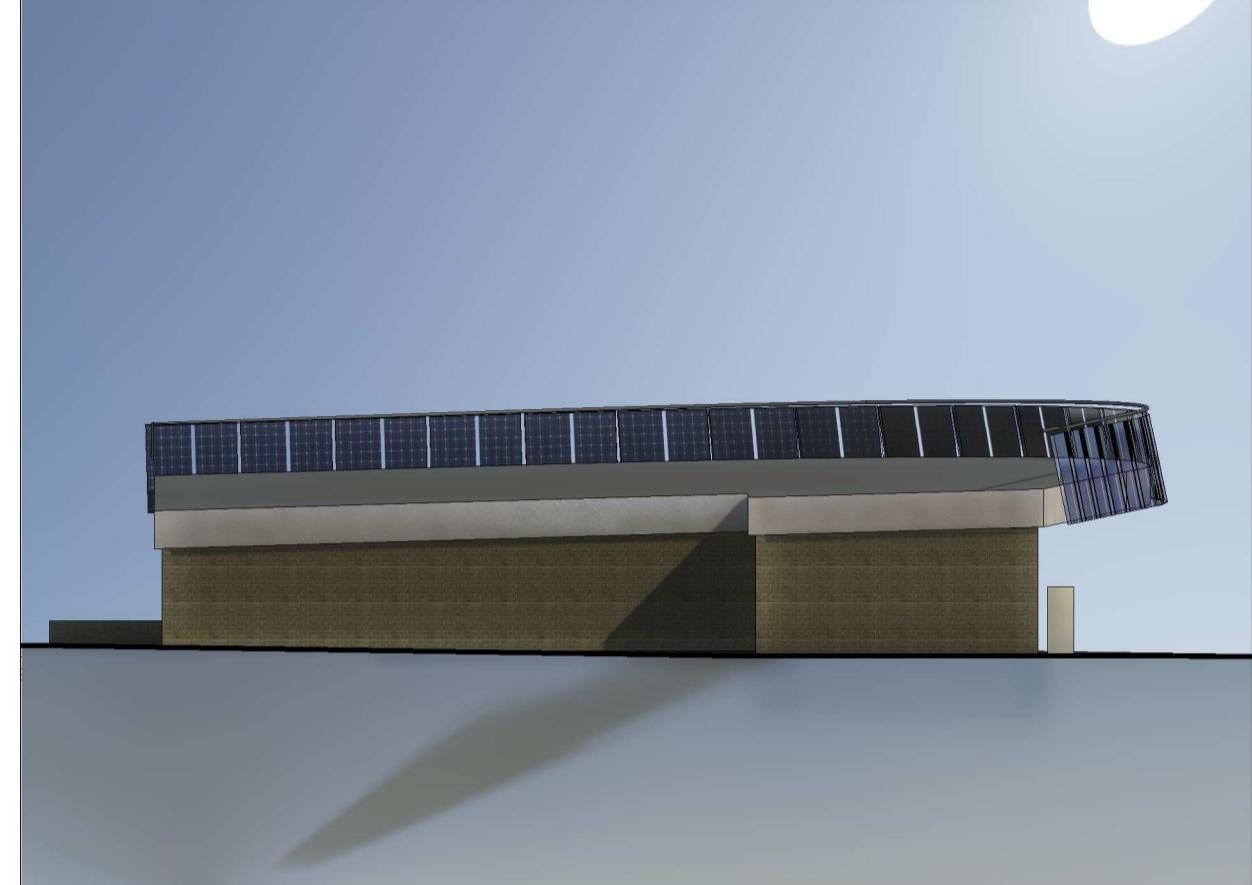
**Planning Side (east)**

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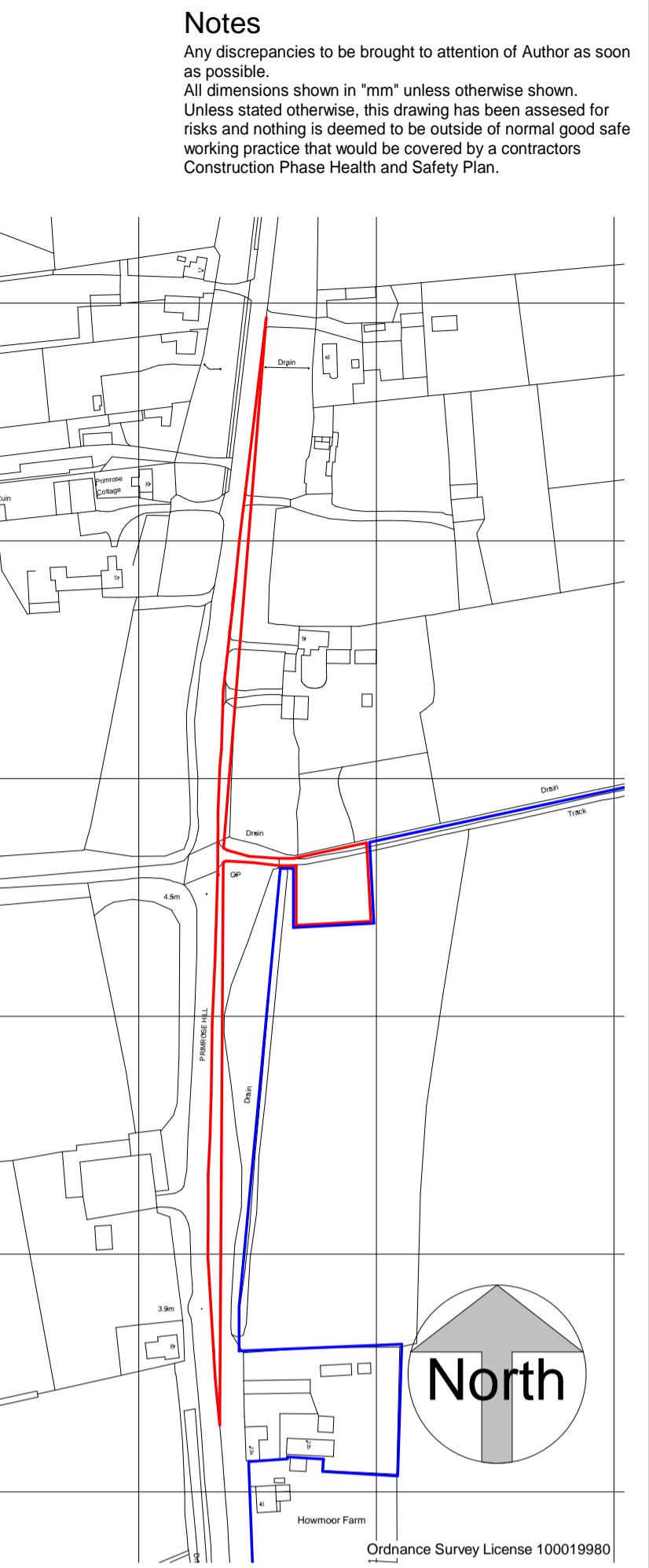
**Planning Rear (south)**

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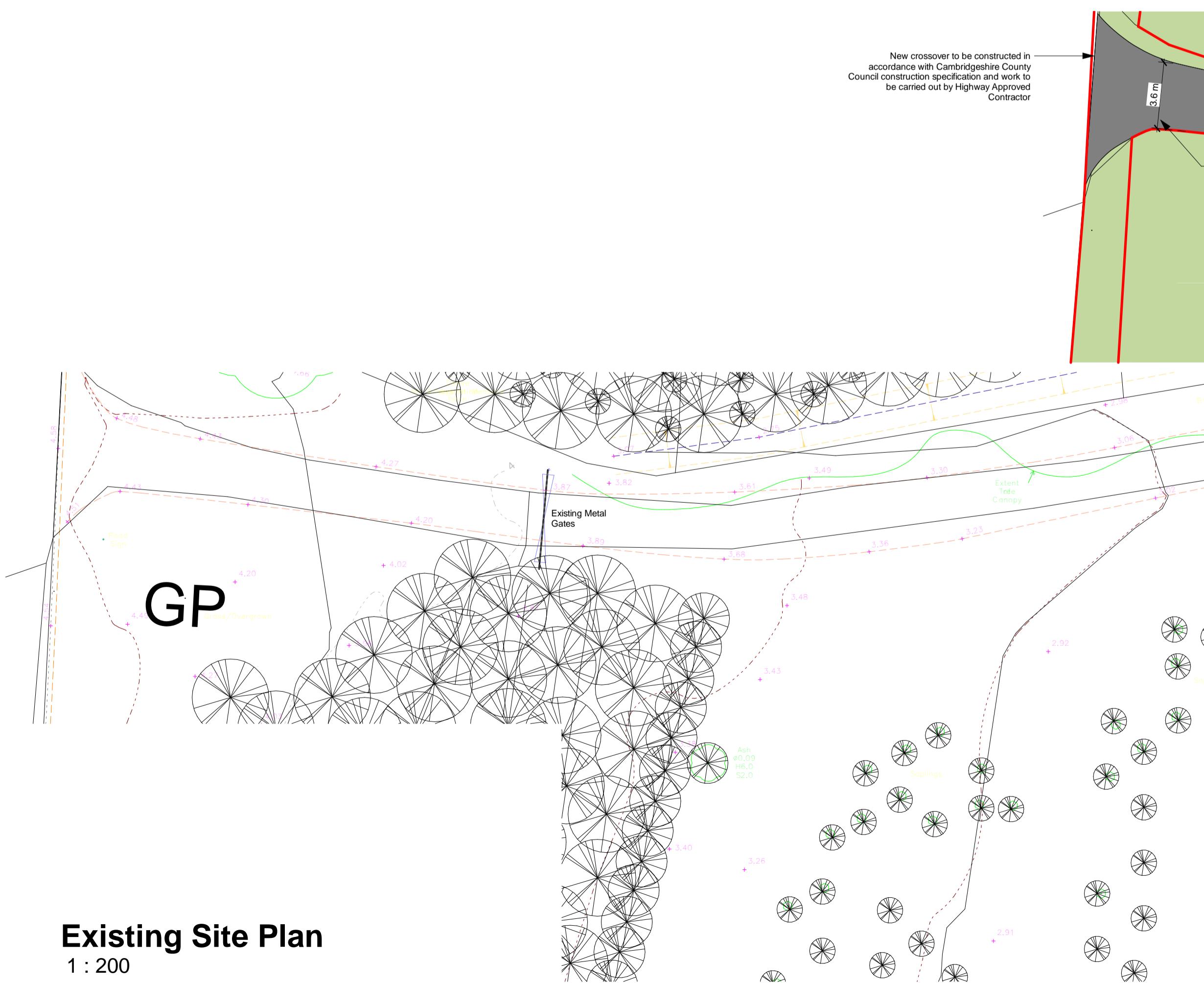
**Planning Side (west)**

1 : 100



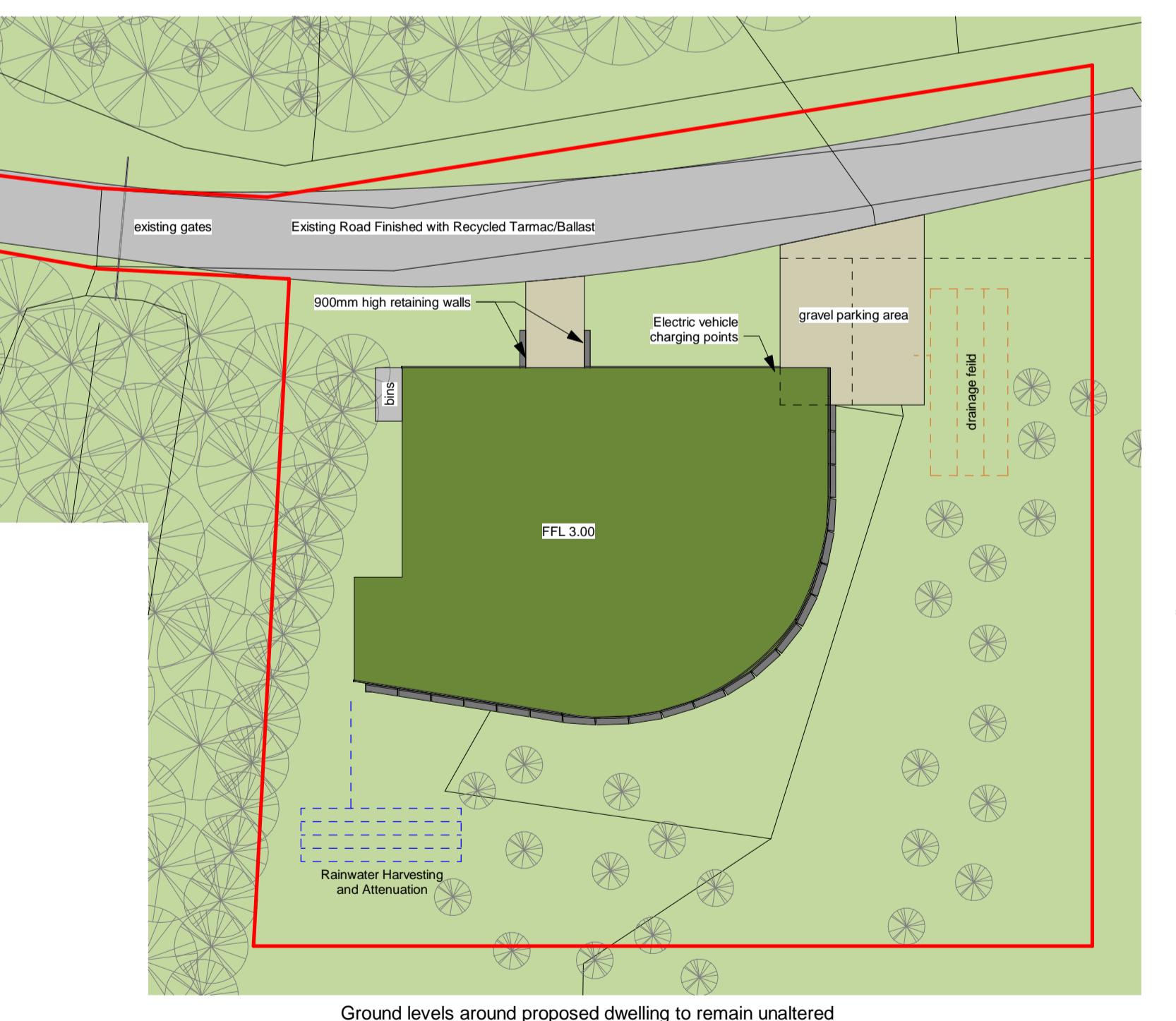
**Location Plan**

1 : 2500



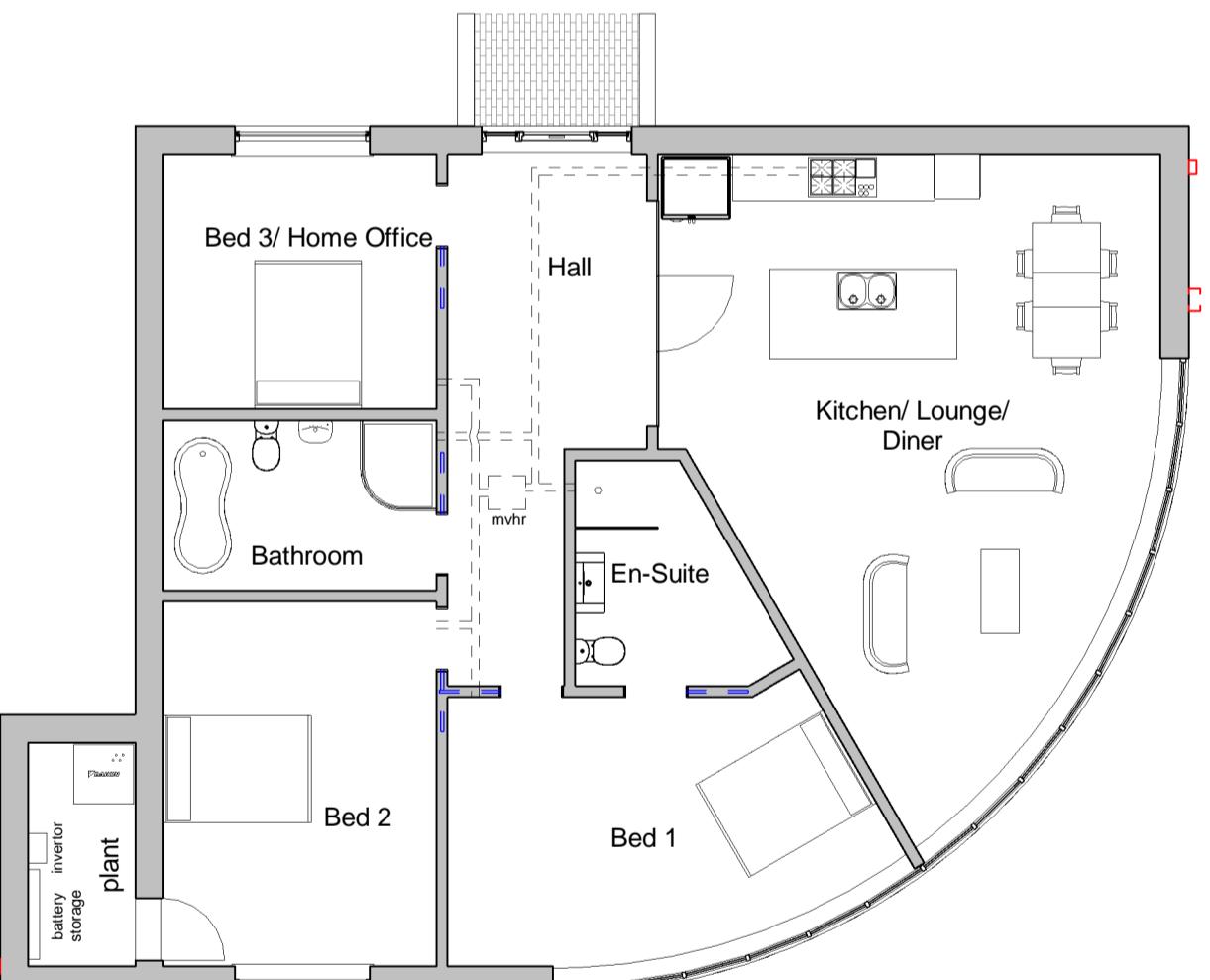
**Existing Site Plan**

1 : 200



**Proposed Site Plan**

1 : 200



**Proposed Ground Floor**

1 : 100

F/YR21/0059/F

**Applicant: Mr G Davies**

**Agent: Mr Gareth Edwards**  
**Swann Edwards Architecture Limited**

**Land South Of 63, Creek Road, March, Cambridgeshire**

**Erect 1 dwelling (2-storey 3-bed)**

**Officer recommendation: Refusal**

**Reason for Committee: No. of neighbour representations received in opposition to the officer recommendation**

## **1. EXECUTIVE SUMMARY**

- 1.1. The proposal is for the construction of a single, two-storey three-bedroomed dwelling on the land, which is currently occupied by a dilapidated single-storey timber structure. Two parking spaces will be provided within the site.
- 1.2. The application site is located in a backland location, on land designated as flood zone 1. It is surrounded by residential gardens and is accessed by a narrow single-track lane with a dog-leg part way along its length.
- 1.3. The two-storey nature of the proposal will result in the dwelling dominating the surrounding area contrary to its existing character, with a poor amenity provision and resulting in increased pressure on a sub-standard access to the dwelling.
- 1.4. These elements would all be contrary to the relevant planning policies that apply to development with no prospect of mitigation to overcome the impacts.
- 1.5. The scheme is therefore recommended for refusal.

## **2. SITE DESCRIPTION**

- 2.1. The application site is currently a piece of overgrown land located between the dwellings fronting Creek Road and Nene Parade in the centre of the Market Town of March.
- 2.2. It is accessed between the dwellings known as 61 and 63 Creek Road, along an unmade access track that also leads to the rear of several other properties. The access track bends south part way along its length and is flanked to either side by 1.8 metre high closeboard fencing.
- 2.3. The site itself is formed from three distinctly different parts. The first part is a timber structure, seemingly erected originally to be used as a garage for the property, although it is in a poor condition and does not appear to be used for these purposes at this time. The Design and Access Statement accompanying the application states that the building is used by the applicant and their friends

from time to time as a gym. There is some gym equipment in evidence amongst the photographs forming part of the wildlife survey accompanying the application, however from its condition it appears unlikely it is regularly used.

- 2.4. The structure is located immediately adjacent to the access road under a monopitch roof constructed from corrugated sheeting material. The second part is an area of concrete hardstanding immediately adjacent to the timber structure adjacent to the access road, although the surface is broken in places and overgrown with weeds growing between the intact sections. The third part of the site is located to the rear of the first two parts, and enclosed by a 1.8 metre high timber closeboard fence. There are tall trees to its rear boundary and a pond is located near to the current entrance through the fence at the north west corner of the land.
- 2.5. The site is within flood zone 1.

### **3. PROPOSAL**

- 3.1. The proposal is for the removal of the existing structures from the site, and for the construction of a two-storey 3-bedroom dwelling in their place, with provision of 2 parking spaces alongside the property.
- 3.2. The site plan submitted alongside the application indicates the rear garden would remain enclosed by 1.8m high timber closeboard fencing, and a modest front garden would be provided, setting the main part of the front elevation of the dwelling back from the access track by approximately 2.5 metres.
- 3.3. The site plan shows a parking area alongside the dwelling measuring 4.6 metres wide by 7-7.5 metres deep.
- 3.4. Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QMTSORHE01U00>

### **4. SITE PLANNING HISTORY**

F/YR19/0605/F	Erect 1 dwelling (2-storey 3-bed)	Refused 2/9/19
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### **5. CONSULTATIONS**

- 5.1. **March Town Council**  
*Recommend refusal due to over-development and possible flooding issues for adjacent properties.*
- 5.2. **Cambridgeshire County Council Highways Authority**  
No objections subject to a parking layout condition
- 5.3. **FDC Environmental Health**  
No implications for local air quality  
No known sources of noise that could adversely affect the proposal, which has no implications on the local noise climate  
No issues with ground contamination but would recommend standard condition regarding unsuspected contamination.

#### **5.4. Local Residents/Interested Parties**

14 responses were received in relation to the proposal from addresses on Nene Parade, Creek Road, Kingsley Street, Wisbech Road, Waterside Gardens, Burn Street, Southwell Close, and Harbour Square Wisbech. 8 responses were received in support of the scheme, and 6 in opposition to the proposals.

#### **5.5. Objections**

The objections to the proposal identified the following issues:

- Access Road is too narrow
- Access is prone to flooding
- Access has no lighting
- Could set a precedent
- Proposal could cause neighbouring properties to flood
- Impact on neighbouring privacy
- Impact on wildlife
- Will drastically impact on the character of the area
- Existing water pressure and sewerage provision inadequate
- Trespass during construction will lead to legal consequences

#### **5.6. Supporters**

The comments in support of the proposal identified the following justification:

- A building like this will only benefit the outlook on the land
- Will not overlook nearby properties
- Any type of affordable housing is beneficial to those trying to get on the property ladder
- Will provide a family home within walking distance of the town centre
- An opportunity for local developers and tradespeople
- Appears sympathetic to its surroundings

### **6. STATUTORY DUTY**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

### **7. POLICY FRAMEWORK**

#### **7.1. National Planning Policy Framework (NPPF)**

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

Para 170: Contribution to and enhancement of the natural and local environment.

Para 175: Harm to habitats and biodiversity.

#### **7.2. National Planning Practice Guidance (NPPG)**

Determining a planning application

#### **7.3. Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP17 – Community Safety  
LP19 – The Natural Environment

#### 7.4. **March Neighbourhood Plan 2017**

H2 – Windfall Sites

#### 7.5. **National Design Guide 2019**

Context  
Identity  
Built Form  
Movement  
Nature  
Uses  
Homes and Buildings  
Resources  
Lifespan

### 8. KEY ISSUES

- **Principle of Development**
- **Access, and Highway Safety**
- **Visual Impact and Character**
- **Residential Amenity**
- **Biodiversity**
- **Flood Risk**
- **Other issues**

### 9. BACKGROUND

9.1. Pre-application advice was sought in respect of the proposal in 2018 with a response provided indicating that the proposal for development of the site would be unlikely to be supported. Indication was given at the time that there were concerns regarding environment quality, amenity levels for the occupiers, and conflict with planning policy in respect of the impact of the development on the character of the area, waste collection arrangements and the safety of the environment proposed.

9.2. A full planning application was submitted in 2019 following the pre-application advice, and permission was refused, with four reasons given for refusal, consisting of its impact on the character of the area, poor amenity levels for occupiers and neighbours, sub-standard access and parking provision, and insufficient evidence that biodiversity on the site had been properly investigated.

9.3. No subsequent pre-application contact has been made in respect of the current application.

### 10. ASSESSMENT

#### **Principle of Development**

- 10.1. The proposal is located within the settlement of March, identified within the Fenland Local Plan (2014) as a Primary Market Town. This level of settlement is identified as the most sustainable within the district, with the majority of new development expected to be located in these areas. There are no special designations on the land that would indicate that its development for residential purposes would be unacceptable as a matter of principle.
- 10.2. Consideration must therefore be given to the specific impacts of the proposal, considered as follows:

#### **Access, and Highway Safety**

- 10.3. The scheme is proposed to be accessed along the existing track between 61 and 63 Creek Road.
- 10.4. The Local Highways Authority has confirmed that they have no objection on highway safety grounds, on the basis that the development utilises an existing vehicular access point and the level of additional traffic will not harm highway safety. These comments do not however extend to the use of the access track itself, which is not adopted highway. The driveway is narrow, only 3 metres wide in places, in particular at the point where the road takes a dog-leg to the south, and although the access drive in this respect already serves several dwellings, the addition of another property would exacerbate the potential for conflict between vehicles using the access, as well as conflict between vehicles and pedestrians/cyclists. In addition, the access driveway would be the only point of access to the proposed dwelling and therefore the levels of traffic visiting the dwelling would be likely to be proportionately higher than that relating to the properties off Nene Parade and Creek Road that also utilise the driveway, as those properties also benefit from the ability to park along those roads near the front of the dwellings. Such a conflict would be contrary to the requirements of policy LP15 of the Fenland Local Plan.
- 10.5. The proposal includes 2 parking spaces alongside the dwelling, which is indicated within the Fenland Local Plan as being the required number of spaces for a property containing 3 bedrooms as proposed. The Local Plan does not contain specific dimensions for such spaces however the width of the space indicated is 4.6m in total, whilst typical minimum sizes for residential parking spaces would be 2.9m wide (with an obstruction on both sides) and 5.5m deep, with an allowance of at least 6 metres to the rear of the spaces to allow for reversing out. The spaces indicated are 2.3m wide by 5m deep, with a 6m allowance to the rear for reversing, although the existing 1.8m fence to the west of the site would restrict visibility for vehicles revering out of the spaces. The spaces are further restricted by the presence on both sides of solid adjoining structures, the fence and the house itself, which would both restrict the opening of car doors when parked in the spaces. On that basis, the spaces indicated are below the standard that would be expected of a development proposal and would also exacerbate the potential for conflict in relation to the use of the access road.

#### **Visual Impact and Character**

- 10.6. The area within which the proposed dwelling is to be located is situated between Creek Road to the north and Nene Parade to the south. It currently consists of land forming rear gardens or ancillary land associated with the dwellings accessed from those streets, and although the dwellings off those two roads are themselves two-storey in nature, the land immediately surrounding the site is devoid of any structures above single-storey in height and has an open feel to it

despite the enclosure of the access road itself by 1.8m fencing. The area has a natural 'green' character as it is dominated by existing hedgerows, trees and other landscaping/planting although it is accepted that the current dilapidated building on the site detracts from this character.

- 10.7. The proposed dwelling would introduce a two-storey building into this environment, located in close proximity to the access driveway (approximately 2.5 metre set-back). Such a building would dominate its immediate setting to the detriment of the area and its characteristics as set out above, introducing a dwelling into the environment where none are currently present.
- 10.8. There are two chalet-bungalow dwellings located between Creek Road and Nene Parade approximately 70 metres to the south west of the site, however these dwellings are set within a substantially different environment to the proposed dwelling dominated by built structures of similar heights and do not therefore relate to the current proposal.
- 10.9. The proposal would be visible from Creek Road itself, through a gap to the south of the dwelling known as 55 Creek Road, although the impact in this regard would be minimal as it would be set against the backdrop of the existing dwellings along Nene Parade.
- 10.10. The proposal would not accord with the requirements of policy LP16 of the Fenland Local Plan (2014) as it would fail to make a positive contribution to the local distinctiveness and character of the area.

### **Residential Amenity**

- 10.11. There are two elements to the impact of the proposal on residential amenity, comprising its impact on the residential amenity of the surrounding properties, and the levels of residential amenity for the residents of the dwelling itself.
- 10.12. With regard to the first of these matters, the windows within the dwelling are largely located on the front and rear elevations, with only a single first-floor window to a landing area located on one of the side elevations, which could reasonably be required by condition to be obscure-glazed should consent be granted.
- 10.13. The windows to the front elevation of the property open onto a bathroom and bedroom. It would be reasonable to expect/require the bathroom window to be obscure glazed, however the bedroom window would overlook the gardens of the properties on the opposite side of the access drive from a distance of approximately 6 – 6.5 metres, which could therefore result in an impact on the privacy of those gardens. To the rear of the building, there are two first-floor bedroom windows looking out over the garden of the property, approximately 6m from the rear boundary of the site, with private residential gardens beyond. The boundary is currently screened through existing trees, which are located within the neighbouring land and their retention could not therefore be secured through condition on the current application.
- 10.14. The second element of residential amenity is in relation to the occupation of the proposal itself, and the requirement within policies LP2 and LP16 of the Fenland Local Plan (2014) to promote high levels of residential amenity, providing sufficient private amenity space suitable to the type and amount of development proposed.

10.15. In this instance, the proposal would result in a dwelling in very close proximity to its access road, along which at least 5 other dwellings are accessed. Although the front of the property houses the kitchen and hallway rather than the living room/dining room areas, this will still result in a poor relationship with the vehicular traffic using the driveway, particularly given the lack of separation of vehicular traffic from the site due to the absence of a dedicated footway.

10.16. The garden to the rear of the property is modest, albeit large enough to meet the minimum one third requirement set out in policy LP16. Given the orientation of the dwelling, the size of the rear garden and the boundary treatment to the east that is required to ensure appropriate levels of privacy to the neighbouring garden however, it is likely that the garden associated with the proposal would not result in the high levels of amenity space for the dwelling detailed by the aforementioned policies.

10.17. There is ample space within the site to store bins associated with the occupation of the dwelling, however the site is located in such a position that the bin drag distance to present them for collection exceeds the distance indicated within the RECAP guidance. On that basis, the bin collection arrangements serving the dwelling are sub-standard, and the need to present the bins for collection along Creek Road is detrimental to the overall levels of residential amenity associated with the proposal.

10.18. The existing track accessing the site does not benefit from street lighting. No proposals to provide any such equipment are included as part of the scheme and as with the paragraph above, the lack of any such provision is a detrimental factor when considering the residential amenity standards associated with the proposed dwelling.

### **Biodiversity**

10.19. The application is accompanied by an ecology report undertaken by Wild Wings Ecology on behalf of the applicant. This report indicates that the site has limited potential for use by protected species, and that there is good potential to achieve effective mitigation on the site such that residual impacts can be reduced to a neutral impact.

10.20. As noted above, the majority of the rear portion of the site is overgrown with scrub grass and other plants, and contains a pond that does not appear to contain any fish. The pond rated 'poor' in relation to habitat suitability for containing great crested newts. The timber building to the front of the site is constructed from weatherboarding and is in a poor condition with many gaps/cracks. Photographs submitted alongside the protected species survey show plants on the site intruding into the internal parts of the building.

10.21. Policy LP16 of the Fenland Local Plan requires that proposed development protect and enhance biodiversity on and surrounding application sites, whilst policy LP19 states that the Council will conserve, enhance and promote the biodiversity of the natural environment. The survey produced in conjunction with the development is sufficient to conclude that the application could be made acceptable in terms of its impact on biodiversity through the use of appropriate planning conditions. There is therefore no justification for refusal on these grounds.

### **Flood Risk**

10.22. The application site is located within flood zone 1, however it also lies within an area where the main risk of flooding is identified as being from Internal Drainage Board Watercourses. According to the Environment Agency's Surface Water Flood Mapping, and the Cambridgeshire Surface Water Management Plan, the site lies within an area of high probability of surface water flooding, but at a low velocity. March itself is identified as the priority location within Fenland for investigation into the viability of potential surface water flood risk alleviation options.

10.23. The application is not accompanied by a formal flood risk assessment due to its location within flood zone 1. Given the identification of the site as being at risk of surface water flooding, if the application were recommended for approval it would be appropriate to impose a condition requiring the submission and approval of a surface water drainage scheme for the site, including details of finished floor levels to ensure that the mitigation proposed is appropriate to the level of risk identified.

### **Other issues**

10.24. Comments received in relation to the proposal have raised the lack of street lighting in the area as a security concern in relation to the new dwelling. Policy LP17 of the Fenland Local Plan addresses the matter of community safety and notes that "*all footpaths should be well lit and, if possible, overlooked by dwellings. Footpaths to the rear of properties should be avoided where possible*". Although it is noted that the driveway is not lit, the proposal would result in supervision of it from the proposed dwelling, which would provide a greater level of security to the area than is currently present, particularly in view of the fact that the driveway currently leads to the rear of several properties on Creek Road and Nene Parade, and would therefore on balance be likely to result in increased community safety in the area.

10.25. Whilst it is acknowledged that the narrowness of the access combined with its length is likely to mean that the site cannot be accessed by fire appliances, this matter is controlled by means of the Building Regulations and is not therefore material to the consideration of the planning application, and will instead likely require the installation of a sprinkler system within the building.

## **11. CONCLUSIONS**

- 11.1. The principle of the development of the site for residential purposes is not opposed by the policies of the development plan, however the impact of the scheme on its surroundings would result in harm to the character of the area and residential amenity contrary to policies LP2 and LP16.
- 11.2. The use of the proposed access would not result in harm to highway safety in respect of the adopted highway network, but the additional traffic using the driveway and the parking/turning facilities would not result in the provision of a well-designed, safe and convenient access as required by policy LP15.

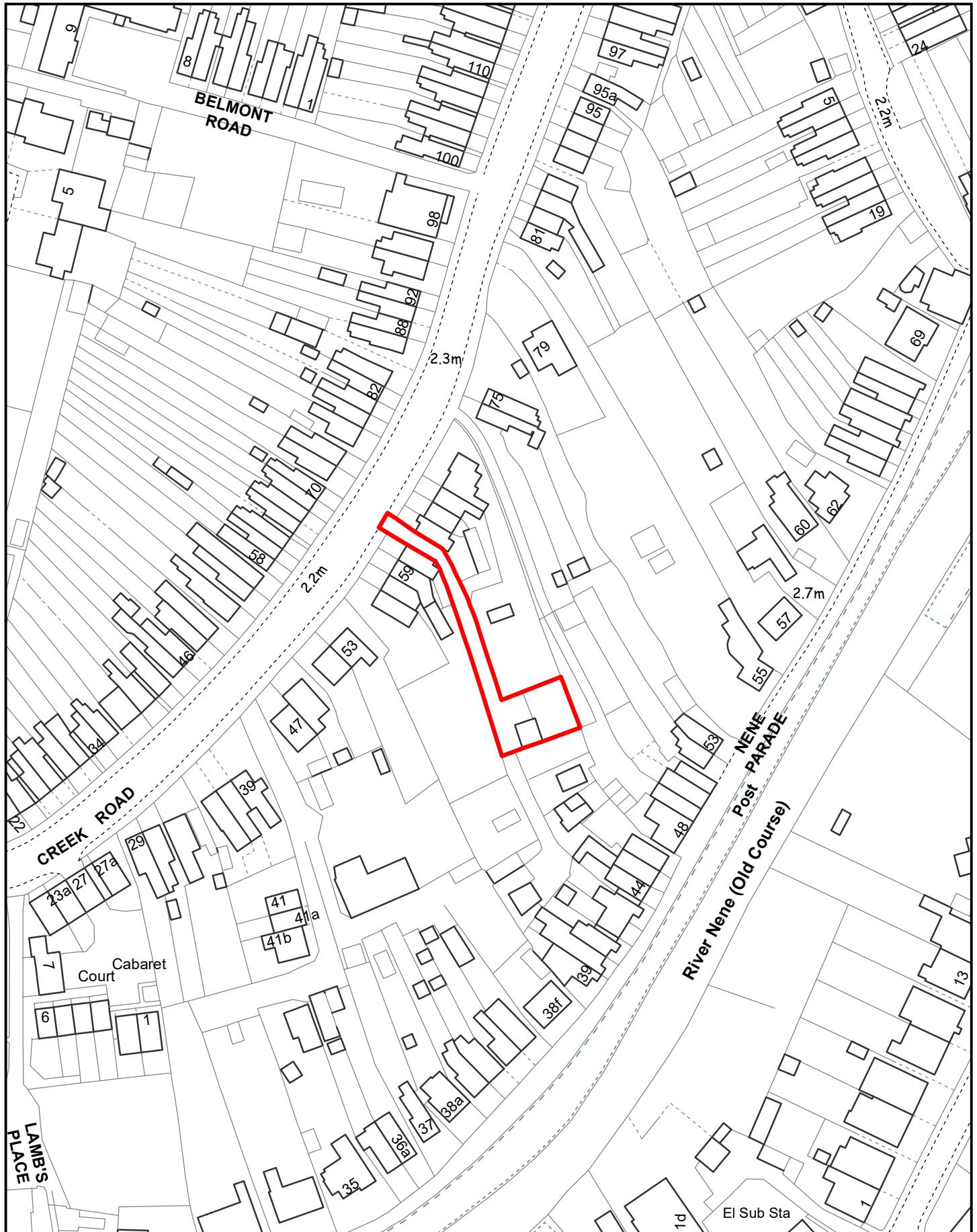
## **12. RECOMMENDATION**

Refuse, for the following reasons:

### **Conditions**

1	Policy LP16 of the Fenland Local Plan (2014) requires development to deliver high quality environments that make a positive contribution to
---	---

	<p>the local distinctiveness and character of an area, enhancing their setting and responding to and improving the character of the local built environment. The proposal is for the construction of a two-storey dwelling as a backland form of development at odds with the character of the site as amenity land located between residential developments on Creek Road and Nene Parade. The proposal would introduce a two-storey dwelling in close proximity with an existing access driveway leading to the rear of these properties and the resulting dwelling would dominate its surroundings by virtue of its height and proximity to the driveway. This would fail to respect the existing character of the area, which is distinctive because of its limited and low-level development that contributes to a sense of openness and space in this backland location. The proposal would therefore fail to accord with the above requirements and would be contrary to policy LP16 of the Fenland Local Plan (2014).</p>
2	<p>Policy LP2 of the Fenland Local Plan requires development to promote high levels of residential amenity, whilst policy LP16 requires that development does not adversely impact on the amenity of neighbouring users. The proposed dwelling would be sited in close proximity to the access drive, which serves not only the proposed dwelling but several properties located further to the south. As a result, the proposed dwelling would be subject to poor levels of amenity due to the proximity of the access, and the distance required to move refuse and recycling bins to the nearest collection point. The dwelling would also have a detrimental impact on the privacy of the neighbouring properties due to the location and orientation of the first floor windows and its relationship with their private rear gardens. The proposal would therefore fail to provide high quality residential amenity levels and would be contrary to the requirements of policies LP2 and LP16 of the Fenland Local Plan (2014).</p>
3	<p>Policy LP15 of the Fenland Local Plan (2014) requires that developments provide "well designed, safe and convenient access for all". Although no objections have been raised to the point of access to the wider highway network by the Local Highways Authority, their comments do not relate to the safety and suitability of the access drive within the site. The access drive itself is of limited width, as little as 3 metres at the point where it turns to the south. The increase in traffic proposed as a result of the application, combined with the narrowness of the track would result in an access drive that fails to meet the above requirements of policy LP15 of the Fenland Local Plan (2014). The parking provision shown as part of the proposal is constrained in width by the proposed house wall to the south and the existing timber fence to the north and visibility when reversing out of the spaces is obscured by the flanking features such that the proposed parking would also be substandard and would have a detrimental impact on the safe use of the existing access track. The proposal would for the above reasons be contrary to policy LP15 of the Fenland Local Plan (2014).</p>



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**F/YR21/0059/F**

Scale = 1:1,250

N

 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council



Front Elevation (W)

Scale: 1:100  
0 1 2 3 4  
metres



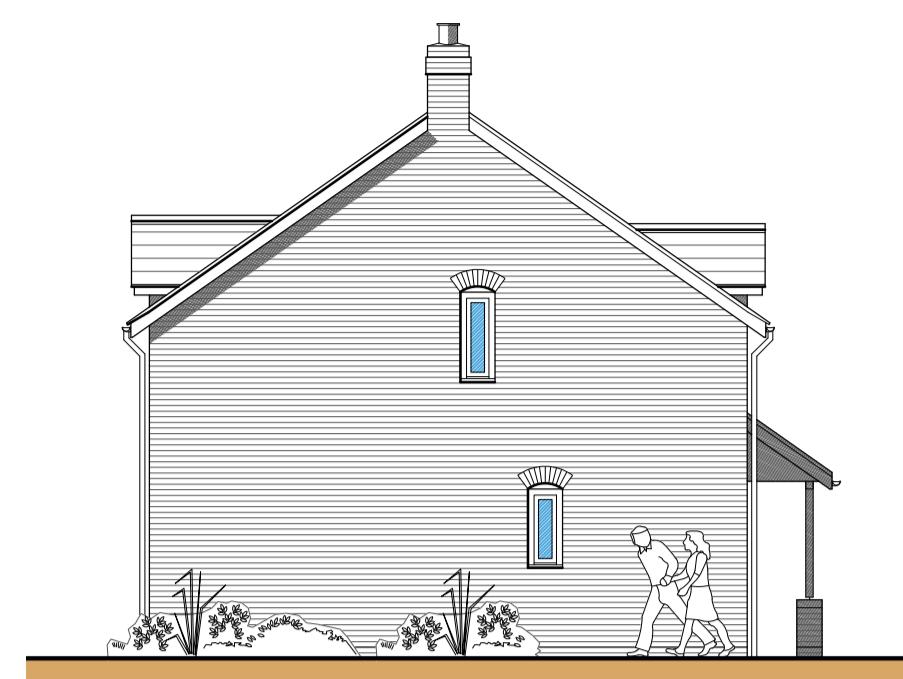
Side Elevation (S)

Scale: 1:100  
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metres



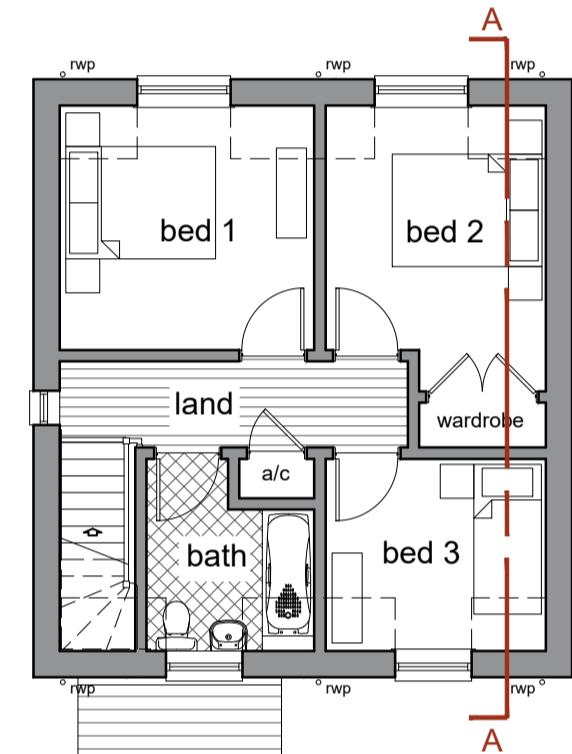
Rear Elevation (E)

Scale: 1:100  
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metres



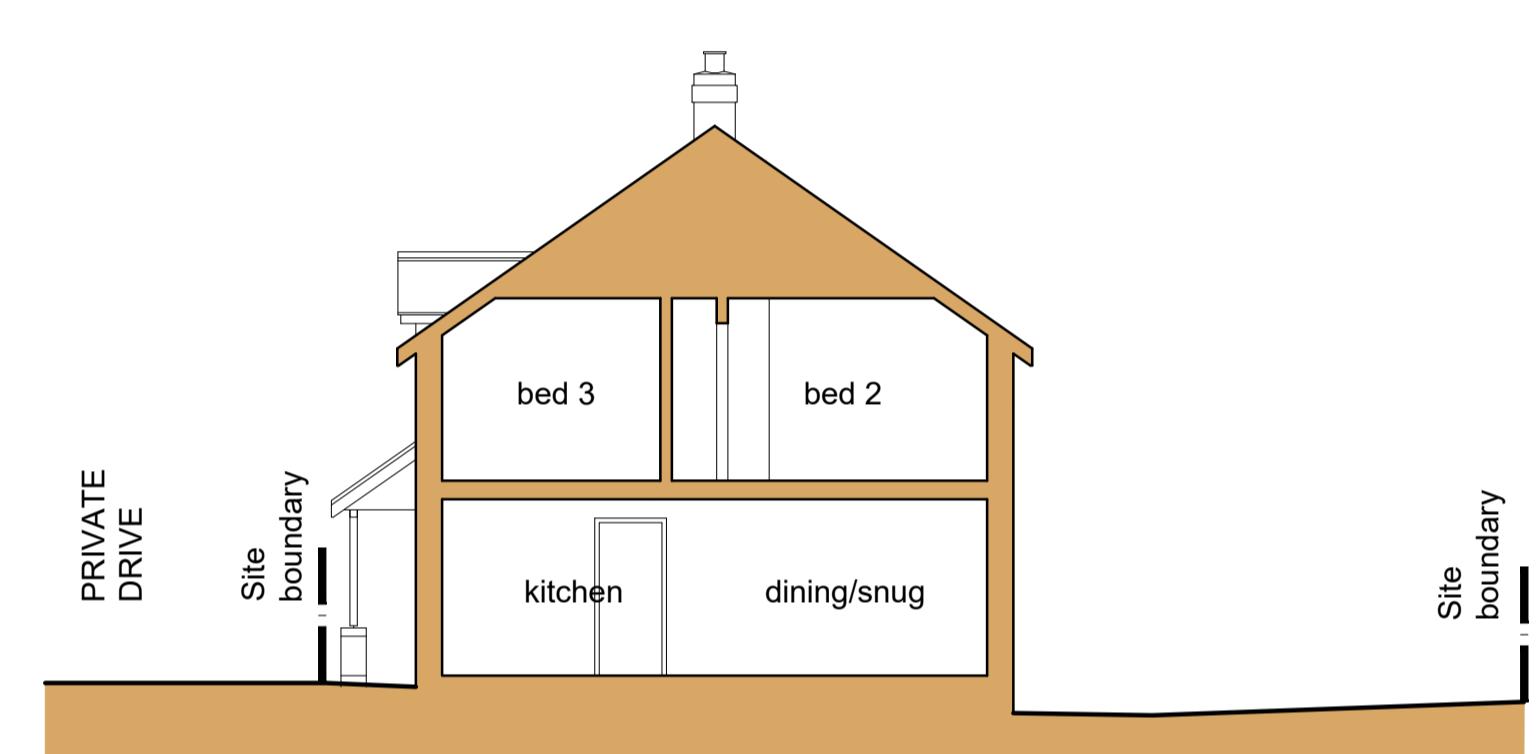
Side Elevation (N)

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metres



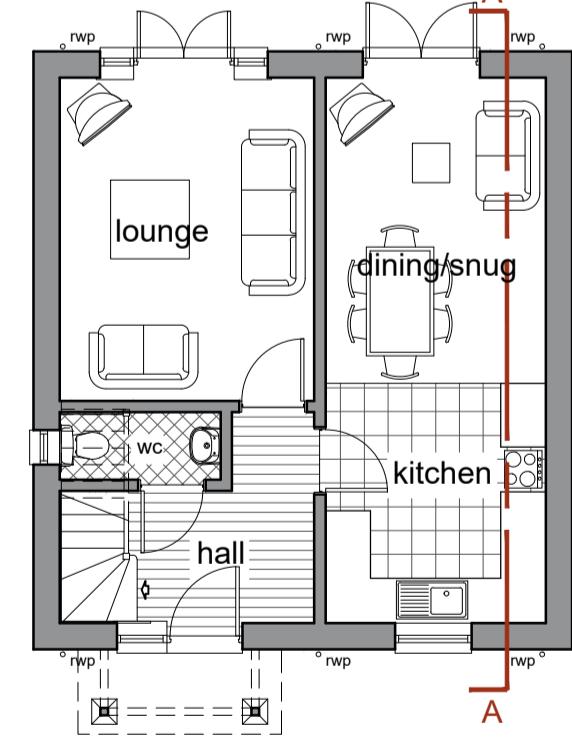
First Floor Plan

Scale: 1:100  
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metres



Section A-A

Scale: 1:100  
0 1 2 3 4  
metres



Ground Floor Plan

Scale: 1:100  
0 1 2 3 4  
metres



Location Plan

Scale: 1:1250  
0 12.5 25 37.5 50  
metres



Site Plan

Scale: 1:200  
0 2 4 6 8  
metres

General Notes  
1. All dimensions are shown in 'mm' unless otherwise stated.  
2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.  
4. Any discrepancies are to be brought to the designers attention.

#### SITE PLAN KEY

- Indicates proposed dwelling
- Indicates approximate position of un-surveyed trees and hedges
- Indicates site access
- Indicates proposed trees and shrubs
- Indicates existing features to be demolished

#### ELEVATION KEY

- Indicates brickwork
- Indicates roof tile
- Indicates joinery

Revisions  
B Jan 2020 Revised for application

#### FOR APPROVAL

**SWANN EDWARDS**  
A R C H I T E C T U R E

Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA, t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Dwelling Land rear of 63 Creek Road, March For Mr G Davies	Date April 2019	Drawn by JRB
Planning Drawing	Checked by SHe	
Job No. SE-1104	Sheet Size A1	
Dwg No. PP-1000	Revision B	

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F/YR21/0060/F

**Applicant: Mrs J Pattrick**

**Agent : Mr R Papworth**  
**Morton & Hall Consulting Ltd**

**Land West Of, 25 Linden Drive, Chatteris, Cambridgeshire**

**Erect a single-storey 3-bed dwelling with detached garage**

**Officer recommendation: Refuse**

**Reason for Committee: No of representations contrary to Officer Recommendation**

## **1 EXECUTIVE SUMMARY**

- 1.1 This is a full application for the erection of a single-storey 3-bed dwelling on land west of 25 Linden Drive, Chatteris, on open amenity land which was originally identified as public open space when the Linden Drive development was approved. The area has not been formally adopted. It was previously a well maintained area of grass which contributed to the visual and environmental quality of the area.
- 1.2 Recently the grass has been neglected. The site is now unkempt. However, this should not be a way of enabling development on a site which would otherwise be unsuitable.
- 1.3 Since 2003 four applications have been received to develop this land which resulted in two applications being withdrawn and 2 applications refused, one which was refused by Planning Committee.
- 1.3 The amenity land is directly in front of No 25 and to the side of Nos. 24 and 26 Linden Drive. As such, the proposed bungalow will be sited in a forward position between Nos. 25 and 26 with the parking and turning area immediately to the front of No. 24. The siting of the bungalow will appear at odds in the street scene and will be prominent at the end of this cul-de-sac. The impact will be that No.26 will appear to be 'hemmed' in and No.24 will ensure vehicles parking and turning to the immediate front of their property. This will result in a negative impact on the street scene and amenity of neighbouring property together with the general character of the area and due to the restricted size of the site there is little opportunity to screen the proposal with landscaping. This would be contrary to Policy LP16 of the Fenland Local Plan 2014.
- 1.4 Whilst a side garden is proposed directly in front of No.25 to ensure sufficient distance between the bungalow and the front of No.25, there is no way the Local Planning Authority can control boundary planting in the future and if such planting was implemented, then the impact on the outlook and lighting to No. 25 would be unacceptable as the planting matured.
- 1.5 The loss of this green space would be to the detriment of the area and residents in general as green spaces positively contribute to create a healthy environment

facilitating health and wellbeing of Fenland residents as set out in Policy LP2 of the Fenland Local Plan.

1.6 It is therefore considered that development on this piece of land would be very difficult to accommodate without harm to the residential amenity of adjoining property owners, the street scene and the character of the area. The recommendation is therefore to refuse the application as being contrary to Policy LP16 (d), (e) of the Fenland Local Plan 2014.

## 2 SITE DESCRIPTION

2.1 The site is an area of open space located at the southern end of Linden Drive which is a cul-de-sac. The land was until recently set to grass and well maintained. However a close boarded fence has been erected across the rear boundary of the site and further fencing has been erected in front of Nos. 25 and 26 to define the land as an enclosed area instead of the original open aspect of the site. There is an existing turning head in front of the site and further vehicular access to both No.25 and 26 Linden Drive. The site is within Flood Zone 1. Part of the rear boundary abuts the conservation area.

## 3 PROPOSAL

3.1 The proposal is for a shallow gable fronted, single-storey dwelling with a hipped roof, box window and detached single garage. The dwelling would measure 12.8m x 9m with a ridge height of 5m. The dwelling will benefit from private rear amenity space of 5.8m deep. The front of the dwelling will be set back from the existing turning head by 10m to allow for two parking spaces and access to the detached garage (3m x 7m). A new dropped kerb is proposed.

3.2 The proposed garage will be more or less in line with the garage to No 26. The proposed dwelling will be sited 10.4m to the east of No 26, and 4m in front of it. The proposed dwelling will be set back from the front elevation of No 25 by 6m approximately, with 10m distance between the two. The front aspect of No 25 overlooks the open amenity area but is now obstructed by the 1.8m high fence that has been erected.

3.3 Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QMTKWEHE01U00>

## 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR18/0115/O	Erection of 2no dwellings (outline application with matters committed in respect of access and layout)	REFUSE	27.03.2018
F/YR14/0189/F	Erection of a single-storey 3-bed dwelling with attached garage	REFUSE	30.05.2014
F/YR14/0040/F	Erection of a single-storey 3-bed dwelling with attached garage	WDN	28.02.2014
F/YR03/0531/F	Erection of 2 x 2-bed detached bungalows with garages on previously approved Public Open Space	WDN	19.02.2004

## 5 CONSULTATIONS

### 5.1 Chatteris Town Council- support the application

### 5.2 CCC Archaeology

*The site lies just beyond the western periphery of the precinct of Chatteris Priory, an area likely to have formed a focus for medieval settlement, and the modern Linden Road follows the line of the rear boundaries of the burgage plots on the west side of West Park Street. However archaeological evaluation of another 2-house plot 150m to the north of the development area in 2017 (Cambridgeshire Historic Environment Record reference ECB4943) revealed deposits of building material and pottery of post-medieval date only, suggestive of a location just beyond the western boundary of the medieval settlement.*

*As it is not thought likely that a further evaluation on the small scale of the outlined scheme would add significantly to our understanding of the development of this part of Chatteris I can confirm that we have no objections or requirements for this development as proposed.*

### 5.3 FDC Environmental Health

*I have no objection to the proposed application on the grounds of noise and air quality. However, I do recommend that the applicant consider the potential for land contamination. Ideally, a preliminary contaminated land risk assessment will need to be submitted to demonstrate that the potential for land contamination has been fully considered. However, considering we hold little or no record to link the application site with historical contaminative use, we would recommend the 'Unsuspected Contaminated Land' condition be imposed in order to protect the future occupiers and the environment.*

### 5.4 FDC Conservation Officer

*It does not appear as though the Conservation Team has been previously consulted on this site, despite previous planning history and I would agree that there is no conservation comment to make in regard to this application.*

*The site is not within the conservation area, and though the boundary falls either side of Linden Road, the introduction of one further bungalow in keeping with others will not impact on the character or appearance [of the Conservation Area]. Given too, that the development will fall within the boundary alignment of the present development it is not considered to fall within the setting of those listed buildings along*

*London Road, whose gardens back on to the meadow behind.*

*I therefore have no comment or objection to this development.*

### 5.5 Local Residents/Interested Parties

17 letters of support have been received from residents of Linden Drive.

Comments include:

It will finish off the estate;

The proposed bungalow is in keeping with existing;

One bungalow is better than the two previously proposed;

It will ensure Linden Drive remains a cul de sac;

Support as long as trees /hedges are not planted along boundaries with adjacent properties;

Concerns regarding the use of the open space by dog owners, drinkers, vermin, children and drug dealers, causing a nuisance and security concerns

## 6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

## 7 POLICY FRAMEWORK

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**National Design Guide 2019**

Context

Identity

Built Form

**Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

## 8 KEY ISSUES

- **Principle of Development**
- **Character of the Area/ Conservation Area/ Residential Amenity**

## 9 ASSESSMENT

### **Principle of Development**

- 9.1 The application site is located within the Market Town of Chatteris, which is one of four settlements within which the majority of the District's new housing development is proposed according to Policy LP3 of the Fenland Local Plan 2014. The principle of the development is therefore considered to be acceptable, subject to there being no conflict with other policies in the Fenland Local Plan 2014.

### **Character of the Area/ Conservation Area/ Residential Amenity**

- 9.2 Policy LP16 of the Fenland Local Plan 2014 seeks to deliver and protect high quality environments which should make a positive contribution to the local distinctiveness and character of the area. Development should not adversely impact, either in design or scale, on the street scene, settlement pattern or landscape character of the surrounding area. Policies LP16 and LP18 also seek to protect and enhance heritage assets. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant. Policies LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and future occupiers.
- 9.3 The site is not within the Conservation Area, but the boundary falls either side of Linden Road and abuts the rear boundary of the site. Notwithstanding this, the

introduction of one further bungalow is not considered to impact on the adjacent Conservation Area.

- 9.4 However, due to the forward position of the new dwelling on the site, its siting will appear at odds in the street scene and will be prominent at the end of this cul-de-sac. The impact will be that No.26 will appear to be 'hemmed' in, resulting in a negative impact on the street scene and general character of the area.
- 9.5 No.25 is orientated with its main front aspect overlooking the open space. However the existing boundary treatments, which have been changed from one metre to 2 metre already obstructs some of the previous views across the open space. It is unlikely that No.25 will be unduly affected by overshadowing from the proposed dwelling.
- 9.6 Notwithstanding this, the proposed site layout, extensive block paving to form the drive and the turning space in close proximity of neighbouring dwellings and windows all conspire to leave inadequate space for landscape planting which would help soften and frame any new development. This is particularly important as the new dwelling would be prominent at the end of the cul-de-sac. Tree planting on either side of the property, but especially to the east, is likely to be detrimental to the occupiers of No 25, by blocking out light to the habitable rooms.
- 9.7 Although it is possible through the imposition of a planning condition to remove permitted development rights for the erection of any garden structures or extensions to the east of the proposed dwelling, the right to plant trees and hedges cannot be removed by a planning condition. Although the applicant may provide reassurance to the neighbour at this time, this may not be the case if the new dwelling is sold on in the future.
- 9.8 These concerns add further weight to the argument that development on this piece of land would be very difficult to accommodate without harm to the street scene and character of the area, and potential harm to the occupiers of the adjacent dwellings.
- 9.9 The proposal is therefore considered to be contrary to Policy LP16 as it would not deliver a high quality environment or make a positive contribution to the street scene, and Policies LP2 and LP16 as it has the potential to adversely affect the amenity of neighbouring occupiers.

## **10 CONCLUSIONS**

- 10.1 This is a full application for the erection of a single-storey 3-bed dwelling on land west of 25 Linden Drive, Chatteris on open amenity land which was originally identified as public open space when the Linden Drive development was approved. The area has not been formally adopted. It was previously a well maintained area of grass which contributed to the visual and environmental quality of the area.
- 10.2 Recently the grass has been neglected. The site is now unkempt. This should not be a way of enabling development on a site which would otherwise be unsuitable. Members have previously refused development on this piece of amenity land.
- 10.3 The amenity land is directly in front of No 25 and to the side of Nos. 24 and 26 Linden Drive. As such, the proposed bungalow will be sited in a forward position between these properties. The siting will appear at odds in the street scene and will be prominent at the end of this cul-de-sac. The impact will be that No.26 will

appear to be 'hemmed' in, resulting in a negative impact on the street scene and general character of the area and due to the restricted size of the site there is little opportunity to screen the proposal with landscaping. This would be contrary to Policy LP16 of the Fenland Local Plan 2014.

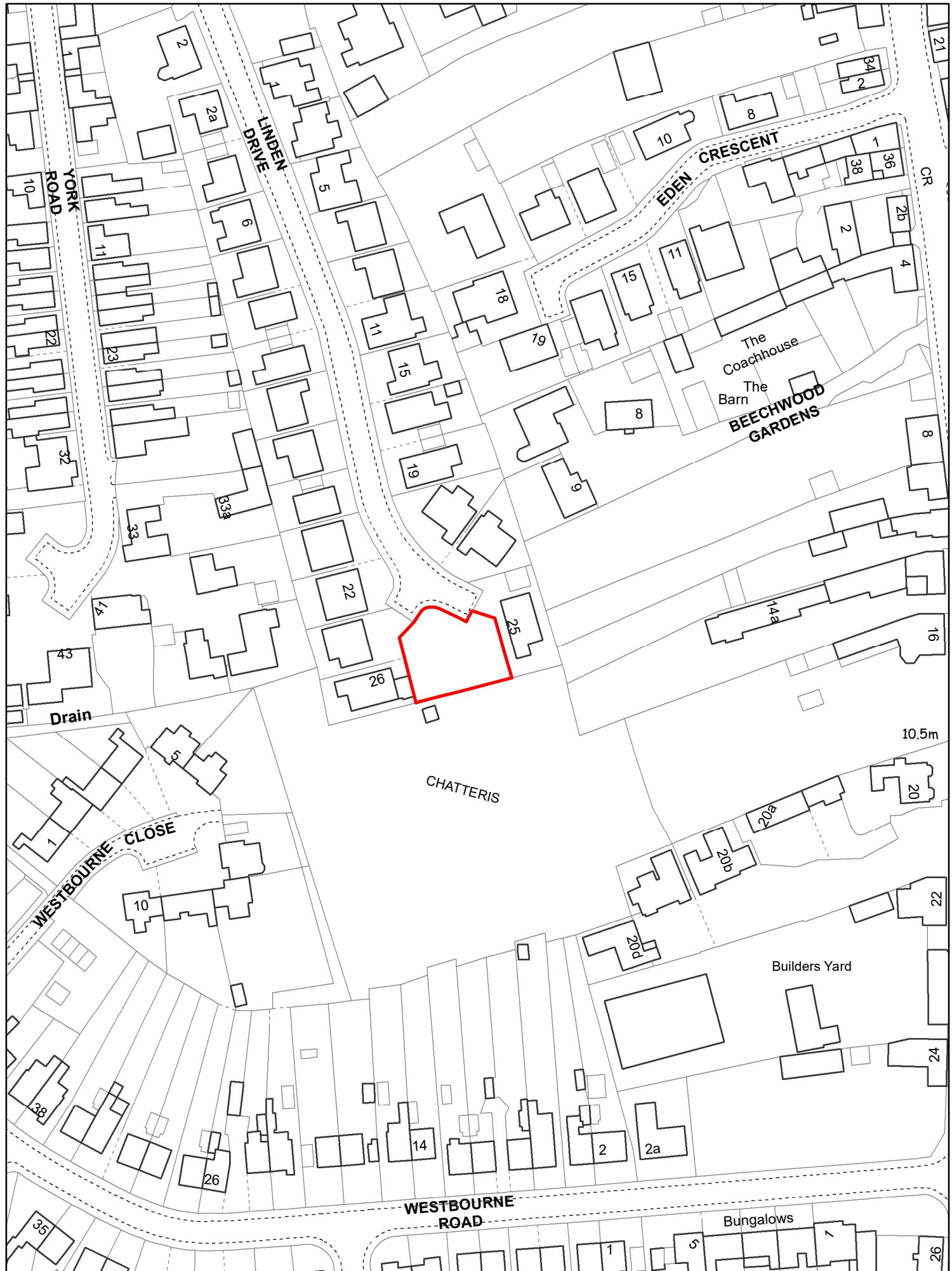
10.4 An extensive side garden to the new dwelling is proposed directly in front of the main (front) elevation of No 25. New tree/ hedge planting here, which would be outside the control of any planning permission, is likely as it matures to be detrimental to the occupiers of No 25 by blocking out light to the habitable rooms contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014.

10.5 It is therefore considered that development on this piece of land would be very difficult to accommodate without harm to the street scene and character of the area, and potential harm to the occupiers of the adjacent dwellings.

## 11 RECOMMENDATION

11.1 The recommendation is therefore to refuse the application for the reasons set out below.

1	Policy LP16 seeks to deliver a high quality environment and for development to make a positive contribution to the street scene. The proposal would result in the unacceptable redevelopment of an area of green space. The siting of the dwelling does not assimilate into the area by virtue of its forward position resulting in development that will be prominent in the streetscene. The contrived parking and turning area will impact on the amenity of both No.24 and No.26 Linden Drive due to the close proximity of the turning area. The proposal is therefore contrary to the provisions of Policy LP16 of the Fenland Local Plan 2014.
2	Policies LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and future occupiers. The proposal by way of its orientation and siting in relation to No 25 Linden Drive has the potential to adversely impact of the amenity of the occupiers of this property due to potential loss of light to habitable rooms. This would be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014.



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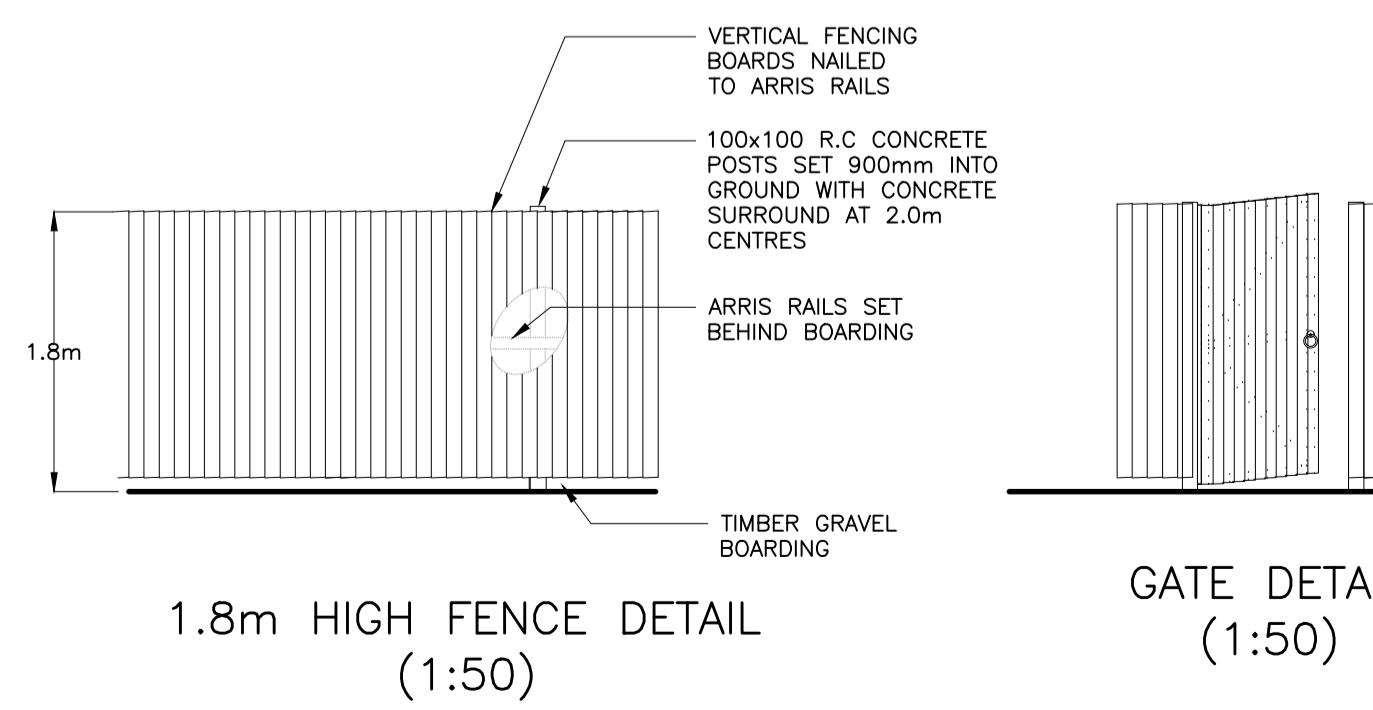
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PROPOSED SITE PLAN (1:200)

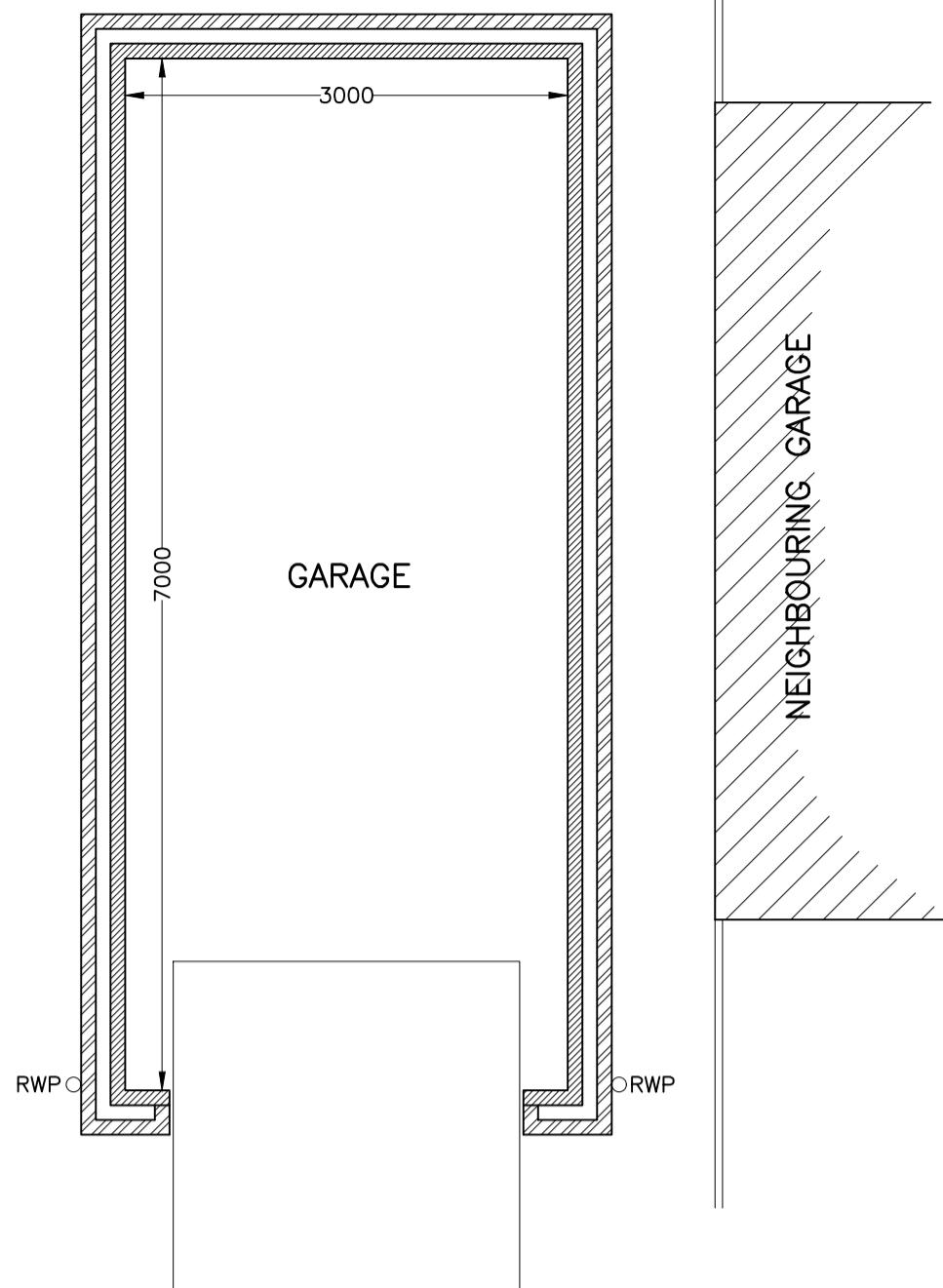


1.8m HIGH FENCE DETAIL (1:50)

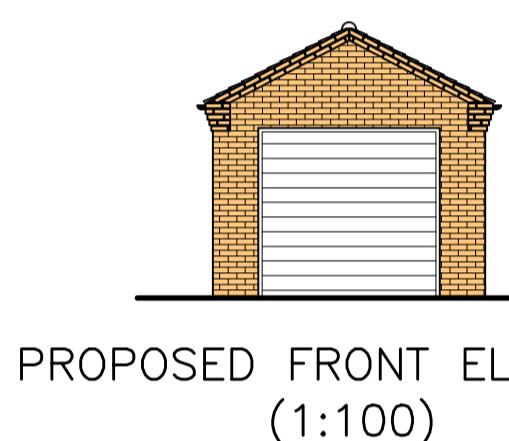
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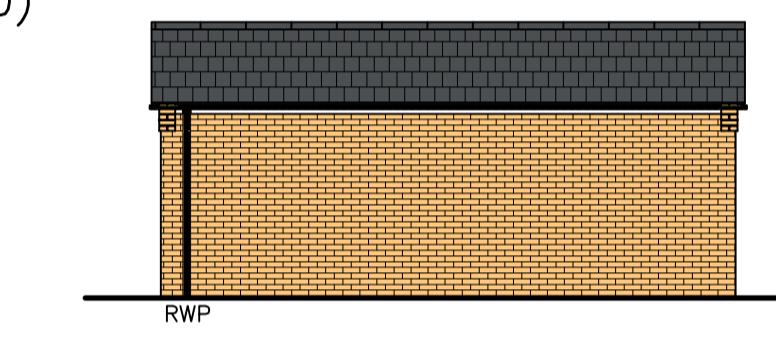
EXISTING SITE PLAN (1:200)



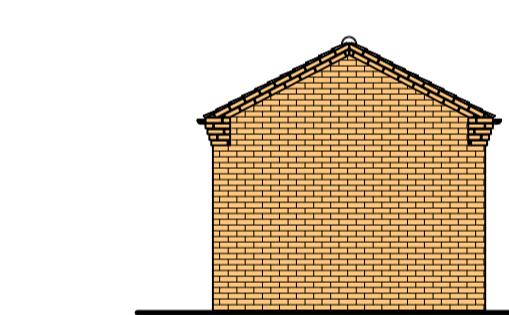
PROPOSED GROUND FLOOR PLAN (GARAGE) (1:50)



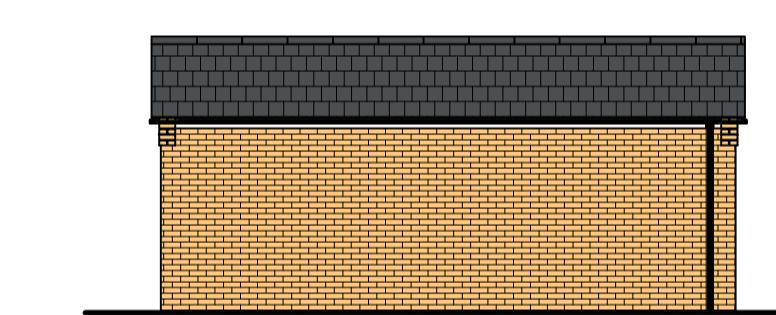
PROPOSED FRONT ELEVATION (1:100)



PROPOSED RHS ELEVATION (1:100)



PROPOSED REAR ELEVATION (1:100)



PROPOSED LHS ELEVATION (1:100)

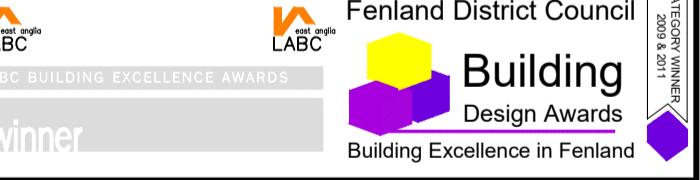
Copyright on all drawings prepared by Morton & Hall Consulting Limited is their property. Drawings and designs may not be reproduced in part or in whole without their written permission.  
Please read, if in doubt ask. Change nothing without consulting the Engineers.  
Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. Change nothing without consulting the Engineers.  
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonable to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 5500 to the extent that the specification does not conflict with the detailed work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.

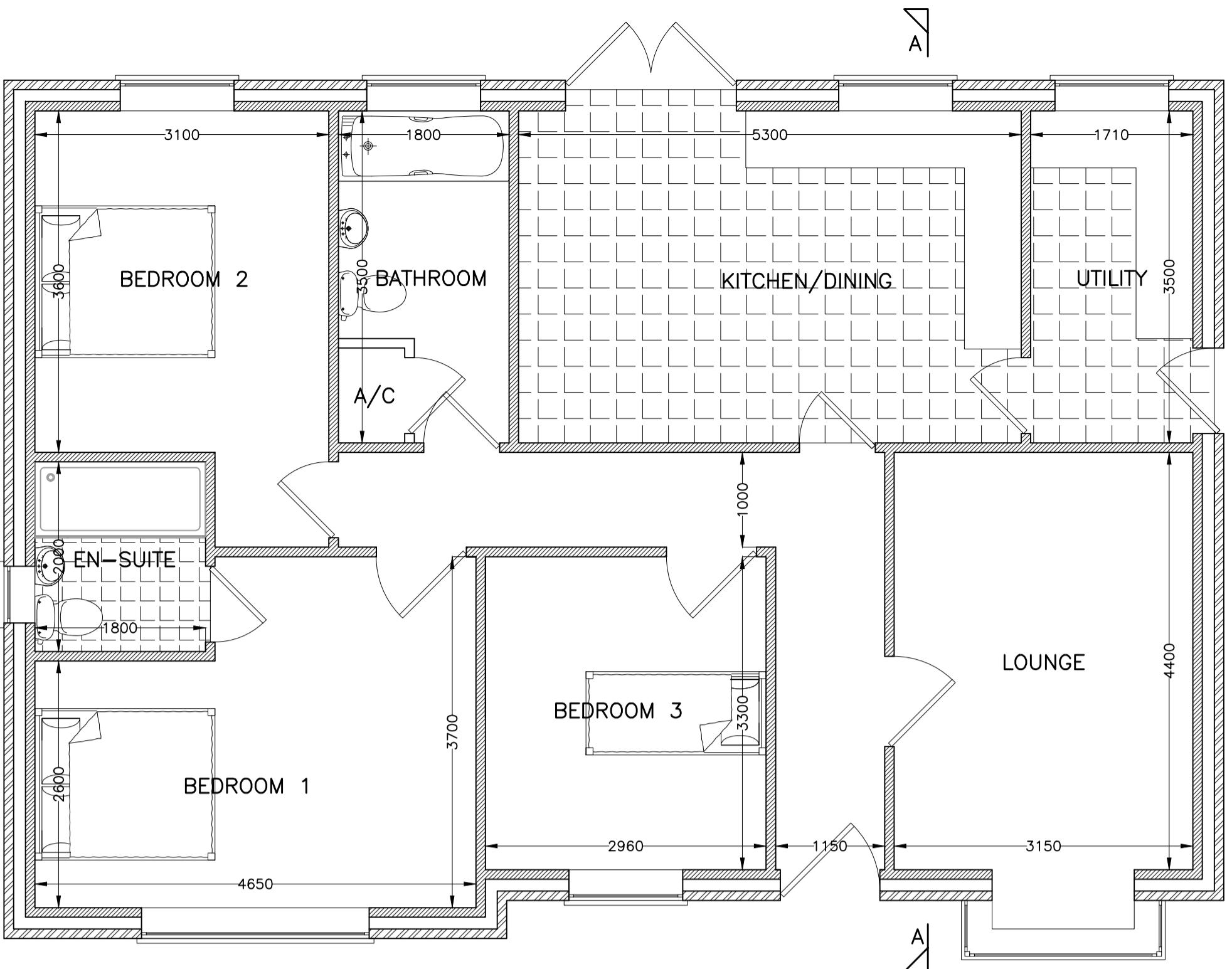
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.

The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

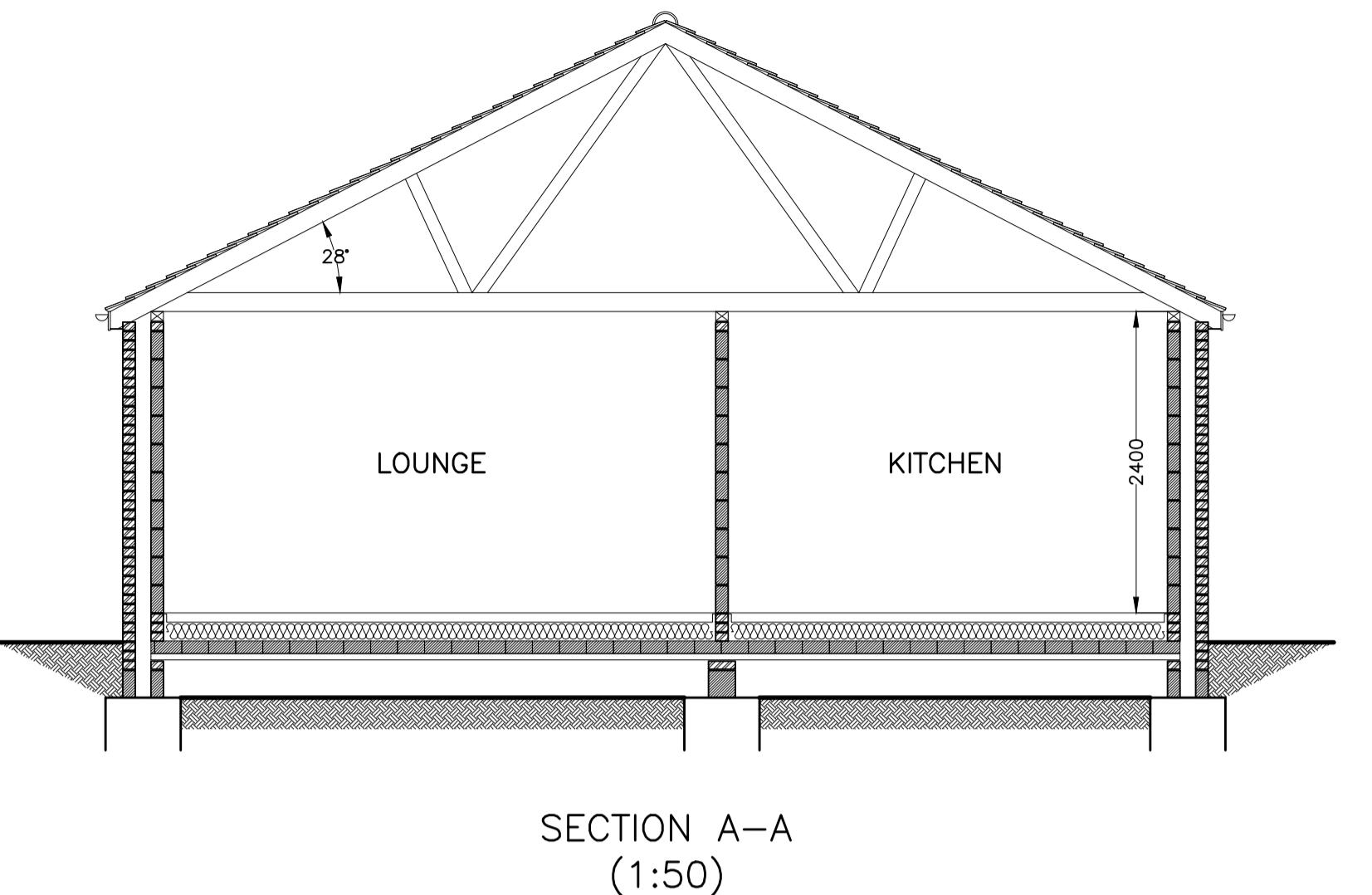
LEGEND

CONCRETE SLABS (NON SLIP)
PERMEABLE BLOCK PAVING (NON SLIP)
WASTE BINS
GRASS
VEGETATION
GRAVEL

C	CLIENTS COMMENTS	JAN 21
B	CLIENTS COMMENTS	JAN 21
A	CLIENTS COMMENTS	DEC 20
REVISIONS		
DATE		
<b>MORTON &amp; HALL CONSULTING LIMITED</b> CONSULTING STRUCTURAL ENGINEERS 1. Gordon Avenue, March, Cambridgeshire, PE15 8AJ Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk		
		
		
Mrs J Pattrick		
PROJECT		
Proposed Bungalow Adj 25 & 26 Linden Drive Chatteris Cambs, PE16 6DZ		
TITLE		
Existing and Proposed Site Plans		
DRAIN	R.Papworth	DATE OF ISSUE
CHECKED		
DATE	Dec 2020	DRAWING NUMBER
SCALE	1:200	H7337/02c



PROPOSED GROUND FLOOR PLAN  
(1:50)



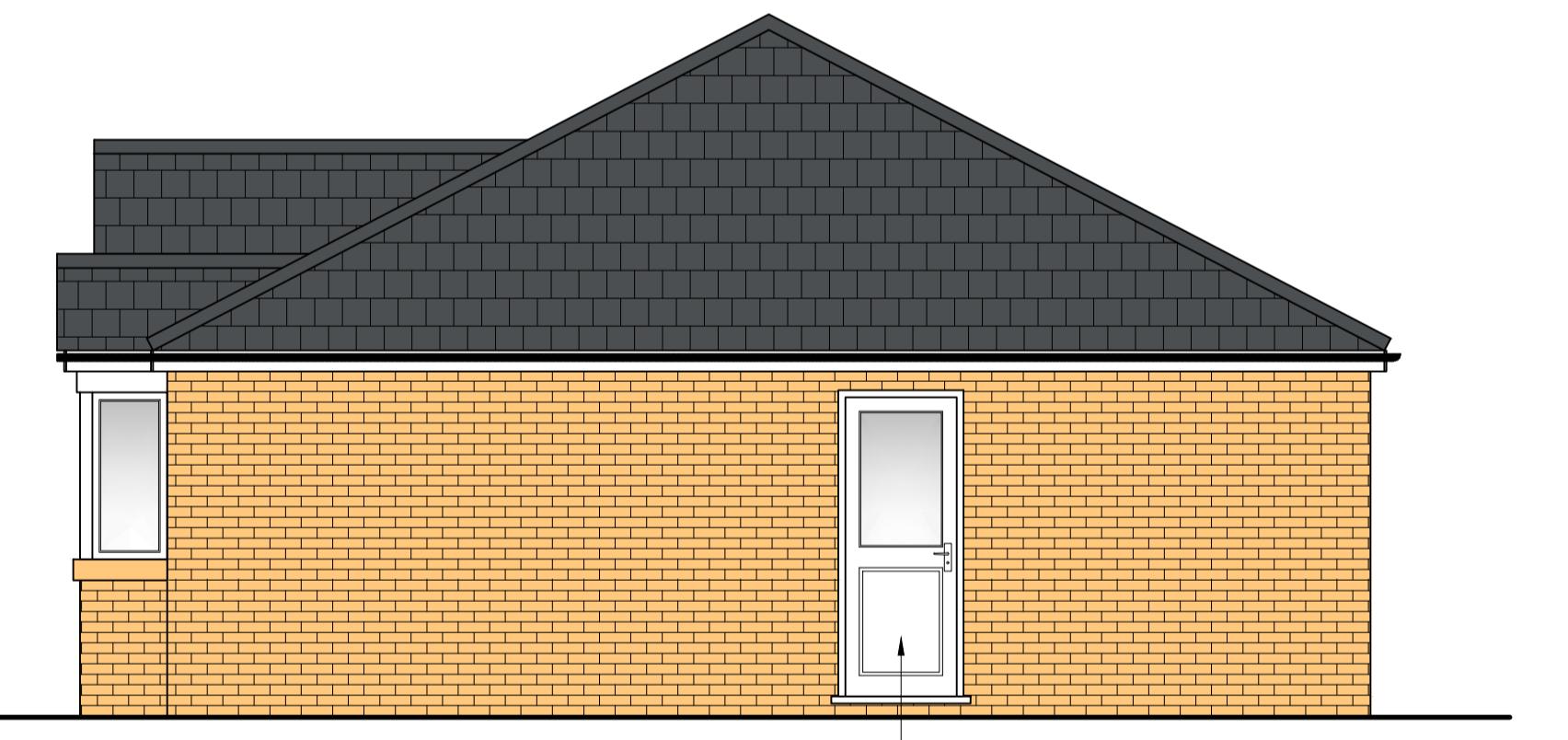
SECTION A-A  
(1:50)



PROPOSED STREET SCENE  
(1:100)



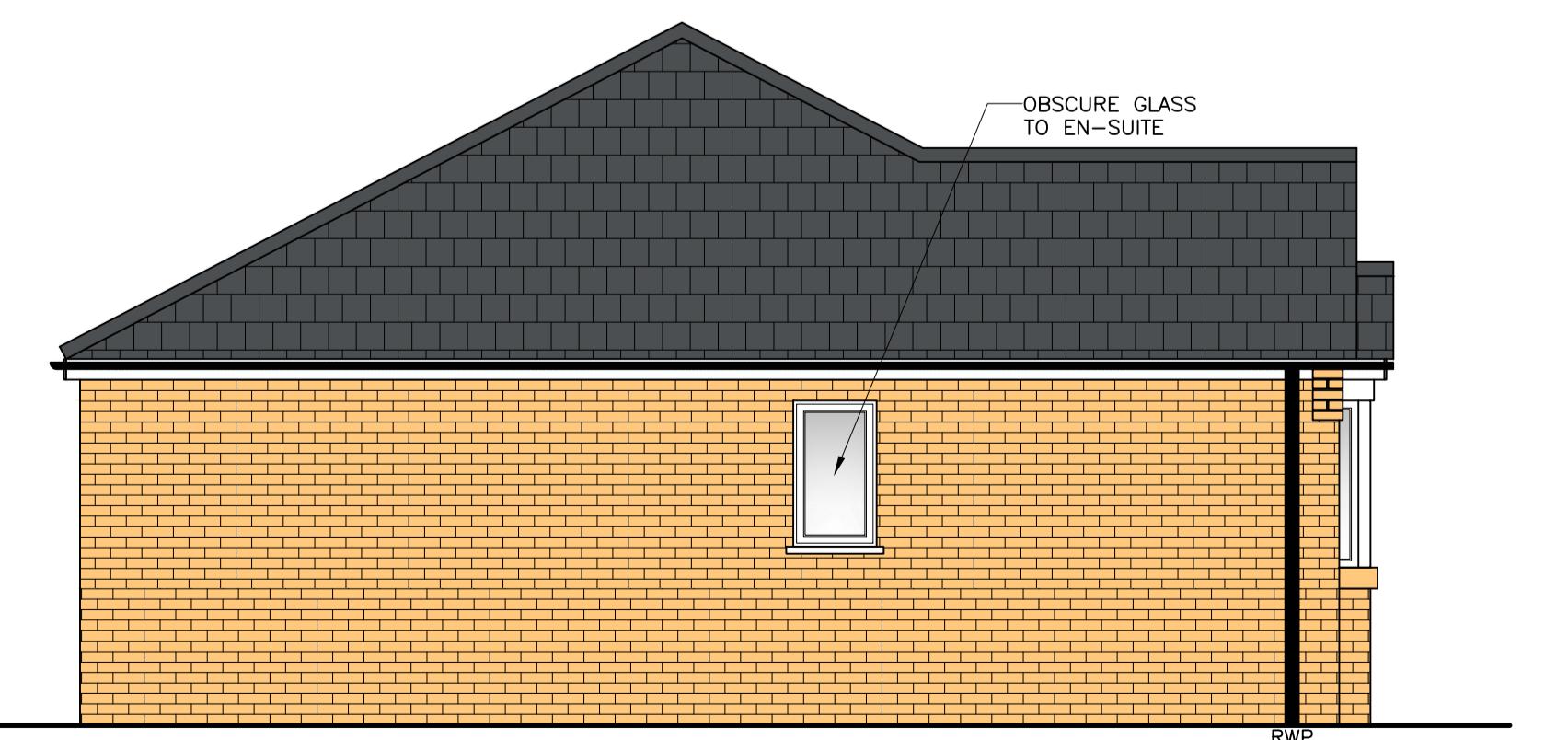
PROPOSED FRONT ELEVATION  
(1:50)



PROPOSED RHS ELEVATION  
(1:50)



PROPOSED REAR ELEVATION  
(1:50)



PROPOSED LHS ELEVATION  
(1:50)

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Please read, if in doubt ask. Change nothing without consulting the Engineers.

0 dimensions are in mm unless otherwise stated on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.

Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonable to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 5500 to the extent that the specification does not conflict with the detailed work. Materials, products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.

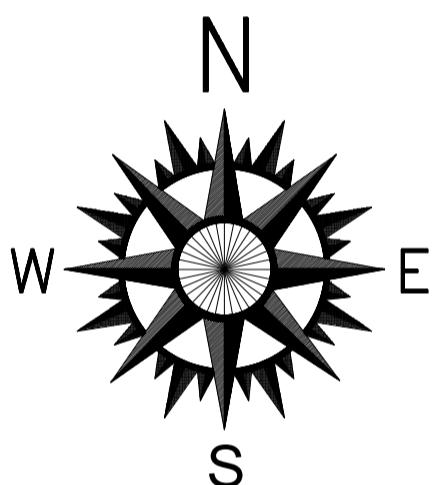
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.

The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.



LOCATION PLAN  
(1:1250)

LICENCE NUMBER : 100022432



D	C	C	CLIENTS COMMENTS	JAN 21
B	B	A	CLIENTS COMMENTS	JAN 21
A			CLIENTS COMMENTS	JAN 21
			CLIENTS COMMENTS	DEC 20
REVISIONS				DATE

**MORTON & HALL CONSULTING LIMITED**  
CONSULTING STRUCTURAL ENGINEERS

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Mrs J Pattrick

PROJECT  
Proposed Bungalow Adj  
25 & 26 Linden Drive  
Chatteris  
Cambs, PE16 6DZ

TITLE  
Proposed Plans  
& Elevations

DRAIN	R.Papworth	DATE OF ISSUE
CHECKED		
DATE	Dec 2020	DRAWING NUMBER
SCALE	1:50	H7337/01b

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F/YR21/0199/F

**Applicant: Mr A Woods**

**Agent : Mr Sam Herring**  
**Swann Edwards Architecture Limited**

**106 Cavalry Drive, March, Cambridgeshire, PE15 9DP**

**Erect a 2-storey side extension, formation of a pitched roof to existing garage and removal of existing conservatory**

**Officer recommendation: Refuse**

**Reason for Committee: The number of representations received contrary to Officer recommendation.**

## **1 EXECUTIVE SUMMARY**

- 1.1. This application is a resubmission of a previous scheme, granted under application reference F/YR20/0606/F. This application proposes the additional pitched roof above the existing garage as well as the removal of the existing conservatory.
- 1.2. When originally submitted the previous application featured a pitched roof over the garage however upon discussions between the LPA and agent, it was removed from the scheme proposals due to the impacts it would have on the character of the area.
- 1.3. The application site is located on the north-eastern side of Cavalry Drive in an area of dwellings with a distinct character. The dwellings in this area of Cavalry Drive all feature attached flat-roofed garages which sit forward of the principle elevation. The pitched roof will create a highly visible feature within the street scene in comparison to the character of the dwellings within the immediate vicinity of the site.
- 1.4. Given the impacts on the visual amenity of the area, the recommendation is to refuse this application.

## **2 SITE DESCRIPTION**

- 2.1 The application site is located at 106 Cavalry Drive within the market town of March. The site is surrounded by residential property to the north, east and west.
- 2.2 There is a mixture of dwelling types and styles along Cavalry Drive, single-storey and two-storey dwellings constructed in a range of red and buff bricks. The dwelling on site is a detached two-storey dwelling constructed in a buff brick with an attached garage set forward from the principle elevation. To the front of the site is a paved parking area and to the rear of the site is rear garden space.

2.3 The application site is located within Flood Zone 1.

### **3 PROPOSAL**

3.1 This application seeks to erect a 2-storey side extension as well as the formation of a pitched roof to the existing garage and the removal of an existing conservatory.

3.2 The two-storey side extension and removal of the conservatory have been previously granted planning permission under application reference F/YR20/0606/F and the extension has since been erected.

3.3 This application further seeks to form a pitched roof over the existing garage. The pitched roof will have a ridge height of 3.7 metres approx.

3.4 Full plans and associated documents can be found at:  
<https://www.fenland.gov.uk/publicaccess/>

### **4 SITE PLANNING HISTORY**

F/YR20/0606/F	Erect a 2-storey side extension	Granted 04/09/2020
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### **5 CONSULTATIONS**

5.1. **March Town Council**  
*Recommend approval.*

5.2. **March West Ward Councillor**  
No comments received.

5.3. **Middle Level Commissioners**  
No comments received.

5.4. **Local Residents/Interested Parties**

12 letters of support have been submitted in respect of the proposal; these originate from Cavalry Drive (10). The Greys (1) and Dragoon Drive(1) . The reasons for supporting the development are as follows:

- In keeping with the area
- Similar developments within the area
- Will enhance the local area
- Will not appear out of character
- Will complement the property

### **6 STATUTORY DUTY**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

## 7 POLICY FRAMEWORK

### 7.1. National Planning Policy Framework (NPPF)

Para 2 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 11 – A presumption in favour of sustainable development

Para 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para 127 – Achieving well-designed places

### 7.2. National Planning Practice Guidance (NPPG)

### 7.3. National Design Guide 2019

Context: C1 – Understanding and relate well to the site, its local and wider context

Identity: I1 – Responding to existing local character and identity

### 7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP16 – Delivering and Protecting High Quality Environments across the District

### 7.5. March Neighbourhood Plan 2017

There are no specific policies relating to developments such as this, however the visions, aims and objectives of the plan is that the quality of the built and natural environment is improved.

## 8 KEY ISSUES

- **Principle of Development**
- **Design Considerations and Visual Amenity of the Area**
- **Other considerations**

## 9 BACKGROUND

9.1. The two-storey side extension has previously been granted and constructed under reference F/YR20/0606/F. The previous application sought the formation of a pitched roof to the existing garage. The pitched roof over the garage was considered to be out of character in relation to the surrounding dwellings and therefore was removed from the application.

## 10 ASSESSMENT

### Principle of Development

10.1. This application seeks to erect a 2-storey side extension, pitched roof to the existing garage and the removal of the existing conservatory. Policy LP16 supports the principle of such development subject to the significance of, and the likely impact on both the amenity of the area and neighbouring properties in its design and appearance. The principle of development is therefore acceptable subject to the policy considerations set out below.

### Design Considerations and Visual Amenity of the Area

- 10.2. The application site sits on the north-eastern side of Cavalry Drive. This area of Cavalry Drive has a distinguishable character with the application dwelling and surrounding dwellings being two-storey detached dwellings with an attached flat roofed garage which sits forward of the principle elevation. This group of dwellings are constructed in a buff brick.
- 10.3. The two-storey element of the proposal, together with the removal of the existing conservatory have been accepted by virtue of the earlier planning permission as acceptable in design and amenity terms, as such it is solely the formation of a pitched roof above the existing garage which remains for consideration. The existing garage is flat roofed with an overall height of 2.6 metres approx. The development would increase the ridge height to 3.7 metres approx.
- 10.4. As there is a distinct uniformity to the dwellings within the vicinity of the application, it is maintained that the formation of a pitched roof to the garage would appear out of character with the surrounding dwellings and would therefore appear incongruous and highly visible within the street scene.
- 10.5. This scheme has received 12 letters of support. It is noted from these letters that there are other pitched roofed garages along Cavalry Drive, however as aforementioned the dwelling which is the subject of this application sits within a group of several dwellings with a distinct character which all feature flat roofed garages. It is maintained that the pitched roof would be an incongruous feature when viewed in this context.
- 10.6. It is therefore considered that the proposal, in so far as it relates to the formation of a pitched roof over the existing garage, would be contrary to Policy LP16 of the Fenland Local Plan as it would adversely impact on the visual amenity of the area.

### **Other considerations**

- 10.7 There are no associated impacts relating to residential amenity, highway safety or flood risk arising from the proposal, with all such matters having been considered as part of the evaluation of the earlier scheme proposals granted planning permission under F/YR20/0606/F.

## **11 CONCLUSIONS**

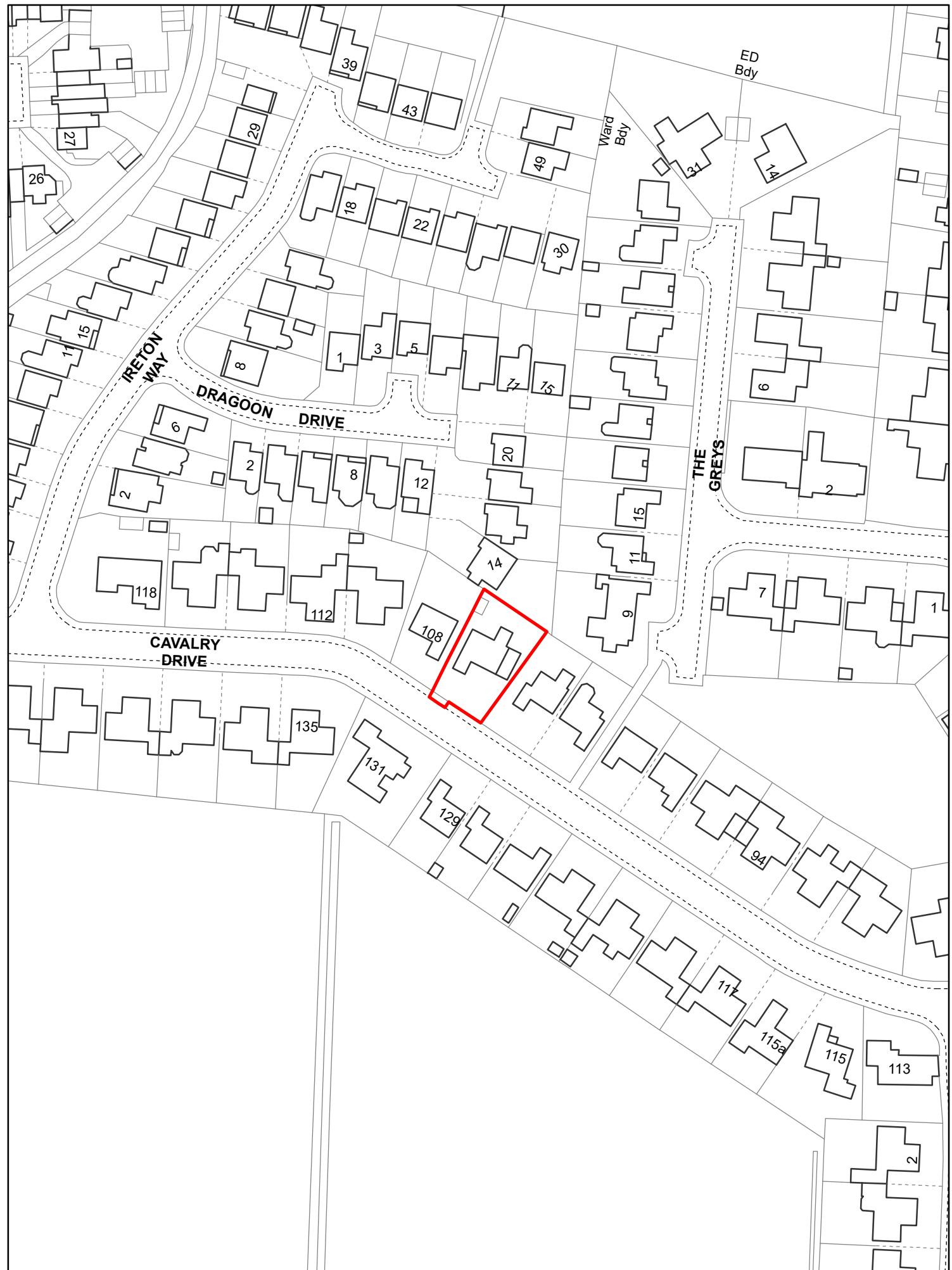
- 11.1. It is considered that the pitched roof element of the scheme would adversely impact on the character of the area. The pitched roof will form an incongruous and highly visible feature within the street scene and would therefore be contrary to Policy LP16 of the Fenland Local Plan 2014.
- 11.2. It is therefore considered that this application is unacceptable as it is contrary to Policy LP16 of the Fenland Local Plan 2014.

## **12 RECOMMENDATION**

### **12.1. Refuse for the following reason:**

1	Policy LP16 of the Fenland Local Plan 2014 requires development to make a positive contribution to the local distinctiveness and character of the area and to respond and to and improve the character of the local built environment. The pitched roof to the garage element of this scheme
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would create an incongruous and visible in the street scene due to the uniformity of the surrounding dwellings. The development would therefore be contrary to the above policy of the Local Plan.



Created on: 04/03/2021

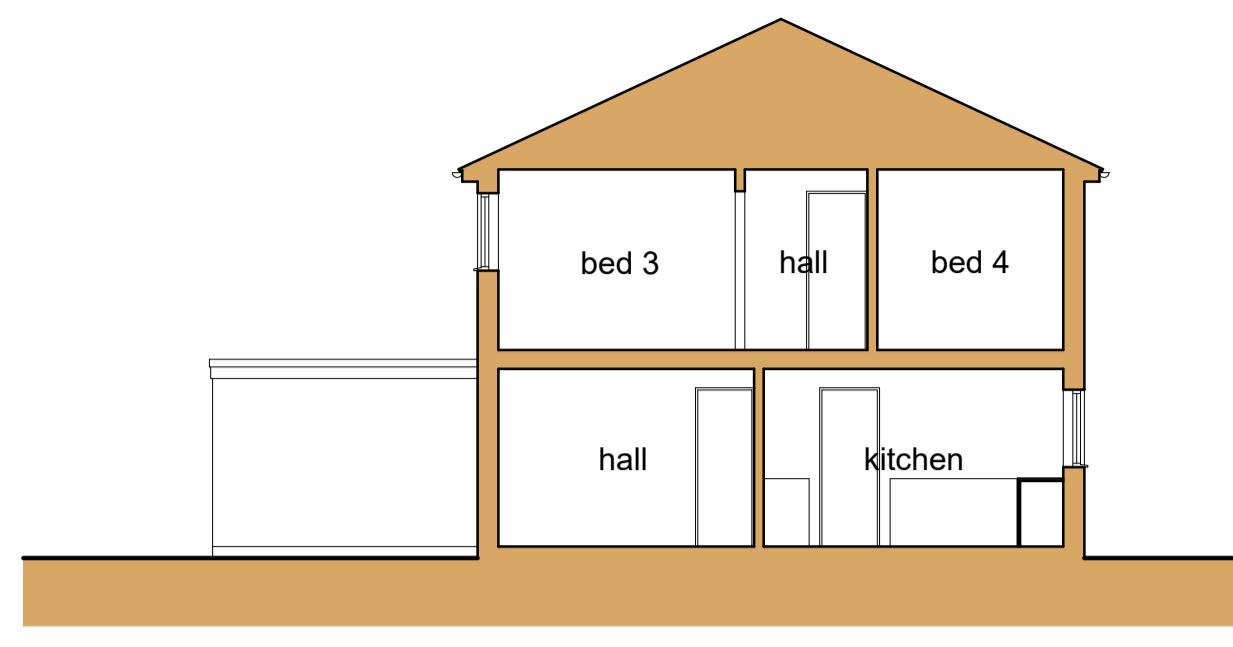
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F/YR21/0199/F

Scale = 1:1,250







Section A-A

Scale: 1:100

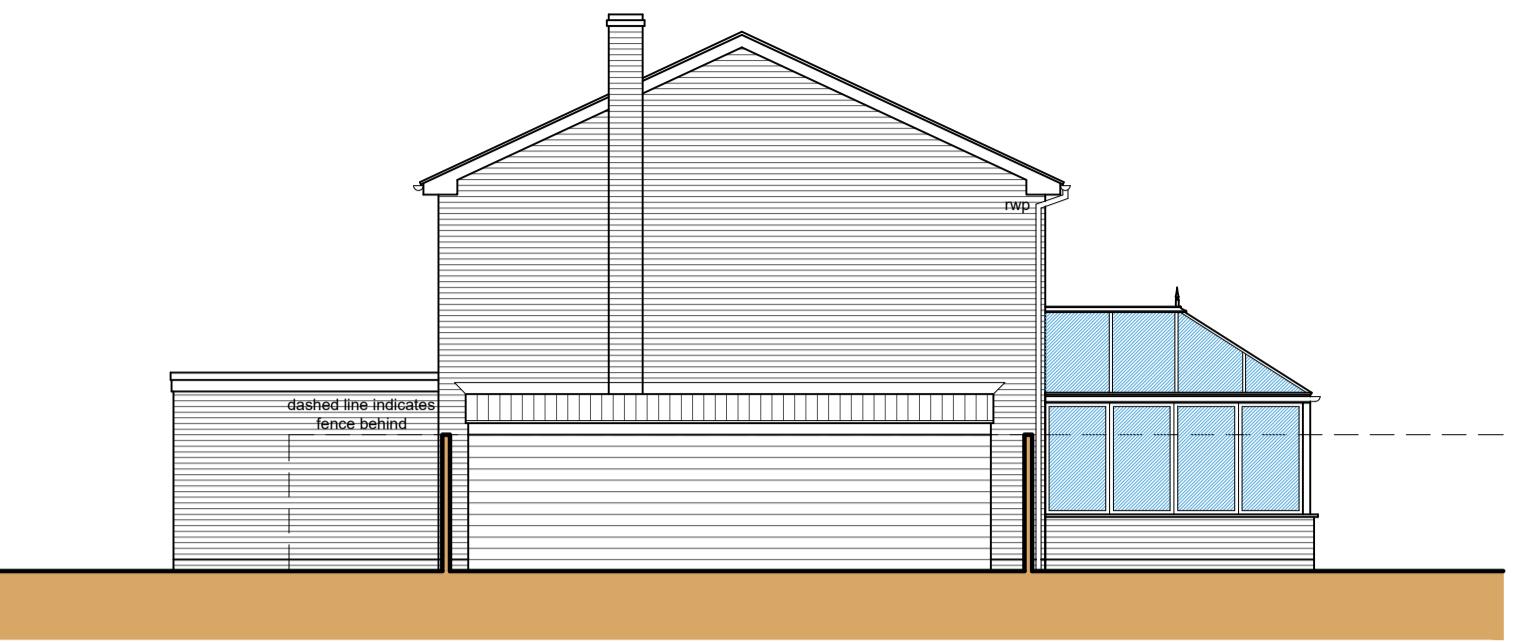
metres



Front Elevation (SW)

Scale: 1:100

metres



Side Elevation (NW)

Scale: 1:100

metres

**General Notes**  
 1. All dimensions are shown in 'mm' unless otherwise stated.  
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.  
 4. Any discrepancies are to be brought to the designer's attention.

**CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015**

The following information must be read in conjunction with the project Risk Register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants as issued to the Principal Designer.

C01 Boiler

C02 Inspection chambers

C03 Gas & electric meters



**ELEVATION KEY**

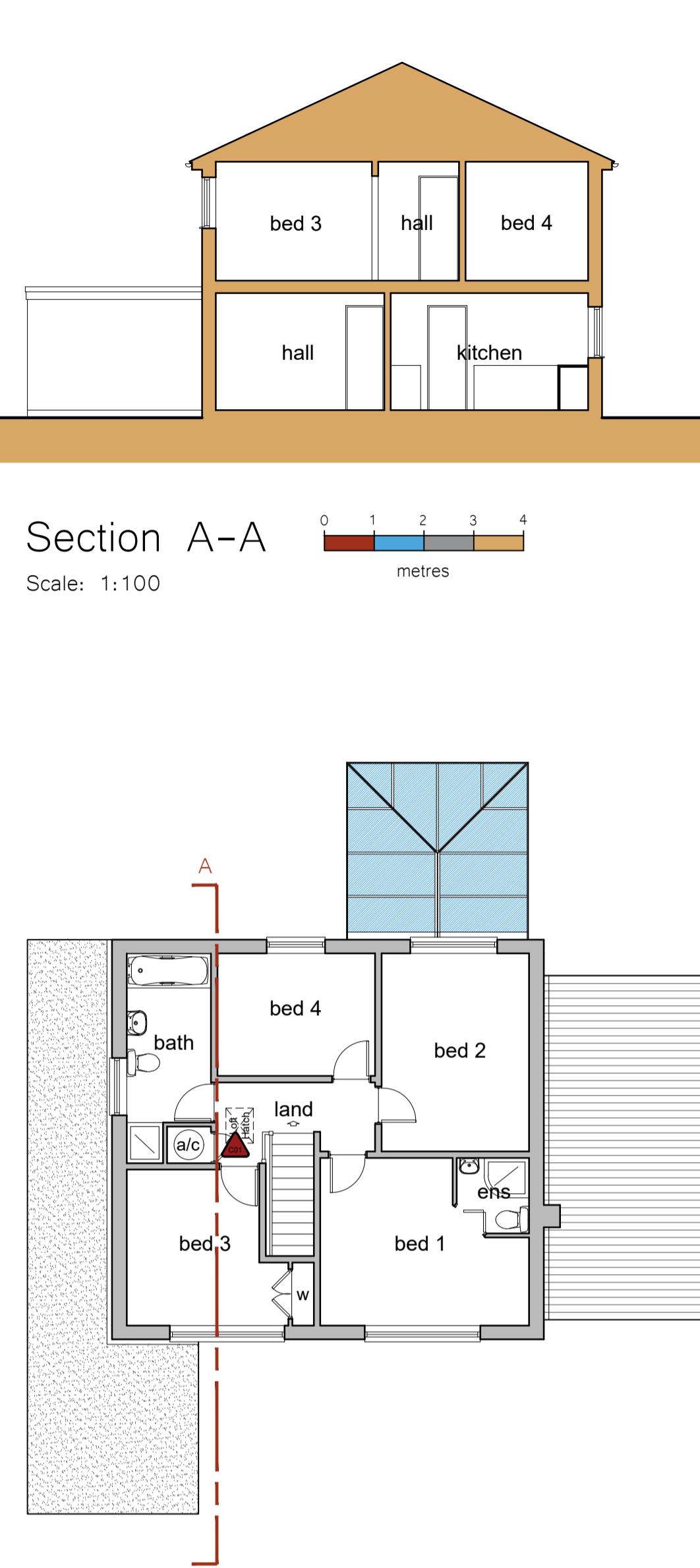
	Indicates UPVC joinery
	Indicates brickwork
	Indicates roof tiles
	Indicates timber cladding
	Indicates site access
	Indicates surveyed buildings
	Indicates un-surveyed buildings taken from OS map
	Indicates approximate positions of un-surveyed hedging
	Amended following planning comments

**AS EXISTING**

**SWANN EDWARDS**  
A R C H I T E C T U R E

Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

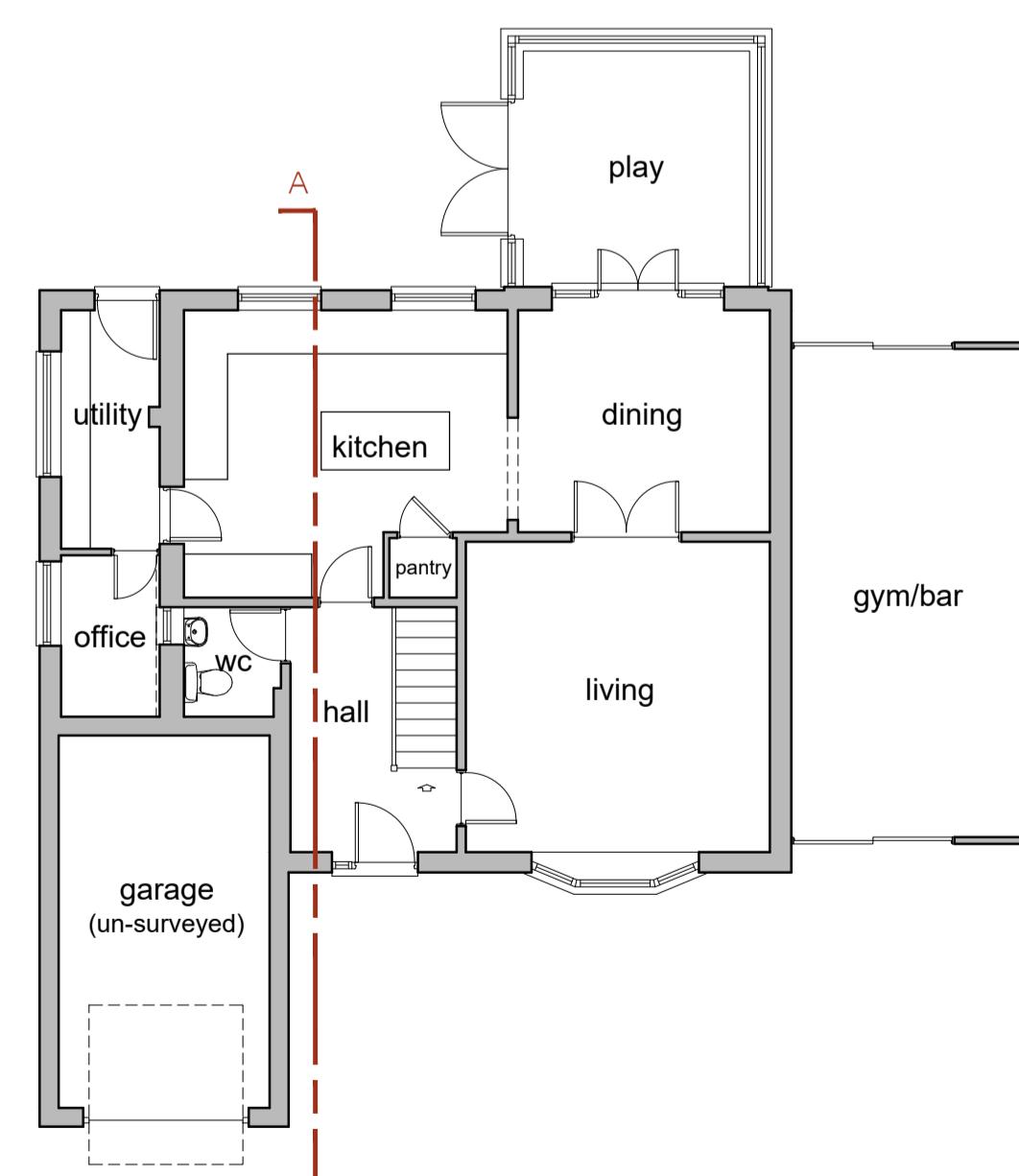
Job Title	Date
Proposed Extension & Alterations	May
106 Cavalry Drive, March	2020
PE15 9DP	
for: Mr A Wood	
Drawing Title	Checked by
Survey Drawing	G.E.
Job No.	Sheet Size
SE-1418	A1
Dwg. No.	Revision
100	A



First Floor Plan

Scale: 1:100

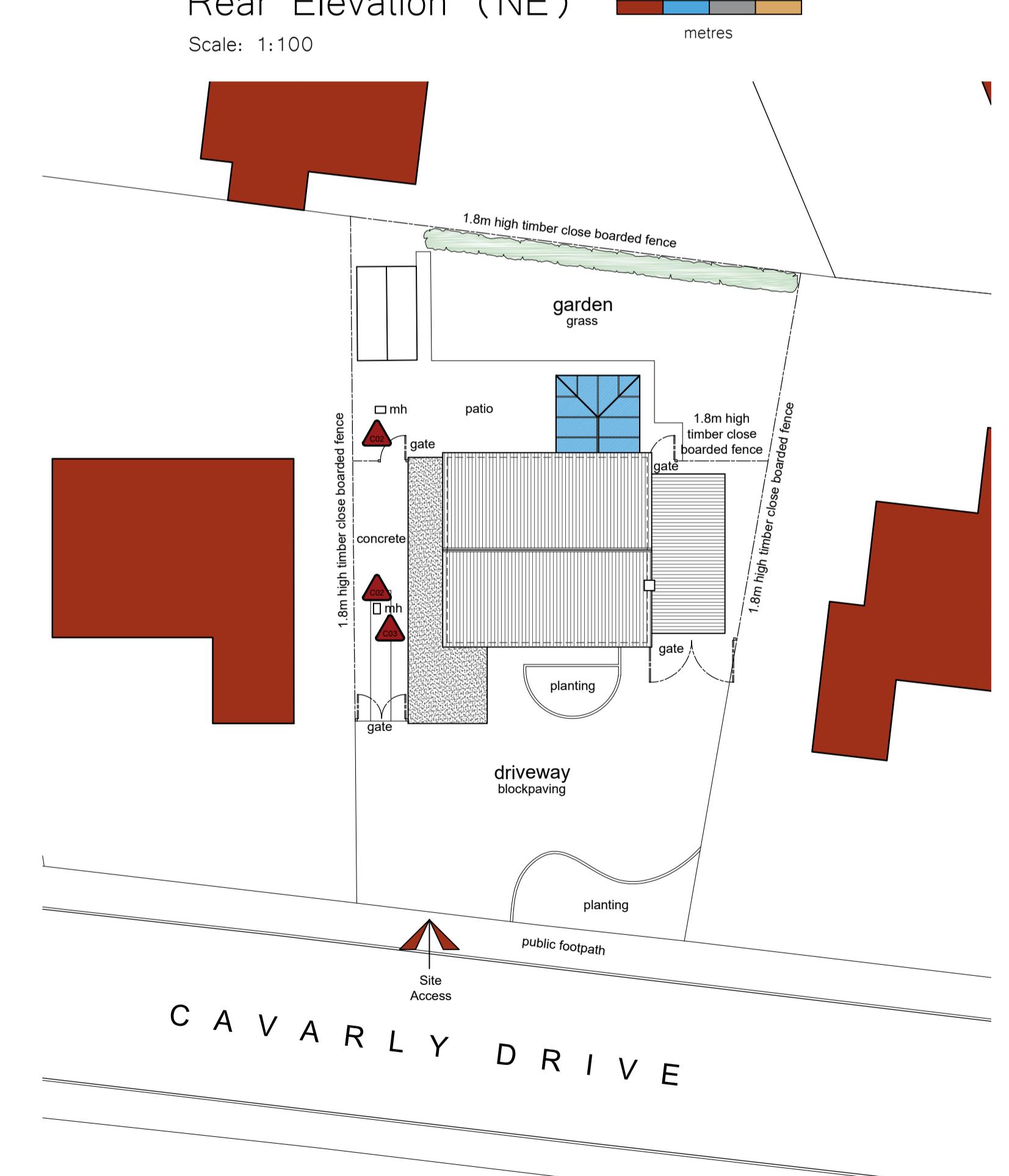
metres



Ground Floor Plan

Scale: 1:100

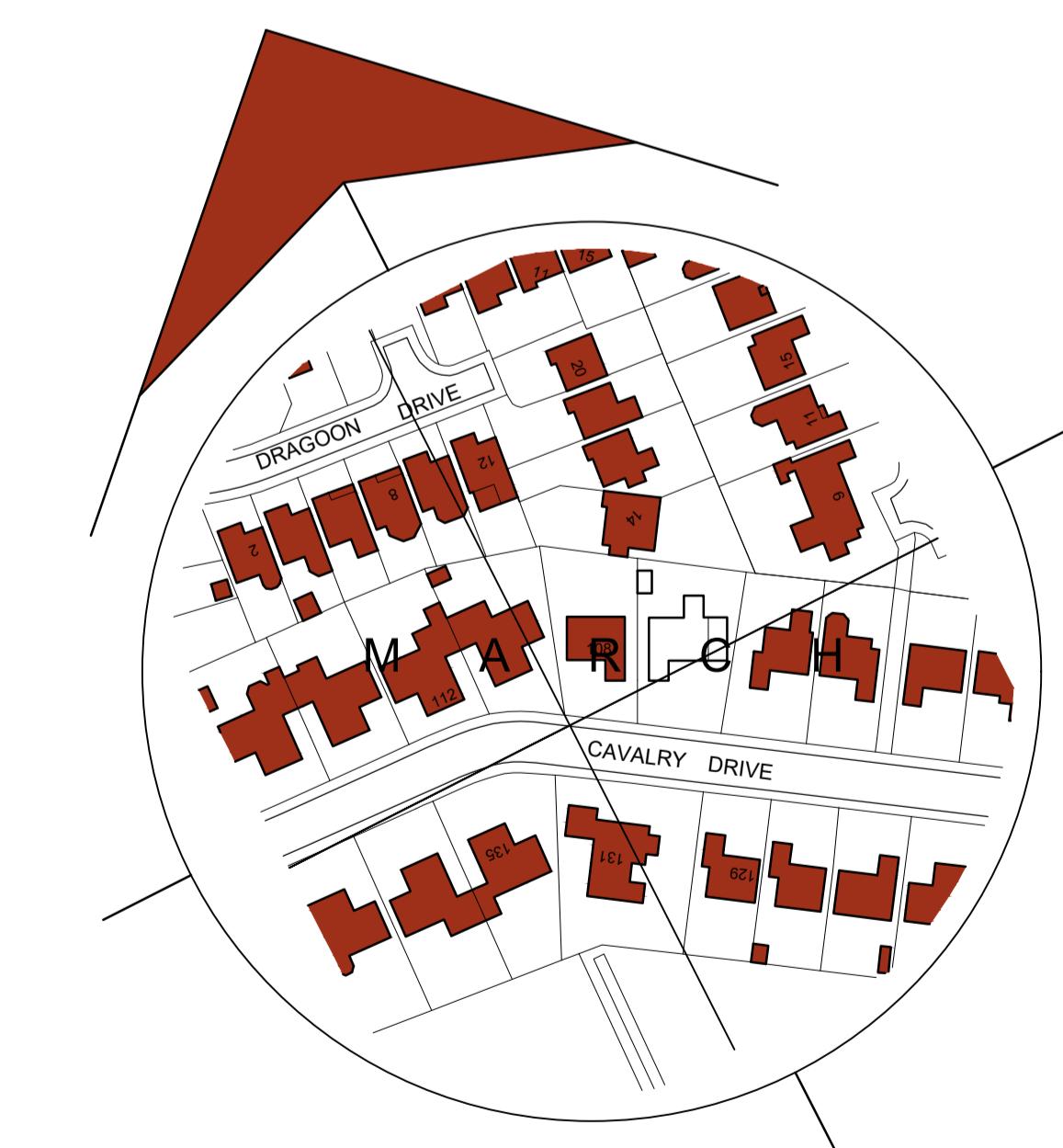
metres



Site Plan

Scale: 1:200

metres



Location Plan

Scale: 1:1250

metres

F/YR21/0229/F

**Applicant: Mr L Shepherd**  
**LTS Consultancy Ltd**

**Agent : Mrs Shanna Jackson**  
**Swann Edwards Architecture Limited**

**Land North Of, 39 March Road, Rings End, Cambridgeshire**

**Erect a 2-storey 3-bed dwelling involving demolition of outbuilding**

**Officer recommendation: Refuse**

**Reason for Committee: No. of representations received contrary to officer recommendation**

## 1 EXECUTIVE SUMMARY

- 1.1 This proposal represents an alternative scheme relating to a site which has previously been dismissed at appeal and refused by committee. However mindful of the earlier appeal decision it is accepted that the site could be considered an infill opportunity and as such compliant with Policy LP3. It is against this backdrop the scheme has been considered.
- 1.2 With regard to the visual amenity of the area it is considered that the revised design of the dwelling and amended positioning of the property within the site have overcome the earlier concerns regarding design and scale, however this is very much an on-balance view mindful that the site has been accepted at appeal as an infill opportunity. By proposing a simple two-storey dwelling of a reduced width, when viewed against the earlier scheme, the dwelling is able to be positioned in such a way as to respond to the existing built form in terms of its position and the simplicity of the dwelling design is such that it no longer competes with its neighbours. On balance it is not considered that there are any grounds to withhold consent when viewed in the context of Policy LP16.
- 1.3 Notwithstanding the above it is apparent that as a consequence of the reduction in width, to address the visual and character considerations previously highlighted, new concerns relating to residential amenity arise. Noting that the extended length of the property, together with the repositioning of the dwelling, will see the rear elevation of the property only 4.4 metres from the railway arches at its closest point. This relationship now introduces concerns relating to the levels of residential amenity available both within the house and within the garden area. In that the outlook from the rear rooms of the house and from within the garden will be dominated by the imposing railway arches, which will also serve to overshadow both aspects of the dwelling resulting in a scheme which fails to deliver appropriate residential amenity for its intended householders.
- 1.4 Furthermore, with regard to private amenity space it remains the case that the 'private' amenity space associated with both the new and existing properties will fall short of the minimum standards outlined in the FLP. This paucity of provision is further exacerbated, as recognised above, by the presence of the

historic railway arches which will reduce the value and quality of the limited private amenity space available at an extent where it would fail to accord with the detail and spirit of Policy LP16.

- 1.5 Whilst there has been some challenge regarding land ownership and access these fall outside the planning considerations of the scheme as they require resolution from a civil perspective. From a purely planning perspective it has been demonstrated that parking provision could be made in full accordance with Appendix A of the FLP. Similarly concerns raised regarding foul drainage would be reconciled through other consenting regimes.
- 1.6 In conclusion it is acknowledged that the appeal history has indicated that this plot represents an 'infill' opportunity and that the agent has sought to deliver a scheme which addresses earlier concerns regarding design and private amenity space. However, it remains the case that the proposal fails to deliver policy compliant private amenity space for both the existing and proposed dwelling, and that the amenity space proposed is reduced in quality by virtue of the presence of the historic railway arches. In addition, by seeking to resolve matters of 'character' a new concern relating to residential amenity arises as a consequence of the elongated dwelling now proposed and its relationship with the arches.
- 1.7 Overall, the scheme is still found lacking in terms of residential amenity in that it fails to deliver a high-quality environment for both existing and future occupiers. In addition, the proposal fails to demonstrate that the 'plot' itself is of sufficient dimension to accommodate a dwelling which could be deemed compliant with policy.

## **2 SITE DESCRIPTION**

- 2.1 The site was last used as garden land for 39 March Road although it is now fenced off. The site is adjacent to an 'A' classified road and is also adjacent to the disused railway bridge. There are a group of terraced dwellings adjacent to the site to the south and the area also hosts semi-detached and detached dwellings of a mixed design and type. There is a vacant restaurant premises opposite the site and a Grade II Listed Building to the north of that premises.
- 2.2 It is further acknowledged that the railway arches have been identified as a Building of Local Interest.
- 2.3 The site is a modest plot contained between a short row of 1.5 storey terraced dwellings and a section of elevated and redundant railway line.
- 2.4 The area is predominately located within flood zone 2 with a small section to the east being within flood zone 3 and a small section to the west (at the access point being within flood zone 1).
- 2.5 Access is derived from the existing access road which serves the rear of properties 39 - 43 March Road, the terrace of dwellings referred to above.

## **3 PROPOSAL**

- 3.1 This submission seeks full planning permission for a detached dwelling within part of the former garden area associated with No 39 March Road.

3.2 The dwelling as proposed adopts a simple functional design with a footprint of 5.8 metres wide x 8.3 metres deep, with a ridge height of 7.6 metres and an eaves height of 5.1 metres.

3.3 Situated largely in line with the existing terrace of cottages there will be a small garden area to the northern side of the dwelling with two tandem parking spaces provided to the southern side of the property, these will be parallel to those intended to serve the host property No. 39.

3.4 Access is shown as derived from the access road from March Road which serves the existing terrace and runs along the northern boundary of the proposed dwelling and its garden.

Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

#### 4 SITE PLANNING HISTORY

F/YR20/0508/F	Erect a 2-storey 3-bed dwelling involving demolition of outbuilding	Refused 24.09.2020
F/YR17/0761/O	Erection of a dwelling (Outline application with all matters reserved)	Refused 11.10.2017 Dismissed at appeal 04.10.2018
F/YR10/0047/O	Erection of a dwelling	Approved 12.03.2010
F/90/0636/O	Erection of 2 x 1 bed flats	Approved 06.12.1990
F/1530/89/O	Erection of 2 x 1 bed flats	Refused 15.03.1990
F/1336/88/O	Erection of a dwelling	Approved 09.02.1989

#### 5 CONSULTATIONS

5.1 **Parish Council:** *'Elm Parish Council objects to the proposals included in planning application ref. F/YR21/0229/F for the following reasons:*

- *The dwelling would have no relationship in character or appearance to the existing pattern of development in a prominent location.*
- *The proposals fail to include adequate provision for private amenity space'.*

5.2 **Cambridgeshire County Council Highways Authority:** *'The principle of development is the same as planning application F/YR20/0508/F and therefore*

*my highway comments remain consistent with the previous application. No highway objections subject to a parking and turning condition'.*

5.3 **Highways England:** *'We have reviewed the details and information provided. Due to the location and nature of the proposed development, there is unlikely to be any adverse effect upon the Strategic Road Network. Consequently, we offer No Comment.'*

5.4 **Environment Agency:** *'We have no objection to the proposed development but wish to make the following comments'*

Gives advice regarding the National Planning Policy Framework Flood Risk Sequential Test noting that *'by consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.'*

*Environment Agency position The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment and subsequent email submitted with this application are implemented and secured by way of a planning condition on any planning permission.*

*Condition: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) FRA, Ref GCB/ LTS CONSULTANCY, prepared by Geoff Beel, dated June 2020 and the following mitigation measures.*

- Finished floor levels set at a minimum of 600mm above ground level*
- Development shall be two storey*
- Future occupants advised to sign up to Floodline Warnings Direct*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To reduce the risk of flooding to the proposed development and future occupants.

Advice also included for the applicant with regard to flood resilient measures and flood warning.

5.5 **Environment & Health Services (FDC):** *'This proposal will not impact upon the local air quality. There are no concerns that this proposal will be a source of noise problems to nearby residential properties. With regard to the proximity of the site to the A141 March - Guyhirn road, there is no requirement for a noise impact assessment in respect of traffic noise.'*

*There are no objections to the approval of consent to this proposal but would request [that the unsuspected ground contamination] condition [is] included in any consent.'*

5.6 **Senior Archaeologist (CCC):** 'We have reviewed the above referenced planning application and have no objections or requirements for this development'.

## 5.7 Local Residents/Interested Parties

### Objections

12 letters of objection have been received from 7 households; 6 of these being within the ward (Elm and Christchurch) and 1 being within the adjacent ward (Benwick, Coates and Eastrea) these may be summarised as follows:

#### **Access, Traffic or Highways, Parking arrangements**

- 'The access on to a main road coming into a private lane and no access to the property insufficient space for parking'
- 'There is no access to the property as he does not own or have permission to access the land via the Private road at the back'.
- Owner of road notes that whilst there is access to No. 39 this is via a private road and they have not been asked for permission, the rights do not transfer to a new build'. 'If permission is granted access would have to be gained from off the main road at the front of the property.'
- Concerned about visibility when pulling out onto the road.
- '[..] 'there isn't adequate space for parking/unloading/turning not only for workmen, but for the new residents causing them to constantly have to cross our property to reverse in or out'.
- 'The supposed plot is tiny and with not much access. To turn vehicles around unless they go on other people's private properties. I have access through one of the arches and we do not want that blocking.'
- 'You will not be able to get emergency vehicles around the back of the houses if anything should happen'.
- 'Traffic through the village is terrible at times and this will make it ten times worse. I'm sure this will cause accidents as there is not much space to move heavy vehicles'
- 'Neither 39 or the new build residents would be able to reverse in and out of the proposed parking spaces without using someone else's private property'.

#### **Design, Appearance, Density and Character**

- Density/Over development: 'space for this property is insufficient no garden for a family home'
- 'With it being a 3 bedroom building there will undoubtedly be children where will they be able to play'.
- 'This new dwelling will not in keeping with the cottages and the rest of the village'.
- 'House will be hideous for the village against the railway cottages. The end house looks silly'. 'You only need to look at the end house they have just done up. It looks ridiculous to other 2 cottages'.
- 'In the design and access statement the photo provided of the existing buildings is out of date misleading as the applicant has made significant changes to number 39'.
- 'The rubbish and the gates looks like eyesore. They have let village down'.
- Visual Impact, Out of character/not in keep with

area: '*the plans for the new property are not in keeping with the other cottages this will look out of place will change the character of the of the three cottages that have been here for many years a new house*'

- 'Will look so out of place'
- 'It's appearance will not be in line with existing properties as the applicant clearly cannot keep to this with the existing property that he owns, which is outlined in the plans and has already rented out the unfinished property. This change of appearance is already unlawful.'
- There will also be a loss of visual amenity, ie. the view of the arches (listed on Buildings of Local Interest), would be detrimentally affected by such a build.
- '*the design is not in keeping with the current properties and it is an over development of a very small historic area*'.
- 'One of the reasons that the previous application was rejected was because it would block the historic arches which this new proposal would still do'.

### Residential amenity

- Overlooking/loss of privacy, Shadowing loss of light
- Proximity to property
- Loss of view/Outlook 'Plot will block my view from house'

### Drainage & Flooding

- Will not meet regulations regarding septic tanks/sewage treatment plans, insufficient land for drainage/soakaway. '*To grant planning permission would set a precedent to breach regulations*'.
- '*There is no drainage. Number 39 also has an agreement with number 41 that the property can drain into 41's cesspit - any proposed new build would not be able to do this and as pointed out before, there are no mains sewers (even though the applicant has stated again that they will use mains drainage) and there is not enough space for any sort of private sewage system to be installed legally*'.

### Other matters

- Environmental Concerns, Wildlife Concerns
- Would set a precedent
- Local services/schools - unable to cope. '*The village does not need another house no amenities to support a family*'.
- 'As resident of Ring's End this will not be good for the village'.
- '*As before there is no modern amenities i.e. drainage, parking, access to neighbouring properties, these cottages were built in 1846 and a modern property would be totally out of character, after applying for development on the same site on numerous occasions and being refused why should this time be different*'
- '*This application has been refused at least once so what has changed since then because the application is a duplicate of the last one*'.
- 'Nothing has changed since the last time planning was refused on this plot It will still negatively affect the character and appearance of the area',
- Noise, Waste/Litter, Smell, Anti-Social behaviour, Light Pollution
- Devaluing property
- Does not comply with policy
- '*Electrical supply is attached to number 39 ,41,43 how would they get electricity to the new property without disrupting the cottages*'.
- Agricultural land

- ‘There is also no space on his own property for him to be able to store building materials or carry out the build without using my property, which is probably why a large proportion of his outlined site area is not his property but mine’.
- ‘The applicant has dug the bank out on the land that isn’t his to extend his boundary and is in breach as there is a mains water supply there’.
- ‘The applicant has again outlined land that isn’t his on his plan’.

## Support

There have been 11 letters of support received from 9 households, 5 being from within the ward (albeit the neighbouring resident has written in twice) (4 households) and 2 from an adjacent ward (March East) and (Parson Drove & Wisbech St Mary). Three further letters have been received originating from March West and Doddington & Wimblington (non-adjacent wards) and one from Kings Lynn (outside the district). Those originating outside the ward are identified in the text below.

- ‘Support application - provide a family with a home and make use of an otherwise redundant plot’.
- ‘More & more people are moving into March so I believe it would be the perfect opportunity to be able to offer another family a home. Also, it would be an excellent way of making use of the redundant plot’.
- ‘Always a great idea for a family to move in. Nice little area great access to everything and would be a waste of a space if not’.
- ‘Happy to have a new neighbours lovely area too. Good place for a nice new house to go up! Highly support this application’.
- ‘It’s a good use of vacant land and would block the view of run down arch’s and a very tired caravan’.
- ‘I’ve lived in Guyhern 10 years and travel past location every day. Be nice to see

## Non-adjacent ward

- ‘I drive through here at least 2 or 3 times a week and although the Railway Arches used to be quite nice to look at. They are just getting ugly and not maintained. A new house would brighten up the area that looks very run down’.
- ‘Once building is complete, I see absolutely no issues with traffic / noise or anything else’.
- ‘The plot of land in question is of a suitable size for another dwelling, access to the plot is viable and it would freshen up the area with a brand new house. It would also hide the untidy arches currently on display’.
- ‘I think that this will be a good use of the space that is there and will disguise all the mess that sits in the arches along with the run down caravan’

## 6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

## 7 POLICY FRAMEWORK

### 7.1 National Planning Policy Framework (NPPF)

Paragraph 2 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise  
Paragraph 10 - Presumption in favour of sustainable development  
Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise  
Paragraph 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise  
Paragraphs 55-56 - Outline the tests to be applied with regard to conditions  
Chapter 15 - Conserving and enhancing the natural environment

### 7.2 National Planning Practice Guidance (NPPG)

### 7.3 National Design Guide 2019

Context: C1 - Relationship with local and wider context  
Identity: I1 - Respond to existing local character and identity and I2 - Well-designed, high quality and attractive  
Built Form B2 - Appropriate building types and forms  
Homes and Buildings: H1 - Healthy, comfortable and safe internal and external environment and H3 - Attention to detail: storage, waste, servicing and facilities

### 7.4 Fenland Local Plan 2014

LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP12 – Rural Areas Development Policy  
LP14 - Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP18 - The Historic Environment  
LP19 - The Natural Environment

## 8 KEY ISSUES

- **Principle of Development**
- **Character and design**
- **Impact on the Setting of the Listed Building**
- **Impact on the settling of the railway arches**
- **Residential amenity**
- **Highway safety**
- **Flooding and drainage**
- **Community engagement and threshold considerations**
- **Other matters**

## 9 BACKGROUND

9.1 A proposal for the erection of a dwelling at this site was refused and subsequently considered at Appeal during 2017/2018. The main issues identified in respect of the appeal were:

- The effect of the development on the character and appearance of the area;
- Whether the location of the development would comply with local policy; and,
- The effect of the development on the living conditions of occupiers of 39 March Road (No 39), with particular regard to outlook.

9.2 In consideration of the appeal the Inspector noted that *'the underlying development pattern is irregular, with dwellings of diverse age, size and style, and having a varied relationship with the busy road frontage.* She went on to identify that a *'two storey dwelling, with a ground floor level raised at least 300mm above ground level, as recommended by the Flood Risk Assessment, would be significantly taller and bulkier than the dwellings in the adjacent terrace [and] likely that it would have to be sited forward of the terrace's building line.* Furthermore she considered that *'the limited plot size would restrict options for the dwelling's siting within the plot [and concluded] that the alignment, bulk, and height of a two storey dwelling would be unrelated to the existing dwellings, as it would appear over-scaled and dominant in this context.*

9.3 The Inspector did however note in her assessment that it was the size of the dwelling rather than its proximity to the arches, which she acknowledged were a Building of Local Interest, that led her to conclude that the 'development would have an adverse effect on the character and appearance of the area'.

9.4 Moving on to consider general principles in terms of location the Inspector considered that whilst the railway arches did not constitute a dwelling, they were a sizeable structure that contained the development pattern to its south. Moreover, she further noted that there was 'continuing linear development to the north of the railway line' and whilst there 'would be a small piece of vacant land between the appeal site and the railway arches, [she was] satisfied that on balance the site could be considered to be an infill site in an otherwise built up frontage.

9.5 On matters of residential amenity the Inspector considered that the site was sufficiently large to allow separation and whilst the dwelling would give enclosure to the view from No 39 this would not lead to adverse living conditions with regard to outlook.

9.6 The Inspector also noted that the scheme has previously been given permission. However as there was not an extant permission in place this did not represent a viable fall-back scheme.

9.7 It was against the above backdrop that an alternative scheme was submitted under application number F/YR20/0508/F, this application being considered by the Planning Committee in September 2020. At this time Members upheld the officer recommendation for refusal and consent was refused on the following grounds:

- (1) Policy LP16 paragraph (d) of the Fenland Local Plan 2014 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The development would introduce an individual dwelling with no relationship to the existing pattern of development on a prominent site in the streetscene, by virtue of its positioning and scale. As

such, the development would appear as an incongruous feature adversely affecting the character and appearance of the area. The proposal is therefore contrary to Policy LP16 paragraph (d) of the Fenland Local Plan 2014.

(2) Policy LP16 paragraph (d) of the Fenland Local Plan 2014 seeks to ensure that development does not adversely impact, either in design or scale terms, on the streetscene. The overly complicated detailing of the proposed dwelling although taking design cues from its neighbour competes with rather than complements the existing terrace, this being compounded by the foreshortening of the proposed dwelling given its scale and form. This results in a development which is visually incongruous within the streetscene to its significant detriment and therefore contrary to Policy LP16 paragraph (d) of the Fenland Local Plan 2014.

(3) Policies LP2 and LP16 of the Fenland Local Plan require that proposals for new development promote high levels of residential amenity with private amenity space being an essential component of such amenity. The scheme proposed fails to make appropriate provision for private amenity space as indicated in Policy LP16 (h) and as such fails to deliver adequate levels of residential amenity as indicated by Policies LP2 and LP16.

9.9 Councillors did however suggest that the agent should engage with officers further with regard to any subsequent proposals for this site, which the agent has duly actioned – culminating in the submission of the current scheme.

## 10 ASSESSMENT

### Principle of Development

10.1 As indicated above the Planning Inspector considered the site to be an infill opportunity and as such compliant with Policy LP3; i.e. single dwelling infill situated within an otherwise built-up frontage. This is a material consideration in the consideration of the current scheme proposal, as it was in the scheme refused under F/YR20/0508/F. That said there are still matters of threshold, character and visual amenity and residential amenity to consider in accordance with Policies LP2 and LP16 of the FLP (2014).

10.2 It is further acknowledged that the earlier scheme, which was the subject of an appeal, was silent with regard to highway safety and drainage and these aspects are considered below; again as they were in respect of F/YR20/0508/F.

### Character and design

10.3 The agent has taken on board the earlier concerns of officers relating to design and are now proposing a simple two-storey dwelling as opposed to the earlier scheme proposal which took its design cues from the existing terrace. The earlier scheme proposals having been found to directly compete with the existing terrace of dwellings as opposed to contrasting with or complimenting them. The functional design now proposed and its positioning away from the terrace is considered to lessen its character impact overall.

10.4 In addition the width of the proposed property has reduced from 9 metres to 5.8 metres this reduction has enabled the dwelling now proposed to sit in line with the existing terrace to the south, as opposed to standing proud of these properties.

Consequently, it is considered that the revised scheme overcomes the earlier reasons for refusal outlined above (refusal reasons 1 & 2).

- 10.5 It is acknowledged that delivering a more traditional two-storey dwelling will result in an increase in ridge height when viewed against the previously refused scheme proposals (from 6.9 metres to 7.6 metres). However, the submitted streetscene elevation demonstrates that the property is of a similar scale in height to its neighbours.
- 10.6 It is considered that the revised scheme has overcome the matters raised in both the earlier appeal decision and the latest refusal for the site and that a refusal on the grounds of design and character could not be substantiated as being at variance to the requirements of policy LP16 paragraph (d) of the Fenland Local Plan 2014.

### **Impact on the Setting of the Listed Building**

- 10.7 It has previously been accepted that the introduction of a two-storey dwelling approximately 30m to the south east of the site will not impact upon the setting of the Listed Building, as such the scheme has not been advertised in this regard. The proposal therefore complies with Policy LP18 of the Fenland Local Plan 2014.

### **Impact on the settling of the railway arches**

- 10.8 The Planning Inspector in considering the earlier appeal '*acknowledge[d] that the railway arches [were] on a register of Buildings of Local Interest, [however it was the] size of the dwelling proposed in relation to the plot that [was] determinative to my reasoning, rather than the proximity or state of repair of the arches.*
- 10.9 It was the view of the Inspector that the development would '*appear over-scaled and dominant*'. The earlier scheme proposal illustrated a dwelling that had a width of 7.6 metres and an overall height of 8.6 metres to the ridge, albeit these details were not committed. The current scheme under consideration details a dwelling that is 1.8 metres narrower and 1 metre lower in height, consequently it is considered that earlier concerns have been overcome. There will be gap views of circa 8 metres between the existing terrace and the proposed dwelling and the railway arches will be clearly visible to the northern backdrop of the proposed dwelling.
- 10.10 Mindful of this earlier appeal decision it is accepted that the loss of the views of the arches to the north-east whilst regrettable could not manifest itself in a defendable reason for refusal. Although it is appreciated that the views expressed by local residents are considerably at variance to the conclusions of the Planning Inspector.

### **Residential amenity**

- 10.11 The earlier appeal decision indicated that adequate separation distance could be achieved between the host dwelling (No. 39) and the proposed dwelling and appropriate separation is demonstrated in respect of the current scheme. It is further noted that there are no windows proposed in the southern flank wall of the new dwelling and no issues loss of privacy or overlooking to reconcile between dwellings.

10.12 That said the dwelling now proposed introduces new issues in that to compensate for the reduction in width the property, which still retains 3-bedrooms, it has been lengthened by circa 0.8 metres, this combined with the repositioned of the property back into the site, in response to the position of neighbouring dwellings, results in the rear elevation of the property being circa 4.4 metres at its closest point (7.2 metres at its furthest point) from the arches beyond. This is considered to have adverse consequences for the intended householders in terms of overall dominance as the arches will clearly have an overbearing impact, furthermore there will be overshadowing arising as the arches are situated to the east of the property. It should be noted that the separation distance from rear elevation of the house and the arches shown on the illustrative layout submitted under F/YR17/0761/O was circa 6.3 metres (from the projecting 2-storey outshoot detailed) extending to 10.8 metres and circa 7.1 metres extending to 13 metres in respect of the scheme proposed under F/YR20/0508/F. The relationship now shown is clearly an adverse consequence of the scheme now proposed and significant enough so as to render the proposal unacceptable in residential amenity terms.

10.13 Furthermore it remains the case that the private residential amenity space provision for the new property will not meet the minimum standards of Policy LP16 (h) providing as it does only 20% of the plot as garden land (excluding access). The garden area is also considered to be convoluted in its layout, wrapping as it does around the rear and side of the dwelling. In addition the amenity space is further compromised in terms of its quality by the presence of the dominating historic railway arches to the east as highlighted in para. 10.12 above

10.14 A similar situation exists with regard to the 'private' amenity space associated with the host property No 39 which would see only 27% of the plot available as private garden (excluding access), as opposed to the minimum third required under Policy LP16 (h).

10.15 Whilst it is accepted that there may be situations where a shortfall in amenity space would be warranted, i.e. smaller units and those situated with ready access to established public amenity space provision, it must not be forgotten that the dwelling proposed is a 3-bedroom property and as such there is a reasonable expectation that it will accommodate a family. The shortfall evident in regard of both the proposed and existing dwellings is such that the scheme clearly and unequivocally at odds with the underlying aims of Policy LP16 which seeks to provide high quality environments and Policy LP2 which seeks to deliver high levels of residential amenity.

10.16 It is clear that the agent, in consultation with officers, have sought to revise the scheme proposals in line with comments made during the recent committee consideration of the refused scheme and that the proposal has clearly been moved forward somewhat with regard to character and design it is apparent that considerations with regard to the delivery of private amenity space remain at variance to the relevant planning policy framework and are so significant as to render the scheme presented unacceptable. In addition the introduction of additional residential impacts arising from the proximity of the arches serve to further evidence that the scheme is unacceptable in residential amenity terms and clearly contrary to policies LP2 and LP16 of the FLP in this regard.

## Highway safety

- 10.17 It is noted that there were no grounds to withhold consent in respect of highway safety with regard to the earlier schemes, and this remains the case with regard to the current scheme proposals.
- 10.18 Although it was acknowledged as part of the evaluation of the earlier scheme that an additional dwelling would increase the likelihood of vehicles meeting at the access the LHA officer confirmed at that time that this is unlikely to result in a highway safety issue; noting that a vehicle turning right into the access will be able to see vehicles emerging and will therefore be able to give way to emerging traffic.
- 10.19 Similarly it was considered that a vehicle turning left into the access will have good visibility of the access and will be able to slow to allow a vehicle to emerge from the access.
- 10.20 It is noted that the site layout shows two parking spaces to serve each dwelling (existing and proposed) with appropriate space available to facilitate turning; Given that the parking area to serve No 39 is shown within the blue edge boundary, i.e. land within the control of the applicant such provision may be secured via condition.
- 10.21 Based on the above evaluation there are no grounds to withhold consent on the grounds of highway safety and as such the scheme achieves compliance with Policy LP15 of the Fenland Local Plan (2014)

### **Flooding and drainage**

- 10.22 The agent has satisfactorily addressed the sequential test requirements as part of the submitted Design and Access Statement, and it has been demonstrated that there is no land reasonably available at lower risk of flooding which could accommodate the development proposed. As such the Sequential Test is passed.
- 10.23 With regard to the site specific flood risk considerations it is noted that the Environment Agency have raised no objection to the proposal subject to a condition being included on any given permission that ensures that the development is carried out in accordance with the submitted Flood Risk Assessment , i.e. two-storey development with a finished floor levels set at a minimum of 600mm above ground level.
- 10.24 Accordingly there are no site specific flood risk concerns which would render the scheme non- compliant with Policy LP14 of the FLP (2014).
- 10.25 Matters of foul water disposal will be dealt with under Building Control should approval be forthcoming. The comments raised by adjoining landowners regarding the necessary distance that such provision has to be from a dwelling are noted and had been previously relayed to the agent in respect of the earlier scheme proposal who advised at that time that there were alternative engineering solutions available that could be adopted and that this will be addressed under Building Regulations .
- 10.26 It is further acknowledged that the provision of a septic tank is also controlled by environmental permitting. It is not the role of the LPA to duplicate other legislative frameworks/consenting regimes and as such there would be no grounds to withhold consent on this basis; notwithstanding this it would be

considered prudent to impose a condition relating to the submission of details pertaining to foul and surface water disposal prior to the commencement of the development should a favourable recommendation be made.

### **Community engagement and threshold considerations**

- 10.27 In considering the earlier appeal the Inspector identified that although there had not been any community consultation undertaken with regard to the proposal the consultation exercise undertaken as part of the application had not generated any adverse comments. In addition, it was noted that the Parish Council had raised no objection, these factors led the Inspector to conclude that there was community support and whilst Rings End had met its threshold in terms of planning approvals compliance with LP12 was achieved.
- 10.28 The current backdrop to this submission remains at variance to this earlier situation in that the Parish Council has recommended that the scheme be refused. It is also noted that local residents within the vicinity have written to object the scheme.
- 10.29 A further 7 households have communicated their support for the scheme, with 5 of these originating from the Elm and Christchurch ward or an adjoining ward (4 households). Three further letters of support have been received however these originate from March West and Doddington and Wimblington (non-adjacent wards) and Kings Lynn (outside the district).
- 10.30 Notwithstanding the above earlier appeal decisions elsewhere in the District have indicated that the lack of community support for an otherwise acceptable scheme is not considered sufficient grounds on which to withhold consent accordingly no weight can be given to this scheme deficiency.

### **Other Considerations**

- 10.31 It is noted that the consultation process has generated concern regarding the ownership of the site; from a procedural perspective this does not represent any issues as notice has been served on the landowner highlighted. It would be for the applicant to ensure that they have the legal authority to develop the land should permission be granted

## **11 CONCLUSIONS**

- 11.1 Mindful of the earlier appeal decision it is accepted that the site could be considered an infill opportunity in terms of the existing built form of the area and as such compliant with Policy LP3. However this is not the only component of a successful scheme and it must be evidenced that the plot is 'capable' of accommodating a dwelling.
- 11.2 With regard to the visual amenity of the area it is considered that the revised design of the dwelling and its amended positioning within the site have overcome the earlier concerns regarding design and scale. By adopting a simple design which responds to the existing built form in terms of its position the agent has satisfactorily resolved earlier concerns, furthermore it is considered that the scheme will not have a significant impact on the historic railway arches to the north-eastern backdrop given that gap views will be maintained between the existing terrace and the proposed dwelling . Against the

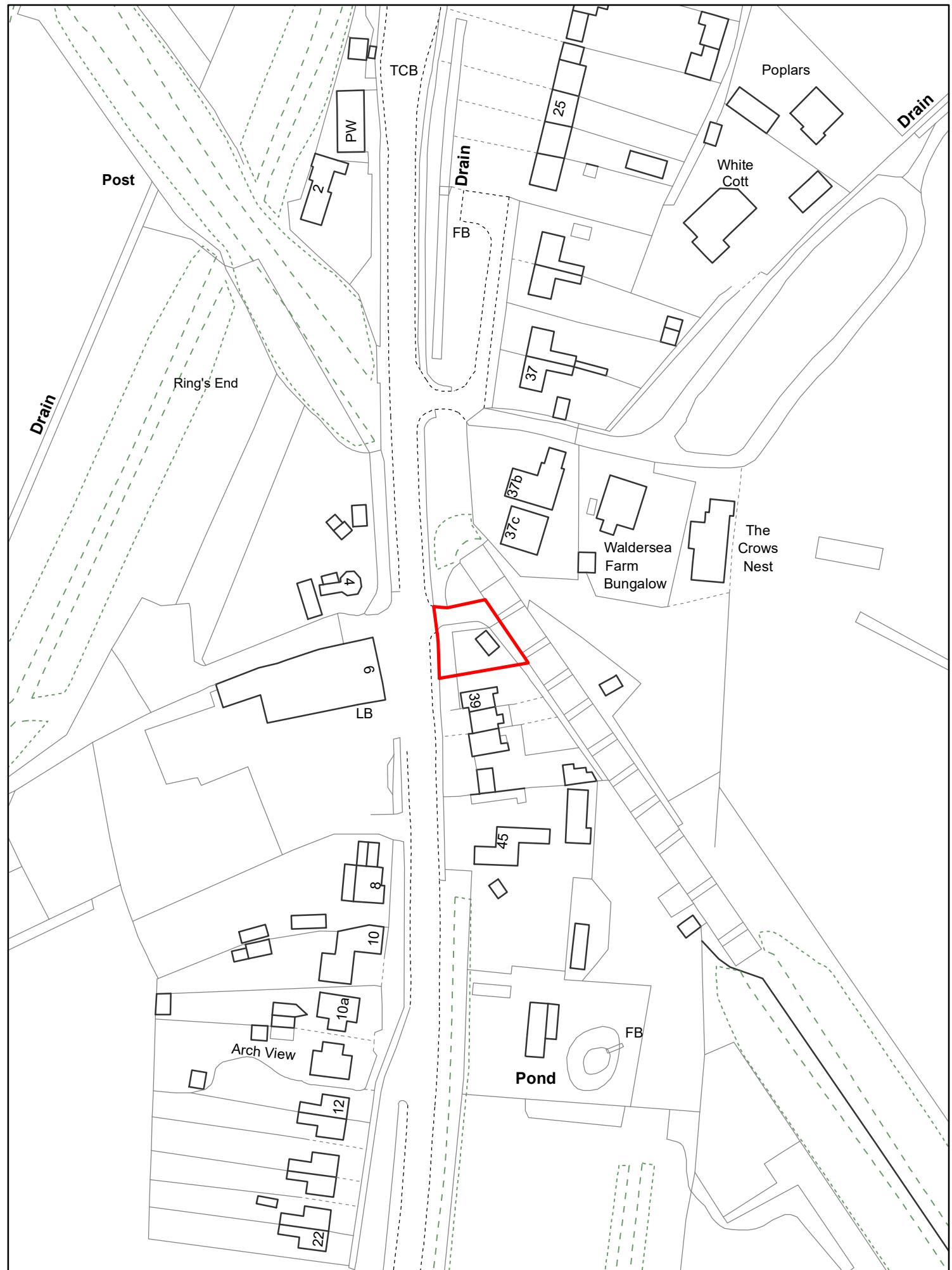
backdrop of the earlier appeal decision it is not considered that there are any grounds to withhold consent when viewed in the context of Policy LP16.

- 11.3 As indicated within the report it is considered that in addressing matters of character there are consequences for residential amenity given that the rear elevation of the dwelling will now be positioned circa 4.4 metres at the closest point to the looming historic arches to the east. The resulting visual dominance of this structure and the potential overshadowing arising will impact on the outlook from within the house and have implications for the quality of the garden which is already below the standards outlined in the FLP.
- 11.4 With regard to private amenity space it remains the case that the private amenity space associated with both the new and existing properties will fall short of the minimum standards outlined in the FLP and that the shortfall is significant and will result in a family dwelling which is served by amenity space which is both substandard in terms of its dimensions and its quality, acknowledging as above the dominate presence of the historic railway arches to the east.
- 11.5 Whilst there has been some challenge regarding land ownership and access in so far as it relates to parking and access these fall outside the planning considerations of the scheme as they require resolution from a civil perspective. From a purely planning perspective it has been demonstrated that parking provision could be made in full accordance with Appendix A of the FLP.
- 11.6 In conclusion whilst noting that the appeal history has indicated that this plot does represent an 'infill' opportunity and mindful of the revisions to the scheme secured following negotiation it remains the case that the constraints of the site and the amount of development proposed combine to result in a scheme which is incapable of delivering a policy compliant scheme in terms of amenity for both the existing and proposed dwelling. In addition, it is considered that the intended householders would not be afforded levels of residential amenity commensurate with the aims of the FLP by virtue of the relationship of the property with the historic railway arches to the east. These factors combine to an extent where it would not be appropriate, or compliant with policy, to favourably recommend the scheme.

## 12 RECOMMENDATION: Refusal

1	Policies LP2 and LP16 of the Fenland Local Plan require that proposals for new development promote high levels of residential amenity. Given the relationship between the existing historic railway arches to the east and the dwelling it is considered that the intended householders would have a compromised outlook which would be visually dominated by the historic arches. In addition, the presence of which in arches in such close proximity would result in a level of overshadowing of both the house and garden. As such the scheme will fail to deliver appropriate levels of residential amenity as promoted by Policies LP2 and LP16 and clearly is at odds with the aims of Policies LP2 and LP16 of the Fenland Local Plan (2014).
2	Policies LP2 and LP16 of the Fenland Local Plan require that proposals for new development promote high levels of residential amenity with private amenity space being an essential component of such amenity. The scheme proposed fails to make appropriate provision for private amenity space as indicated in Policy LP16 (h) and as such fails to deliver adequate levels of residential amenity as indicated by Policies LP2 and LP16. In addition the

presence of the historic railway arches to the north-east of the proposed dwelling will further detract from the amenity value of the already substandard amenity space thereby exacerbating the failure of the scheme to make appropriate provision for private amenity space this being to the significant detriment of the residential amenities of future occupiers and clearly at odds with the aims of Policies LP2 and LP16 of the Fenland Local Plan (2014).



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