
F/YR23/0252/O

**Applicant: Mr Jamie McGarvie
Ashewell Developments**

**Agent : Mr Ian Gowler
Gowler Architectural**

Land East Of 12, Eastwood End, Wimblington, Cambridgeshire

Erect 1no 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 off the southern spur of Eastwood End, approximately 390m from the junction with the A141 Isle of Ely Way.
- 2.2 The existing site comprises pony paddocks, with an unmade field access via a narrow strip between existing frontage properties at 10 and 12 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 rectangular plot for the dwelling is proposed to the rear of the existing frontage properties accessed by a long (30m) strip between existing dwellings.
- 3.4 Full plans and associated documents for this application can be found at: [F/YR23/0252/O | Erect 1no dwelling \(outline application with all matters reserved\) | Land East Of 12 Eastwood End Wimblington Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR21/1292/O	Erect up to 1no dwelling (outline application with all matters reserved)	Refuse 15/02/2022

5 CONSULTATIONS

5.1 Wimblington Parish Council

This application appears to be a resubmission of a previously refused application. 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 and would conflict with and undermine the prevailing form of linear frontage development in Eastwood End.

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 proposed development, 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.

5.2 CCC Minerals and Waste

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 200 metres south 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 construction 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

Supporters

11 letters of support were received with regard to the above application. 2 of these letters were from properties within Chatteris with the remainder from properties in March. The reasons for support are as follows:

- - Neighbourhood currently being developed by local builders

- Area in need of more housing
- Development in keeping with other homes being built along Eastwood End

Objectors

17 letters of objection were received with regard to the above application. All of these letters were from properties within Wimblington (16 from properties within Eastwood End, 1 from a property within Eaton Estate). The reasons for objection are as follows:

- Previous permission refused. Same documents have been presented again;
- Previous permission strongly objected to;
- Proposed development within 5 metres of ditch which hasn't been maintained and results in flooding;
- Detrimental impact on quality of life;
- No benefit to local community ;
- Loss of privacy and overlooking;
- Further loss of greenfield and wildlife habitat ;
- Overshadowing and loss of light ;
- Poor access ;
- Need to retain linear feature of Eastwood End ;
- If approved would allow for further ad hoc and unwanted development ;
- Negative impact on amenity of other properties;
- Highway safety;
- Light and noise pollution ;
- Stress on local amenities ;
- Out of keeping within the area ;
- Detriment to rural setting ;
 - Refuse collection ;
 - Reduce value of housing that currently backs onto the paddock;

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/YR21/1292/O, as detailed in the planning history above. No amendments have been made to the previously refused application. 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.

9.2 Members will recall a similar application, reference F/YR23/0188/O (Erect a dwelling (outline application with all matters reserved), Land South of 30 Eastwood End, Wimblington) which was heard at Planning Committee on the 26th April 2023 and subsequently refused.

10 ASSESSMENT

Principle of Development

- 10.1 The site is located adjacent to an established residential area, although not in a particularly sustainable location. However, new development would accord with the principle of 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 the 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 the principle only of development which is for consideration at this stage.

- 10.6 The application site comprises pony paddocks and grassed single carriage gated access to the paddocks from Eastwood End.
- 10.7 The red line to the site shows a rectangular building plot on part of the pony paddocks and accessed by the same 'field' entrance.
- 10.8 The dwelling would be located to the rear of existing frontage development, accessed by a long (30m) vehicular access between existing residential properties.
- 10.9 Whilst it is acknowledged that some new development has taken place within the area, even including part of the pony paddocks, as highlighted by the supporters of the proposal, this has taken the form of linear frontage development along Eastwood End. Aerial photographs of the form of development of Eastwood End are quite striking in demonstrating that 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.
- 10.10 Whilst Wimblington is designated as a Growth Village under LP3 of the Fenland Local Plan, Eastwood End it is not particularly well served in terms of local services, facilities or public transport and is bisected from services within the main part of the village by the A141, Isle of Ely Way.
- 10.11 As a result, Eastwood End is predominantly characterised by residential development along the road frontage in a linear frontage form almost exclusively.
- 10.12 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

- 10.13 With the linear form of 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.
- 10.14 A new dwelling as proposed would be likely to interfere with this pre-existing arrangement and would result in the potential for significant overlooking and loss of privacy to existing occupiers in whatever form the new dwelling might take.
- 10.15 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.
- 10.16 Furthermore, the proposed vehicular access, whilst a gated grassed access to the pony paddocks only (and likely used on an occasional basis) close to, and 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.

10.17 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 is approved.

10.18 It is of note that the third party representations objecting to the proposal (17) arise from residents adjoining or in the locality of the site, whilst those of support (11) originate from further afield.

Precedent

10.19 Precedent is not an issue usually cited as a reason for refusing development as each application should be assessed on its merits. However, in this case, there is a similar development which has recently been refused (F/YR23/0188/O) and by the same applicant in the vicinity of the site and likely to have the same repercussions for local residents and the form and character of the development area.

10.20 Accordingly, it is considered that, in this specific instance, the development should be resisted on the basis of establishing an unacceptable precedent for future development within the area.

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, property devaluation is not a planning issue and views are not a legal right; drainage can be overseen under building regulations and the Drainage Board.

10.22 Issues of impact on residential amenity, traffic generation, lack of services (sustainability issues) and adverse effects on existing residents are addressed in the report above.

10.23 The Parish Council has unequivocally stated that it objects to the application on the basis that the proposal would not be in keeping with the area.

11 CONCLUSIONS

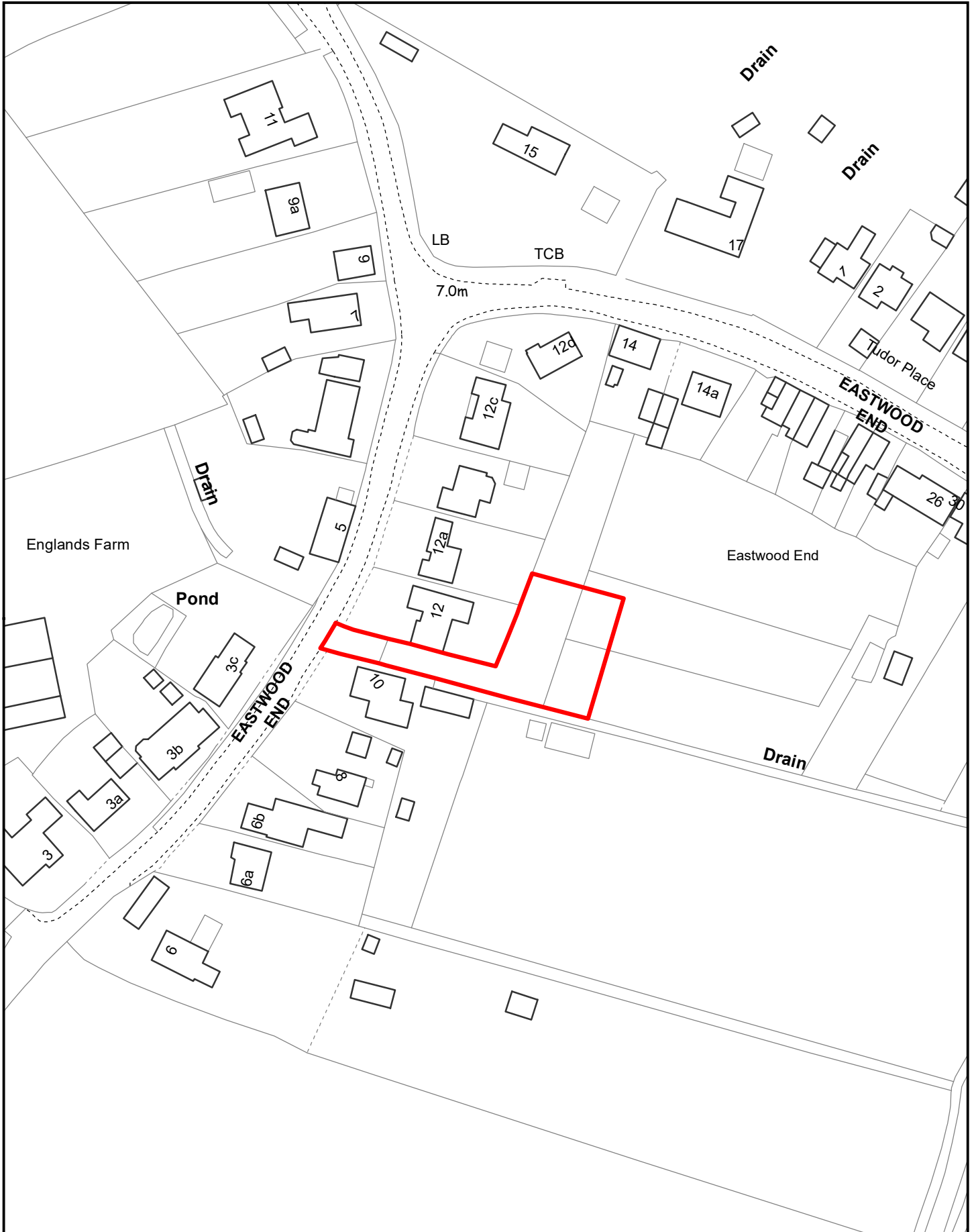
11.1 Whilst some limited development is generally considered to be acceptable within the villages, the form of development proposed under this application would represent a substandard backland layout to the detriment of the prevailing built form and character, would detract from the amenities of adjoining 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
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	<p>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.</p>
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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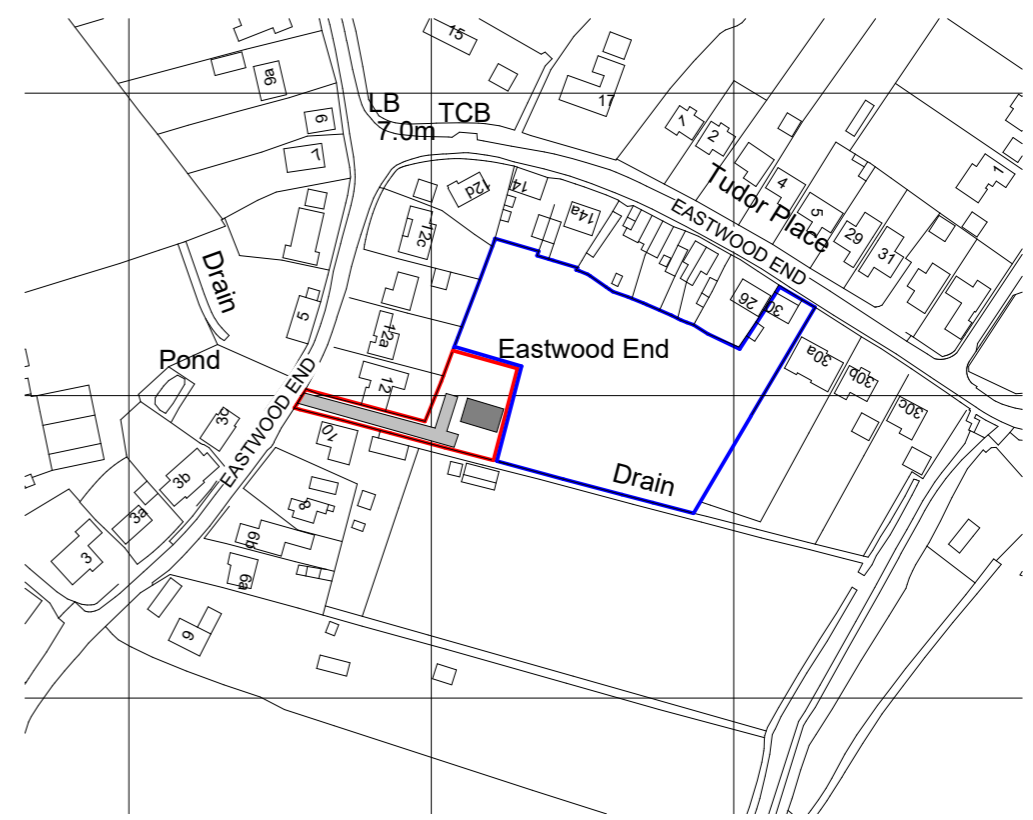
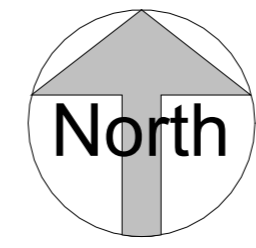
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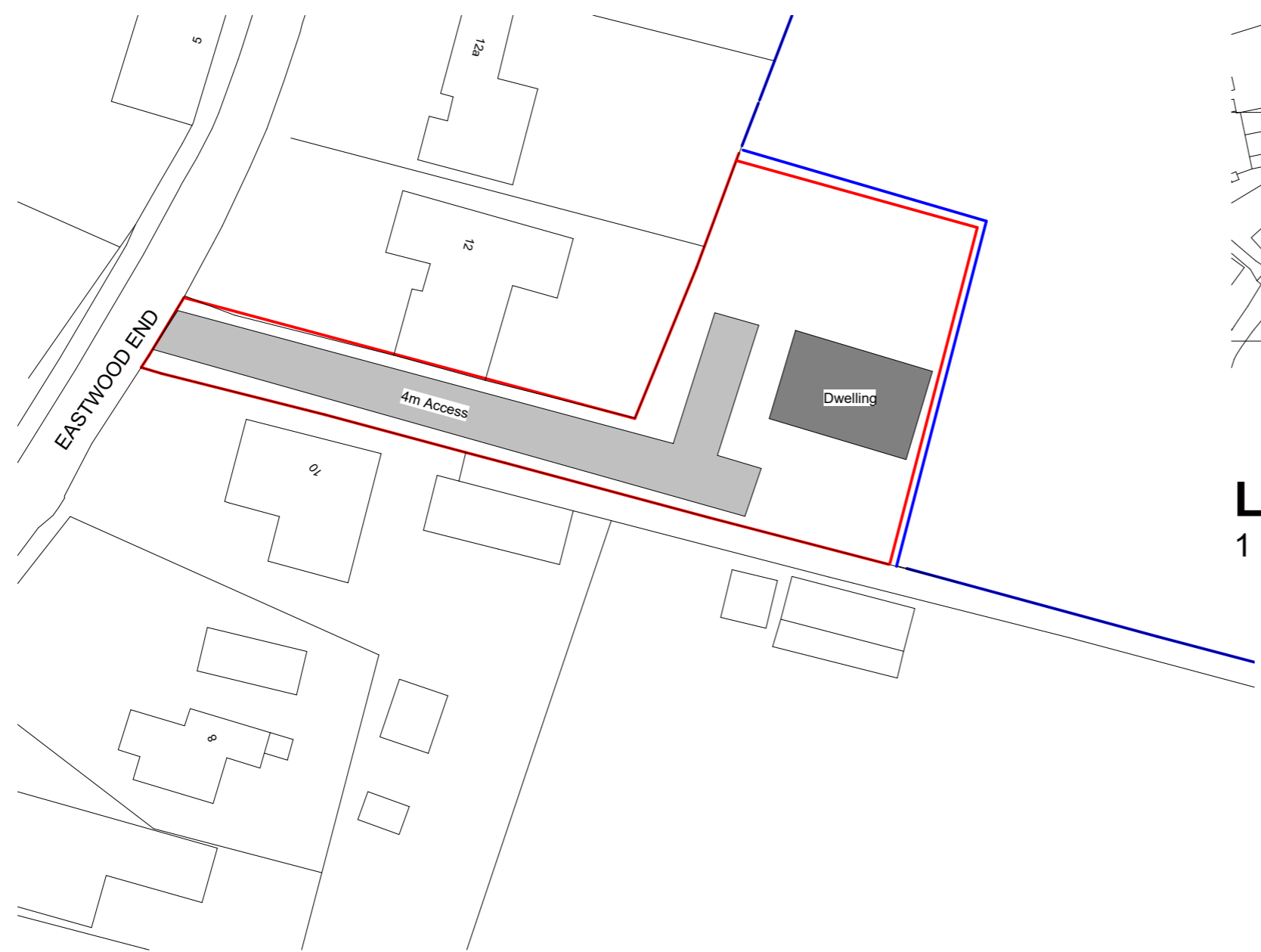


Notes


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.



Location Plan
 1 : 2500



Indicative Site Plan
 1 : 500

 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 - P101	