
F/YR23/0188/O

**Applicant: Mr Jamie McGarvie
Ashewell Developments**

**Agent : Mr Ian Gowler
Gowler Architectural**

Land South Of 30, Eastwood End, Wimblington, Cambridgeshire

Erect a dwelling (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application seeks outline permission with all matters reserved for the erection of a dwelling. This application is a resubmission of a previously refused application. No amendments have been made to the previously refused scheme.
- 1.2 The proposed development will be constructed to the rear of an existing frontage development and accessed by a long vehicular access between existing dwellings and would represent a tandem or backland form of development which would result in a substandard form of development which would conflict with and undermine the prevailing form of linear frontage development in Eastwood End. The proposal would fail to accord with the provisions of the National Planning Policy Framework, specifically paragraphs 130 and 134, and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.
- 1.3 The proposed development would detract from the private enjoyment of existing occupiers' properties by virtue of potential loss of privacy and overlooking, noise, disturbance and general activity generated by the development of this piece of land and its associated proposed residential use. The development would erode the rural character and outlook of adjoining occupiers to the detriment of the amenities presently enjoyed by existing residents. The proposal would be contrary to the provisions of the NPPF 2021 and Policies LP1, LP2, LP3 and Policy LP16 of the adopted Fenland Local Plan 2014.
- 1.4 The proposed development of the form indicated, if approved, would establish an unacceptable precedent for a substandard form of development, to the detriment of the local built form and character and the associated adverse effects on established residential amenity and privacy of existing occupiers. If approved, the proposal would result in difficulties refusing similar forms of development which would cumulatively significantly detract from the character and appearance of the area and undermine the amenities presently afforded to local residents. The proposal would therefore fail to accord with the provisions of the NPPF 2021 and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.
- 1.5 The recommendation is therefore to refuse this application as its contrary to the aforementioned planning policies.

2 SITE DESCRIPTION

- 2.1 The application site is located on the southern side of Eastwood End (on its south-western spur), approximately 50m west from the junction with Rhonda Park.
- 2.2 The existing site comprises part pony paddocks and part hardstanding providing access to a timber outbuilding beyond the site, with a tarmac access strip between existing frontage properties at 30 and 30a.
- 2.3 The access appears to provide vehicular access to the rear of 30, Eastwood End and the hardstanding area/outbuilding beyond.
- 2.4 The defined site is broadly rectangular in area plus the narrow access strip to Eastwood End.

3 PROPOSAL

- 3.1 This application seeks outline permission with all matters reserved for future consideration. It is therefore only the principle of development being sought at this stage and the details and nature of the dwelling, detailed access arrangements etc are not for consideration at this stage.
- 3.2 An indicative plan accompanies the proposal showing a red line defining the access and area of the 'developable plot'.
- 3.3 The plot for the dwelling is proposed to the rear of existing frontage properties (30 and 26) accessed by a long (25m) strip between existing two-storey dwellings (30 and 30a).
- 3.4 Full plans and associated documents for this application can be found at:
[F/YR23/0188/O | Erect a dwelling \(outline application with all matters reserved\) | Land South Of 30 Eastwood End Wimblington Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR21/1293/O	Erect up to 1no dwelling (outline application with all matters reserved)	Refused 15/02/2022
F/YR11/0669/F	Erection of 3 x 3-storey 5/6 bed dwellings with double garages	Granted 24/10/2011
F/YR11/0195/O	Erection of 4no dwellings	Withdrawn
F/YR07/0470/F	Erection of a 3-bed detached house and detached double garage involving demolition of existing dwelling and outbuilding	Granted 14/06/2007
F/YR06/1429/F	Erection of a 4-bed detached house and detached double garage involving demolition of existing dwelling	Withdrawn
F/YR06/0675/F	Erection of a 3-bed detached house with detached double garage involving the demolition of existing dwelling	Refused 28/07/2006

5 CONSULTATIONS

5.1 Wimblington Parish Council

Further to our latest meeting, Councillors wish to comment on the above application as follows:

This application is identical to Planning Application F/YR21/1293/O which was refused on 5th November 2021, there were 3 reasons given and these are all still valid today. The site plan, 227-P102 is the same on both applications therefore the Parish Council wish to raise objections against this application reiterating the reasons it was refused previously and to emphasis the fact that it is at the rear of the existing street scene.

The Parish Council comments then reiterated the reasons for refusal on the previous application which are detailed in the background section above, followed by the following comments:

If approved, the proposal would result in difficulties refusing similar forms of development which would cumulatively significantly detract from the character and appearance of the area and undermine the amenities presently afforded to local residents. The proposal would therefore fail to accord with the provisions of the NPPF 2021 and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local

5.2 CCC Minerals and Waste

Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application. Having reviewed the available documentation, the MWPA wishes to make the following comments:

The proposed development is located within the Waste Consultation Area for the safeguarded waste site known as Hook Lane as identified under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

Policy 16 seeks to safeguard waste management facilities. It states that development within a CA will only be permitted where it is demonstrated that the development will not prejudice the existing or future use of the area, i.e. the waste management site for which the CA has been designated; and not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated.

It is noted that the proposed development is for the erection of one dwelling and that the maps indicate the site is approximately 220 metres south-east of the Hook Lane site with several dwellings located between the two sites. The MWPA is, in this instance, content that the proposal is unlikely to prejudice the Hook Lane site and raises no objection to the proposal.

5.3 FDC Environmental Health

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

This service would however welcome a condition on working times due to the close proximity to existing noise sensitive receptors, with the following considered reasonable;

No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority

5.4 Local Residents/Interested Parties

Objectors

19 letters of objection have been received with regard to the above application. 13 of these letters are from properties within Eastwood End; 5 from elsewhere in Wimblington and 1 from March. The reasons for objection are as follows:

- No difference to previously refused application
- Problems entering and exiting the site
- Highway safety
- Overlooking
- No benefit to the local community
- Public transport poor in Eastwood End

- Backfill out of keeping with the area
- Would set a precedent
- Lack of privacy
- Flooding
- Greenfield site
- Loss of habitat in the small meadow
- Impacts on wildlife
- Local school is struggling

Supporters

27 letters of support were received with regard to the above application. 3 of these letters were from properties within Wimblington; 3 in Doddington; 16 in March; 16 in Chatteris; 1 from Manea and 1 from Stonea). The reasons for support are as follows:

- Building of more homes is needed
- Will enhance the Wimblington Area
- Good idea for the community
- Good use of unused land
- Job opportunities
- Starter home for a family
- Houses of much bigger size and way out of character have been passed in Eastwood End

Representations

1 letter of representation was received from a resident in March in response to the objection raised by Wimblington Parish Council. The response noted the following:

- New developments along Eastwood End have no linear frontage, with irregular frontages with no continuous orientation
- F/YR22/0884/PIP is an example of a positive new development bringing back a vacant site to positive use. This site also features no linear frontage, like Rhonda Park, includes a long access road
- No material aspects that are not well designed
- Direct loss of privacy achieved in the approval and development of 130a, 130b, 130c Eastwood End.
- To refuse this application would contradict the precedent set in the approval of closest neighbouring properties
- Development half the size of 130a,b and c with half the amount of windows

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 130 – Achieving well-designed places
Para 134 – Development that is not well designed should be refused

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

7.3 **National Design Guide 2021**

Context
Identity
Built Form
Nature
Uses

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
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:

LP5 – Health and Wellbeing
LP7 – Design
LP8 – Amenity Provision
LP18 – Development in the Countryside
LP32 – Flood and Water Management

8 **KEY ISSUES**

- **Principle of Development**
- **Visual Amenity/Form and Character**
- **Residential Amenity**
- **Precedent**
- **Other**

9 BACKGROUND

9.1 This application is a resubmission of F/YR21/1293/O, as detailed in the planning history above. No amendments have been made to the previously refused application.

9.2 This previous application was refused for the following reasons:

1. The proposed development indicating a dwelling constructed to the rear of existing frontage development and accessed by a long vehicular access between existing dwellings would represent a tandem or backland form of development which would result in a substandard form of development which would conflict with and undermine the prevailing form of linear frontage development in Eastwood End. Accordingly, the proposal would fail to accord with the provisions of the National Planning Policy Framework, specifically paragraphs 130 and 134, and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.

2. The proposed development as indicated on the submitted plans would detract from the private enjoyment of existing occupiers' properties by virtue of potential loss of privacy and overlooking, noise, disturbance and general activity generated by the development of this piece of land and its associated proposed residential use. The development would erode the rural character and outlook of adjoining occupiers to the detriment of the amenities presently enjoyed by existing residents. Accordingly, the proposal would be contrary to the provisions of the NPPF 2021 and Policies LP1, LP2, LP3 and Policy LP16 of the adopted Fenland Local Plan 2014.

3. The proposed development of the form indicated, if approved, would establish an unacceptable precedent for a substandard form of development, to the detriment of the local built form and character and the associated adverse effects on established residential amenity and privacy of existing occupiers. If approved, the proposal would result in difficulties refusing similar forms of development which would cumulatively significantly detract from the character and appearance of the area and undermine the amenities presently afforded to local residents. The proposal would therefore fail to accord with the provisions of the NPPF 2021 and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.

10 ASSESSMENT

Principle of Development

10.1 Previous decisions of the Council have established that Eastwood End is essentially part of Wimblington and is therefore a sustainable location for development. The site is located adjacent to an established residential area. New development would accord with the principles of such development in such locations subject to issues such as form and character.

10.2 Policy LP14 relates to areas at higher risk of flooding. The site is identified as being located within Flood Zone 1 and within the Middle Level Drainage Board's area. The advice of the Drainage Board should be sought by the developer in the event that permission is forthcoming.

10.3 Policy LP16 of the Local Plan requires new development to comply with a listed set of criteria in order for approval of development to be forthcoming.

- 10.4 The principle of development locally is therefore considered to be generally acceptable subject to detailed considerations below.

Visual Amenity/Form and Character

- 10.5 The application is in outline form with all matters reserved for future consideration. It is therefore principle only of development which is being considered at this stage.
- 10.6 As previously mentioned, the application submitted is an exact resubmission of the previous application, F/YR21/1293/O, which was refused.
- 10.7 The application site comprises part pony paddocks and part hardstanding with a single vehicle-width access to the paddocks and hardstanding/storage shed from Eastwood End.
- 10.8 The red line to the site shows a rectangular shaped plot utilising the existing vehicular access from Eastwood End.
- 10.9 The dwelling would be located to the rear of existing frontage development accessed by a long (25m) vehicular access between existing residential properties.
- 10.10 Whilst it is acknowledged that some new development has taken place within the area, even including part of the pony paddocks, this has taken the form of linear frontage development along Eastwood End. An aerial photo of the form of development of Eastwood End is quite striking in demonstrating the form of built development in the locality, with older and new housing development all following the linear frontage form of built development with agricultural or undeveloped land beyond.
- 10.11 Whilst previous decisions may have acknowledged the fact that Eastwood End comprises part of the village of Wimblington, this has not altered the prevailing local built form and character.
- 10.12 This part of Eastwood End is predominantly characterised by residential development along the road frontage in a linear frontage form almost exclusively.
- 10.13 Development of a single plot, in depth, and to the rear of existing frontage development, served by a long access track between existing established residential properties, would represent development in tandem or 'backland' development, totally at odds and out of keeping with existing development in the locality.

Residential Amenity

- 10.14 With the linear form of housing development prevalent in the area, the predominant form is of frontage houses with mainly front and rear-facing windows and, in this part of the settlement, overlooking pony paddocks to the rear. As a result, the occupiers have incorporated low fencing or post and rail to their rear gardens, optimising their outlook onto undeveloped land. One of the properties incorporates a balcony arrangement at first-floor level (No 30a), such is the nature of the undeveloped and private rear aspect of the frontage properties.

- 10.15 A new dwelling as proposed would be likely to interfere with this pre-existing arrangement and result in the potential for significant overlooking and loss of privacy to existing occupiers in whatever form the new dwelling might take.
- 10.16 Although there is no legal entitlement to a 'view' the undermining of the rural characteristics of the locality would detract from the right of occupiers to the peaceful setting and enjoyment of the privacy of their rear gardens and outlook and potentially undermine the wellbeing of local residents accordingly.
- 10.17 Furthermore, the use of the proposed vehicular access to serve an additional occupied dwelling, between existing residential properties would generate additional and regular vehicular movements associated with residential use, to the detriment of the peaceful enjoyment of adjoining occupiers' residential properties.
- 10.18 Backland development is generally considered to represent a substandard form of development and specifically, in this location, is clearly borne out by the potential adverse effects it would cumulatively accrue if approved.
- 10.19 Refuse collection would have to be undertaken from the public highway and therefore the occupiers of any new dwelling will need to drag their bins in excess of the guidance contained within the RECAP Guidance.
- 10.20 Whilst not a material planning consideration, it is of note that the third party representations objecting to the proposal (19) predominantly arise from residents adjoining or situated within the locality of the site whilst those of support (27) originate from further afield and from individuals who would not be living next to the proposal.

Other

- 10.21 Whilst the points of the local residents affected by and objecting to the proposal are noted, issues such as loss of view have been addressed above and drainage can be overseen under building regulations and the Drainage Board.

11 CONCLUSIONS

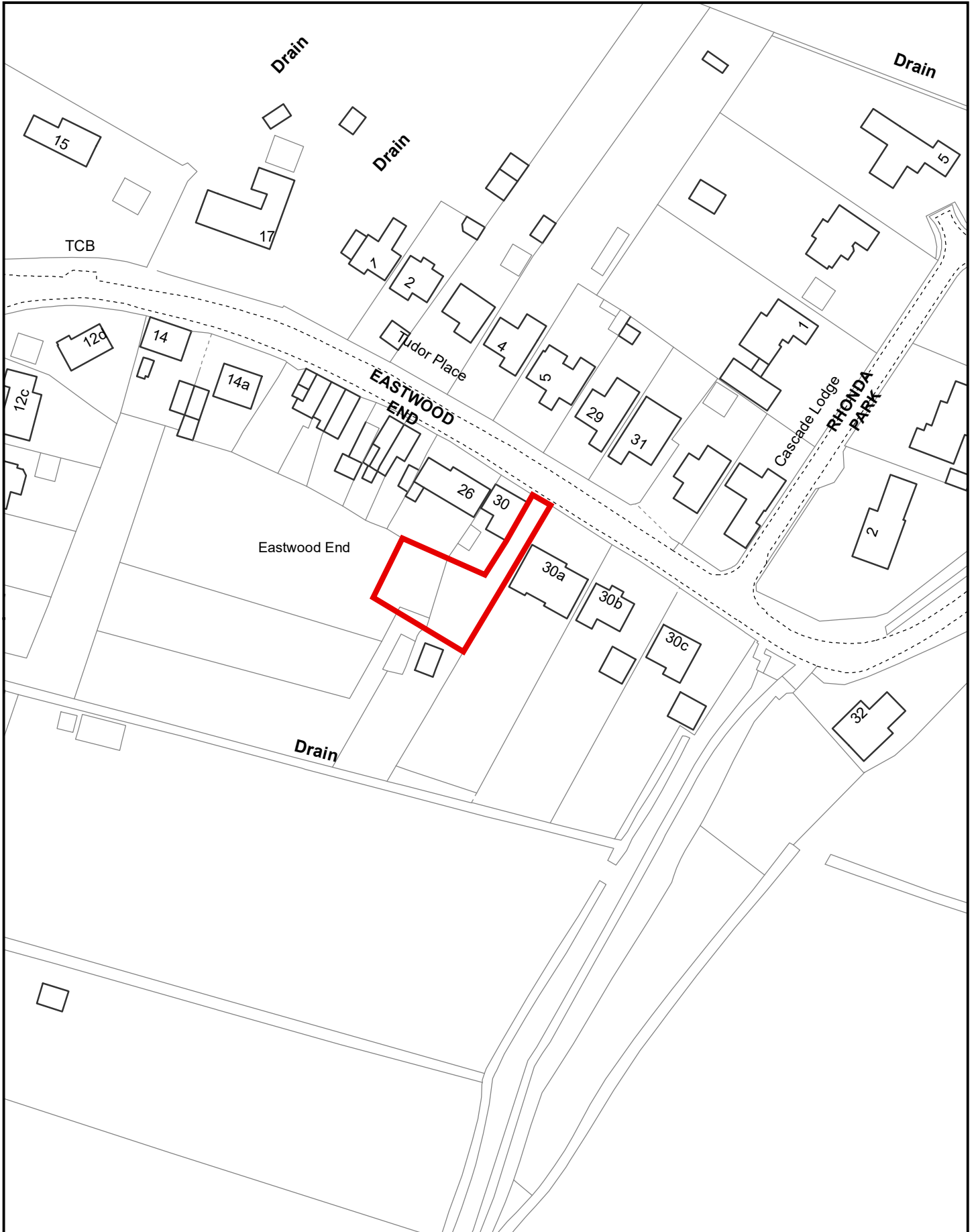
- 11.1 Whilst some limited development is generally considered to be acceptable within the villages, the form of development proposed under this application would represent a substandard backland layout to the detriment of the prevailing built form and character, would detract from the amenities of adjoining occupiers and would establish an unacceptable precedent for future development in the area, to the detriment of the character and appearance of the locality.

12 RECOMMENDATION

Refuse, for the following reasons:

1	The proposed development indicating a dwelling constructed to the rear of existing frontage development and accessed by a long vehicular access between existing dwellings would represent a tandem or backland form of development which would result in a substandard form of development which would conflict with and undermine the prevailing form of linear frontage development in Eastwood End. Accordingly, the proposal would fail to accord with the provisions of the National Planning Policy Framework,
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	specifically paragraphs 130 and 134, and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.
2	<p>The proposed development as indicated on the submitted plans would detract from the private enjoyment of existing occupiers' properties by virtue of potential loss of privacy and overlooking, noise, disturbance and general activity generated by the development of this piece of land and its associated proposed residential use. The development would erode the rural character and outlook of adjoining occupiers to the detriment of the amenities presently enjoyed by existing residents.</p> <p>Accordingly, the proposal would be contrary to the provisions of the NPPF 2021 and Policies LP1, LP2, LP3 and Policy LP16 of the adopted Fenland Local Plan 2014.</p>
3	<p>The proposed development of the form indicated, if approved, would establish an unacceptable precedent for a substandard form of development, to the detriment of the local built form and character and the associated adverse effects on established residential amenity and privacy of existing occupiers. If approved, the proposal would result in difficulties refusing similar forms of development which would cumulatively significantly detract from the character and appearance of the area and undermine the amenities presently afforded to local residents.</p> <p>The proposal would therefore fail to accord with the provisions of the NPPF 2021 and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.</p>



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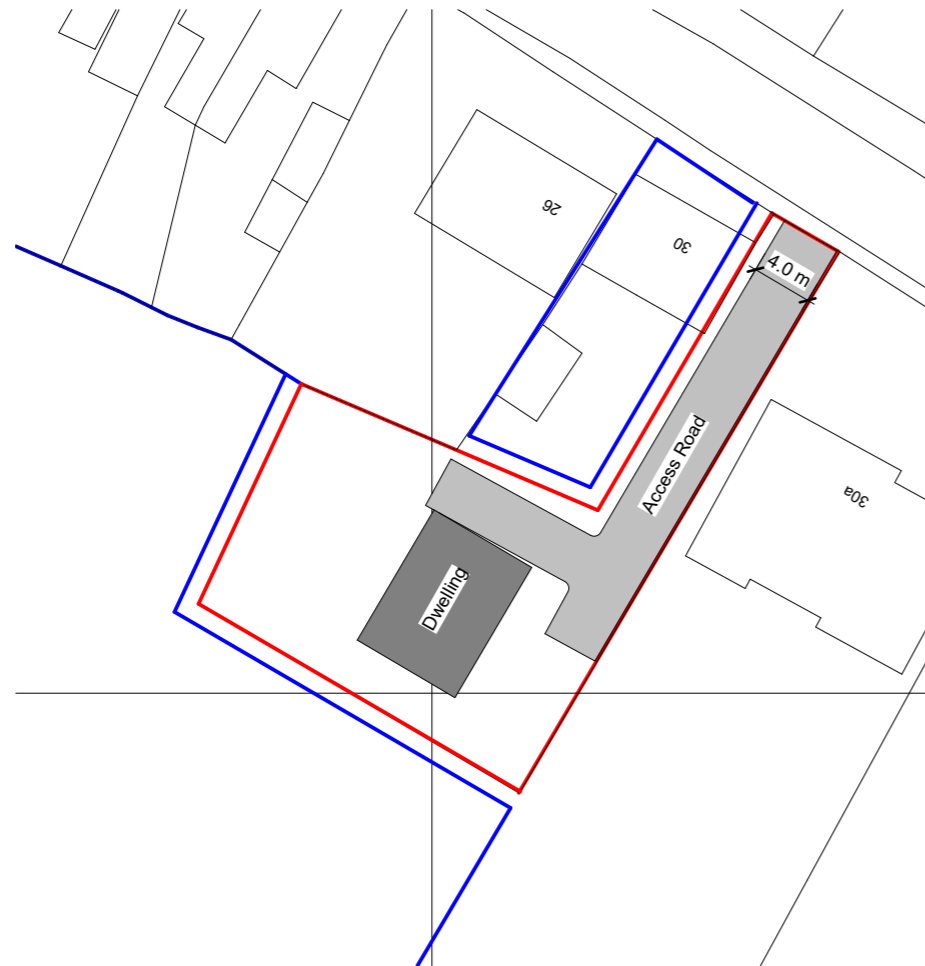
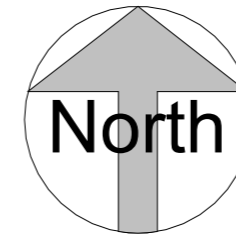
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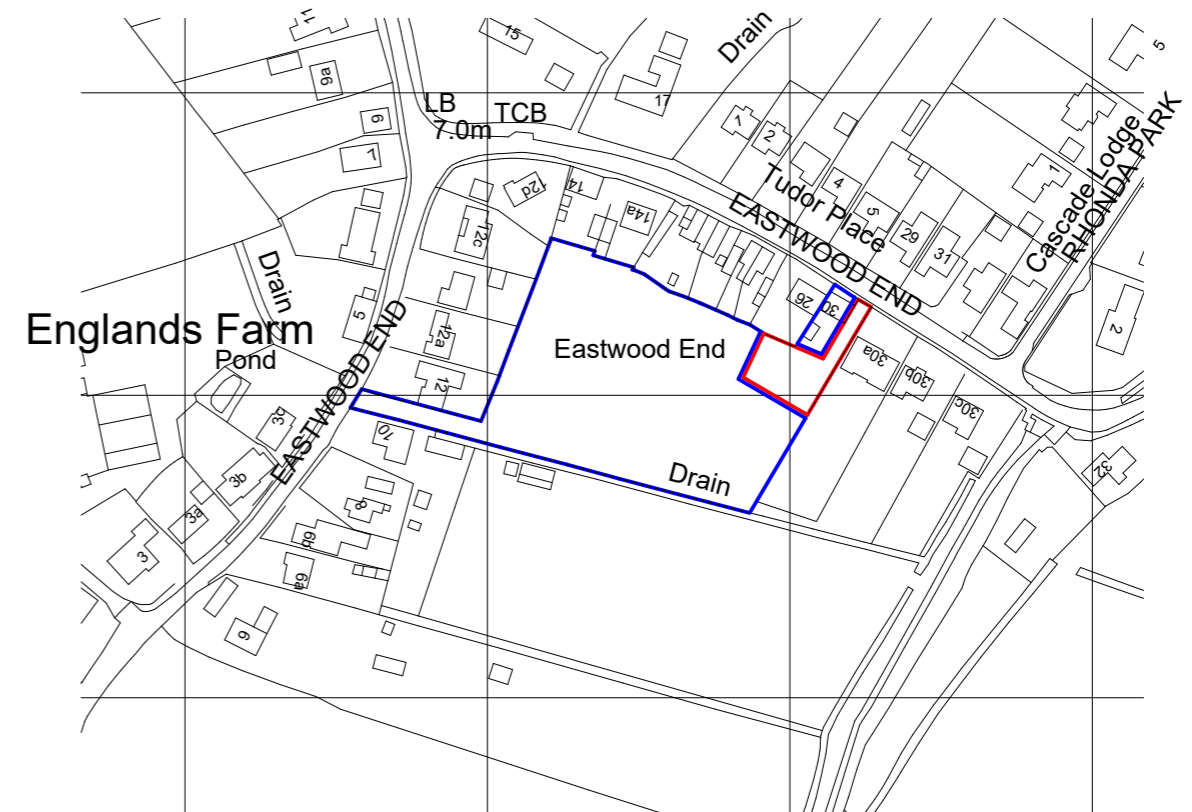
Notes

Any discrepancies to be brought to attention of Author as soon as possible.
 All dimensions shown in "mm" unless otherwise shown.
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.




Indicative Site Plan

1 : 500



Location Plan

1 : 2500

 Ian Gowler Consulting Ltd Architectural and Domestic Energy Consultant Grove House, 22 Primrose Hill, Doddington, Cambs, PE15 0SU tel. 01354 667005 email. ian@gowler-architectural.co.uk			
Proposed Residential Development at Land at Eastwood End, Wimblington			
Proposed Dwelling			
date	scale	drawing no.	rev
Issue Date	As indicated @ A3	227 - P102	