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**F/YR25/0404/F**

**Applicant: Mr Nicholas Underwood**

**Agent :**

**Garages At, River Drive, March, Cambridgeshire**

**Erect 1 x self-build/custom dwelling with a 2.0m high boundary fence, involving the demolition of existing garages**

**Officer recommendation: Refusal.**

**Reason for Committee: Number of representations contrary to officer recommendation.**

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## **1 EXECUTIVE SUMMARY**

- 1.1 Amendments have been made to the previous refused design under F/YR24/0768/F and which was dismissed at appeal. However, material concerns regarding the impact on the character and appearance of the area and overlooking remain.
- 1.2 The proposal design is at odds with the established built character of the surrounding area. Policy LP16 (d) of the Fenland Local Plan 2014 seeks to ensure that proposals make a positive contribution to the local distinctiveness and character of the area. The application site is constrained in size and consequently the dwelling proposed would result in a linear form of development, in close proximity to the boundaries of the site. Due to the size limitations of the application site, the proposed erection of a dwelling within it would result in an overdevelopment, resulting in a cramped and contrived appearance, at odds with the prevailing pattern and character of development in the vicinity, contrary to policy LP16 (d) of the Fenland Local Plan 2014.
- 1.3 There is considered to be a material overlooking impact on the private amenity spaces of 8 River Drive and 9 River Drive as a result of the proposed covered terrace area and the rear elevation stepped access. Therefore, the proposed development would result in significant harm to the residential amenity of two existing neighbouring properties contrary to policies LP2 and LP16 of the Fenland Local Plan 2014 and paragraph 135 of the National Planning Policy Framework (2024)
- 1.4 The above considerations are supported by the Planning Inspector when assessing the previously refused application F/YR24/0768/F. In the Inspector's conclusion they state: *While I acknowledge the role of increasing residential density in delivering the Government's objectives to boost housing supply, this should not come at the expense of contextually appropriate development. The proposal would remove dilapidated garages, which may currently attract crime and antisocial behaviour, and introduce a new dwelling that contributes to reducing CO<sub>2</sub> emissions, lowering energy consumption, and making a modest contribution to housing supply. Nevertheless, these benefits do not outweigh the conclusions I have reached regarding the main planning issues outlined above. I have found that the proposal would cause harm to the character and appearance of the area.*

1.5 For the reasons given above this application is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The plot is a parcel of land which is bordered by an existing public footpath that runs from Deerfield Road in a north-westerly direction to public open space at the rear of River Drive. The proposed dwelling is to be located on the site of former vehicular garages which are no longer in use and are dilapidated in appearance. The plot is surrounded by residential development with River Drive to the north, Cotswold Close to the west and south, and Deerfield Road to the east. The site is located in Environment Agency Flood Zone 1 and is subject to low, medium and high surface water flood risk on the Environment Agency Surface Water Map.

## **3 PROPOSAL**

- 3.1 The application proposes to demolish the existing garages on site replace these with a single dwelling utilising the existing access to the site from Deerfield Road. The dwelling has been confirmed by the applicant to be self/custom build, “designed by me and will be constructed on our behalf for my family”.
- 3.2 The submitted plans propose a single storey dwelling that contains a bedroom, bathroom, wc, storage, utility room, combined kitchen / living room, and a covered dining area. The interior of the property will be a double height space. A garden will be provided adjacent to the north-west facing side elevation, with two car parking spaces provided to the south-east of the dwelling. A bin store measuring 1.4 metres in height will be located in the north-eastern corner of the site adjacent the rear boundary, with a 1.4 metre high bicycle store located in the south-eastern corner of the site, adjacent to the rear boundary.
- 3.3 To mitigate against potential flood risk the finished floor level of the dwelling will be set at 0.5 metres above surrounding ground level, with a further 0.3 metres of flood resilient construction above. Foul water is to be disposed of via a mains sewer with surface water to be addressed by SUDS and a main sewer.
- 3.4 Proposed materials of construction are timber cladding and brick for the walls, with timber cladding for the roof. Windows and doors are to be of timber construction with double glazed windows and doors. The building is to measure 16.56 metres in width, 6.75 metres in depth, with a ridge height of 6.308 metres.
- 3.5 Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

## 4 SITE PLANNING HISTORY

Reference	Description	Decision
24/0026/PREAPP	Erect 2 storey, 3 bedroom sustainable mews house with integral double garage	Not Favourable – 07 May 2024.
F/YR24/0768/F	Erect 1 x self-build/custom dwelling (2-storey 3-bed) with a 2.0m high boundary fence, involving the demolition of existing garages	Refused – 23 December 2024  Appeal dismissed – 12 August 2025

## 5 CONSULTATIONS

### 5.1 March Town Parish Council – 03 June 2025

Approval

### 5.2 Environmental Health – 04 June 2025

No objection. Requests working hours condition.

### 5.3 Cambridgeshire County Council – Highways Officer – 18 June 2025

No objections – Cambridgeshire County Council's Definitive Map Team should be consulted.

### 5.4 Definitive Map Team – 21 August 2025

No objections – The footpath must remain open and unobstructed at all times. Informatives requested.

### 5.5 Local Residents/Interested Parties

Seven supporting comments received from residents of River Drive, summarised as follows:

Supporting Comments	Officer Response
Improved visual amenity	This will be addressed in the Layout / Design section.
Provision of additional lighting	This will be addressed in the Impact on Residential Amenity / Land Users section.
A bungalow would suit the area	This will be addressed in the Layout / Design section.
Will reduce anti-social behaviour	This will be addressed in the Impact on Residential Amenity / Land Users section.

One further comment received from a resident of River Drive:

Comments	Officer Response
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Walkway should remain	This will be addressed in the Impact on Public Byway section.
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## 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) and the March Neighbourhood Plan (2017).

## 7 POLICY FRAMEWORK

### **National Planning Policy Framework (NPPF) 2024**

Chapter 5 – Delivering a sufficient supply of homes

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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

Determining a Planning Application

### **National Design Guide 2021**

Context

Identity

Built Form

Movement

Nature

Uses

Homes and Buildings

Resources

Lifespan

### **Fenland Local Plan 2014**

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP9 – March

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

### **March Neighbourhood Plan 2017**

H2 – Windfall Development

H3 – Local Housing Need

### **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

DM6 – Mitigating Against Harmful Effects

### **Cambridgeshire Flood and Water SPD 2016**



### **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 49 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  
LP12: Meeting Housing Needs  
LP13: Custom and Self Build  
LP21: Public Rights of Way  
LP22: Parking Provision  
LP25: Biodiversity Net Gain  
LP28: Landscape  
LP32: Flood and Water Management  
LP33: Development on Land Affected by Contamination

## **8 KEY ISSUES**

- **Principle of Development**
- **Layout and Design**
- **Impact on Residential Amenity / Land Users**
- **Highway Safety and Parking**
- **Flooding Considerations / Drainage**
- **Public Right of Way**
- **Self-Build / Custom Build Properties**
- **Outstanding Matters from Representation**
- **Biodiversity Net Gain (BNG)**

## **9 BACKGROUND**

- 9.1 A pre-application enquiry was submitted for the site under reference 24/0026/PREAPP. A response was given that the proposed plans were unlikely to receive a favourable recommendation. Concerns were raised regarding a two-storey dwelling on site, amenity impact on occupiers and neighbours, the out of keeping design, and no provision for surface water drainage on site.
- 9.2 A subsequent application for a two-storey three-bedroom, two-storey self-build dwelling on this site was refused under reference F/YR24/0768/F on the 23<sup>rd</sup> of December 2024. Six reasons for refusal were given, concerning incongruous development, overdevelopment, overlooking, parking space sizes, lack of private amenity space and proposed site boundaries.
- 9.3 The refused application was appealed under reference APP/D0515/W/25/3363472. This appeal was subsequently dismissed on the 12<sup>th</sup> of August 2025.

## **10 ASSESSMENT**

## **Principle of Development**

- 10.1 The application is for residential development on brownfield land within the built-up settlement of March. The surrounding area is characterised by single-storey residential development, with two storey dwellings further to the east along Deerfield Road. The redevelopment of brownfield land in sustainable locations is supported by local and national policy. It is considered that the broad principle of residential development in this location is acceptable subject to no material impacts on character and appearance, residential amenity, highway safety, contamination and ecology.

## **Appeal Decision**

- 10.2 The recent appeal decision in respect of the previous application is a significant material consideration and needs to be given appropriate weight accordingly. The Conclusion section of the Appeal Decision states:

*I have found that the proposal would cause harm to the character and appearance of the area. Additionally, I have identified adverse impacts on the living conditions of neighbouring occupiers due to overlooking. However, I have not found harm in relation to the living conditions of future occupiers of the proposed development with respect to the availability and usability of outdoor amenity space, nor in terms of highway safety regarding car parking provision and the impact on users of the public highway. As the proposal conflicts with the development plan as a whole, and the material considerations — including those set out in the National Planning Policy Framework — do not justify a departure from it, the appeal is dismissed.*

- 10.3 The Inspector clearly identified two main areas of concern; character and appearance, and neighbouring amenity which will be considered in respect of the current application below.

## **Character and Appearance**

- 10.4 The previous application proposed a three-bedroom, two storey dwelling. This dwelling was to measure 23.15 metres in width, 7.6 metres in depth, with a ridge height of 7.066 metres. For comparison, the current proposed dwelling is to measure 16.56 metres in width, 6.75 metres in depth, with a ridge height of 6.308 metres, and providing a single storey of accommodation. The footprint of the proposed dwelling is reduced from 175.94 square metres to 111.78 square metres. The new footprint covers 63.5% of the previously refused building. This reduction has been achieved primarily through removal of the double carport, as well as the reduction in depth of the building from 7.6 metres to 6.75 metres.
- 10.5 However, whilst the proposed dwelling has been reduced in depth and width the observations of Planning Inspector are considered to remain relevant:

*The proposed dwelling is notably linear in form due to the shape of the appeal site. Its proportions, conceived to address this constraint, differ significantly from those of nearby buildings..... The proximity of development to the site boundary would contribute to a cramped appearance when viewed from the surrounding area.....I agree with the Council's comments that the prominence of the proposed dwelling would be particularly evident from the windows and gardens of adjoining residential properties, as well as from the nearby public right of way.*

- 10.6 Inherently, owing to the constraints of the site, the dwelling now proposed remains of a linear form at odds with the prevailing form of development in the vicinity and in proximity to the boundaries of the site with a consequent cramped appearance. As such it is not considered that the harm on the character and appearance of the area identified by the Inspector has been overcome, and as such the development would be contrary to Policies LP2 and LP16 of the Local Plan which seek to protect the amenity of the surrounding area and promote good design.

### **Neighbouring Amenity**

- 10.7 The Inspector identified amenity concerns in respect of the relationships between the proposed dwelling and 9 River Drive, stating *“The finished floor level of the proposed dwelling is significantly higher than the garden area of No.9 River Drive (No.9). I am not satisfied that, due to the resulting effective height of the boundary fence, overlooking of No.9’s garden would not occur from the proposed dwelling. While the provision of planting—such as bamboo—along this boundary is intended to reduce the potential for overlooking, mature vegetation would take time to establish and is inherently temporary. It therefore cannot be relied upon as a permanent solution to prevent overlooking”*.
- 10.8 This relationship and method of boundary treatment at the north-west boundary has not changed since the application F/YR24/0768/F was refused and subsequently dismissed at appeal. It is therefore considered that a material overlooking impact remains.
- 10.9 The Inspector also identified concerns with the relationship to 29 Cotswold Close from the first-floor windows. Now that the proposal is single storey in design it is considered that this element of the previous reason for refusal has been addressed.
- 10.10 As the Inspector did not identify any other amenity concerns in terms of relationships with neighbouring properties, and the scale of the proposed dwelling has been reduced it is not considered that there are any further adverse impacts on neighbouring dwellings in terms of overshadowing or overbearing. However, a rear door has been introduced to the new scheme which would be accessed via steps. The stepped access rises to 0.42 metres above ground level. The rear boundary is served by a 2-metre-high fence and it is considered that this could result in some overlooking of 8 River Drive to the rear of the dwelling.

### **Living conditions of Future Occupiers**

- 10.11 The Inspector did not identify any concerns over the living conditions for future occupiers and as the proposed dwelling has been reduced in terms of footprint to allow greater amenity space, there are therefore no issues to reconcile in this respect.

### **Highway Safety and Parking**

- 10.12 This application proposes two off road parking spaces which accords with Appendix A of the Local Plan. The Planning Inspector expressed no concerns with the proximity of the parking spaces to the public right of way. Additionally, no objections have been received from the Highway Authority. Therefore, there is not considered to be a highway safety impact from the proposal.

### **Flooding Considerations / Drainage**

- 10.13 With regard to the proposed drainage, foul water is to be disposed of via a mains sewer with surface water to be addressed by SUDS and a main sewer. The submitted documents show that the footprint of the dwelling is not sited over any sewers or drains. Proposed drainage for the site is considered to be acceptable.
- 10.14 The site is located in Environment Agency Flood Zone 1 and is subject to low, medium and high annual surface water flood risk on the Environment Agency Surface Water Map. To mitigate against potential flood risk the finished floor level of the dwelling will be set at 0.5 metres above surrounding ground level, with a further 0.3 metres of flood resilient construction above. It should be noted that the submitted Flood Risk Assessment has not been updated since the previously refused application F/YR24/0768/F. The FRA is dated July 2024 and still makes reference to a two-storey dwelling.
- 10.15 Given the surface water flood risk of the site a sequential test would be required as per Paragraph 174 of the NPPF. The application is not accompanied by a sequential test, and as such it has not been demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding in the March area.
- 10.16 While the application may be seen as being contrary to Policies H2 of the March Neighbourhood Plan, LP14 and LP16 of the Local Plan, paragraph 174 of the NPPF, and Section 4 of the Cambridgeshire Flood and Water SPD, the subject of flood risk and the lack of a sequential test was not given as a reason for refusal for the previous application. This matter was also not raised by the Planning Inspector at appeal. It is therefore considered inappropriate to now introduce this matter as a new reason for refusal.

### **Public Right of Way**

- 10.17 With regard to the use of the public right of way by future occupants the Planning Inspector identified no issues when considering the previous proposal and there no objections from the Highway Authority, including from the Definitive Map Team.

### **Self-Build / Custom Build Properties**

- 10.18 The application is submitted as to be self/custom build. Policy LP5, Part C seeks to provide, in appropriate circumstances, housing solutions that meet market expectations including self-build homes, which is supported by Para 63 of the NPPF (2024). Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Weight would therefore be given to this, the amount dependant on identified demand.
- 10.19 The proposal is for a self/custom build dwelling, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can therefore be reasonably afforded to the delivery of this form of housing when determining the application.
- 10.20 Since the determination of the previous application, case law has emerged which indicates that Self/custom build housing should be secured by means of a legal

agreement. No such agreement has been submitted and as such a reason for refusal is recommended in this regard.

### **Outstanding Matters from Representation**

- 10.21 The below comments were the sole reasons given as to why the application should be supported. None of below comments carry material planning weight.
- Provision of additional lighting.
  - Improved public safety.
- 10.22 Anti-social behaviour on and around the public footpath is not considered to justify the imposition of an alien and incongruous dwelling to provide natural surveillance and additional lighting. The Inspector did consider the matter of anti-social behaviour and did not consider this matter to outweigh the harm of a new dwelling in this location.
- 10.23 Due to the garages on site not being in use and with some being able to be accessed by birds, an Ecology Report (Preliminary Ecological Assessment) was requested. The applicant has declined to provide this report.

### **Biodiversity Net Gain (BNG)**

- 10.24 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.25 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the nature of the development being custom build is exempt from statutory net gain.

## **11 CONCLUSIONS**

- 11.1 Amendments have been made to the previous design refused under F/YR24/0768/F. However, it is not considered that the areas of concern identified by the Inspector when considering the appeal against this refusal have been overcome in terms of the impact on the character and appearance of the area or residential amenity.
- 11.2 In terms of considering the wider planning balance, the Inspector's conclusion stated, *"While I acknowledge the role of increasing residential density in delivering the Government's objectives to boost housing supply, this should not come at the expense of contextually appropriate development. The proposal would remove dilapidated garages, which may currently attract crime and antisocial behaviour, and introduce a new dwelling that contributes to reducing CO<sub>2</sub> emissions, lowering energy consumption, and making a modest contribution to housing supply. Nevertheless, these benefits do not outweigh the conclusions I have reached regarding the main planning issues outlined above"*. It is considered that those conclusions remain relevant to this case.

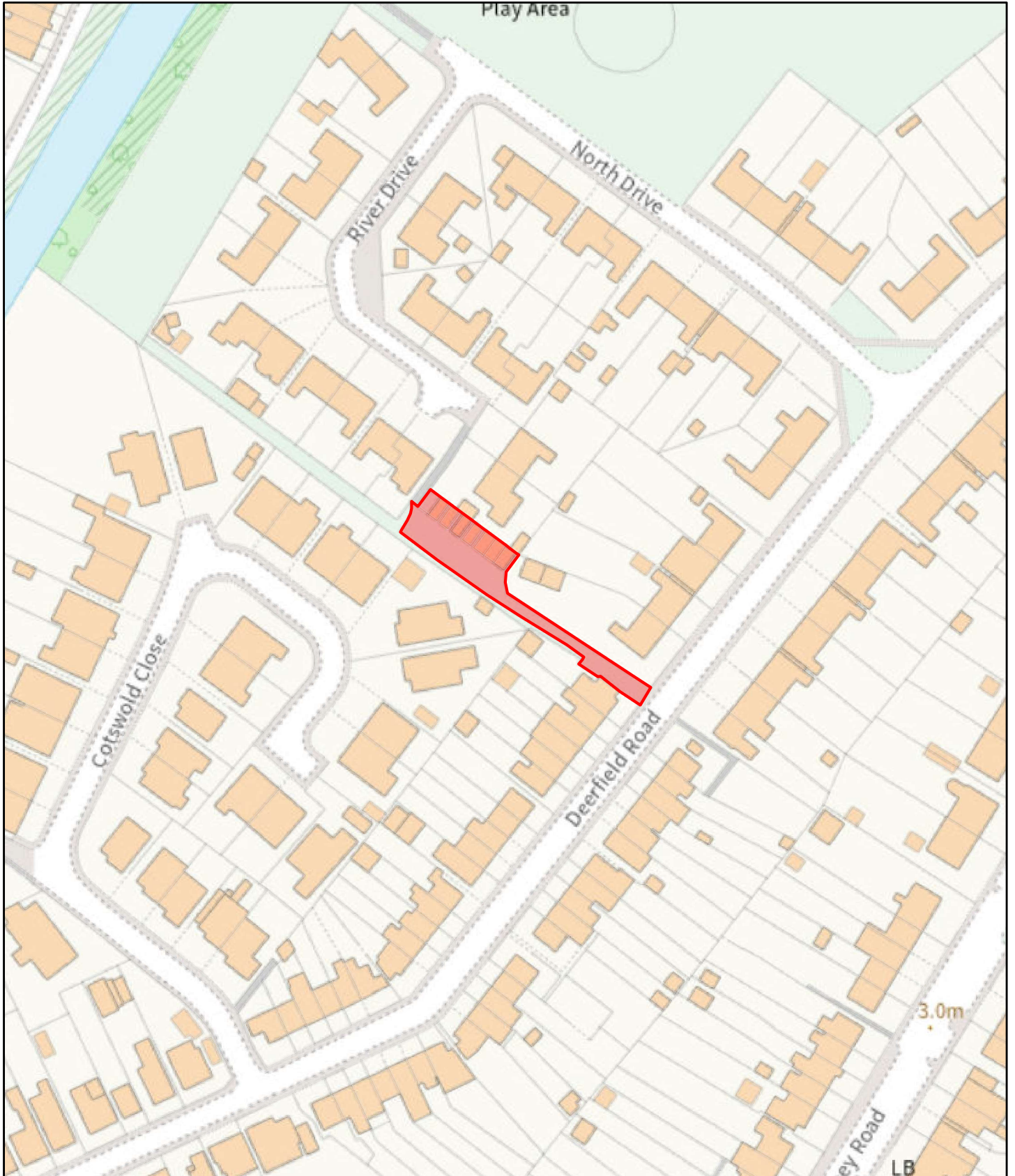
11.3 Therefore, the application is not considered to be in accordance with Policies LP3, LP4, LP5, LP9, LP14 and LP16 of the Fenland Local Plan (2014), Sections 5, 12 and 14 of the National Planning Policy Framework (2024) and Policies H2 and H3 of the March Neighbourhood Plan (2017).

## 12 RECOMMENDATION

**Refuse;** for the following reasons:

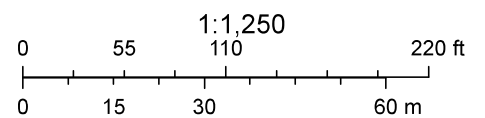
1	Policy LP16 (d) of the Fenland Local Plan 2014 seeks to ensure that proposals make a positive contribution to the local distinctiveness and character of the area. The application site is constrained in size and consequently the dwelling proposed would result in a linear form of development, in close proximity to the boundaries of the site. Due to the size limitations of the application site, the proposed erection of a dwelling within it would result in an overdevelopment, resulting in a cramped and contrived appearance, at odds with the prevailing pattern and character of development in the vicinity, contrary to policy LP16 (d) of the Fenland Local Plan 2014.
2	There is considered to be a material overlooking impact on the private amenity spaces of 8 River Drive and 9 River Drive as a result of the proposed covered terrace area and the rear elevation stepped access. Therefore, the proposed development would result in significant harm to the residential amenity of two existing neighbouring properties contrary to policies LP2 and LP16 of the Fenland Local Plan 2014 and paragraph 135 of the National Planning Policy Framework (2024)
3	In the absence of a legal agreement or other enforceable mechanism to secure the delivery and occupation of the proposed dwelling as a self-build unit, the development fails to meet the definition and requirements of self-build housing as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended).





5/30/2025, 9:12:00 AM

 Fenland District Boundary



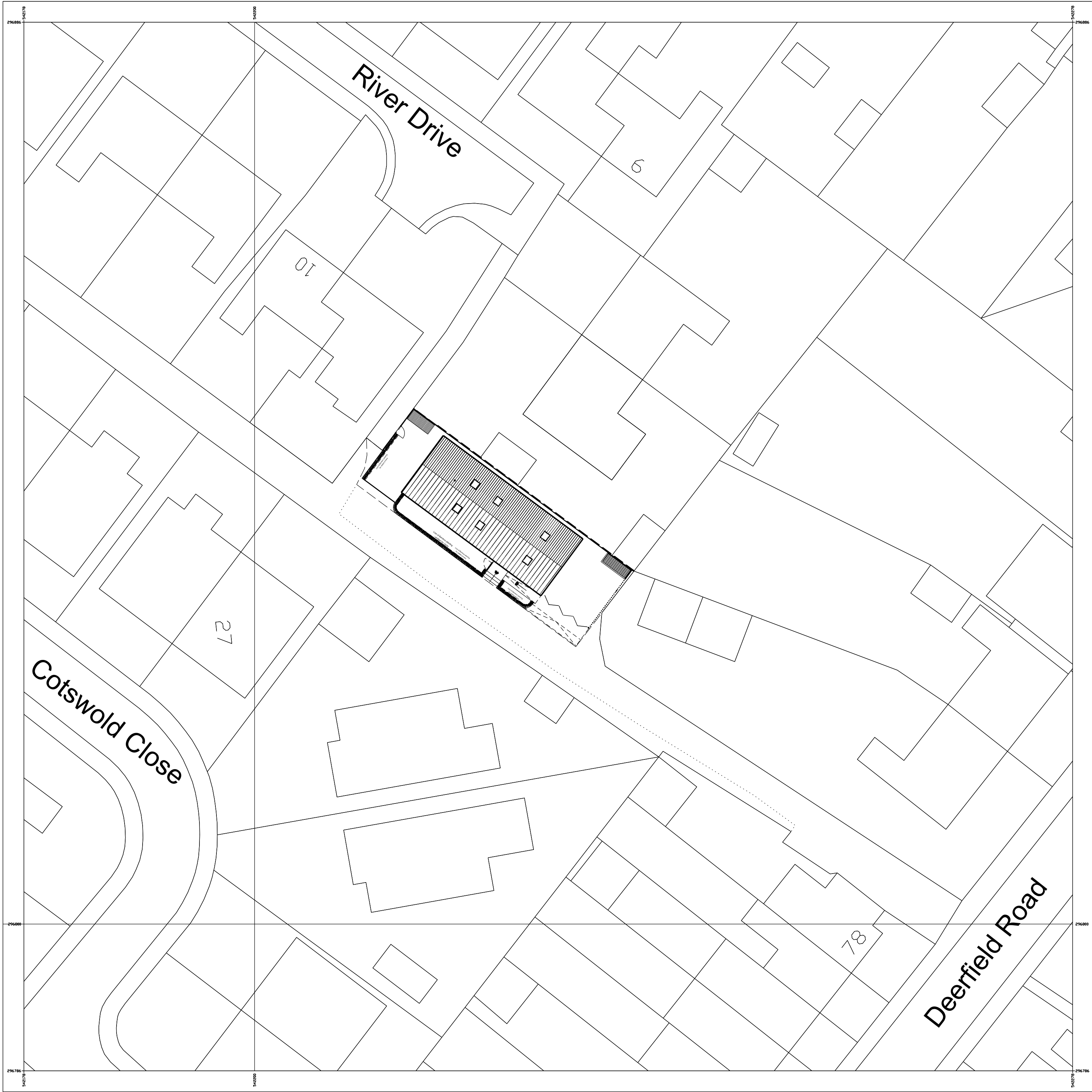
Fenland District Council



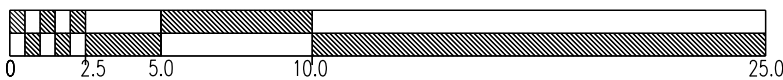
01 Existing Site Plan

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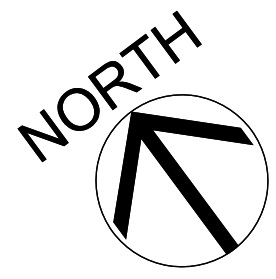


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01 Proposed Site Block Plan

DATE:			CLIENT:			CONTRACTOR:			ARCHITECT:			PROJECT : DEERFIELD MEWS, MARCH, UK		REF:	M01	CODE:	DRAWING NO:		REV:
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														REVIEWED:					



08

## No Windows to this Facade

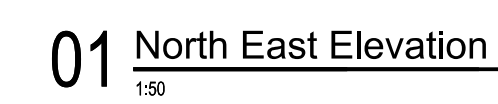
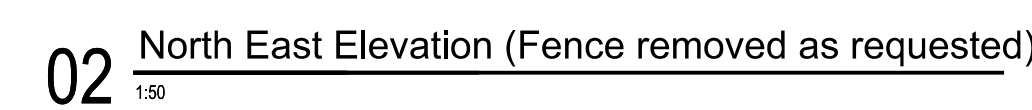
# Footpath to River Drive

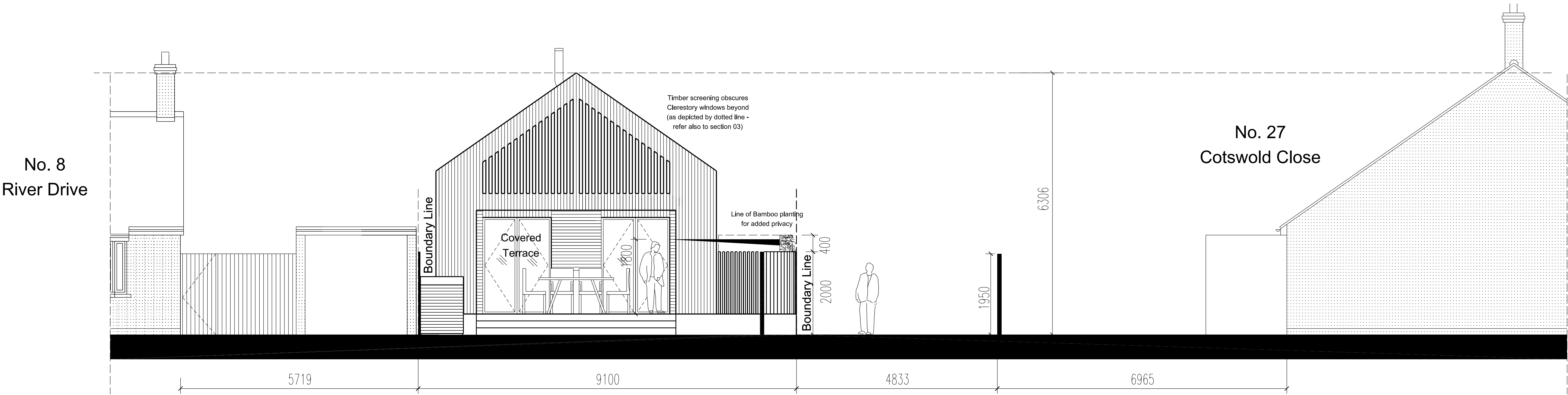
## No Windows to this Facade

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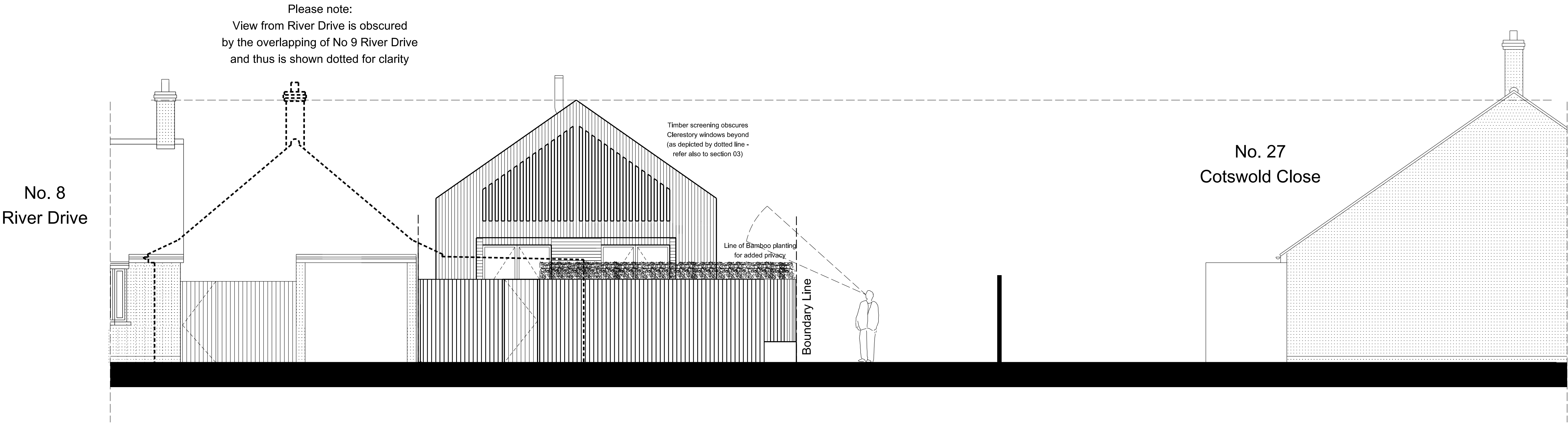
## 01 Proposed Ground Floor Plan

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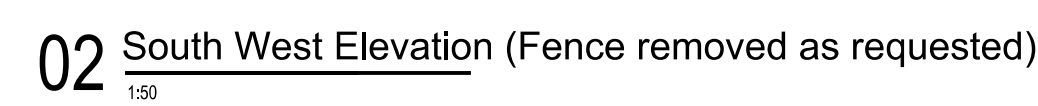



02 North-West Elevation (Fence removed as requested)

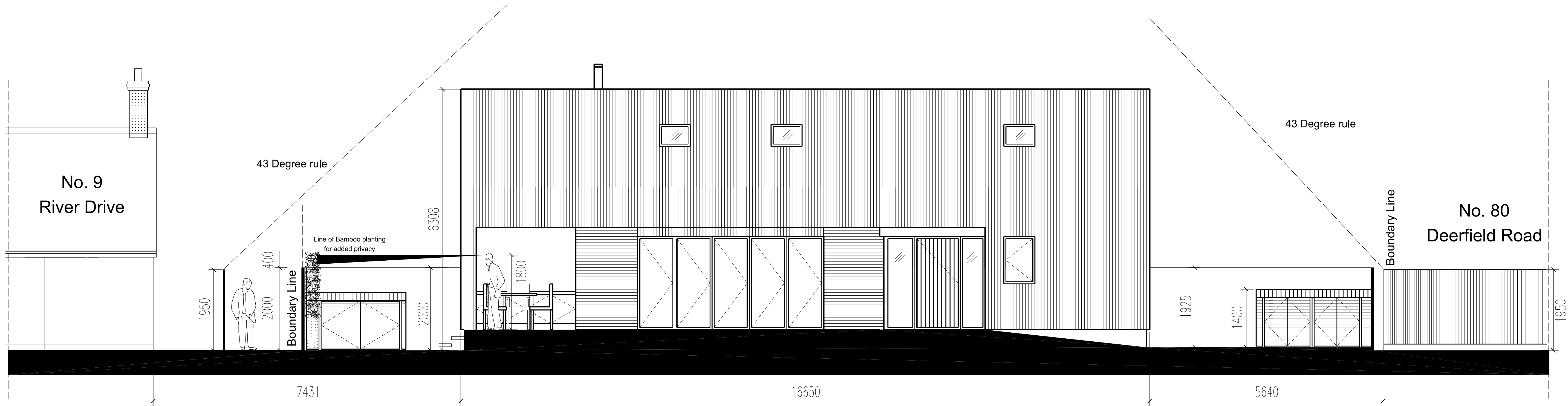


01 North-West Elevation

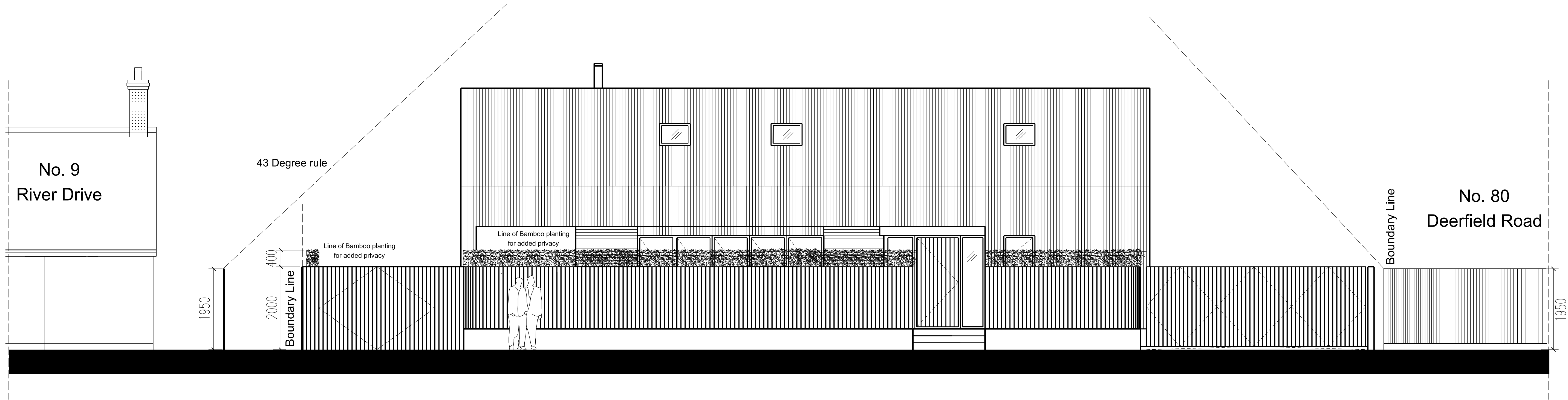
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DATE: 08/05/2025	REVISION: 01	DESCRIPTION: Written Dimensions added following FDC request	CLIENT	CLIENT	CONTRACTOR	ARCHITECT:	PROJECT : DEERFIELD MEWS, MARCH, UK	REF:	M01	CODE:	DRAWING NO:	REV:
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							SCALE: 1:50	SHEET : A1	DRAWN:	NU		
								REVIEWED:				



02 South - West Elevation (without Fence as requested)



02 South West Elevation

DATE:	REVISION:	DESCRIPTION:	CLIENT:	CONTRACTOR:	ARCHITECT:	PROJECT :	REF:	CODE:	DRAWING NO:	REV:
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