
F/YR22/1153/F

Applicant: J Rudd And J Hewitt

**Agent : Mr Martin Williams
Anfoss Ltd**

Land West Of 241, High Road, Newton-In-The-Isle,

Erect 1 x dwelling (2-storey 4-bed) and a detached garage with hobby room above, including formation of a new access

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. The application site is an area of land located west of the dwelling known as Clifton House, located at 241 High Road, Newton-in-the-Isle, Wisbech. The current land use is garden land associated with the host dwelling. The site lies predominately in Flood Zone 1, with a small segment to the west of the site in Flood Zone 2.
- 1.2. This application seeks full planning approval to erect a 2-storey, 4-bed detached dwelling and detached double garage with hobby room above on the land with a new access off High Road.
- 1.3. This application is a resubmission of an earlier application F/YR22/0166/F that was refused under delegated powers, in May 2022. The proposal in the current application is the same as the earlier refused scheme. The circumstances of the site and its surrounds have not changed since the previous refusal, however the application is before members merely due to the number of representations received contrary to officer recommendation.
- 1.4. The proposal within the current application remains contrary to Policies LP3 and LP12 owing to the proposed location of the site on garden land not within a continuous built up frontage. In addition, the proposed design, scale and position of the development will create an unduly dominant feature and would be an incongruous addition to the street scene, contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).
- 1.5. Therefore, in the interest of a consistent approach, the below assessment maintains the recommendation to refuse the application.

2 SITE DESCRIPTION

- 2.1. The application site is an area of land located west of the dwelling known as Clifton House, 241 High Road, Newton-in-the-Isle, Wisbech. The current land use is garden land associated with the host dwelling, predominately laid to lawn and bounded by laurel hedging to the north and west, and timber post and rail fencing with mature vegetation behind to the south. The land forms the corner of High Road to the north and Brewers Lane to the west of the site.

- 2.2. The site lies predominately in Flood Zone 1, with a small segment to the west of the site in Flood Zone 2.

3 PROPOSAL

- 3.1. This application seeks full planning approval to erect a 2-storey, 4-bed detached dwelling and detached double garage with hobby room above on the land with a new access off High Road.
- 3.2. The dwelling will be positioned to the centre of the site and comprises a 9.5m deep by 12.8m wide 2-storey dwelling, with a 5m deep by 9.38m wide single storey rear offshoot. The dwelling is proposed to include a gable roofline reaching 7.8m to the ridge and 5m to the eaves and will include a pilastered front porch reaching approximately 3.1m to the ridge. The rear offshoot is proposed to include flat roof at 3.3m high with roof lantern reaching a maximum height of 3.7m.
- 3.3. North of the proposed dwelling to the front of the site a detached double garage with hobby room above is proposed, positioned with its gable end to the highway. The garage will include a gable roofline reaching 6.2m to the ridge and 2.6m to the eaves.
- 3.4. Materials for the proposed development are to be agreed.
- 3.5. Full plans and associated documents for this application can be found at: [F/YR22/1153/F | Erect 1 x dwelling \(2-storey 4-bed\) and a detached garage with hobby room above, including formation of a new access | Land West Of 241 High Road Newton-In-The-Isle \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

F/YR22/0166/F	Erect 1 x dwelling (2-storey 4-bed) and a detached garage with hobby room above	Refused 09.05.2022
F/YR06/0667/F	Erection of a 15m high (hub height) domestic wind turbine with 5.5m diameter rotor	Granted 25.07.2006

5 CONSULTATIONS

5.1. North Level Internal Drainage Board

North Level District IDB have no comment to make with regard to the above application.

5.2. Newton-in-the-Isle Parish Council

The Parish Council considered this application at its recent meeting. Members noted that they had previously supported this application under reference F/YR22/0166/F. They also noted that every one of the responses from the neighbours has been positive and the statutory consultees have not raised any insurmountable concerns in relation to either application. This part of the High Road is characterised by substantial individual detached dwellings and the proposed dwelling would sit well within this streetscape.

The plot is one of a number of sites in this part of the village identified by the Parish Council as suitable for infill development to unite the two halves of the

village. The Parish Council has raised a number of concerns regarding the proposals set out in the Draft Local Plan and is awaiting an opportunity to discuss these with a senior planning officer.

Paragraph 6.7 of the Draft Plan states: “However, it is also recognised that smaller communities should benefit from an appropriate level of growth to ensure their long-term sustainability.” This statement is at odds with settlement proposals limiting growth in Newton-in-the-Isle to six dwellings over a period of eighteen years. The addition of individual dwellings on sites such as this will enhance the physical and social fabric of the village and contribute to its long-term sustainability.

The Parish Council resolved to offer this application its full support.

5.3. Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.

5.4. Environment Agency

The above planning application falls within our Flood Risk Standing Advice. It is considered that there are no other Agency related issues in respect of this application and therefore, in line with current government guidance, your council will be required to respond on behalf of the Agency in respect of flood risk related issues.

5.5. Local Residents/Interested Parties

Eight letters of support received (three from High Road, two from Franks Lane and Hogens Lane and one from Church Lane, Newton) on the following grounds:

- Development would sit well on the plot and not stand out as screened behind the existing laurel hedge, as it is currently part of an established garden;
- The new access will front onto High Road and would fit well into the existing environment and the applications recently approved along High Road/Mill Lane;
- The proposed development is set back from the road and shielded by a mature hedge and would be built to a very high standard and landscaped;
- Should be considered favourably, in view of recent developments in the Newton in the Isle area;
- An executive, well designed property that would enhance the village;
- Would not impact on neighbouring properties or surrounding countryside;
- Appear to be no statutory/technical objections;
- Additional income from council tax upon completion.

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) July 2021

Para 2 – Applications be determined in accordance with development plan;
Para 11 – Presumption in favour of sustainable development;
Para 80 – Development within the countryside;
Para 110 – 112 – Promoting sustainable transport;
Para 130 – Creation of high quality buildings;

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

7.3. **National Design Guide**

Context
Built Form

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
LP12 - Rural area development policy
LP14 - Responding to climate change and managing the risk of flooding
LP15 - Facilitating the creation of a more sustainable transport network
LP16 - Delivering and protecting high quality environments across the district

7.5. **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local 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
LP7 – Design
LP8 – Amenity Provision
LP18 – Development in the Countryside
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP24 – Natural Environment
LP32 – Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Design and impact on character**
- **Residential amenity**
- **Highway safety**
- **Flood risk**
- **Other matters**

9 BACKGROUND

- 9.1. This application is a resubmission of an earlier application F/YR22/0166/F that was refused under delegated powers in May 2022, that was preceded by an

unfavourable pre-application response (21/0065/PREAPP), albeit this was for a slightly different scheme to that submitted under 22/0166/F.

- 9.2. The proposal in the current application is the same as the earlier refused scheme of 22/0166/F. The circumstances of the site and its surrounds have not changed since the previous refusal, however the application is before members merely due to the number of representations received contrary to the officer recommendation.
- 9.3. Therefore, in the interest of a consistent approach, the below assessment maintains the recommendation to refuse the application.

10 ASSESSMENT

Principle of Development

- 10.1. Newton-in-the-Isle (Newton) is identified in Policy LP3 as a 'Small Village' where residential development will be considered on its merits and will normally be limited in scale to residential infilling. The Fenland Local Plan glossary defines residential infilling as "*development of a site between existing buildings*", which is bolstered by the definition of infill development in the Planning Portal glossary as "*the development of a relatively small gap between existing buildings.*"
- 10.2. Within the vicinity of the site is a small number of sporadic dwellings positioned to the south of High Road, the nearest being the host dwelling, Clifton House (No.241), and No.239a (a converted outbuilding of the host dwelling) approximately 12m and 20m east, respectively. To the west the next nearest dwelling is Boors Farm, approximately 100m away separated by Brewers Lane and a large tract of agricultural land. On the north side of High Road, the nearest dwelling that fronts the highway is No.222 High Road, approximately 90m east of the site, with other dwellings beyond this. There are other dwellings to the north of the site, although these are a cluster of barn conversions associated with Newton Hall, set back from the highway by approximately 70m.
- 10.3. Thus, given these separations, particularly between the host dwelling and the nearest dwelling to the west and the large area of agricultural land between these, it is considered that the site cannot be defined as residential infill in accordance with the aforementioned definitions. Thus, the proposal is considered contrary to Policy LP3, and thus Policy LP12 (Rural Areas Development) comes to the fore.
- 10.4. Policy LP12 Part A supports development where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside. It sets out specific criteria, the first of which states that the site must be in or adjacent to the developed footprint of a village. The footnote to these criteria defines the developed footprint of a village as the continuous built form of the settlement and excludes:
 - (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and
 - (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.
- 10.5. Given that there are only a limited number of dwellings within the vicinity of the site and the separation of the site from further dwellings to the west by

agricultural land, it is not considered that these dwellings in isolation form part of a continuous built form on this side of the road, in contravention of Policy LP12 (a). In addition, the site is garden land associated with the host dwelling which, together with the land further west and additional open land to the south, relates more to the surrounding countryside and as such is also in contravention of Policy LP12 (b).

- 10.6. Therefore, it is considered that the principle of development of this parcel of land would be in contravention of Policies LP3 and Policy LP12.

Design and impact on character

- 10.7. The host dwelling is a previous barn situated within a group of original barns/stables that were converted for residential use. Given its history, the dwelling and surrounding buildings offer a distinct agricultural character maintaining a number of features typical of such buildings. The host dwelling is positioned with its gable end facing the highway, with the main dwelling's ridge reaching approximately 6.6m. Adjoining outbuildings backing onto the highway (previously stables) have a long, low profile, reaching approximately 5m.
- 10.8. The scheme proposes a substantial period-style dwelling with pilastered central porch, 8 over 8 pane sash windows, with a gable roofline and single chimney. The proposed dwelling is intended to reach approximately 7.8m, facing the highway with a detached garage reaching 6.2m positioned to the north-west front corner of the site. The overall design and scale of the dwelling is considered to be at odds with the more modest, agricultural style of the host dwelling and nearby buildings and will result in the proposed dwelling being a dominant feature within the streetscene.
- 10.9. The current site, as garden land, coupled with the agricultural land to the west, contributes to an openness at the junction of High Road and Brewers Lane. The proposed position of dwelling would enclose this open character and erode the existing semi-rural character this side owing to the separation of dwellings in the vicinity, particularly on approach toward the site from the west.
- 10.10. Thus, given the above it is considered the proposal would be contrary to the requirements of Policies LP12 and LP16 (d) in terms of design and impact on landscape character.

Residential amenity

- 10.11. Given the lack of nearby dwellings, any impacts to residential amenity from the proposed development will be limited to the nearest dwellings to the east, Nos. 241 and 239a. The proposed dwelling is intended to be positioned approximately 12m and 20m, respectively, from these dwellings, separated by a proposed 1.8m close boarded timber fence. The facing elevation of the proposed dwelling includes only ground floor windows this side, serving the lounge and an orangery. Given the separation distances and the screening provided by the intended boundary treatment, there will be limited opportunity for overlooking from the development to justify refusal of the scheme.
- 10.12. The proposed dwelling is located in such a way that its rear elevation projects beyond the rear elevation of the neighbouring properties and therefore there will be some views possible over the neighbouring gardens however these will be towards the part of the garden furthest from the dwellings themselves. On that basis, any views from the rear of the proposed dwelling are not sufficient to require refusal of the scheme on the basis of its impact on neighbouring privacy.

- 10.13. Relationships to the front and eastern side are such that there will be no impacts from overlooking from openings these sides.
- 10.14. There will be negligible impacts from the proposed garage to neighbouring amenity given its position in the site.
- 10.15. There is no justification for concluding that the proposed dwelling or garage will have any harmful impacts on the amenity of the neighbouring properties for other reasons such as overshadowing, light pollution, or noise. As such, the proposal is considered acceptable with regard to policy LP16 (e).

Highway safety

- 10.16. The dwelling is proposed to utilise a new access off High Road. No comments were received from the Highway Authority (HA) in respect of consultations for the current application. However, as the current scheme and access proposals are the same as the earlier refused scheme under F/YR22/0166/F, it follows that the previous HA comments would likely still stand.
- 10.17. Previously, there were concerns from the HA over the specific details pertaining to the construction, geometry, drainage and visibility splays, however the access was considered acceptable in principle. As such, the details required by the HA can be secured by condition on any subsequent approval, which was agreed by the HA to be an acceptable solution at the time, and it is unlikely that this position would change in respect of the current application.

Flood risk

- 10.18. The majority of the site lies within Flood Zone 1, with a small area to the west lying within Flood Zone 2. The proposed site layout suggests that the bulk of the proposed development will lie within Flood Zone 1, with the dwelling well within this boundary.
- 10.19. Issues of surface water disposal will be considered under Building Regulations. The site lies within the North Level Internal Drainage Board area and they were subsequently consulted. However, no comment was made in regard to this application.
- 10.20. Given the above, it is considered reasonable to determine that the proposal is acceptable in terms of flood risk and there are no issues to address in respect of Policy LP14.

Other matters

- 10.21. Comments received from Newton-in-the-Isle Parish Council are noted and it is acknowledged that they offer their support for the scheme. However, it is necessary to address these comments for the avoidance of doubt in respect of accurate consideration of the scheme.
- 10.22. On visiting the site, in October 2022 it was noted that the adjacent land to the west of the site had been enclosed with timber panelled fencing, that may result in a perception that this land is residential curtilage associated with the dwelling at Boors Farm some 100m west of the site. Notwithstanding, there is no planning history relating to the change of use of this land from its previous agricultural designation, and as such it is considered to remain in agricultural use despite the erection of fencing since consideration of the previous application.

10.23. Development along this side of High Road is sporadic. As such, the circumstances of the site do not adhere to the agreed definitions relating to infill within the current adopted local plan (as discussed in paragraphs 10.1 – 10.3 above). Thus, the Parish Council’s inference of the development site as ‘infill’ is incorrect.

10.24. In addition, their support for the scheme appears to be bolstered by evidence obtained from paragraphs of the Emerging Local Plan. As such, it should be reiterated that in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making given the very early stage of the Plan. As such, matters relating to the principle of development, spatial strategy, settlement hierarchy and the countryside within Newton-in-the-Isle (and other relevant material planning considerations) should be assessed against the necessary policies of the current adopted Fenland Local Plan (2014) only, as in the above assessment.

11 CONCLUSIONS

11.1. On the basis of the consideration of the issues of this application and previous relevant planning history, the current application has done nothing to address the conflict arising in respect of the principle of the development of the site as highlighted within the earlier refusal of F/YR22/0166/F. As such it is concluded that the application remains contrary to the relevant planning policies of the development plan, LP3 and LP12 and cannot be supported.

11.2. Furthermore, no changes to the design, scale or position of the development have been offered since the earlier refused scheme. As such the fact remains that, as before, the scheme will likely create an unduly dominant and incongruous feature in the street scene. The development will therefore result in a detrimental impact to on the open landscape character at the junction of High Road and Brewers Lane, to which the application site is considered to contribute.

11.3. Consequently, the proposal would not make a positive contribution to the area or respond to the existing landscape character as required by Policies LP12 and LP16 of the Fenland Local Plan 2014.

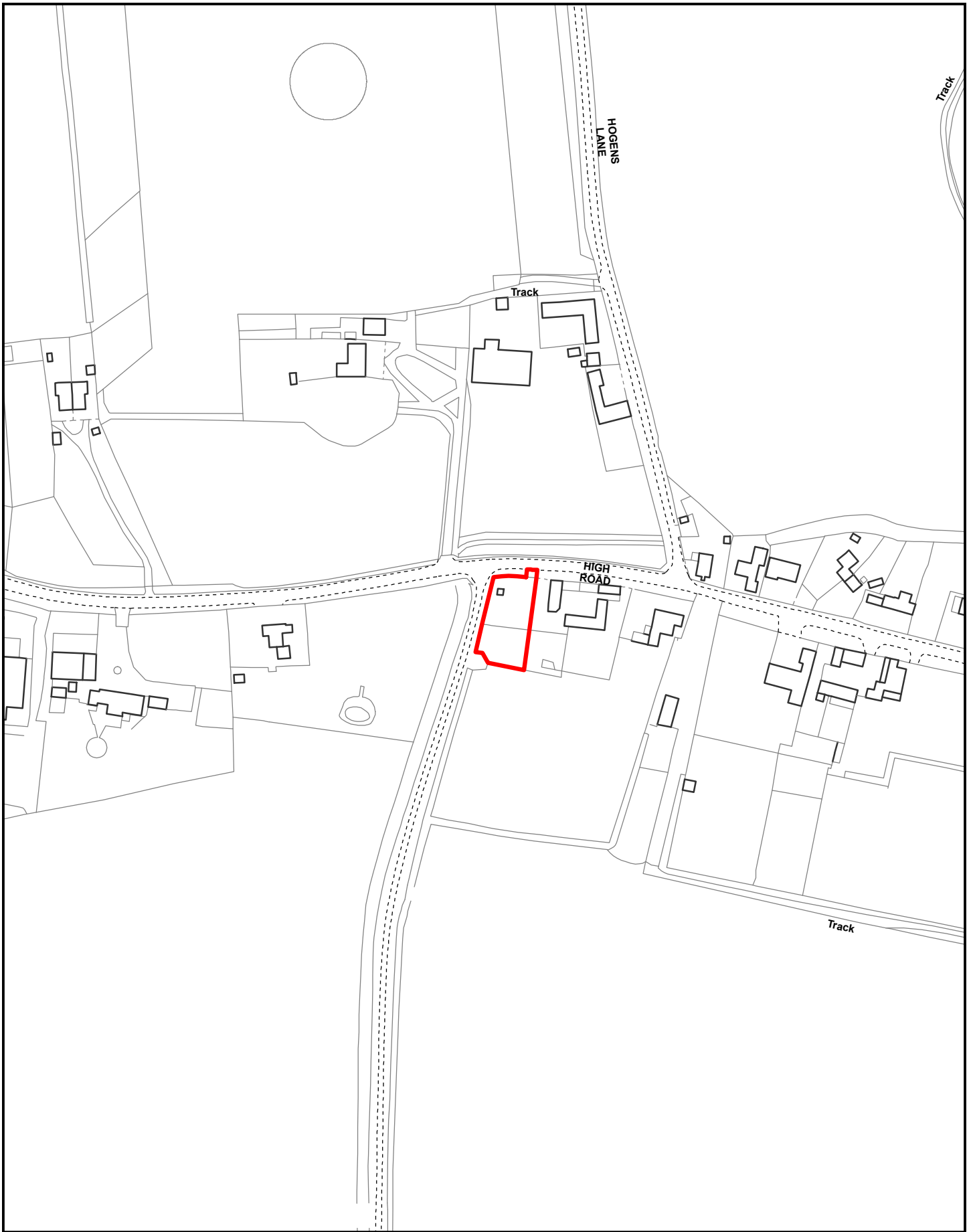
11.4. Therefore, to maintain a consistent approach in respect of the unchanged development proposal that was previously refused under delegated powers, and supported by the Chair at that time, the recommendation herein must be one of refusal.

12 RECOMMENDATION

Refuse, for the following reasons;

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed. Newton-in-the-Isle (Newton) is identified in Policy LP3 as a ‘Small Village’ where residential development will be considered on its merits and will normally be limited in scale to residential infilling, defined as “ <i>the development of a relatively small gap between existing buildings.</i> ”
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	<p>Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"> (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and (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. <p>Given that there are only a limited number of dwellings within the vicinity of the site and the separation of the site from further dwellings to the west by agricultural land, it is not considered that these dwellings in isolation form part of a continuous built form on this side of the road. In addition, the site is garden land associated with the host dwelling which, together with the land further west and additional open land to the south, relates more to the surrounding countryside. Thus development of this parcel of land would be excluded by (a) and (b) above, and the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.</p>
2	<p>Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The proposed design, scale and position of the development will create an unduly dominant feature and would be an incongruous addition to the street scene, detrimentally impacting the open landscape character at the junction of High Road and Brewers Lane, to which the application site is considered to contribute. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).</p>



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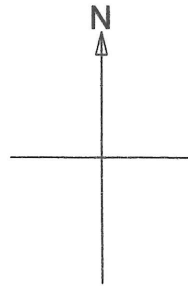
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 **Fenland**
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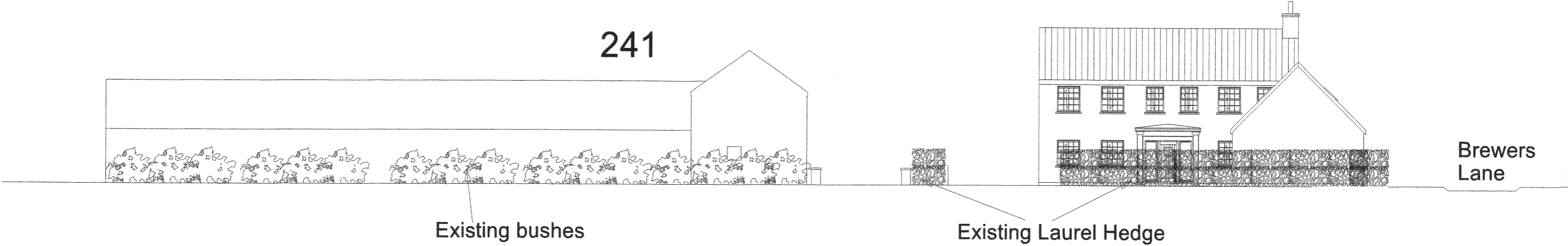
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Street Scene

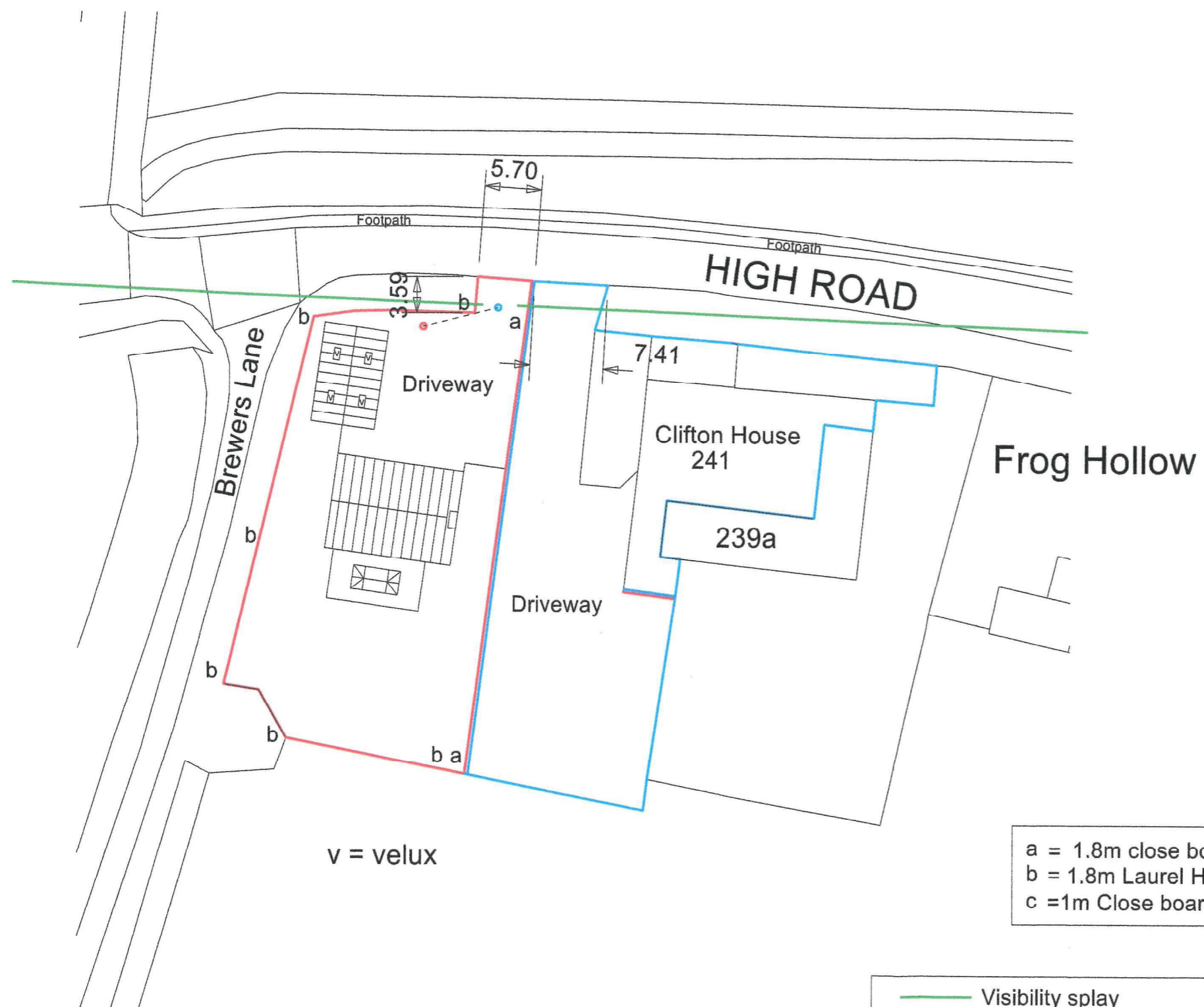
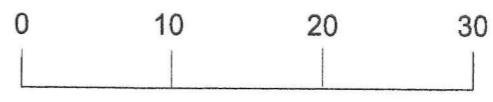
241



Brewers Lane

Plans by Anfos Ltd., 87 Leverington Common, Leverington, Wisbech, PE13 5BH Tel 01945 466266 mob 07836 246446 email building55@live.co.uk	Proposed House for J Rudd and J Hewitt at Clifton House, 241 High Road, Newton, Wisbech, Pe13 5HW
Scale 1:200	Ref Hew/2021/Scene/1

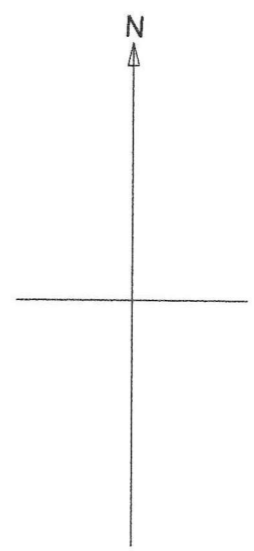
SITEPLAN



v = velux

a = 1.8m close boarded fence
 b = 1.8m Laurel Hedge
 c = 1m Close boarded fence

- Visibility splay
- Drain to collect rainwater away from highway
- Soakaway



Proposed House for J Rudd and J Hewitt at Clifton House, 241 High Road, Newton, Wisbech, Pe13 5HW
Scale 1:500
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Ref Hew/2021/Ste/3



Front Elevation

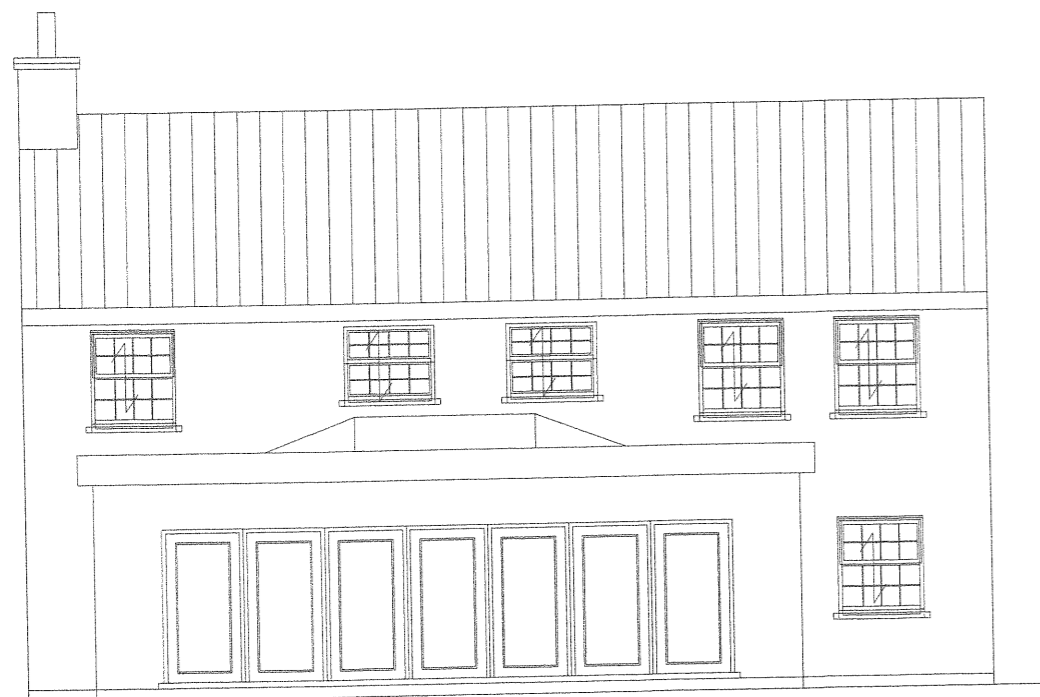


Side Elevation

Materials to be agreed



Side Elevation



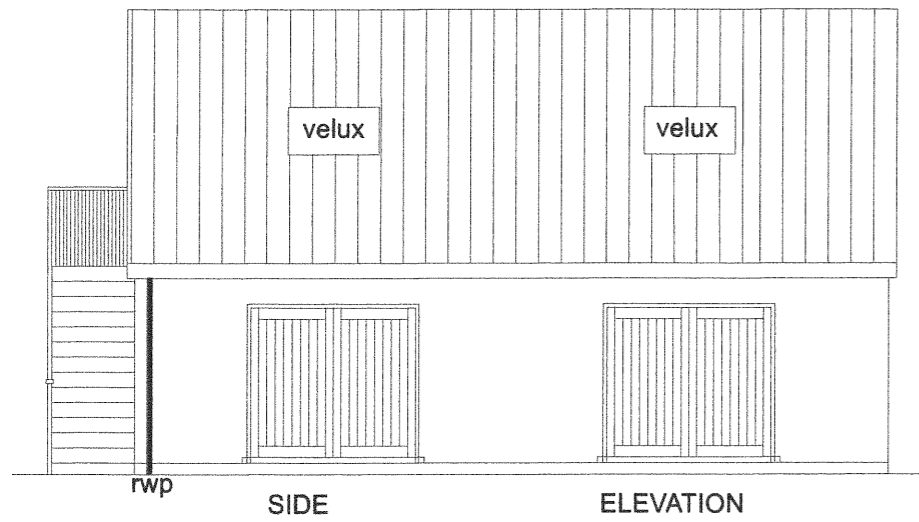
Rear Elevation

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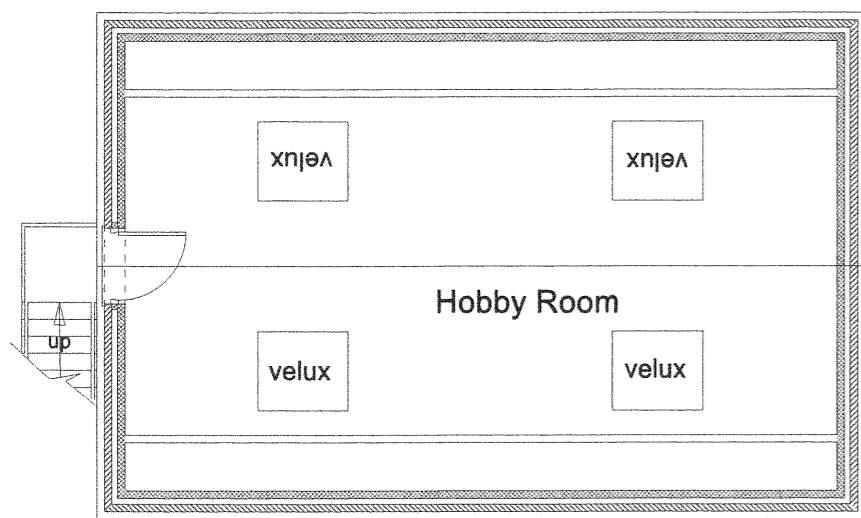
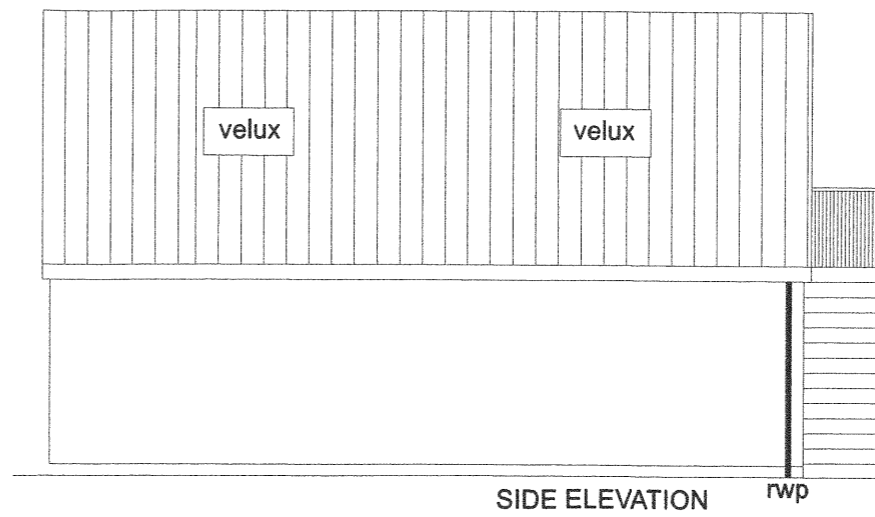
Proposed House for
 J Rudd and J Hewitt at
 Clifton House,
 241 High Road,
 Newton, Wisbech,
 Pe13 5HW

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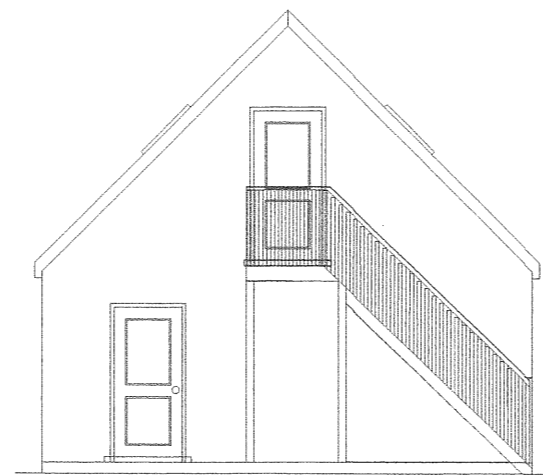
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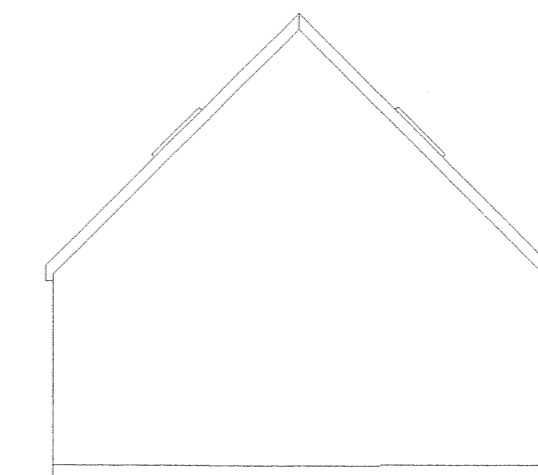
Materials to be agreed



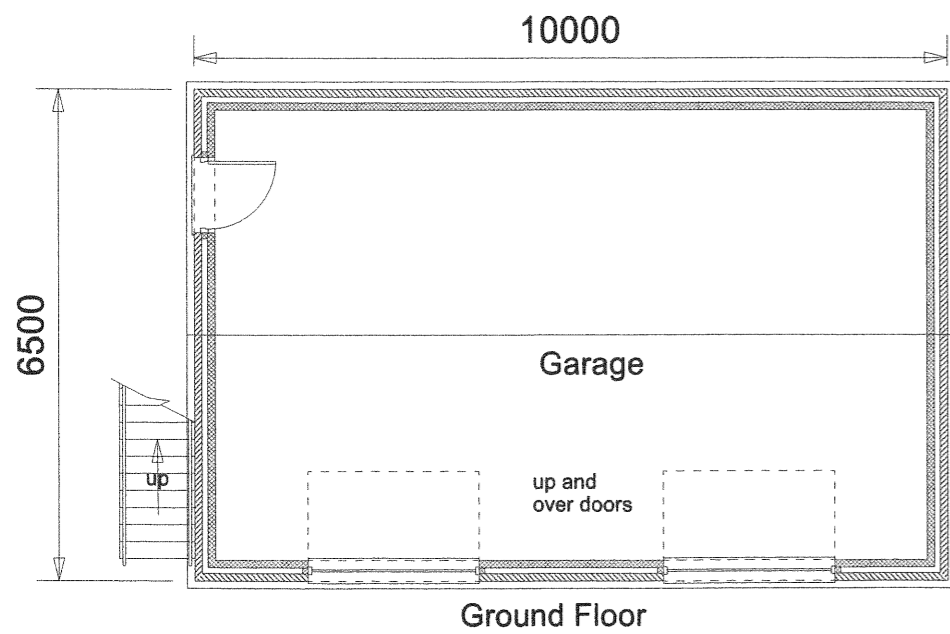
First Floor



REAR ELEVATION



FRONT ELEVATION



Ground Floor

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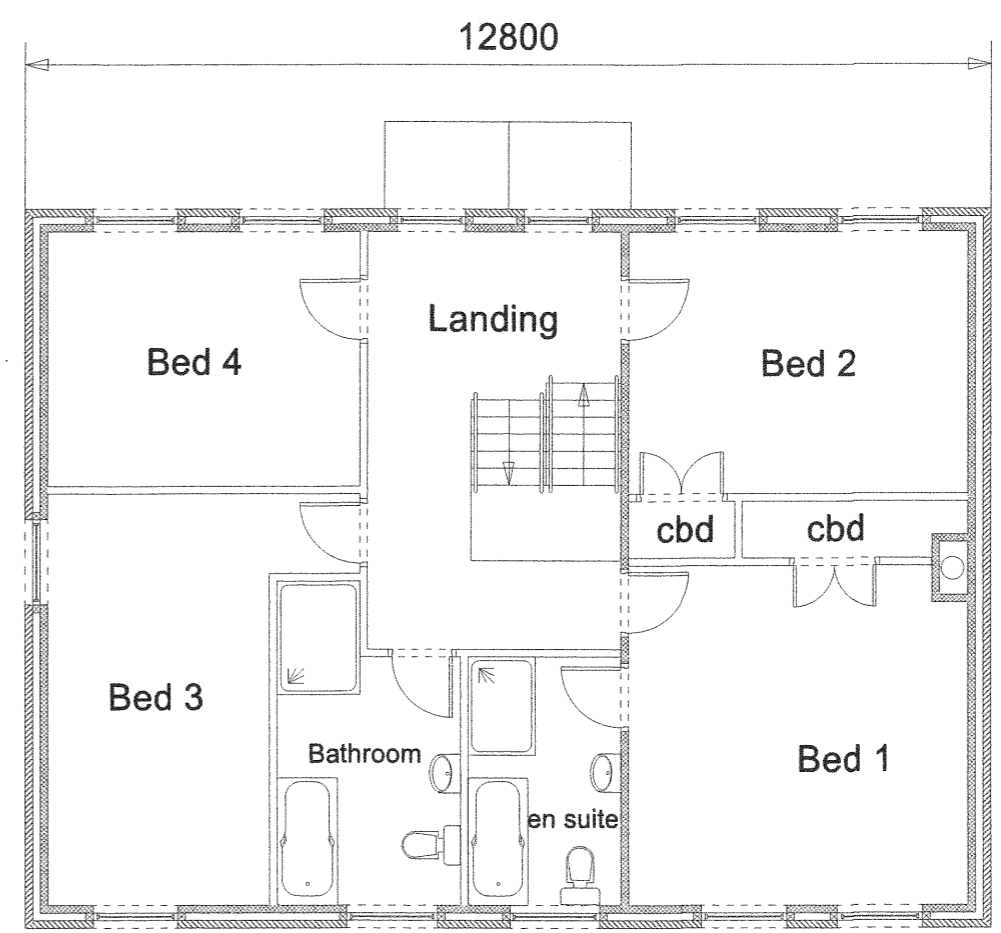
Proposed House for
 J Rudd and J Hewitt at
 Clifton House,
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 Newton, Wisbech,
 Pe13 5HW

Scale 1:100

Ref Hew/2021/gge/1



Ground Floor



First Floor

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	Scale 1:100
	Ref Hew/2021/pln/ 1