
F/YR22/0345/F

Applicant: Mr Adrian Garrett

**Agent : Mr Craig Brand
Craig Brand Architectural Design
Services**

Land West Of, 27 - 35 New Street, Doddington, Cambridgeshire

Erect 3 x dwellings (2 x 2-storey 3-bed and 1 x 2-storey 4/5-bed), a 2.1m high wall, and widen existing access, involving the demolition of outbuildings and front boundary brick piers within a conservation area

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to the Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application proposes the erection of 3 x dwellings (a pair of semi-detached 3-bed and 1 x 2-storey 4/5-bed), a 2.1m high wall, and widening of an existing access, involving the demolition of outbuildings and front boundary brick piers within the Doddington Conservation Area.
- 1.2 The dwellings would be located on part of the site which is outside of the Conservation Area, whilst the buildings and brick piers to be demolished, the proposed wall and widening of the access would all be within the Conservation Area boundary.
- 1.3 The Parish Council recommend refusal on grounds that the development would be back-land, would affect the Doddington Conservation Area, would prejudice highway safety at the access, provides inadequate parking arrangements on the site and notes that previous applications on the site have been refused.
- 1.4 The proposal site is within a 'back-land' setting located on the edge of, but outside of the Conservation Area. A development of this site is likely to affect an existing visual gap that is important to the character of the Conservation Area. This impact would be exacerbated by the demolition of the outbuildings and brick piers on site which also help to define the character of the Doddington Conservation Area.
- 1.5 Two previous applications for one dwelling on the site have been refused and a negative pre-application response for 7 dwellings given citing the harm to the character of the Conservation Area. These reasons have not changed, and the applicant has not provided any information which would lead Officers to arrive at a different decision.
- 1.6 The recommendation is therefore for the application to be refused.

2 SITE DESCRIPTION

- 2.1 The site comprises an area of land set to the rear of a row of properties fronting New Street. The land is laid to lawn and enclosed with a wall along the southern boundary, mature hedgerow on its western and northern boundaries and abuts the rear gardens of No's 27, 29, 31 and 33 New Street to the east which are separated from the site with a mixture of 1.8-metre-high corrugated sheet and timber close boarded fencing.
- 2.2 The eastern boundary of the site forms the edge of the Doddington Conservation Area (CA) and therefore the site (except the proposed access currently serving No.35) sits just outside but immediately adjacent to the CA boundary. The site also abuts 6-8 Thistledown to the south and opens up to the open countryside on the west.
- 2.2 The site is located within Flood Zone 1 as defined by the Environment Agency

3 PROPOSAL

- 3.1 The application proposes the erection of 3 x dwellings (2 x 2-storey 3-bed and 1 x 2-storey 4/5-bed). The scheme also proposes a 2.1m high wall and the widening of the existing access involving the demolition of outbuildings and front boundary brick piers which are located within the Conservation Area
- 3.2 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

20/0108/PREAPP	Erect up to 7 detached dwellings with garages and associated works.	Negative response given.
F/YR19/1065/F	Erection of a 2-storey, 6-bed dwelling with Integral double garage involving formation of a shared access and demolition of existing shed within a conservation area.	Refused
F/YR19/0482/F	Erection of a 2-storey, 6-bed dwelling with integral double garage involving formation of a shared access and demolition of existing shed within a conservation area	Refused

5 CONSULTATIONS

- 5.1 **Parish Council**
(13.05.2022) *'The above planning application was considered by Doddington Parish Council at their meeting on Wednesday evening. Members opposed the application for the following reasons:*

- a. *The application is backland development and members have concerns that this will be detrimental to the character and appearance of the Doddington Conservation Area. The views from Benwick Road across the open fields towards the Church are likely to be adversely affected by the development. The two pillars at the entrance to the site are within the Conservation Area and appear to be constructed with the same brickwork as the adjacent properties and may well be as old as these properties are due to be demolished to widen the access.*
- b. *Members have considerable safety concerns on the access to the site which is on a bend in New Street. Residents near this area often park their vehicles on the road thereby reducing road width and visibility.*
- c. *Minimal parking arrangements appear to have been allowed within the development which will likely mean that parking will take place on the access roads. There appears to be no provision for footways to be provided thereby meaning that residents and visitors will be walking in the access roads.*
- d. *Previous applications to develop the site have been refused and subsequent appeals dismissed'*

(14.07.2022) 'Doddington Parish Council considered the revised proposals that have been submitted for the above planning application and concluded that the revised proposals have not altered the Parish Councils original objection to this development. The Parish Council therefore formally objects to the revised proposal'.

5.2 Cambridgeshire County Council Highways Authority

(03/05/2022) 'The current proposal shows hard surfaced private shared access road, which is acceptable however, there is no indication of the surface being drained away from the highway. This access should be drained away from the highway for a minimum of 5m back from the existing footway. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.

Should the applicant be able to amend the access in light of the minor comment above, then please append the following conditions and informative to any permission granted [..]

The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity

Reason: To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014

Informative re: Works in the Public Highway

5.3 FDC Environmental Health

'The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality. Due to the demolition of existing structures and close proximity to existing noise sensitive dwellings, the following conditions should be imposed in the event that planning permission is granted.'

- Unsuspected contamination
- Noise construction hours

5.4 FDC Conservation Officer

(28.04.2022) The initial comments of the Conservation Officer indicated that the scheme was not supported, noting (in summary) that:

- The heritage statement failed to adequately assess the impact of the development on the conservation area and therefore did not comply with para. 194 of the NPPF and policy LP18 of the 2014 local plan.
- Outlined that previous planning history has not supported the principle of development on this site, and gave an overview of relevant appeal decisions which were material to the consideration of this scheme. With these appeal decisions demonstrating that backland development is not acceptable in this locality as it would cause harm to the character and appearance of the Doddington Conservation Area (CA).
- Gave an extensive overview of the site in the context of its setting and an evaluation of the proposals impacts on the CA

(14.07.2022) These further comments were made in response to a re-consultation [Paras. 1-3 set out the proposal and policy context]

4. *'A heritage statement has been submitted with the application. The information is now sufficient to comply with paragraph 194 of the NPPF and policy LP18 of the 2014 local plan.*
5. *However, though the revised statement points out that there is no statutory requirement to pay special attention to the desirability of preserving or enhancing the setting of a Conservation Area, it is important to note that in accordance with Historic England, every asset has a setting, and that setting will contribute to the significance of the asset or its appreciation.*
6. *The revised heritage statement seeks to question the validity of the Conservation Area Appraisal for Doddington, which is an adopted document. The site in question, and its setting have remained unchanged since the publication of that document, and therefore, its assessment of the site, and its setting, must remain valid.*
7. *The revised heritage statement also conflates 'backland' (i.e., rear gardens and historic paddocks or curtilage) with the open farmland which surrounds it. It is acknowledged that the site is not open farmland, but it is within that backland to the historic settlement, which provides the rural characteristics of the settlement and provides that link between the rural domestic, and the agricultural landscape surrounding it. Infill development within these sites will ultimately erode this character, and therefore the setting to the conservation area.*
8. *The revised heritage statement refers to the value of the views that are afforded from public viewpoints. Though, the long views to the countryside are currently obscured by young, non-native trees, these are not permanent features of the landscape, and there is an undeniable sense that there is open countryside and paddocks to the rear of these properties. Furthermore, the proposal to remove the tree at the access, the seasoning rack, and the raising of the sycamore canopy are not dependent on the approval of the application and could be achieved independently of this. The 'benefits' arising from these works, are therefore incidental and do not outweigh the harm caused.*
9. *In addition to the above, it must also be considered that Historic England guidance on setting states that 'although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other factors, including.... our understanding of the*

- historic relationship between places'. Furthermore, 'the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting'.*
- 10. To reiterate earlier comments, the connection between the settlement and its countryside setting is a strong characteristic of the historic village and the conservation area. Along New Road, and specifically obvious on its west side, properties are served by gardens and 'paddocks' to the rear which back on to fields behind. The rear boundaries of these plots form the settlement edge of the village defining where the historic settlement footprint meets the fields behind and forms the rural setting to this village conservation area. The pattern of development and historic settlement footprint is a distinct element of the character and appearance of this part of the conservation area. Where development has been allowed along Thistledown Close, buildings can be seen between the properties on New Road, and they detract from this character. Though the revised heritage statement claims that the principal harm arising from the Thistledown development is due to the scale and materials used, harm also arises from the loss of open setting and an irreversible change in settlement morphology.*
 - 11. The proposed dwellings, despite the revised proposals, would still constitute backland development and will be incongruous with the overriding settlement morphology of this part of the Doddington Conservation Area and would fundamentally change the relationship this part of the conservation area has with the field setting around it by introducing development in this location. The Doddington Conservation Area Character Appraisal (October 2017) para 8.66 makes the clear statement that "The absence of back-land development along much of the western side of New Road defines the long-term boundary of the village and contributes positively to the conservation area's historic setting and character". With this identified as a clear interest and contribution to the character and appearance of the conservation area the proposals will only serve to be detrimental to this. The proposals put forward would fail to preserve or enhance the character and appearance of the conservation area. Although the proposal as it currently stands must amount to less than substantial harm, such development, if allowed, would also set a precedent that could lead to substantial harm to the character and appearance of the conservation area, by piecemeal erosion through similar development in its rural setting.*
 - 12. It is also worth reiterating that the principle of the development has been refused twice before, and not supported at pre-app level. Similar schemes have been refused elsewhere in the conservation area and dismissed at appeal.*
 - 13. By introducing backland development to the setting of the conservation area and causing less than substantial harm within the setting of and to the detriment of the character and appearance of the conservation area, it is not felt that the proposal would comply with paragraph 206 of the NPPF.*
 - 14. It is also not considered that there is insufficient public benefit to outweigh the harm arising from construction of the dwellings. The economic benefits arising from the job creation during the construction period are time limited, and those arising from future occupants are unlikely to have a significance impact on the economic fortunes of the village.*
 - 15. The application is therefore not supported, in alignment with previous planning decisions.*
 - 16. Should the application be approved contrary to this advice and contrary to*

previous planning decisions, notwithstanding the materials proposed as part of the application, a condition should be set to cover external materials for the development’.

5.5 **Historic England:** *‘Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice [..]’*

5.6 **Wildlife Officer**

(06.05.2022) Originally recommended refusal on grounds that there is insufficient information to make a recommendation.

Following submission of a Preliminary Ecological Assessment the following comments were received:

(20.07.2022) *‘I have now assessed the PEA that was submitted on the application. The PEA makes a strong recommendation for further reptile surveys as the habitats present on site are suitable. I am inclined to agree with this. As such I recommend that the applicant commissions these surveys and the subsequent survey reports submitted to the council. As with all protected species surveys timing essential. Discussions should be held with the consultant ecologist as soon as possible about arranging these surveys’.*

Following the submission of the survey report, the Wildlife Officer commented as follows:

(30.09.2022) The proposed landscaping does a good job at mitigating the potential negative impacts of construction. Overall, the vegetation being removed by the proposal is ornamental and the trees being removed are relatively young. Please note that it is vital that the vegetation removal follows all legal compliance in particular to nesting birds. All replacement landscaping should also be comprised of native species of local provenance. The application scheme is acceptable but only if conditions are imposed.

Recommended conditions:

- Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

5.7 **Arboricultural Officer (FDC)**

(20.05.2022) *‘With reference to the submitted documents, I would agree that the Cypress hedges are not of significant arboricultural value, and it is not feasible*

to bring them back under normal hedge management due to the growth characteristics of the species.

However, whilst they lack biodiversity, they do provide nesting opportunities that is clearly an important aspect; I note that the Wildlife Officer has requested additional information to determine their response regarding biodiversity at the site.

I note drawing CAD 566/2 shows a proposed landscaping scheme, however, whilst the proposed tree planting is acceptable, the loss of nesting opportunities on the west and north boundaries has not been addressed. The use of a mixed native species hedgerow would be ideal to provide both nesting sites and foraging'.

(31.10.2022) 'Recommend Refusal: With reference to drawing CAD 566/2 Rev C, the loss of hedges T17 to T22, including cypress and Hawthorn, is a significant loss of potential cover for wildlife. Whilst I note the recommendations within the ecological report regarding bird boxes, the planting of a native mixed species hedge on the north boundary would provide both nesting and foraging opportunities in the long-term. The removal of group T3 removes the screening to the north of 6-8 Thistledown and this could be addressed with the use of Hornbeam (Carpinus betulus 'Frans Fontaine') as it will retain a narrow crown into maturity.'

5.8 Local Residents/Interested Parties

12 letters of objection from 11 households have been received in respect of the original submission from the following addresses (26, 29, 31, 33, 37 New Street; 5 Hunts Close (2 letters); 8 Thistledown; 12 & 16 Witchford Close; 4a & 5 Fenview.

In respect of the re-consultation 6 letters were received from previous contributors reiterating their earlier concerns (37 New Street; 5 Hunts Close; 8 Thistledown, 4 & 5a Fenview, 12 Witchford Close) and a further 2 letters submitted from 49 Cedar Avenue and 51 New Street. This equates to 13 individual households registering their objections to the scheme; these may be summarised as follows:

Design, Layout and character (including heritage)

- Backfill, Design/Appearance, Loss of view/Outlook
- Visual Impact
- Out of character/not in keeping with the area
- This development damages a greenfield area offering countryside views, in a conservation area
- Too much back-land development going on in this village
- Will harm the conservation area
- Contrary National Planning Policy Framework Policies LP16(a) and LP18 relating to the damage of a historic environment, in this a conservation area

Residential amenity

- Overlooking/loss of privacy
- Proximity to property, inadequate separation between existing and proposed (relationship with No. 37)
- Shadowing/loss of light

- Visual dominance and impact of scheme
- Latest application more intrusive than the earlier scheme and significantly impacts on residential amenity

Access and Highways

- Inadequate parking
- Widening of access to site will impact on-street parking for existing residents and local amenities (mainly Three Tuns pub)
- Insufficient visibility due to heavy on-street parking along New Street.
- Visibility splays are shown to go down footpath and do not take consideration for parked cars.
- A new access road would cause a major hazard along a very busy road.

Other matters

- Detrimental impact to existing property not considered in the supporting material; implications for structural integrity of adjacent buildings. Impact on existing boundaries
- Devaluation
- Does not comply with policy; has previously been refused
- Does not create a high-quality environment
- Environmental Concerns: do not consider ecological survey is an accurate representation of wildlife on the site
- Landscaping and Wildlife Concerns, trees within the conservation area to be removed and loss of existing habitats, also impacts on privacy of neighbouring properties
- Light Pollution
- There are Human internment's in walled garden
- Local services/schools - unable to cope
- Flooding - Increased flood risk of surface run-off onto New Street caused by paving greenfield land
- Would set a precedent
- *'Not opposed to development in and of itself but feel strongly that any development must be both in keeping with the area and sympathetic to the neighbours'. Suggests options to redesign.*
- *'Not a fan of this one. Would prefer the outskirts between Doddington and Wimblington to be looked at and developed rather than the centre of the village'*
- *Revised layout should mean the trees can be retained*
- *'I think it's ridiculous that the council keeps allowing these big houses to be built, the school is bursting at the seams and is already turning away children that live in the village, and I definitely don't agree with all the backland developments'*
- *'Overall this application does not provide anywhere near enough mitigation to make this is acceptable development'.*

9 Letters of support have been received from residents of Doddington (Manor Estate, Miller Close, Primrose Hill, Harvest Close, New Street, Carpenters Way, High Street, Bevills Close and Wood Street)

These offer general 'support' for the proposed development, with key themes being as follows:

- A smaller development at this location would be better use of the empty land
- Developments of this type should be encouraged rather than the larger developments already built and currently proposed

- *'Although close to a conservation area, this development is set back from New Street and will not aesthetically affect the 'look' of the centre of the village as you travel along New Street'.*
- Will not impact on village infrastructure (drainage, schools and doctors etc)
- *'The building of two semi-detached 3-bedroom dwellings will be more affordable for potential buyers or renters as again the village appears to have concentrated of developments of larger 4/5 bedroom detached homes or retirement bungalows'.*
- *'Increase in traffic with such a small development will be negligible'.*
- *'Would be beneficial to the community and town [...] will help provide more housing in the village to meet needs both now and in the future'*
- *'The pair of semi-detached houses would be more in keeping with the overall mixture of semi-detached and terraced houses within the street'*
- *'The detached house appears to be positioned within an area of the land that is hidden from view of the main road, and behind an existing wall'*

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

7.1 National Planning Policy Framework (NPPF)

Para. 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 8 - make provision for a sufficient range and number of homes, fostering well-designed places, protecting and enhancing the natural, built and historic environment and making the effective use of land

Para. 10 – So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Para. 26 – Achieving well-designed places

Good design is a key aspect of sustainable development: Creates better places in which to live and work and helps make development acceptable to communities

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 79 – To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Para. 80 – Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply [...]

Section 9 – Promoting sustainable transport

Para. 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para.130 – Design – Should function well, be visually attractive as a result of good architecture and attractive landscaping and be sympathetic to local character and history and establish or maintain a strong sense of place

Para. 131 – Existing trees should be retained wherever possible

Para 134 – Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design

Section 15 – Conserving and enhancing the natural environment

Section 16 -Conserving and enhancing the historic environment – The desirability of new development making a positive contribution to local character

Para. 197 In determining planning applications LPAs should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

(c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

Determining a Planning Application

7.3 **National Design Guide 2021**

Context C1 - Relationship with local and wider context; C2 - Value heritage, local history and culture

Identity I1 - Respond to existing local character and identity; I2 Well-designed, high quality and attractive

Built form B1 - Compact form of development; B2 Appropriate building types and forms

Movement M3 - well-considered parking, servicing and utilities infrastructure for all users

Homes and Buildings H1 - Healthy, comfortable and safe internal and external environment, H3 - Attention to detail; storage, waste, servicing and utilities

Resources R3 - maximise resilience

Lifespan L3 - A sense of ownership

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

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

7.5 **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation on 25th August 2022, the first stage of the statutory process leading towards the adoption of the Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP5: Health and Wellbeing

LP7: Design (aligns with the 10 characteristics of the National Design Guide)

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP20: Accessibility and Transport

LP22: Parking Provision

LP23: Historic Environment

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP32: Flood and Water Management

8 KEY ISSUES

8.1 The key issues in relation to this proposal are:

- **Principle of Development**
- **Impact on the character and appearance of the area**
- **Residential Amenity**
- **Heritage Impacts**
- **Parking, Access & Highway Safety**
- **Landscaping and Trees**
- **Wildlife impacts**
- **Other Matters**

These are considered in turn below.

9 BACKGROUND

9.1 The site has a short history consisting of two refused applications (F/YR19/1065/F and F/YR19/0482/F) for a dwelling and a subsequent pre-application enquiry. In all three, Officers and the Council have been very consistent in their assessment of the development. The two applications have both been refused for the same reason stating:

“The development, by reason of its back land position on a site which relates more to open countryside than the urban environment and its scale and modern design fails to respect and would adversely affect the predominant settlement pattern, urban grain and form of this part of Doddington's Conservation Area. Consequently, the development would not protect or enhance the character and appearance of the historic environment and would not make a positive contribution to the character of the area. The limited public benefits arising through the development would not outweigh this harm and the development is therefore contrary to Policies LP16 and LP18 of the Fenland Local Plan (2014)”

9.2 This was subsequently repeated in a response to a pre-application request in which officers indicated that a development of 7 dwellings would, similarly, not

be supported because the development would still have the same impact on the character of the area. The current scheme is for a development that would, in quantum terms, be between the two extremes that have previously been considered for the site.

10 ASSESSMENT

Principle of Development

- 10.1 Despite two previous applications on the site, the principle of residential development has never been established. The current scheme is for a development of 3 dwellings on land adjacent to, but outside of, the Conservation Area with access by way of a small strip of land which is part of the Conservation Area. The Conservation Area is part of the built-up area of Doddington but the land in question, owing to its character and location outside of the settlement and to the rear of the built form, relates more to the countryside than the urban area.
- 10.2 Policy LP3 of the Fenland Local Plan, together with other policies, is designed to steer most new development to those larger settlements (the four market towns) that offer the best access to services and facilities (both now and for the foreseeable future). This is Fenland's spatial strategy which identifies Doddington as a growth village where development within the existing built-up area or small village extensions of a limited scale will be appropriate as part of the strategy for sustainable growth. According to this policy, for any development to be permitted within these areas, it should also be consistent with other policies of the local plan. As the site is identified as being in the rural area, any development in this area would need to be consistent with the provisions of rural Policy LP12.
- 10.3 As has been identified in relation to previous applications and pre-application advice given, the proposed development, owing to its backland location, would not satisfy the criteria set out within Part A of Policy LP12 requiring that the development be sited within or adjacent to the developed footprint of the village. The footprint is, for this purpose, defined within the policy as the continuous built form but excludes;
- a) Individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area of the settlement;
 - b) Gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement, and;
 - c) Agricultural buildings and associated land on the edge of the settlement.
- 10.4 The available historic aerial photos appear to show the land in question as being part of No. 35, the northern half of which may have been used as garden whilst, as indicated on the submitted plans, the southern half is part of a paddock. The proposal site would therefore be excluded as continuous built form by virtue of its location and use as it relates more to the surrounding countryside than to the built-up area of the settlement.
- 10.5 However, its location on the edge of the settlement would also accord easy access to services and, taking account of the juxtaposition of the apparent

countryside location and access to services, it implies that the proposed development would not fit comfortably within these categories and would therefore be considered as “Elsewhere” development. In such areas, development would be restricted to that which is essential for rural enterprises and could be permitted if it can be justified as such.

- 10.6 Sustainable development is nonetheless the golden thread that runs through both national and local planning policies and location of housing is central to these policies to stem travel. For this reason, paragraphs 79 and 80 of the NPPF (2021) promote the location of housing where it will enhance or maintain the vitality of rural communities through supporting services and businesses, whilst avoiding new isolated homes in the countryside. In this regard it is noted that whilst the site is set between the countryside and the edge of a settlement, it is closely related to the open countryside in character but has easy access to the settlement by way of a very short site access and thus not isolated in the context of paragraphs 79 and 80 of the NPPF (2021). In addition, its future occupiers could support local business and facilities.
- 10.7 In summary, the *site* is not eligible for development by virtue its location as set out within Policy LP12(A) and the *scheme* would be contrary to spatial strategy LP3 as it is clearly not for a rural enterprise. However, notwithstanding these conflicts, the principle of residential development on this site can be supported in the context of paragraphs 79 and 80 of the NPPF (2021) subject to being consistent with other relevant polices of the development plan.

Impact on the Character and Appearance of the Area

- 10.8 Paragraph 126 of the National Planning Policy Framework 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is further reflected in Local Plan Policy LP16 which seeks to deliver and protect a high-quality environment for those living and working within the district.
- 10.9 The application proposes three units of accommodation consisting of a pair of semi-detached and a detached dwelling on land at the rear of 27-35 New Street in Doddington. The detached dwelling is designed to be more than 7.5m high which is comparable to No.35 and others such as the terrace of three dwellings on Thistledown, which adjoins part of the southern boundary. A detached double garage is also proposed for the detached dwelling and this would also be finished in materials to be in keeping with the dwelling, the site and the wider area.
- 10.10 The semi-detached units would be slightly higher at just over 7.7m and all the units would be finished in facing brick and reclaimed pantile roofs. Although the elevational details do not detail external finishes the application form indicates that the external walls will be finished in Vandersanden Corum facing bricks and the roofs will be Weinerberger Sandtoft Graphite Britslate with the garage being finished in reclaimed clay pantiles. It is noted that the Conservation Officer has indicated in their consultation response that notwithstanding the specified details should an approval be forthcoming external finishes should be subject to condition, which indicates the selected materials are inappropriate in context.

- 10.11 The scheme also provides more than an adequate amount of residential amenity space and thus proposal site would not appear cramped or overdeveloped.
- 10.12 The proposed development, owing to scale, design, appearance and Location, would accord with Local Plan Policy LP16 and NPPF (2021) which seek to manage development in order to create buildings and spaces that are acceptable to people and communities.

Residential Amenities

- 10.13 Local Plan Policy LP16 seeks provide and protect comforts that the general environment provides and to this end ensures that development does not adversely impact on the amenity of neighbouring users owing to noise, light pollution, loss of privacy and loss of light.
- 10.14 All the three dwellings are proposed to be oriented in a north-south direction across the site facing towards 27 -35 New Street to the east and the paddock to the west. The detached dwelling would have one ground floor window facing south towards the semi-detached units but this would not cause any overlooking owing to the separation distance between them. The semi-detached units would not have any windows on the gable ends and thus not cause overlooking for the proposed detached dwelling.
- 10.15 The first-floor windows on the detached dwelling facing east towards 27-33 New Street would be bathroom and landing windows which are unlikely to result in overlooking. There are bedroom and lounge windows on the semi-detached dwellings facing east towards 35 New Street, but these are unlikely to cause any direct overlooking into that property.
- 10.16 This development would also result in the loss of much of the private amenity space associated with No. 35 with a 'private' garden area of 66 sqm shown (this assumes a plot area of circa 296 square metres yet discounts the parking area in the percentage calculation, focusing on actual physical garden space) which is clearly a significant reduction. This would be materially below what Policy LP16(h) prescribes for private amenity space. Even though the proposed dwellings are unlikely to result in mutual overlooking or loss of privacy for the existing properties, the development would result in a material reduction of curtilage associated with 35 New Street at a level which is not commensurate with the size of the property and significantly below the threshold as prescribed by the FLP (2014).
- 10.17 The issue highlighted at 10.16 was not considered pertinent to the earlier schemes noting that in the case of F/YR19/1065/F parking provision was made within the existing garage/store of No. 35 and at its most westerly end. This arrangement allowed for 104 square metres of private amenity space, which when discounting the common areas of access (assuming a plot area of circa 333 square metres) equated to 31% of the retained plot at No. 35 being available as private amenity space. An identical arrangement was shown in respect of the earlier proposal submitted under F/YR19/0482/F. Whilst just under the minimum third prescribed under Policy LP16(h) this would not have reasonably manifested itself as justification for refusal in respect of the earlier schemes.

10.18 However in the case of this revised scheme it is considered that the proposed development, owing to the amount of land that would be annexed to accommodate the proposed development, would result in the existing development being cramped and unable to provide the appropriate level of amenity space. This is likely to harm the living conditions of the occupiers 35 New Street contrary to Local Plan Policy Local Plan Policy LP16.

Heritage Impacts

10.19 In determining applications, local planning authorities should take account of, among other criteria:

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

10.20 In addition, Local Policy LP18 states that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland and any development that would have an impact on designated and undesignated heritage asset should be supported by a heritage statement. The applicant submitted a heritage statement in support of the proposed development which was reviewed by the Council's own Conservation Officer who considered the impact of this proposal on the character and appearance of the Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

10.21 However, it was the view of the Conservation Officer that the submitted heritage statement failed to adequately address the possible impact of the development on the Conservation Area and thus the scheme did not accord with the requirements under and Fenland Local Plan Policy LP18 and paragraph 194 of the NPPF(2021).

10.22 Planning history for similar proposals in Doddington are also relevant here. Noting that there are two Planning Inspectorate decisions (under the current Fenland Local Plan (2014) and NPPF) associated with F/YR14/0989/F and F/YR15/0725/O. These reinforce Council's position that back-land development is not acceptable in this locality as it would cause harm to the character and appearance of the Doddington Conservation Area.

10.23 In considering this proposal due regard is given to the character and appearance of the Conservation Area in the locality of New Road as well as its setting. This development, which would be set between the settlement/ Conservation Area boundary, would result in the loss of a visual break, natural features and a rear garden that form part of the character of this part of the Conservation Area.

10.24 These features are important as they help define the immediate and wider rural setting of the village and the Conservation Area. Allowing this development is, therefore, likely result in the loss of these features to the detriment of the character and appearance of this part of the Conservation Area. The proposal would therefore fail to preserve or enhance the character and appearance of the conservation area. Such development, if allowed, would also set a precedent

that could lead to substantial harm to the character and appearance of the Conservation Area, by piecemeal erosion of its rural setting.

- 10.25 The Conservation Officer, in assessing the proposal, concluded that whilst all aspects of the proposed development would cause harm to the character and appearance of the Conservation Area, the heritage statement submitted in support of the proposed development was considered especially inadequate to objectively assess the possible impact of the development on the Conservation Area. A revised Heritage statement was subsequently submitted which was considered by the Conservation Officer and accepted as achieving compliance with paragraph 194 of the NPPF and policy LP18 of the 2014 local plan. Notwithstanding the acceptance of this element of the submission the Conservation Officer maintained their earlier stance in respect of the development of this site concluding that the proposed dwellings, despite the revised proposals, would still constitute back-land development, a principle that the Council has consistently refused on this site and elsewhere in Doddington. Highlighting that the introduction of back-land development, even that which causes less than substantial harm within the setting of the conservation area without sufficient public benefit to outweigh that harm, would not comply with paragraph 206 of the NPPF.
- 10.26 The scheme would therefore not accord with the requirements of Fenland Local Plan Policy LP18 and paragraph 199 of the NPPF (2021).

Parking, Access & Highway Safety

- 10.27 Fenland Local Plan Policy LP15 states that new development will only be permitted if it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved.
- 10.28 The applicant proposes to make provision for parking at the rate of 2 cars per semi-detached and the existing dwelling, with two parking spaces on the drive and a detached double garage (2 further spaces) to serve the detached 4/5 bedroom dwelling. This level of provision is considered acceptable when assessed against Appendix A of the FLP (2014) as whilst the garage is slightly shorter than that prescribed in Appendix A the width exceeds that specified.
- 10.29 In addition, the scheme proposes the widening of the existing access which would involve the demolition of two brick pillars which currently mark the vehicular access. The proposal has been considered by the Highways Officer who has requested some minor changes but has no concerns to raise subject to condition.
- 10.30 The proposal would accord with Local Plan Policy LP15.

Landscaping and Trees

- 10.31 Paragraph 131 of the NPPF (2021) states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. In addition, Local Plan Policy LP16 states that high quality environments will be delivered and protected throughout the district. Proposals for all new development will only be permitted if it can be demonstrated that the proposal, among other criteria, retains and incorporates natural and historic features of the site such as trees.

- 10.32 The proposal site is located on the edge but outside of the conservation and area there are trees on the edges, much of which are cypress (fir) trees within the conservation area that are protected by virtue of being within the designated area in order to protect their visual amenity. Those trees that are on the boundary or outside of it are also important because they tend to have a high amenity value and provide a context or backdrop against which views into and out of the conservation are seen.
- 10.33 The applicant submitted an Ethical Arboricultural Assessment Report which was submitted to the FDC Tree Officer for review. The outcome of this consultation was that the Tree Officer recommended refusal given that *'the loss of hedges T17 to T22, including cypress and Hawthorn would be a significant loss of potential cover for wildlife'*. He recommended that a native mixed species hedge be planted on the north boundary to provide both nesting and foraging opportunities in the long-term. Furthermore the Tree Officer considered that the removal of group T3 removed screening to the north of 6-8 Thistledown but that this could be addressed with future supplementary planting.
- 10.34 Noting that the Wildlife Officer has accepted the scheme detail with regard to biodiversity enhancements and that supplementary landscaping could be secured via a 'notwithstanding' condition it is not considered that there would be grounds to withhold consent in terms of landscaping matters.

Other Matters

- 10.35 Comments generated through the consultation exercise have been addressed within the relevant sections of the report above where they relate to character, heritage, setting, highways, residential amenity, wildlife and landscape. However, the following matters raised are duly considered below.
- 10.36 Detrimental impacts to existing property and impact on existing boundaries: The onus would rest with the developer to ensure that their proposals do not have negative impacts on adjoining structures etc; however this would be a civil matter and not one which could be reconciled through the planning process.
- 10.37 Devaluation: This is not a material planning consideration
- 10.38 Loss of view/Outlook: The planning system operates in the public interest and there is no right to a private view within planning legislation. Matters of outlook are however material considerations but not considered in this instance to be severely compromised as a result of the development.

10 CONCLUSIONS

- 11.1 It remains the case the development of this site is likely to affect an existing visual gap that is important to the character of the Conservation Area. This impact would be exacerbated by the demolition of the outbuildings and brick piers on site which also help to define the character of the Doddington Conservation Area.
- 11.2 Two previous applications for one dwelling on the site have been refused and a negative pre-application response for 7 dwellings given citing the harm to the character of the Conservation Area. These reasons have not changed, and the

applicant has not provided any information which would lead Officers to arrive at a different decision.

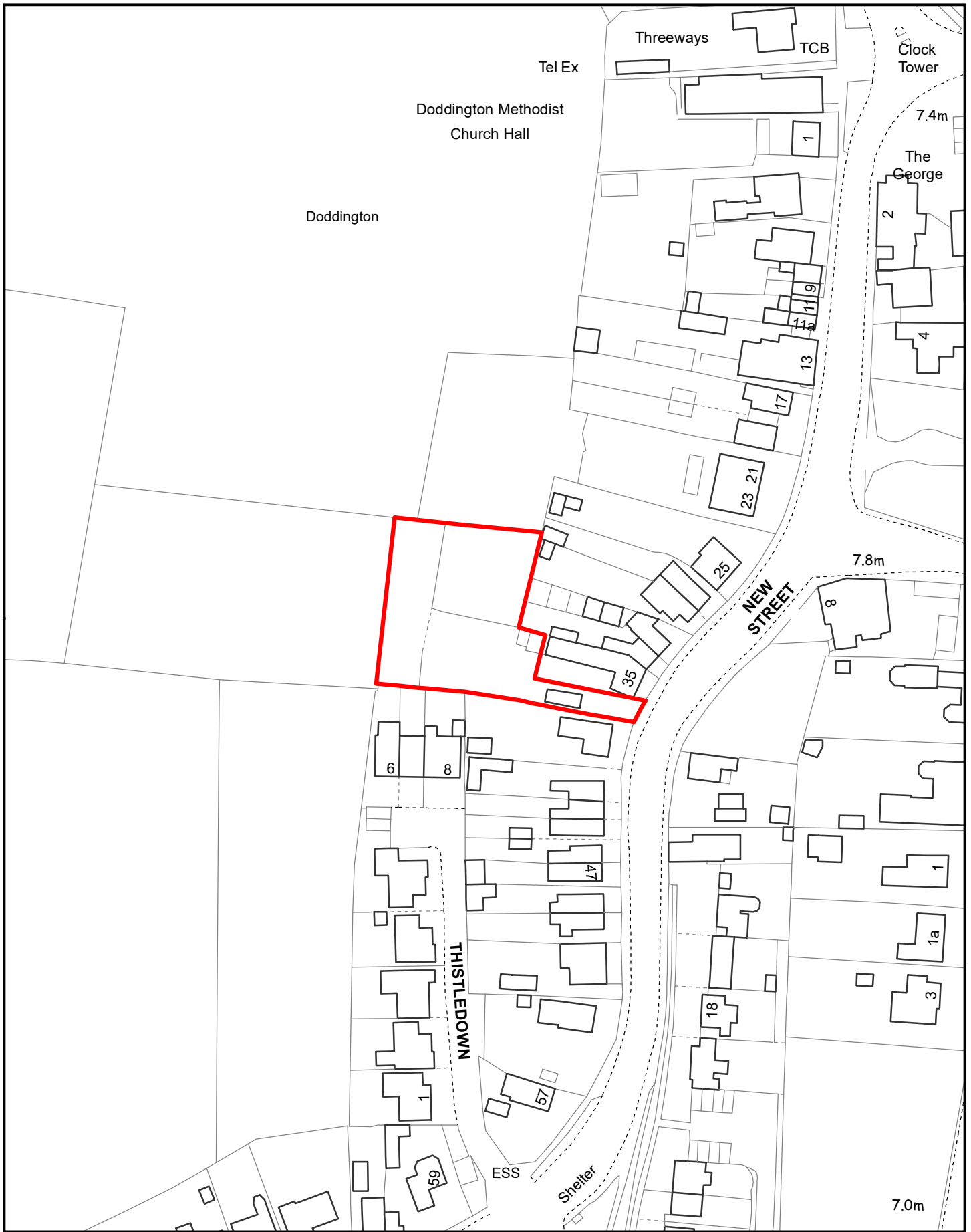
- 11.3 The earlier refusal recommendation continues to be an appropriate response to the development as proposed given the harm to the Doddington Conservation Area that will arise weighted against the limited public benefits arising through the development. Such benefits would not outweigh the harm arising from the proposal and the development is therefore contrary to Policies LP16 and LP18 of the Fenland Local Plan (2014).
- 11.4 In addition the revised proposals would not allow for an adequate level of private amenity space to be retained in respect of the donor dwelling, with the resulting provision being insufficient to provide reasonable residential amenity to future occupiers of this dwelling as such an additional refusal reason must be appended to the recommendation as made.

10 RECOMMENDATION

REFUSE; for the following reasons:

Reason for refusal

1	<p>Fenland Local Plan Policy LP16(d) seeks to ensure that high quality environments are delivered and developments make a positive contribution to the local distinctiveness and character of the area. Policies LP16(a) and LP18 seek to protect and where possible enhance the historic environment in accordance with paragraph 197(c) of the National Planning Policy Framework (NPPF). Where harm to the historic environment is caused, the public benefits of the proposal should be weighed against this harm in accordance with policy LP18 and paragraph 196 of the NPPF.</p> <p>The development, by reason of its back land position on a site which relates more to open countryside than the urban environment and fails to respect and would adversely affect the predominant settlement pattern, urban grain and form of this part of Doddington's Conservation Area. Consequently, the development would not protect or enhance the character and appearance of the historic environment and would not make a positive contribution to the character of the area. The limited public benefits arising through the development would not outweigh this harm and the development is therefore contrary to Policies LP16 and LP18 of the Fenland Local Plan (2014).</p>
2	<p>Policy LP16(h) of the Fenland Local Plan (2014) prescribes a minimum third of the plot curtilage as private amenity space to ensure that sufficient provision is made to facilitate appropriate levels of amenity for householders. The amount of land that would be annexed off for the proposed development, would result in the existing development being cramped and unable to provide the appropriate level of amenity space recommended. This is likely to harm the living conditions of the occupiers 35 New Street contrary to Local Plan Policy Local Plan Policy LP16.</p>



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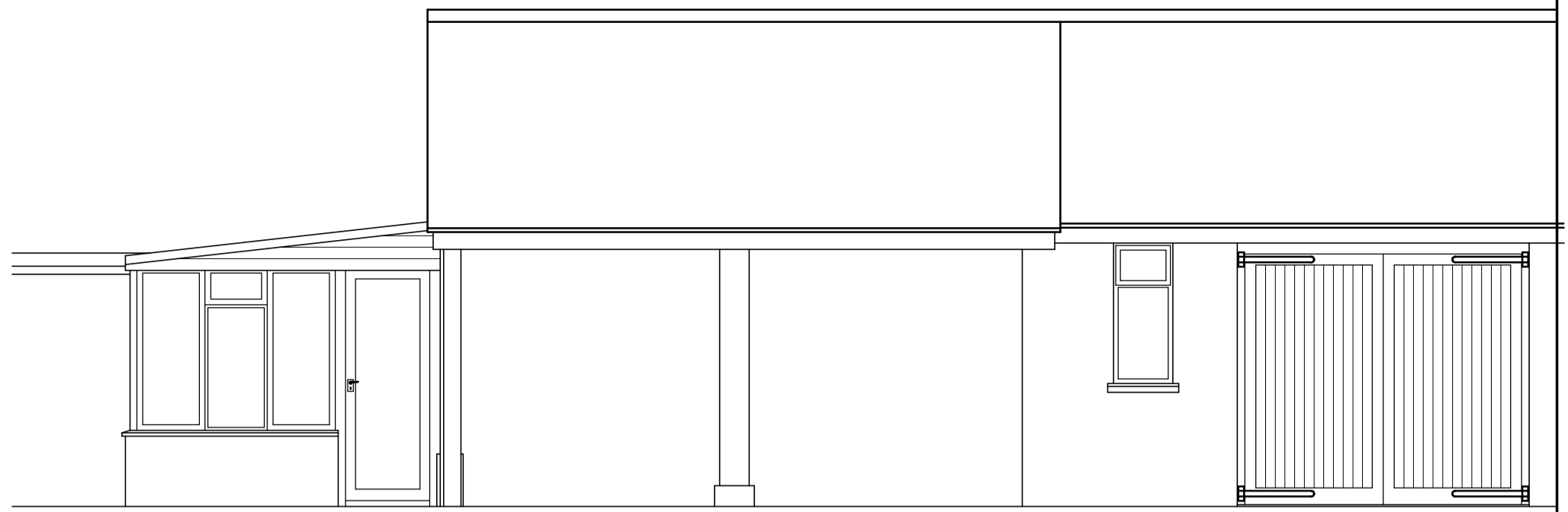
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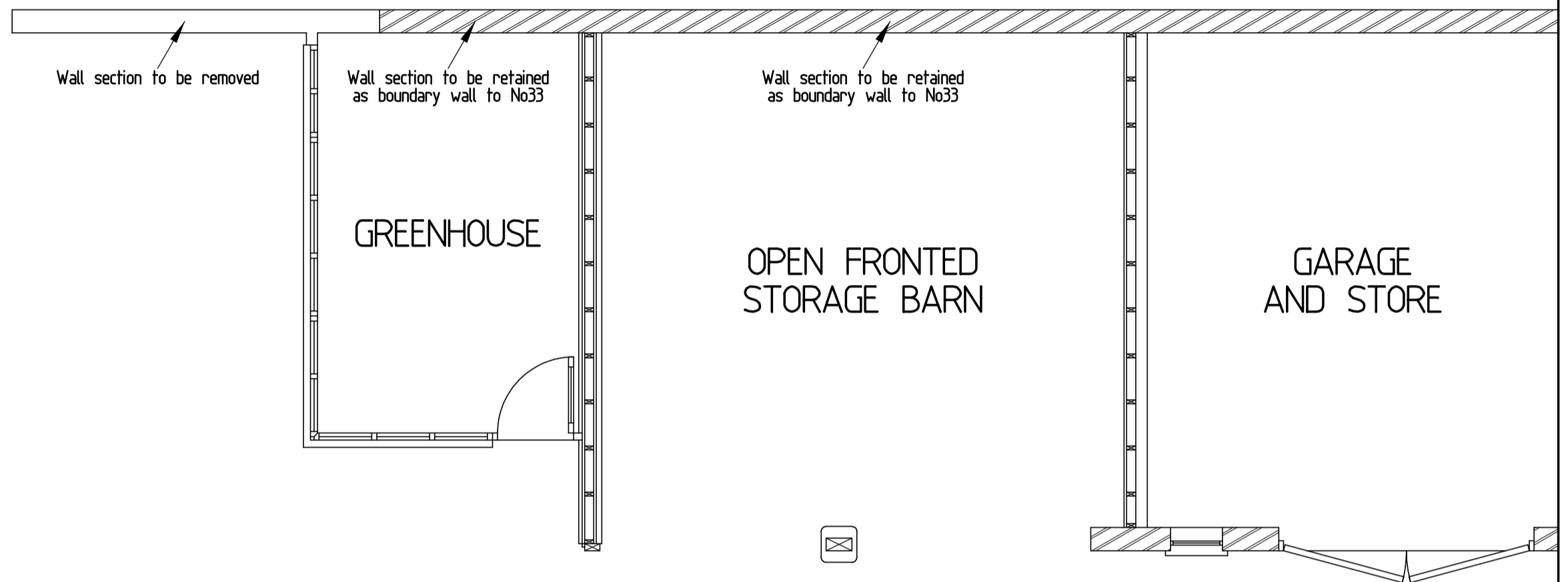




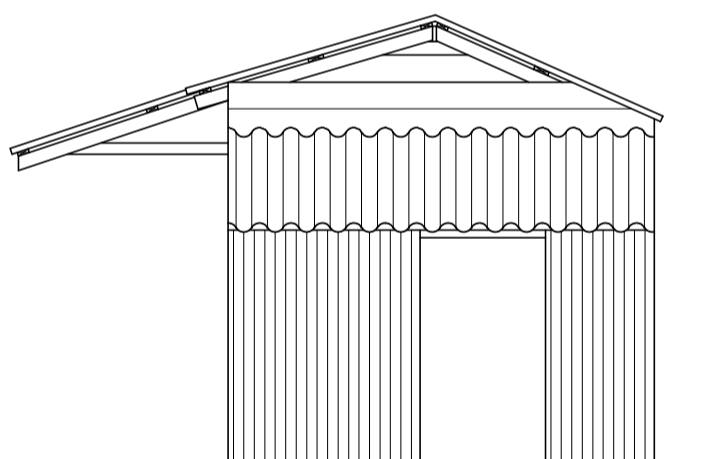
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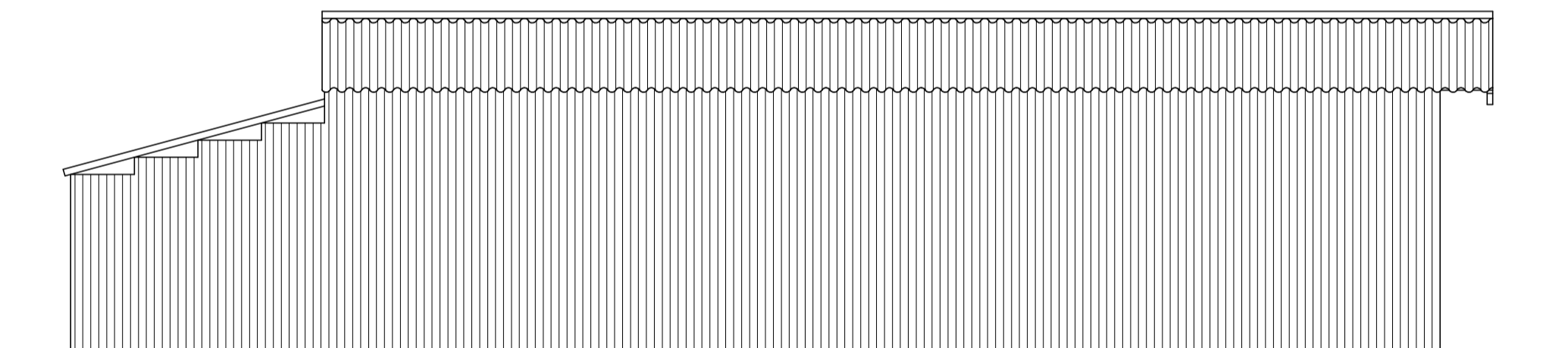
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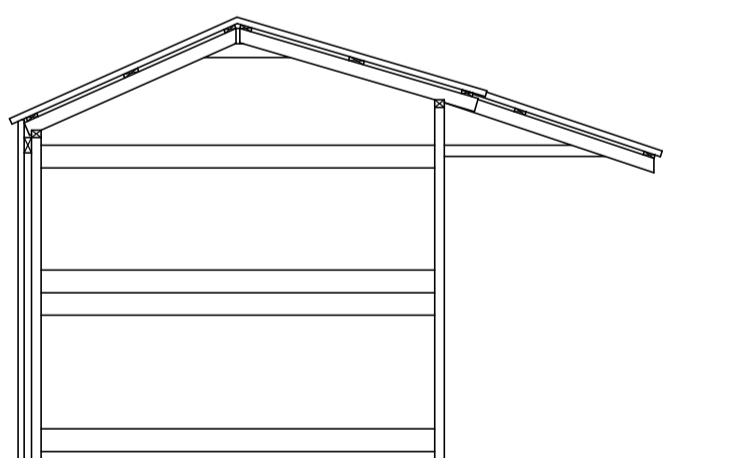
FLOOR LAYOUT PLAN



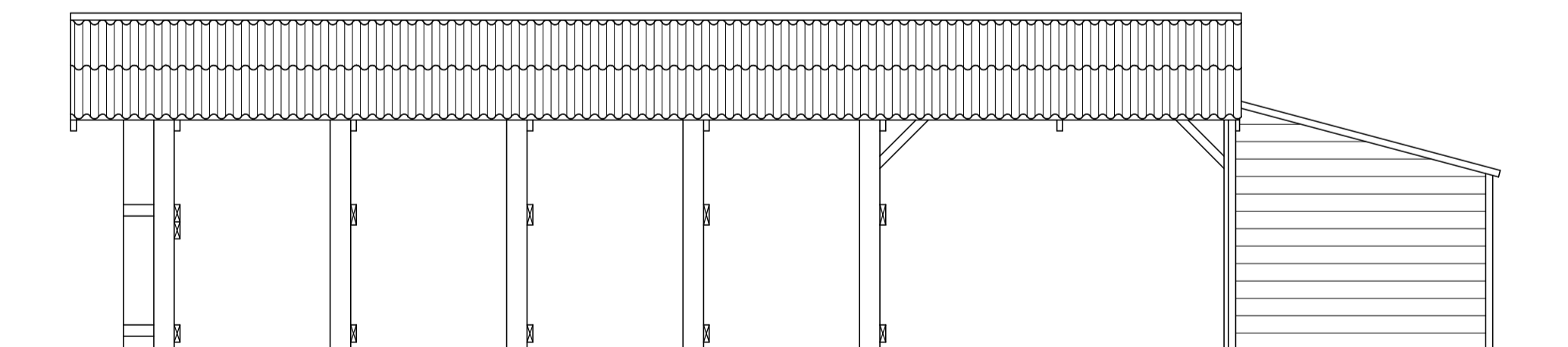
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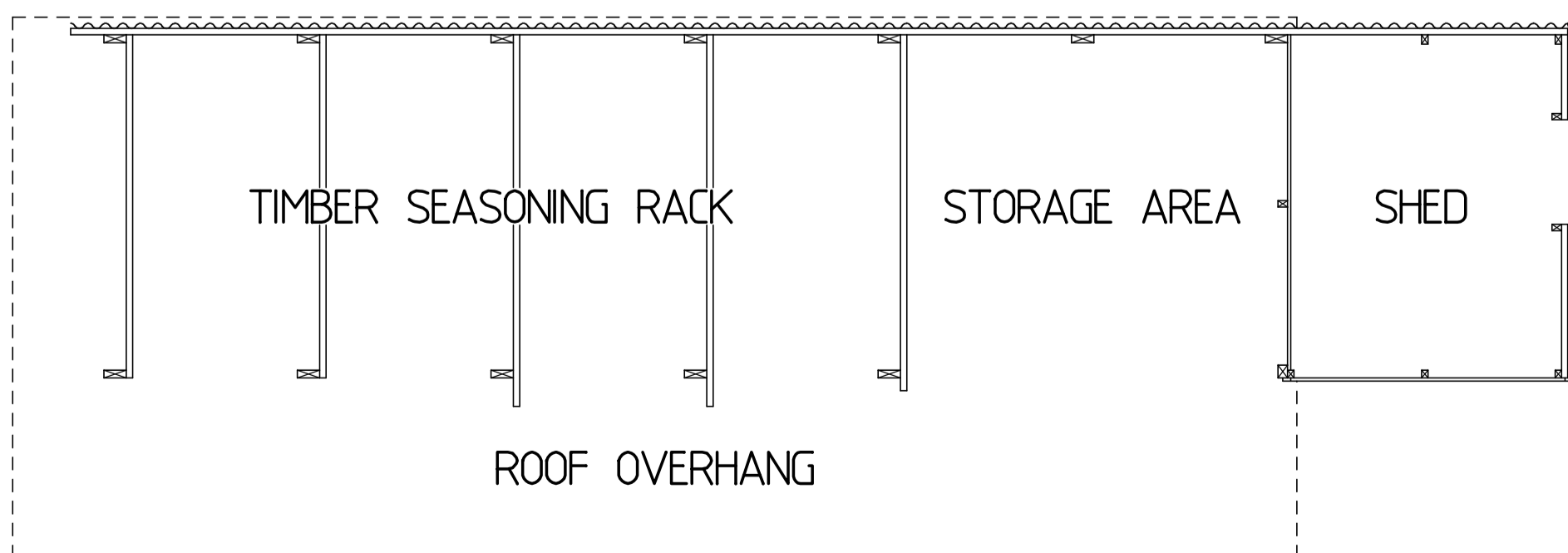
REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



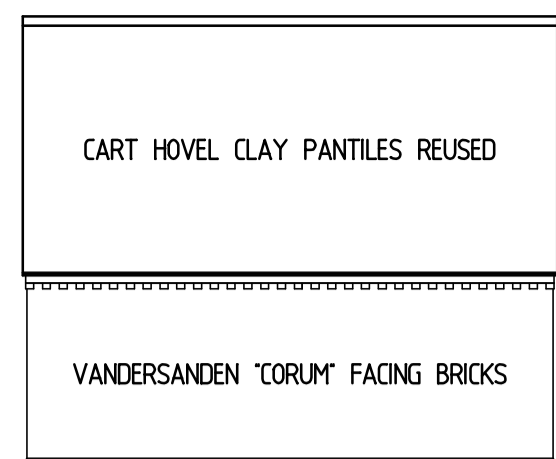
FLOOR LAYOUT PLAN

Drawing Title:-
 ERECT 3 DWELLINGS (2x2-STOREY 3-BED AND
 1x2-STOREY 4/5-BED), A 2.1m HIGH WALL, AND
 WIDEN EXISTING ACCESS, INVOLVING DEMOLITION OF
 OUTBUILDINGS AND FRONT BOUNDARY BRICK PIERS
 LAND WEST OF 27-35 NEW STREET, DODDINGTON.
 OUTBUILDINGS TO BE DEMOLISHED DETAILS

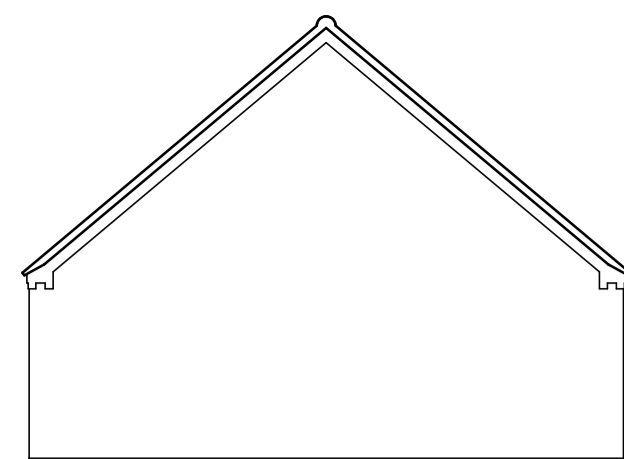
Client:-
 Mr and Mrs ADRIAN GARRETT,
 MARCH ROAD, WIMBLINGTON.

Scales:- 1:50 Date:- MARCH 2022 Drawing No:- CAD 566 / 6 Rev:-

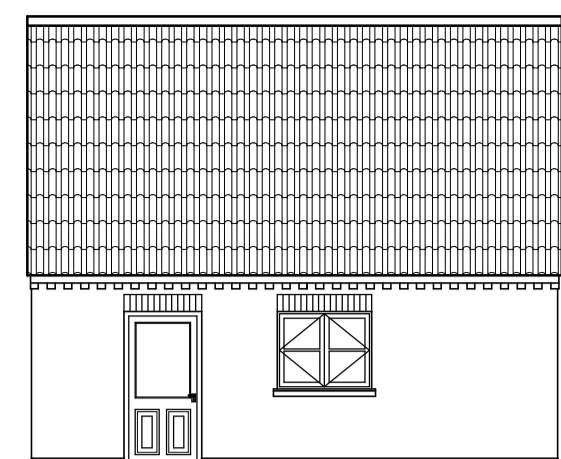
Craig Brand Architectural & Highway Design.
 9 Cricketers Close,
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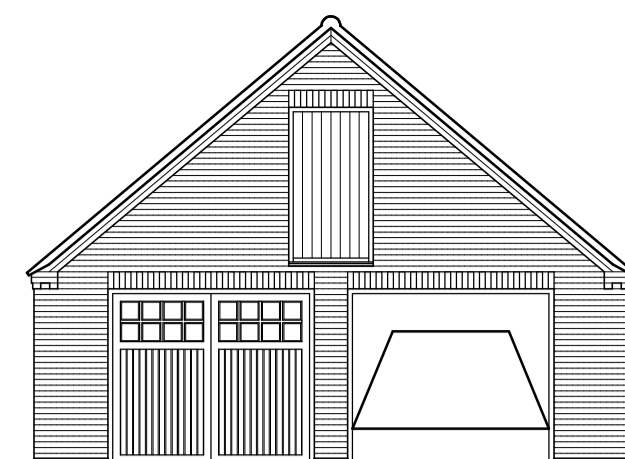
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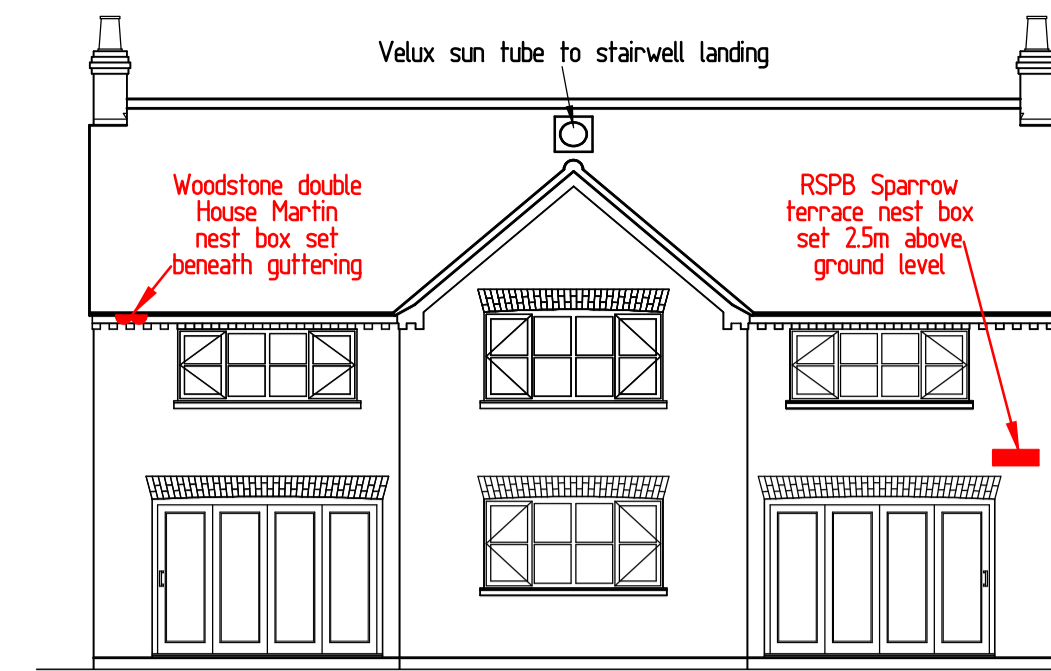
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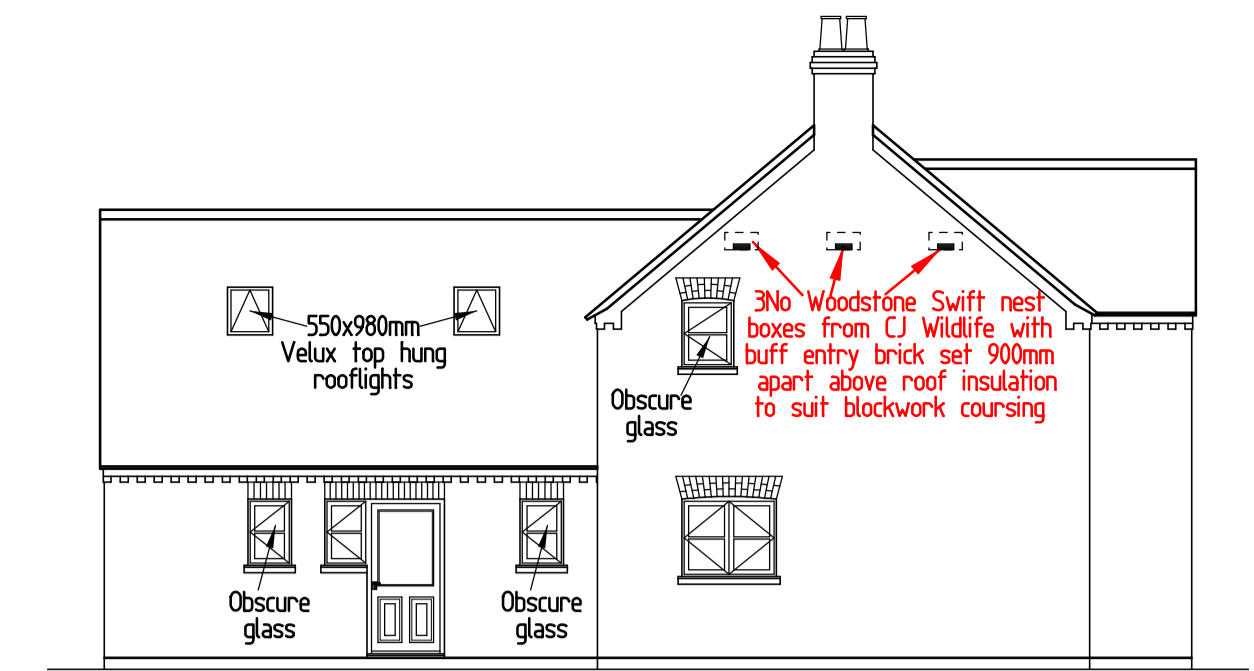
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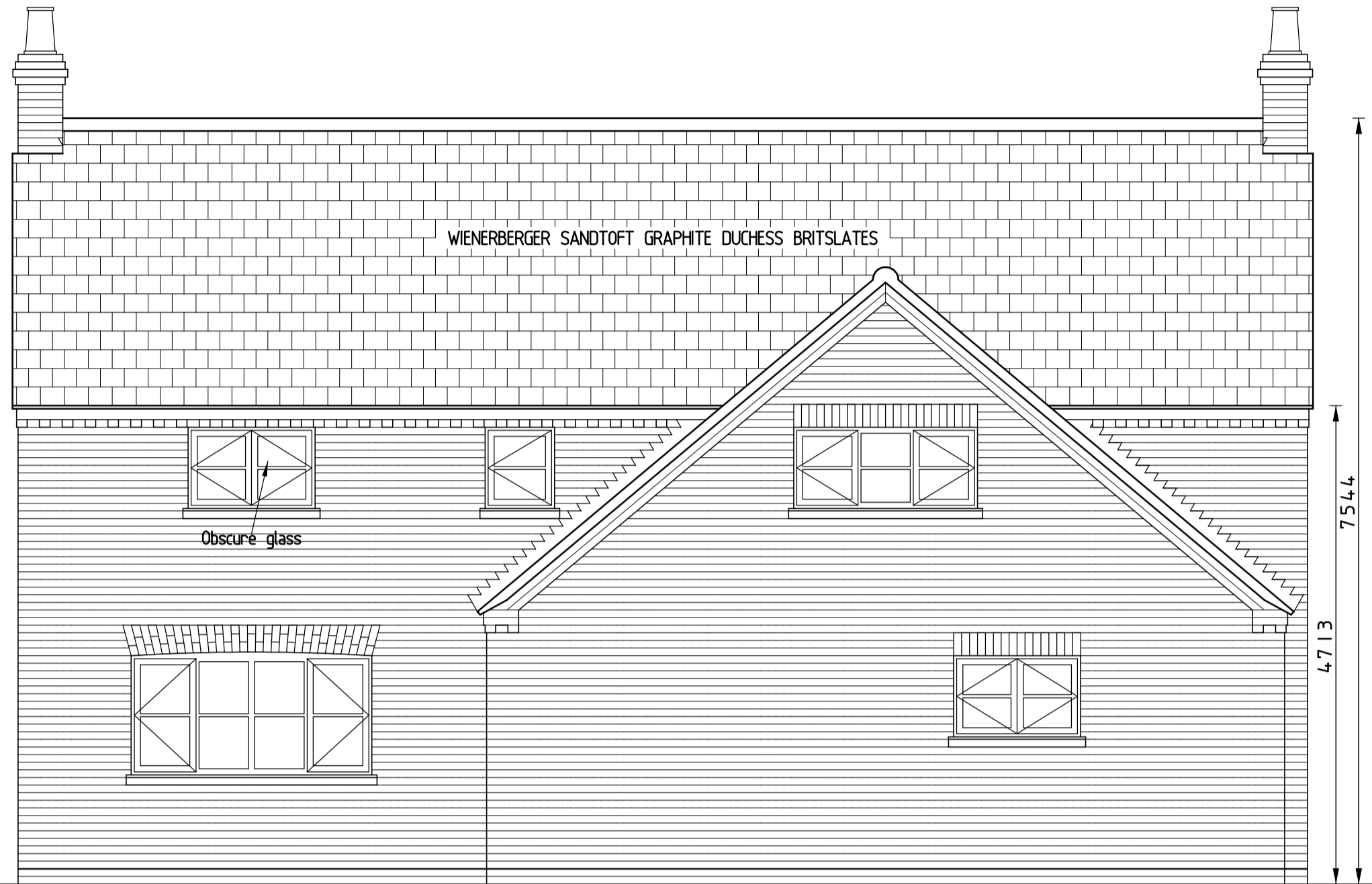
SOUTH FRONT ELEVATION



PROPOSED WEST SIDE ELEVATION



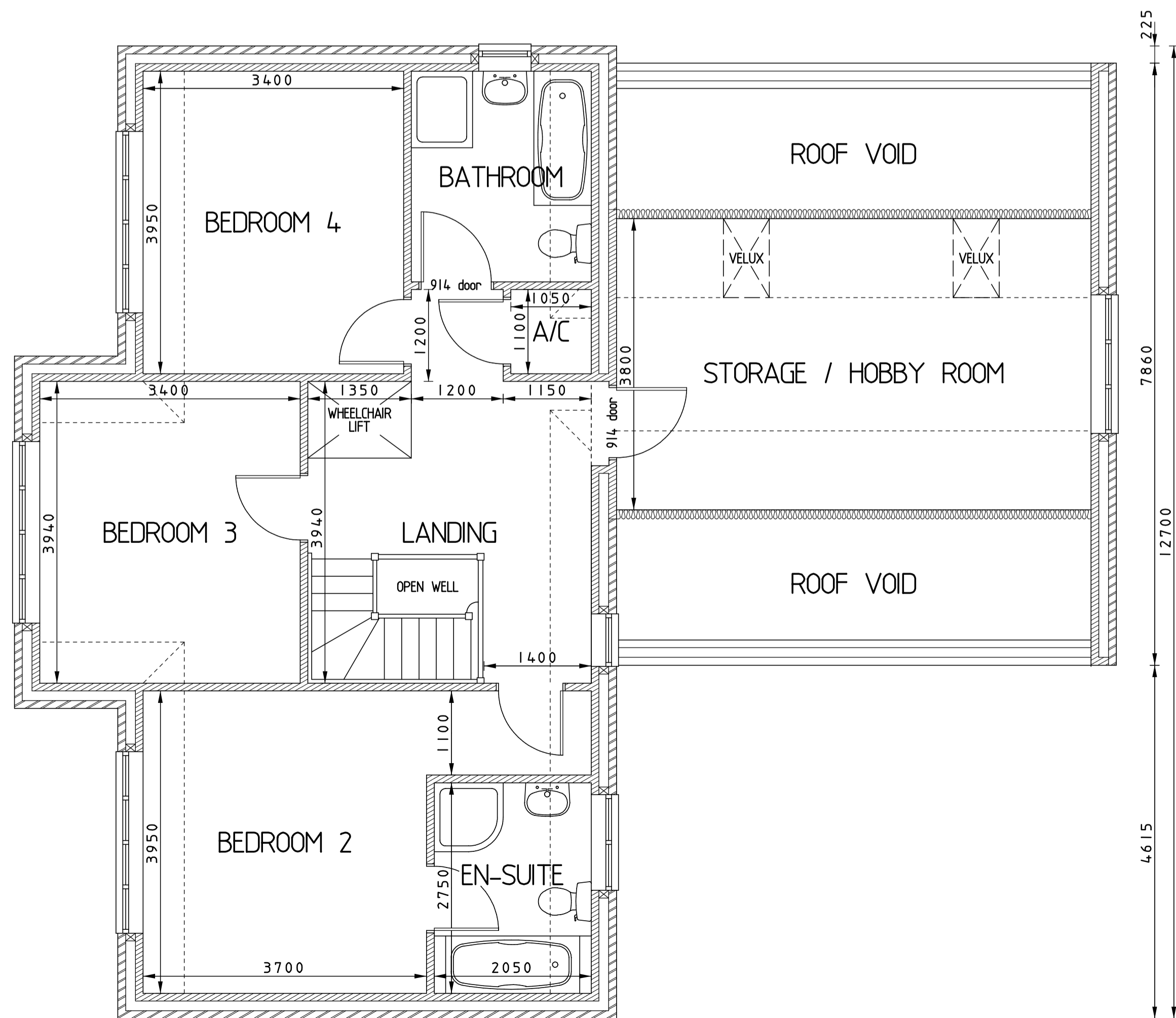
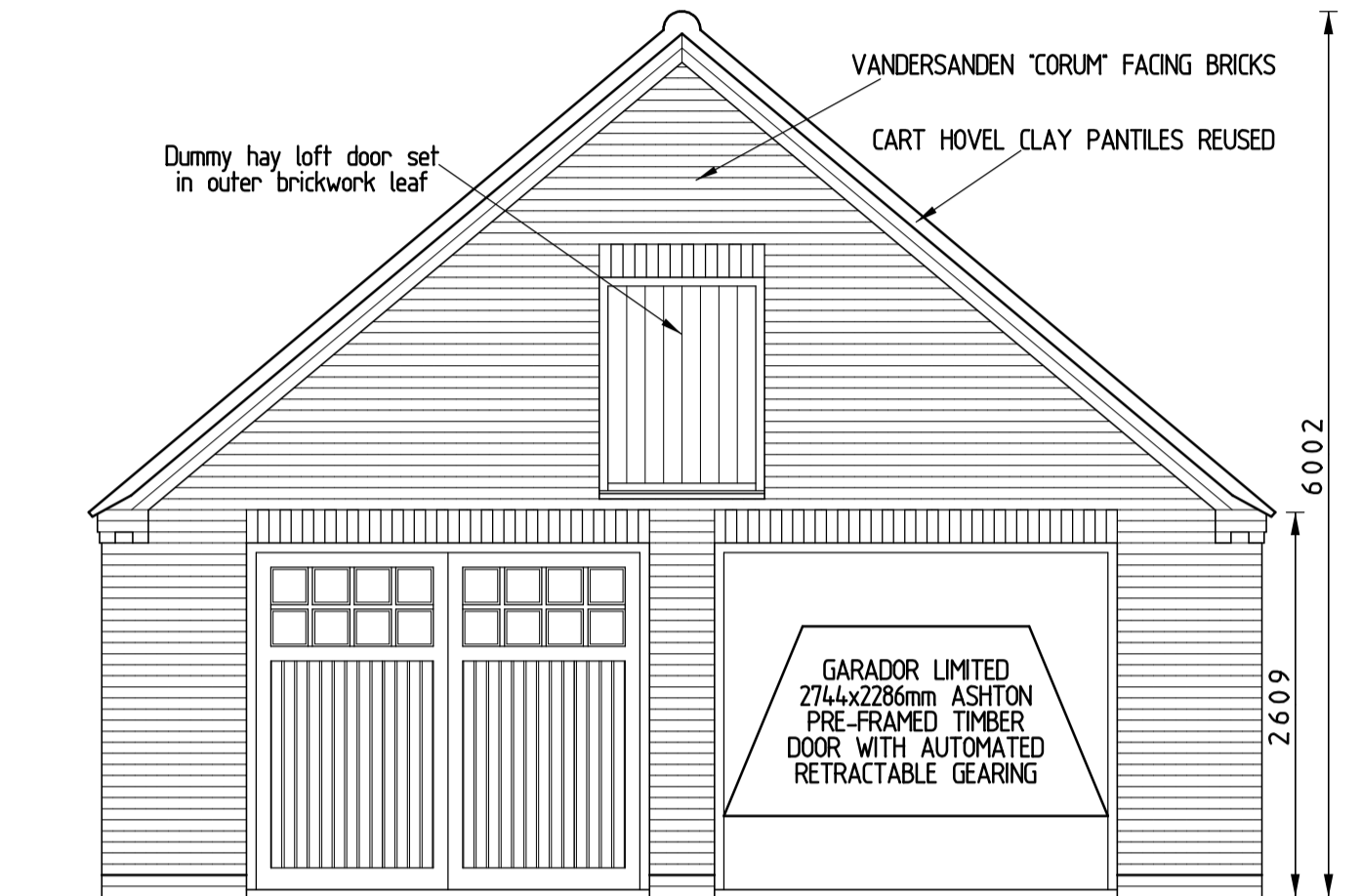
PROPOSED NORTH FACING REAR ELEVATION



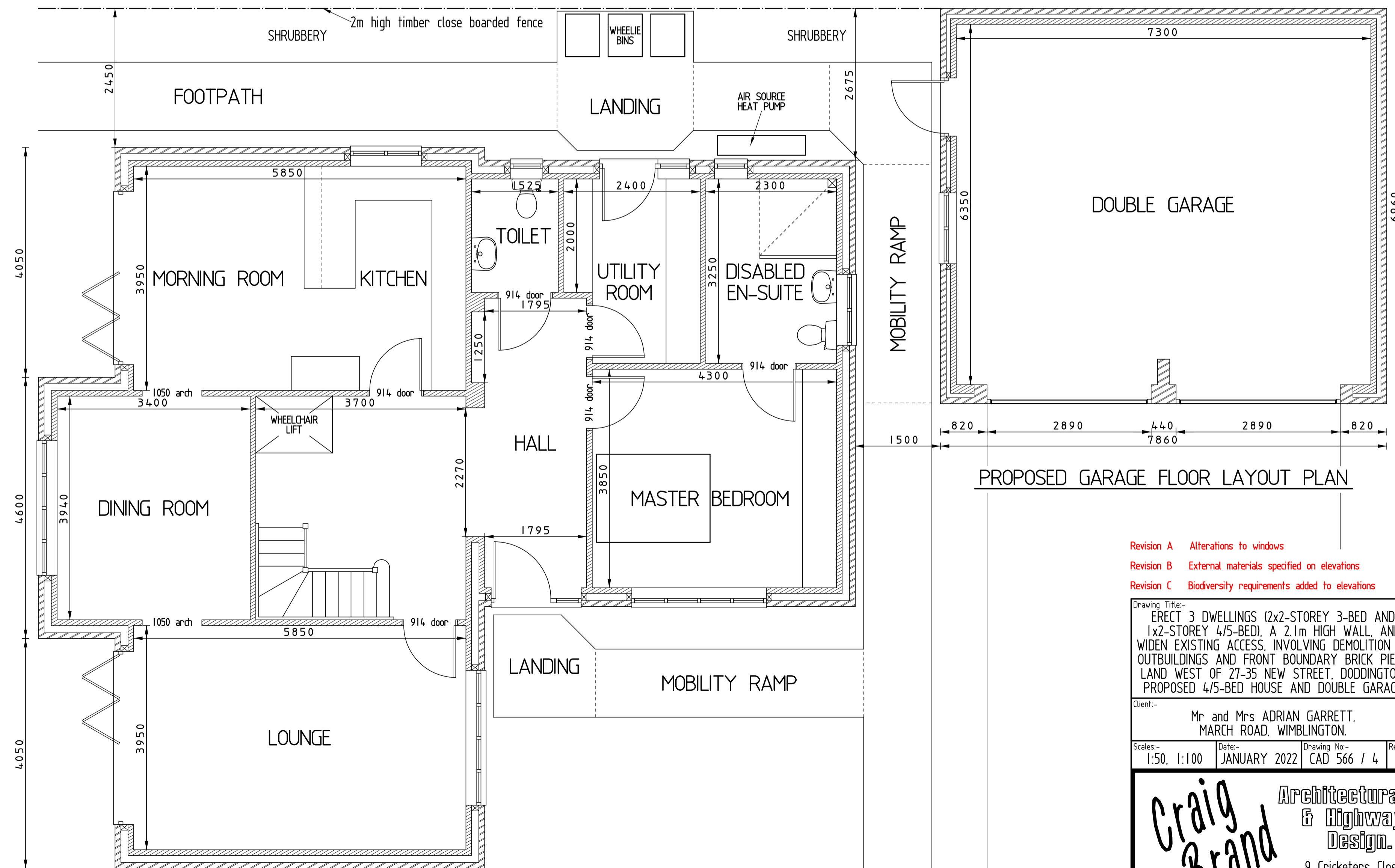
PROPOSED EAST SIDE ELEVATION



PROPOSED SOUTH FACING HOUSE AND GARAGE FRONT ELEVATIONS



PROPOSED HOUSE FIRST FLOOR LAYOUT PLAN



PROPOSED HOUSE GROUND FLOOR LAYOUT PLAN

PROPOSED GARAGE FLOOR LAYOUT PLAN

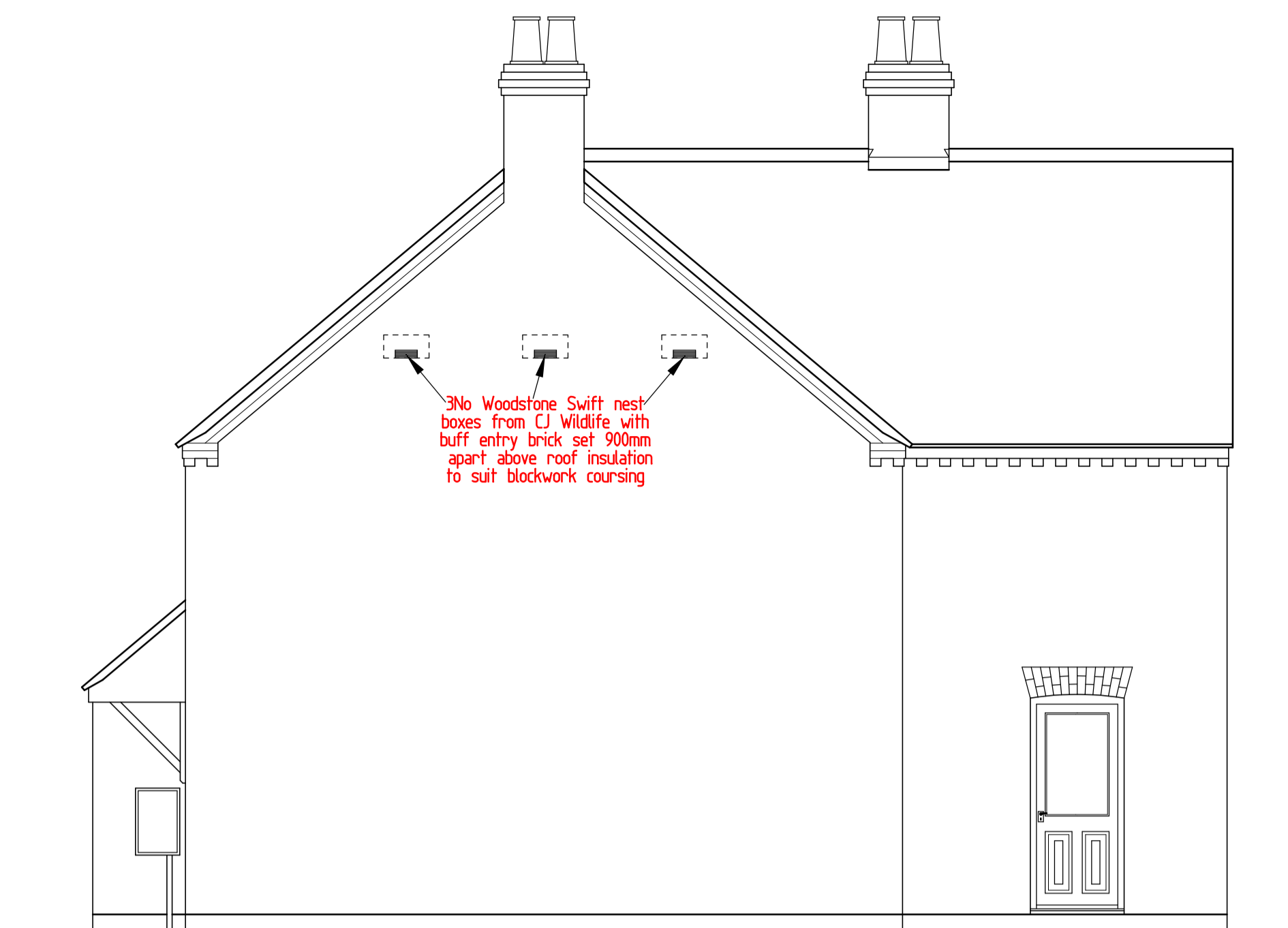
- Revision A Alterations to windows
- Revision B External materials specified on elevations
- Revision C Biodiversity requirements added to elevations

Drawing Title:-
ERECT 3 DWELLINGS (2x2-STORY 3-BED AND 1x2-STORY 4/5-BED), A 2.1m HIGH WALL, AND WIDEN EXISTING ACCESS, INVOLVING DEMOLITION OF OUTBUILDINGS AND FRONT BOUNDARY BRICK PIERS LAND WEST OF 27-35 NEW STREET, DODDINGTON, PROPOSED 4/5-BED HOUSE AND DOUBLE GARAGE

Client:-
Mr and Mrs ADRIAN GARRETT,
MARCH ROAD, WIMBLINGTON.

Scales:- 1:50, 1:100
Date:- JANUARY 2022
Drawing No:- CAD 566 / 4
Rev:- C

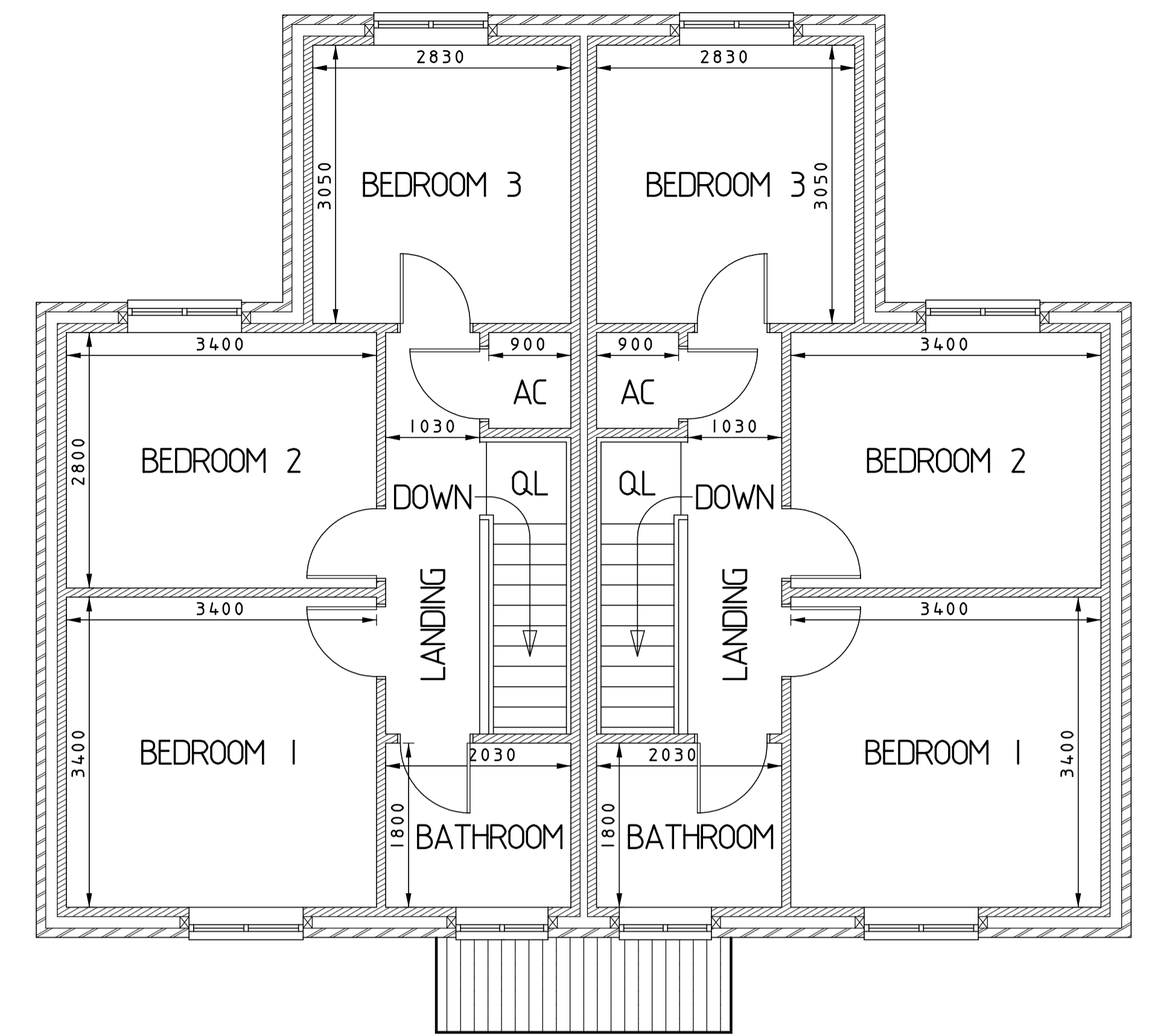
Craig Brand Architectural & Highway Design.
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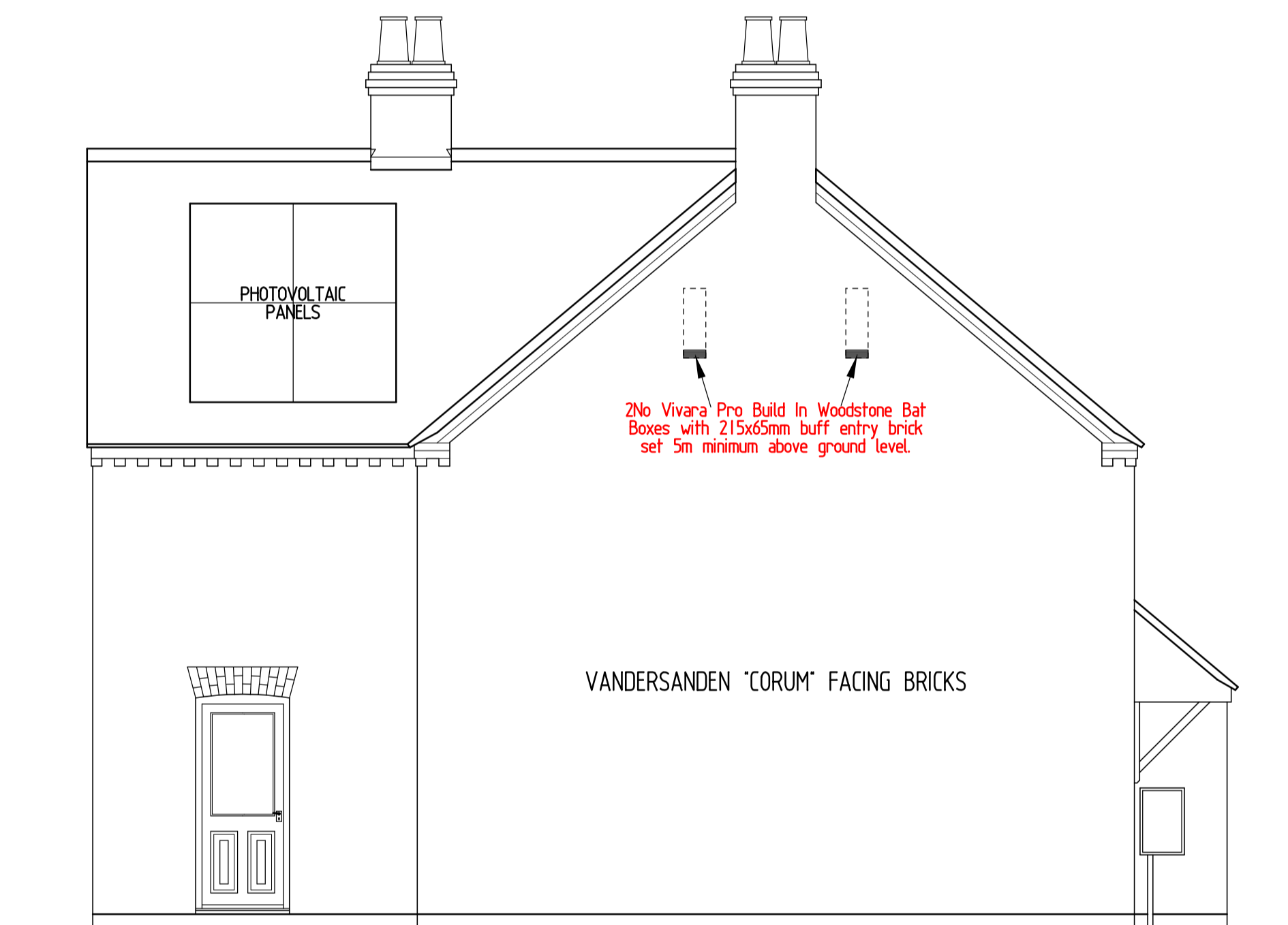
PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



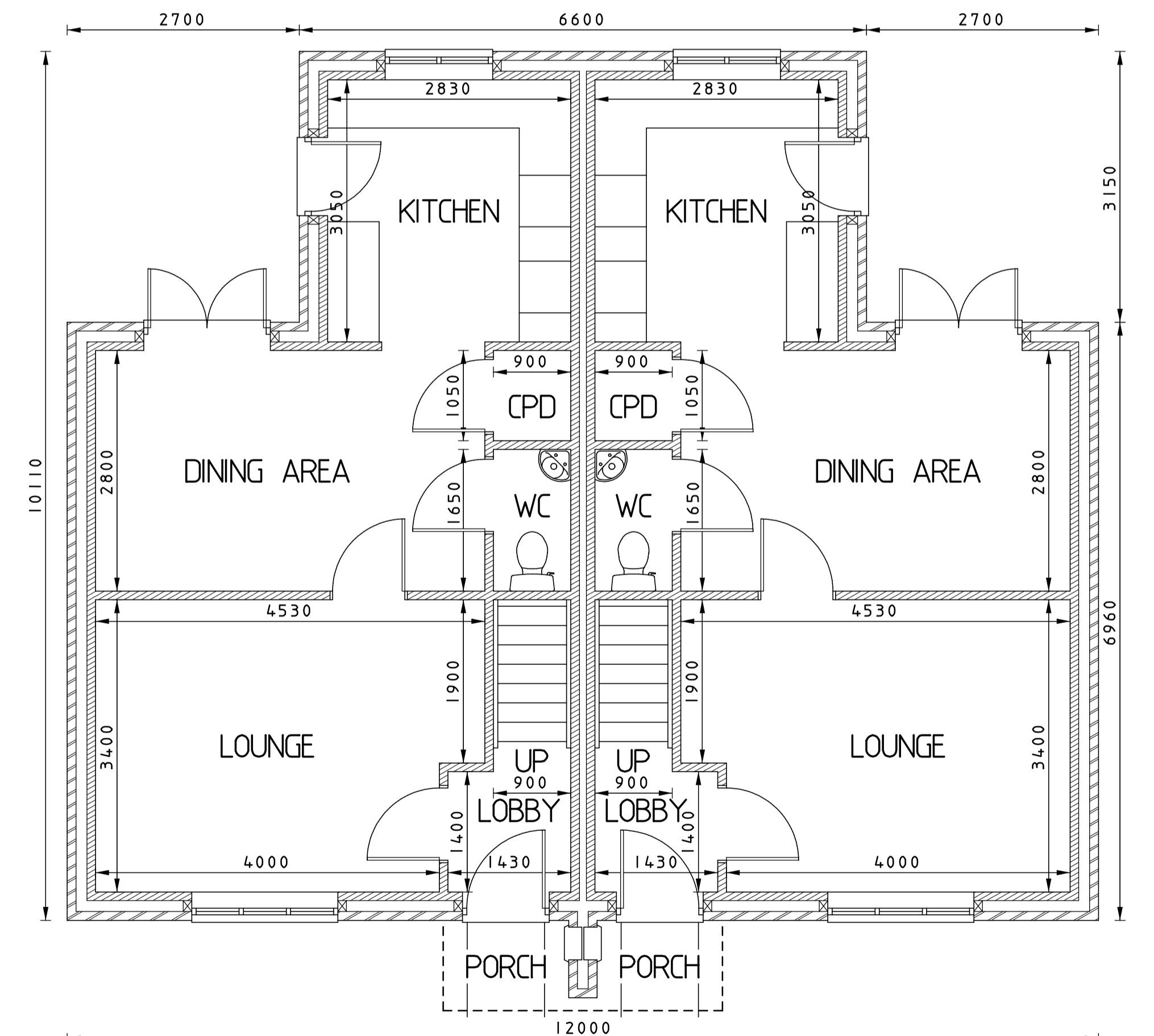
PROPOSED FIRST FLOOR LAYOUT PLAN



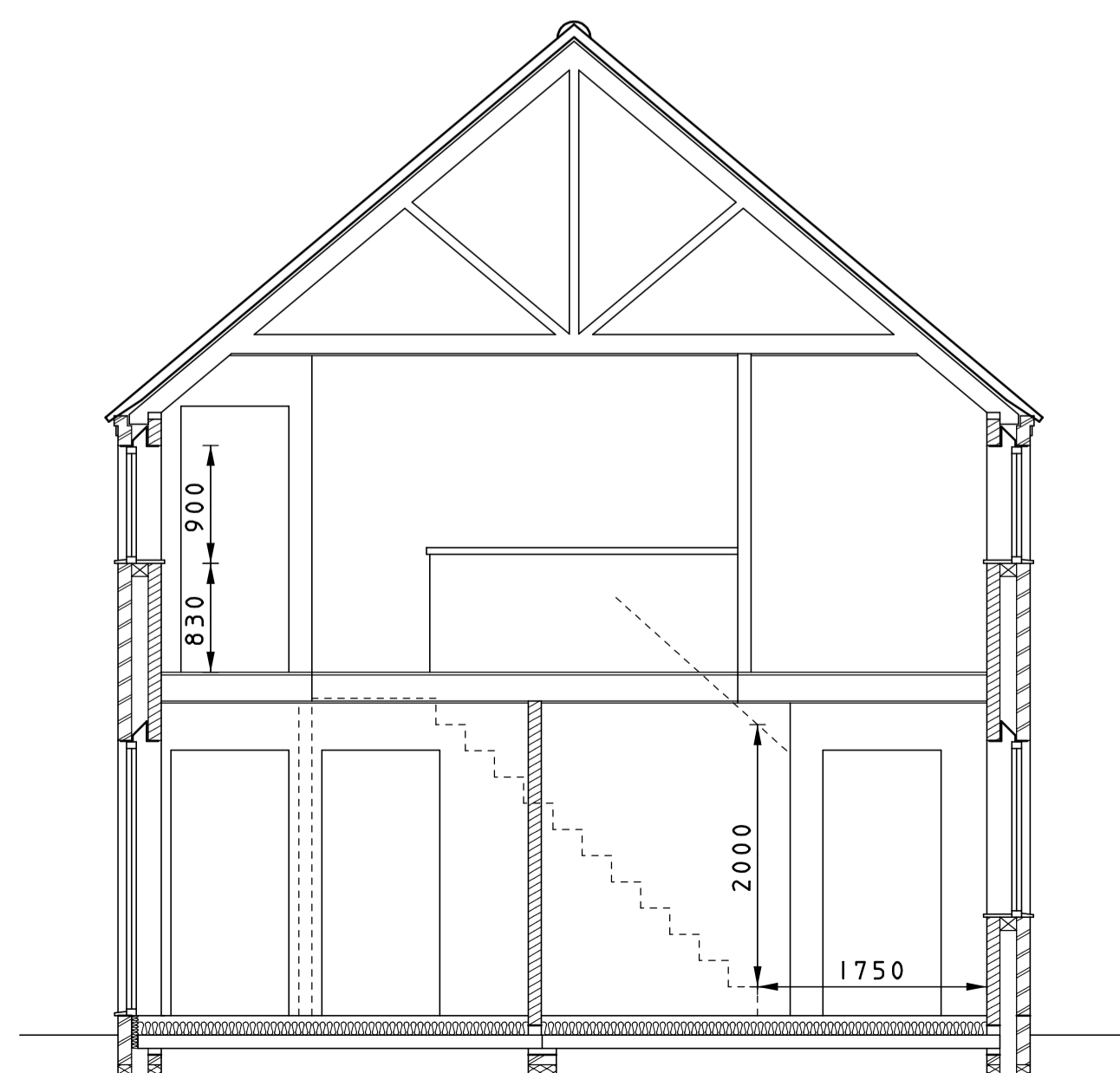
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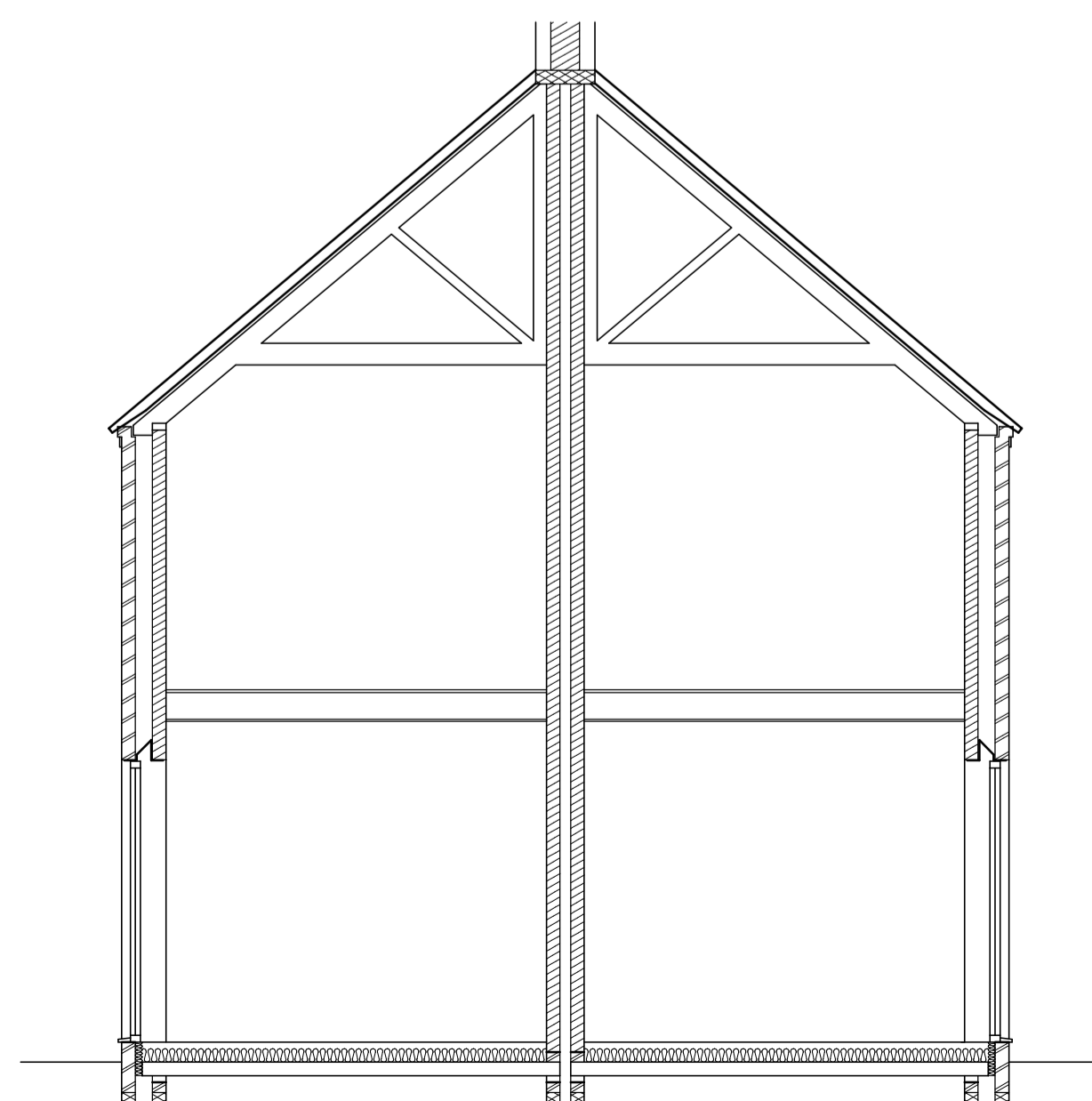
PROPOSED FRONT ELEVATION



PROPOSED GROUND FLOOR LAYOUT PLAN



MAIN BODY CONSTRUCTION SECTION



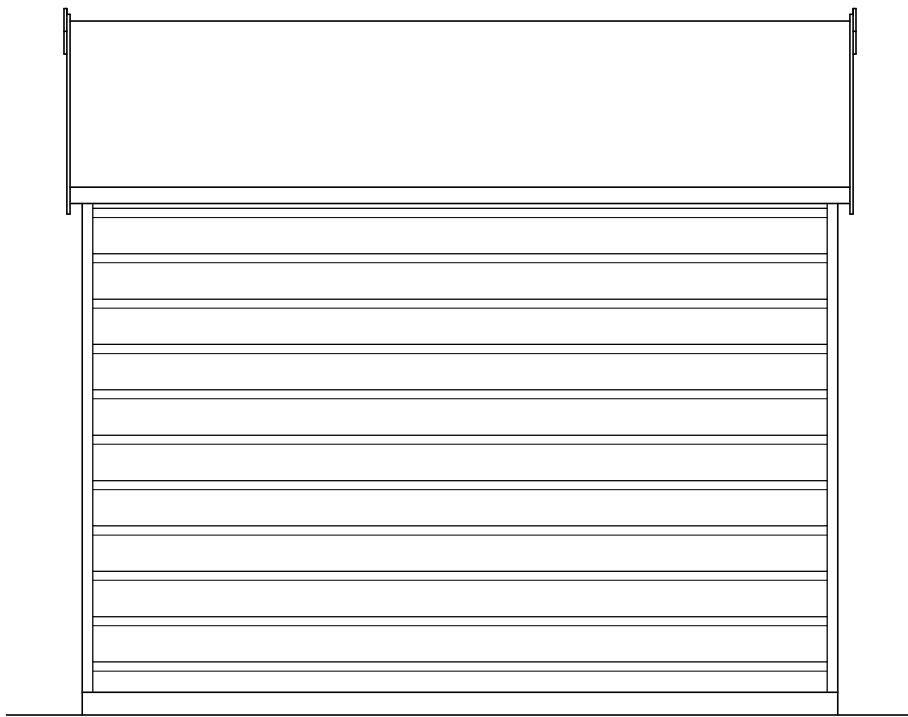
REAR WING CONSTRUCTION SECTION

- Revision A Alterations to windows
- Revision B External materials specified on elevations and porch detail simplified
- Revision C Biodiversity requirements added to elevations

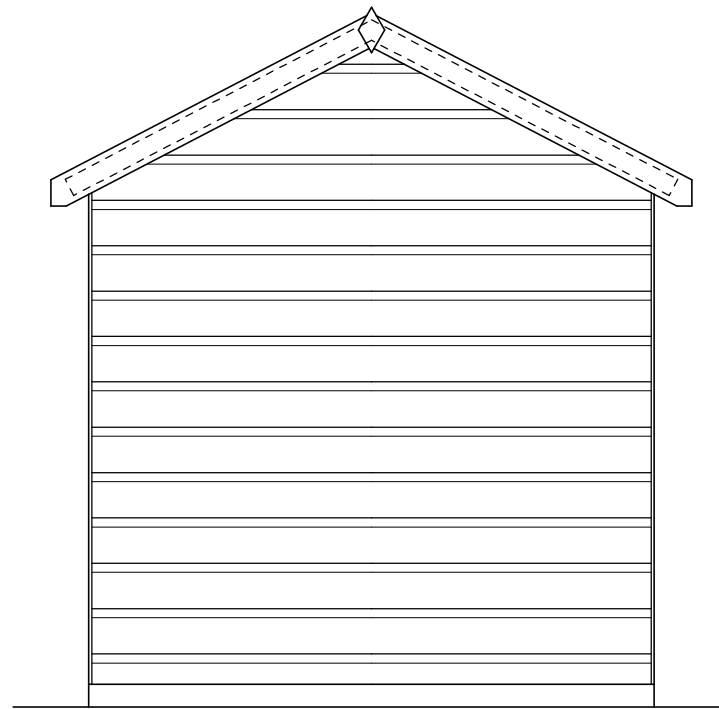
Drawing Title:- ERECT 3 DWELLINGS (2x2-STORY 3-BED AND 1x2-STORY 4/5-BED), A 2.1m HIGH WALL AND WIDEN EXISTING ACCESS, INVOLVING DEMOLITION OF OUTBUILDINGS AND FRONT BOUNDARY BRICK PIERS, LAND WEST OF 27-35 NEW STREET, DODDINGTON, PROPOSED SEMI-DETACHED HOUSE DESIGN DETAILS			
Client:- Mr and Mrs ADRIAN GARRETT, MARCH ROAD, WIMBLINGTON.			
Scale:- 1:50	Date:- JANUARY 2022	Drawing No:- CAD 566 / 3	Rev:- C

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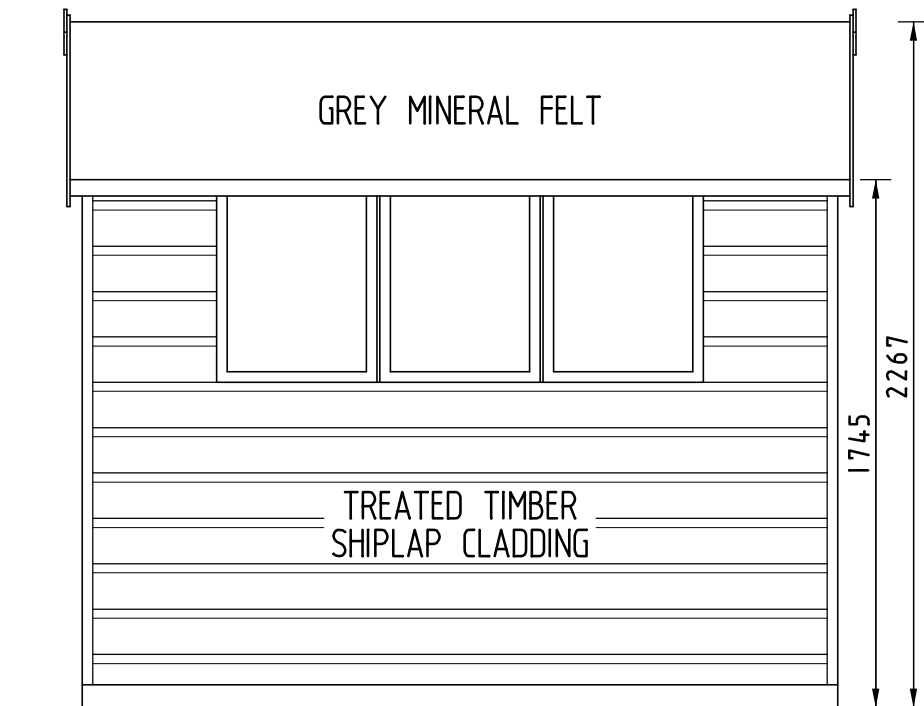
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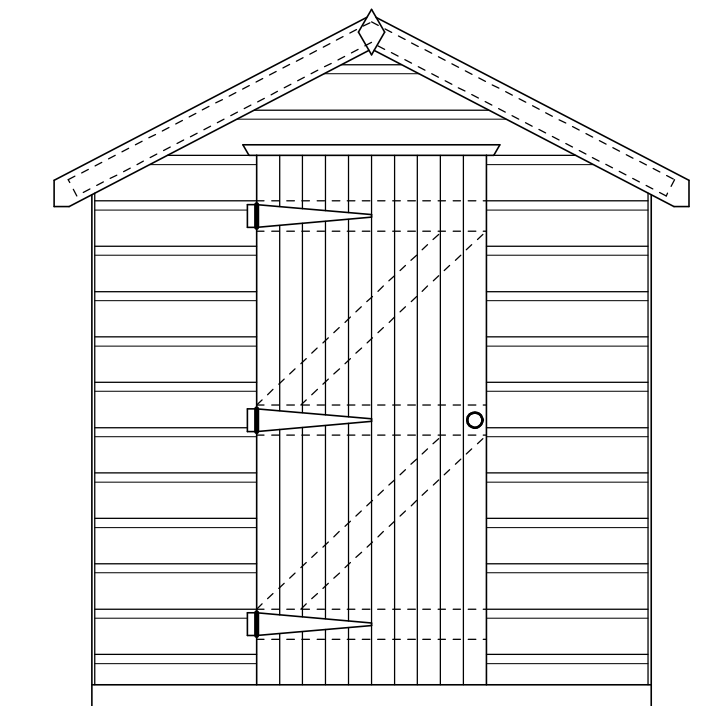
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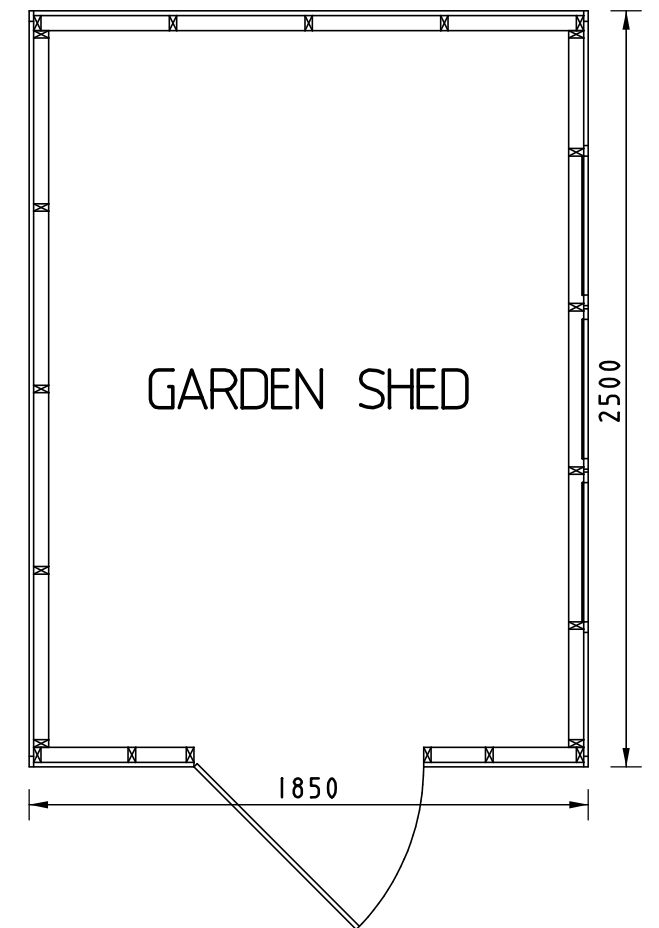
REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



FLOOR LAYOUT PLAN

Drawing Title:- ERECT 3 DWELLINGS (2x2-STOREY 3-BED AND 1x2-STOREY 4/5-BED) A 2.1m HIGH WALL, AND WIDEN EXISTING ACCESS, INVOLVING THE DEMOLITION OF OUTBUILDINGS AND FRONT BOUNDARY BRICK PIERS LAND WEST OF 27-35 NEW STREET, DODDINGTON. GARDEN SHED DETAIL DRAWING			
Client:- Mr and Mrs ADRIAN GARRETT, MARCH ROAD, WIMBLINGTON.			
Scales:- 1:25 at A3	Date:- JANUARY 2022	Drawing No:- CAD 566 / 5	Rev:- A

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