

## **PLANNING APPEAL DECISIONS**

The Council has received the following appeal decisions in the last month. All decisions can be viewed in full at <https://www.fenland.gov.uk/publicaccess/> using the relevant reference number quoted.

**Planning Application Reference: F/YR20/0728/O**

**Site/Proposal:** Erect 1 dwelling (outline application with all matters reserved), Land North Of 25A Newgate Street, Doddington

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated following advice of Committee Chairman	<b>Appeal Decision:</b>	Dismissed
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**Main Issues:**

- **The character and appearance of the area**

**Summary of Decision:**

The site comprises garden land to the rear of a 25A which fronts onto Newgate Street and forms a continuous built frontage of dwellings along Newgate Street. The application sought outline planning permission for the erection of a single dwelling within the rear garden of the host dwelling, No.25A.

The application was refused due to the conflict of the development with the settlement pattern and character of the area, therefore contrary to LP12 (Part A) and LP16 of the FLP.

The Inspector noted that in the immediate vicinity of No 25A, there are no other examples of dwellings which have been constructed in the rear garden of frontage properties and accessed via a shared drive from Newgate Street. Furthermore, he considered that the additional movements on the drive associated with two dwellings would make the site more conspicuous in the street scene to the detriment of its character, notwithstanding that the development would be visible from the streetscene despite its secondary position.

The Inspector had regard to examples provided by the Appellant of other backland developments in the area, but did not find any of these directly comparable to the appeal site.

In summary, the Inspector found that the relevant policies of the development plan, namely LP12 (Part A) (d) and LP16(d) were consistent with the NPPF which expects at Paragraph 127, amongst other things, developments to be sympathetic to local character, and establish or maintain a strong sense of place. The Inspector therefore found that the appeal proposal conflicted with the Local Plan and that the other material considerations advanced by the appellant were not sufficient to indicate that the appeal should be allowed.

**Planning Application Reference: F/YR20/0661/O**

**Site/Proposal:** Erect 3 x dwellings (outline application with all matters reserved), Land East Of 17 Burnthouse Sidings, Turves

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated following advice of Committee Chairman	<b>Appeal Decision:</b>	Dismissed
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**Main Issues:**

- **Suitability of location**
- **Flood risk**

**Summary of Decision:**

The Inspector concluded that the site lay in the open countryside away from established settlements. There were sporadic dwellings in the vicinity, and while the site was not isolated, it was within an elsewhere location under LP3 of the Local Plan and would require future occupiers to access services and facilities by car. The development was therefore in conflict with this policy.

The site was within Flood Zone 3 and no sequential test had been carried out as required by the NPPF. The appellant argued he did not own any other land, which the Inspector disregarded due to advice in the Planning Practice Guidance regarding land ownership not being a sequential constraint, and consequently the Inspector found conflict with Policy LP14 of the Local Plan as sites at a lower risk of flooding would be available.

The Inspector considered the impact on the vitality of nearby settlements, concluding that the remote location of the site was unlikely to result in the use of the limited services in nearby settlements. He also considered the contribution to the District's housing supply, concluding that the small number of dwellings involved would not outweigh the harm created by the proposal.

The appeal was therefore dismissed on the grounds of conflict with the settlement hierarchy and being sequentially unacceptable in flood risk terms.

**Planning Application Reference: F/YR19/10**

**Site/Proposal:** Erect 1no dwelling (single-storey, 2-bed) and boundary close boarded fence approx 1.8m high at Land South Of 1 Otago Road Whittlesey

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b> Committee		<b>Appeal Decision:</b>	Dismissed  Costs awarded to the Council
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**Main Issues:**

- **Effect of the proposed development on the character and appearance of the area**

**Summary of Decision:**

The site lies to the front of the recently constructed dwellings of 27 and 27A Drybread Road. Dwellings along this area of Drybread Road are single-storey, on large plots, which follow an established building line set back from the road. This arrangement is considered to contribute to the open and spacious character of the area. The Inspector agreed that the plot had a closer relationship with the dwellings on Drybread Road than the more dense development on Otago Road and that the proposal would result in tandem development that would appear at odds with the prevailing pattern of linear development. Given the prominent position of the site the development would result in a dominant and incongruous addition in the streetscene.

The Inspector concluded that the proposal would have a significant adverse effect on the established pattern of development and the character and appearance of the surrounding area. Therefore, the proposal would conflict with Policy LP16 of the Fenland Local Plan and DM3 of the Delivering and Protecting High Quality Environments SPD, which seek to ensure high quality development that responds to the character of the local built environment and settlement pattern. Furthermore, it would conflict with the aims of the NPPF and the principles of the NDG which require developments to be well designed, appropriate in building type and sympathetic, well related and respond to local character. The absence of harm in respect of other material considerations is a neutral matter that weighs neither for nor against a proposal.

A costs claim was submitted by the Council on the basis that the appeal followed previous appeal decisions, including a recent decision in respect of a very similar proposal, where an Inspector decided the proposal was unacceptable and that the circumstances have not materially changed in the interim. The Inspector concluded that the Council had been put to the expense of defending their position when the appeal had effectively no chance of succeeding and as such the appellant had acted unreasonably. A full award of costs to the Council was given.