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**F/YR21/0603/F**

**Applicant: Mr S Necker**

**Agent: Mrs Shanna Jackson  
Swann Edwards Architecture Limited**

**42 Tavistock Road, Wisbech, Cambridgeshire, PE13 2ER**

**Erect 4 x 3-bed 2-storey dwellings; 1.8 metre high timber fence and parking for No. 42 involving demolition of existing double garage including formation of a new vehicular access**

**Officer recommendation: Refusal**

**Reason for Committee: Town Council comments contrary to officer recommendation**

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## **1. EXECUTIVE SUMMARY**

- 1.1. The application is for the construction of four two-storey dwellings on the land at the rear of the existing host dwelling. The scheme would involve the removal of an existing double garage that serves the host property.
- 1.2. The site is located within the town of Wisbech, and is on land within Flood Zone 1, the lowest flood risk.
- 1.3. The site is located within an area of low-density development with a non-regimented layout, which is adjacent to an area of residential development of geometric street patterns and much higher density development. There is no gradual transition between these character areas within the surroundings. The scheme would therefore be at odds with the character that defines its location and would result in harm to the street scene as a result.
- 1.4. The proposed site layout results in the proposed dwellings being located in close proximity to the boundaries of the application site, and the height and mass of the proposed dwellings would have an unacceptable detrimental impact on the residential amenities of the neighbouring dwellings.
- 1.5. The proximity of the scheme to the neighbouring dwellings would also result in adverse impact due to the use of the proposed parking and turning area and its location in relation to the neighbouring garden areas.
- 1.6. The scheme is therefore considered to be contrary to the relevant policies of the Fenland Local Plan (2014) and is recommended for refusal.

## **2. SITE DESCRIPTION**

- 2.1. The application site forms the majority of the garden land associated with the host property. An existing garage building is located within the site that is to be removed to facilitate the development. The proposed dwellings would be located

on land that was formerly the lawned area of the property and is also the site of a large conifer tree visible from Tavistock Road.

- 2.2. The application site adjoins the rear gardens of nine properties along Colvile Road, whilst 5 and 8 Trafford Park adjoin the site to the north.

### **3. PROPOSAL**

- 3.1. The application is for the construction of two pairs of semi-detached dwellings on the land facilitated by the removal of the existing garage building and the conifer tree.
- 3.2. The two pairs of dwellings would be accessed by a driveway from Tavistock Road that would also provide access to the host dwelling, which would be served by a pair of parking spaces between the property and the road.
- 3.3. The proposed dwellings would be of a hipped design and a handed internal layout, with parking provision made to the north and south sides of the application site. These spaces would directly adjoin the dwellings on Colvile Road but would be inset from the boundary of the gardens to the north. A shared turning space would serve all four properties.
- 3.4. Each of the dwellings would be served by modest rear gardens to the east of the site, separated from each other by 1.8m closeboard fencing. The gardens would meet the minimum guideline size for properties set out within the local plan and would provide adequate space for the storage of wheeled bins. A bin collection point is shown adjacent to the entrance of the site that meets the size standards set out in Fenland's Waste Collection for Domestic Properties planning guidance document (2021).
- 3.5. The proposed scheme has been amended by the applicant during consideration, and the site plan now details an acoustic fence 1.8m high to be provided along the southern boundary of the site between the proposal and the existing gardens of the dwellings on Colvile Road. The amendments also re-oriented plots 1 and 2 at an angle to the southern boundary of the site instead of being located parallel to it.
- 3.6. Full plans and associated documents for this application can be found at: [F/YR21/0603/F | Erect 4 x 3-bed 2-storey dwellings; 1.8 metre high timber fence and parking for No. 42 involving demolition of existing double garage including formation of a new vehicular access | 42 Tavistock Road Wisbech Cambridgeshire PE13 2ER \(fenland.gov.uk\)](#)

### **4. SITE PLANNING HISTORY**

- 4.1. There is no site planning history.

### **5. CONSULTATIONS**

#### **5.1. Wisbech Town Council**

*That the application be supported, subject to the proposal according with any matters specified, or any planning conditions required, by the Local Planning Authority*

#### **5.2. Cambridgeshire County Council Highways Authority**

*Further to the revised plan submission, I have no highway objections subject to the following condition recommendations;*

- 1.) *Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.  
Reason - In the interests of highway safety.*
- 2.) *The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter.  
Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.*
- 3.) *The buildings shall not be occupied until the means of vehicular access has been laid out and constructed in accordance with the approved plans.  
Reason: In the interests of highway safety and to ensure satisfactory access into the site.*

### **5.3. FDC Environmental Health**

*I refer to the above application for consideration and would make the following observations.*

*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.*

*As the proposal involves the demolition of an existing structure, we ask for the unsuspected ground contamination condition to be imposed in the event planning consent is granted.*

*With regard to the demolition of existing buildings and the construction phases of the development, this process should be restricted to within specific times in order to protect the occupiers of nearby residential properties.*

*Consequently, there are no objections to the granting of consent to this proposal, but would recommend the attachment of conditions.*

### **5.4. Local Residents/Interested Parties**

12 objections have been received from 8 separate addresses (Colvile Road, Tavistock Road and Trafford Park) on the following grounds:

- Impact on current view from the property (this is not a material planning consideration)
- Impact on light within the neighbouring gardens
- Resultant noise pollution from the proposed intensive development
- Devaluation of property (this is not a material planning consideration)
- Impact on privacy
- Suggest a single bungalow would be an acceptable amount of development
- All landscaping on the site has been removed, displacing a family of hedgehogs
- Bonfire on the site that burned for several days

- Out of character with the settlement pattern of the area in terms of backland development and the larger gardens associated with dwellings north of Colvile Road.
- Overbearing impact on the enjoyment of neighbouring gardens due to proximity and scale.
- Impacts of the proposed construction works (these are not material to the consideration of the proposal)
- Out of character with Tavistock Road
- Parking issues as Colvile Road residents already have to park on Tavistock Road at certain times of the day
- Too many dwellings proposed
- Should a car catch fire in the proposed parking spaces this would jeopardise the safety of the adjacent dwellings
- Reorientation of the dwellings makes the impacts worse

## **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: NPPF is a material consideration in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 11: Presumption in favour of sustainable development

Para 12: Conflict with an up-to-date plan should not usually be granted

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 119: Promote effective use of land

Para 120: Opportunities and benefits of the reuse of land

Para 124: Making efficient use of land (density - need & character)

Para 125: Where land is limited, avoid building at low densities

Para 126: Creation of high-quality, beautiful and sustainable buildings and places

Para 130: Well-designed development

Para 131: Incorporation of trees into development proposals

Para 134: Development that is not well-designed should be refused, especially where it fails to reflect local design policies.

Para 159: Development should be directed away from areas at highest risk of flooding.

Para 174: Contribution to and enhancement of the natural and local environment.

Para 180: Harm to habitats and biodiversity should result in refusal.

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

Determining a Planning Application

### **7.3. National Design Guide 2019**

Context

Identity

Built Form

Movement

Nature  
Homes and Buildings  
Resources  
Lifespan

#### **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

LP8 – Wisbech

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

#### **8. KEY ISSUES**

- **Principle of Development**
- **Character Impact**
- **Residential Amenity Impact**
- **Highway Safety and Parking**
- **Other Matters**

#### **9. BACKGROUND**

- 9.1. There is no background history of planning applications on the site, nor any record of pre-application advice being sought in relation to the proposal.
- 9.2. Preparatory works have taken place on the site, consisting of the removal of landscaping and construction of a low boundary wall bordering Tavistock Road. The fence enclosing the proposed reduced garden has also been installed, and a substantial amount of gravel has been imported to the site. None of these works would have required planning permission.

#### **10. ASSESSMENT**

##### **Principle of Development**

- 10.1. The proposal is for the construction of four new dwellings within the built-up part of the town of Wisbech. Wisbech is identified within the development plan as one of four market towns, within which the majority of development is anticipated to take place over the development plan period.
- 10.2. There are no policies set out in the development plan that prohibit development of backland locations for residential purposes, and therefore the application must be considered on the basis of the specific impacts of the development proposals.

##### **Character and Visual Impact**

- 10.3. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely

impacting on the street scene, settlement pattern or landscape character of the surrounding area.

- 10.4. The application proposes the construction of two pairs of semi-detached dwellings within the garden of the host property, which is a backland form of development, with a shared drive and parking area to its front. The application site is visible across the existing land associated with the host dwelling due to the removal of the former boundary landscaping, and the proposed dwellings would as a result be visible from and form part of the street scene of Tavistock Road from which they are proposed to gain access.
- 10.5. The wider area within which the development is located has not been a location for backland development previously, and its character is comprised of the regimented, more orderly development along the geometric pattern of streets that is formed from Colvile Road, Clarkson Avenue, Tavistock Road and Trafford Road and the considerably less dense, more organic pattern of development off Trafford Park and York Gardens.
- 10.6. The proposed development through its form, siting and overall character would fail to respect the existing character of either of these 'areas' and would appear as an overintense development of the site resulting in a visual presence within the street scene that is at odds with the character of development in this location.
- 10.7. On that basis, the proposal would fail to reinforce the existing local distinctiveness and character of the area (specifically the development pattern identified) and would result in a visual impact to the detriment of the street scene (the visual presence of the proposed dwellings in a location that is at odds with the form of development that makes up that location).

#### **Residential Amenity Impact**

- 10.8. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.9. Residential amenity extends to a wide range of considerations, including privacy impacts, harm arising from noise generation, proximity of buildings resulting in overshadowing or overbearing impact etc. It is necessary to consider not just the amenity of the properties and residents of the dwellings adjoining the site, but also of the likely levels of residential amenity within the dwellings proposed to be located on an application site.
- 10.10. Each of the dwellings proposed meets the required minimum one third private garden area, as does the existing host dwelling.
- 10.11. With regard to the current application, there are several residential amenity matters that are relevant to the proposals. Matters such as construction noise are not a residential amenity consideration however, nor are any impacts that would not ordinarily be considered as part of the normal usage of the development proposed.
- 10.12. The potential impacts of the proposed dwellings in residential amenity terms are considered to be as follows:
  - Potential for overlooking of neighbouring dwellings

- Potential overbearing impact on use of the neighbouring gardens
- Potential for overshadowing of neighbouring gardens
- Noise generation impacts as a result of use of the dwellings and the driveway/parking area

#### Overlooking

- 10.13. The proposed dwellings are located in such a way that each of the elevations of the building faces private residential gardens that adjoin the site. The front elevations of the buildings, which also contain the main first floor bedroom windows, are located facing the garden of the host property. They are positioned approximately 18m from the resulting private garden of that dwelling however, and in excess of 24m from the nearest part of that property, adequately protecting its amenity.
- 10.14. To the rear, the gardens of the proposed dwellings are in excess of 9m deep, meaning that any overlooking of the private gardens to the south east are separated by that distance, thus limiting any detrimental impact they may have on the amenity of those gardens. There would still be some overlooking in that case, however the distance involved would limit the harm caused.
- 10.15. To the side elevations, the proposed dwellings are limited to a single opening each above ground floor level, serving the main bathroom of the properties. These windows would normally be obscure glazed to secure privacy of the users of the room themselves and could be adequately conditioned to remain as such, ensuring no overlooking of the neighbouring gardens from these rooms.
- 10.16. On that basis, the scheme does not result in any unacceptable impacts on residential amenity through overlooking of the neighbouring properties, and there are no such impacts on the proposed occupiers of the properties from the existing dwellings surrounding the site.

#### Overbearing Impact

- 10.17. This matter relates to the impact that a scheme has on the enjoyment and use of neighbouring property, mainly gardens, from the proximity of a proposal to a shared boundary and the overall scale of the built form given that proximity.
- 10.18. The application in this instance proposes that the dwellings are located between 0.85m and 2.9m from the south eastern boundary fence adjacent to the dwellings on Colville Road, and between 1.25m and 1.4m from the boundary to the north east with 8 Trafford Park. The proposed dwellings are 5.3m tall to the eaves, 8.8m to the ridge, and are 9.6m deep from front to back. The proposal would result in a considerable solid brick-built structure in very close proximity to the shared boundary of the application site with the dwellings to both the south west and the north east of the site.
- 10.19. The impact on the residential amenity within the gardens of those properties would be significant, and would not be mitigated by an existing or proposed landscaping, boundary treatment etc. The scheme would therefore be contrary to policy LP16 in this regard.

#### Overshadowing

- 10.20. Given the proximity identified within the previous section to the boundary of the site with 8 Trafford Park to the north east of the site and taking into account the orientation of the proposed dwellings with the site boundaries and that adjacent

property, it is considered that the proposed scheme would result in a loss of natural light within the garden area of 8 Trafford Park.

10.21. It is also likely that late evening sunlight would be partially blocked from the rear gardens of the dwellings to the south east of the site in addition, although given the separation distance between the properties this would be to a lesser degree than the dwelling to the north east.

#### Noise

10.22. The proposal includes the creation of a private driveway serving the development and also providing access to parking spaces for the existing dwelling on the land. The application details show that this is proposed to be a permeable surface and that the parking provision is also permeable, however no specific materials have been indicated. An acoustic fence is detailed along the length of the south western boundary of the site. No acoustic fence is indicated along the north eastern boundary. It is also noted that the existing host dwelling is not indicated as having acoustic fencing surrounding its new garden area.

10.23. The use of the driveway and parking adjacent to neighbouring garden amenity land has the potential to result in disturbance to amenity and enjoyment of garden space that would not otherwise be the case. This is mitigated by the fact that the existing garage associated with the host property is located resulting in similar movements, however these would be at a much lesser intensity than would be the case for serving four dwellings and would not have extended as far into the site as is now proposed.

10.24. The revisions made to the plans during the consideration of the proposal added in the acoustic fence detail to the southern boundary. It is considered that the main impact to residential amenity in this regard would be the noise generated by the parking/turning area serving the development and the noise generated by people entering and exiting their vehicles in this location. The proposed acoustic fence does adjoin this area, however the benefit of such a fence to those wishing to use their gardens adjacent to the site is considered to be limited. It would provide some mitigation of noise in that regard however, and the resulting impact is not considered to be so significant as to warrant refusal of the application.

10.25. The potential for noise from the everyday occupation of the dwellings is not a material consideration given such 'normal' occupation of a dwelling would not result in unacceptable noise from an amenity perspective. Should abnormal noise result, then other controls exist to address that under separate legislation.

#### **Highway Safety and Parking**

10.26. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.

10.27. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required.

10.28. The proposal makes use of the location of the existing vehicular access to the site, and a private driveway is suitable to serve the number of properties being proposed. It is noted that the Highways Authority have stated no objection to the scheme in terms of the access, and there is ample room within the application site for turning of vehicles in order to access the proposed parking spaces. The proposed spaces are shown as being 2.4m x 4.8m, which is a common proposed



size, however spaces should ideally be 2.7-2.9m wide (depending on if they are obstructed on one or both sides) and 5m long. There is sufficient space within the site to accommodate these standards, and a condition could be imposed to require a plan to detail this should consent be granted.

- 10.29. On that basis, the proposal does not have an unacceptable impact on highway safety and is capable of making adequate provision for parking and turning of vehicles within the site.

### **Other Matters**

- 10.30. Several other matters have been identified in relation to the proposal as part of the consultation process, including the impact on views from and value of neighbouring properties, the impact of construction works and the historic actions that have already taken place on the site in relation to clearance of landscaping and burning of a bonfire. These are not matters that are material to consideration of the proposal in terms of the use of the land for the construction of four dwellings, and should not therefore affect the outcome of the application.
- 10.31. Similarly, the comment regarding the potential for a car fire to affect the neighbouring properties is not an outcome that would be reasonably expected from the normal course of events resulting from a permission being granted for the works and is not therefore material to the consideration of the scheme.

## **11. CONCLUSIONS**

- 11.1. The proposal is for the construction of four dwellings on the land, which currently serves as the garden land associated with the host dwelling.
- 11.2. The scheme results in a development that is at odds with the character of both the host dwelling and the surrounding area, and which has a detrimental impact on the street scene as a result.
- 11.3. The proposal is for development in close proximity to the boundaries of the site, and the scale of the dwellings proposed results in harmful impacts to residential amenity from both an overbearing appearance, and a loss of natural light to adjoining gardens that would be at odds with the relevant planning policies requiring proposals not to adversely affect neighbouring amenity.
- 11.4. The scheme also results in the provision of parking and turning facilities in close proximity to the gardens of the adjoining dwellings however the proposed acoustic fence would limit the impact of this on the residents of the adjacent dwellings to the south.

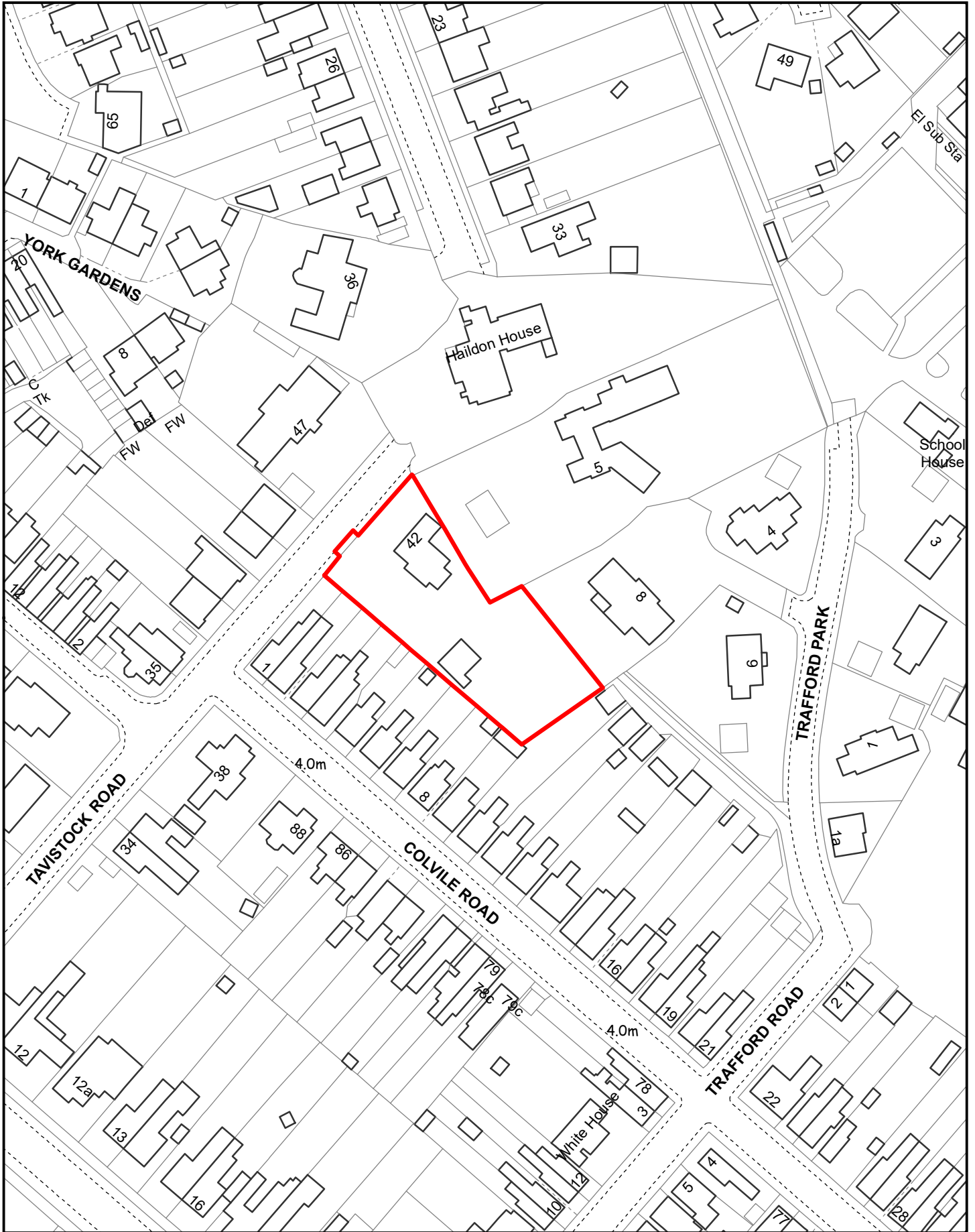
## **12. RECOMMENDATION**

REFUSE Planning Permission, for the reasons below

### **Reasons**

|   |   |
|---|---|
| 1 | Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive |
|---|---|

|   |  |
|---|--|
|   | <p>contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The proposal is for the construction of four dwellings on a backland site of currently very low-density development. The proposal would result in a development of considerably higher density at odds with its existing character. The scheme would also result in a harmful impact on the appearance of the street scene due to the visibility of the proposed dwellings in that backland location. The scheme would therefore be contrary to policy LP16 of the Fenland Local Plan (2014).</p> |
| 2 | <p>Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal. The proposal is for the construction of four dwellings in close proximity to the side boundaries of the application site, which results in a detrimental impact on the amenities of the neighbouring properties by virtue of overbearing and visual dominance to the gardens of the neighbouring dwellings, contrary to the provisions of policy LP16 of the Fenland Local Plan (2014).</p>  |



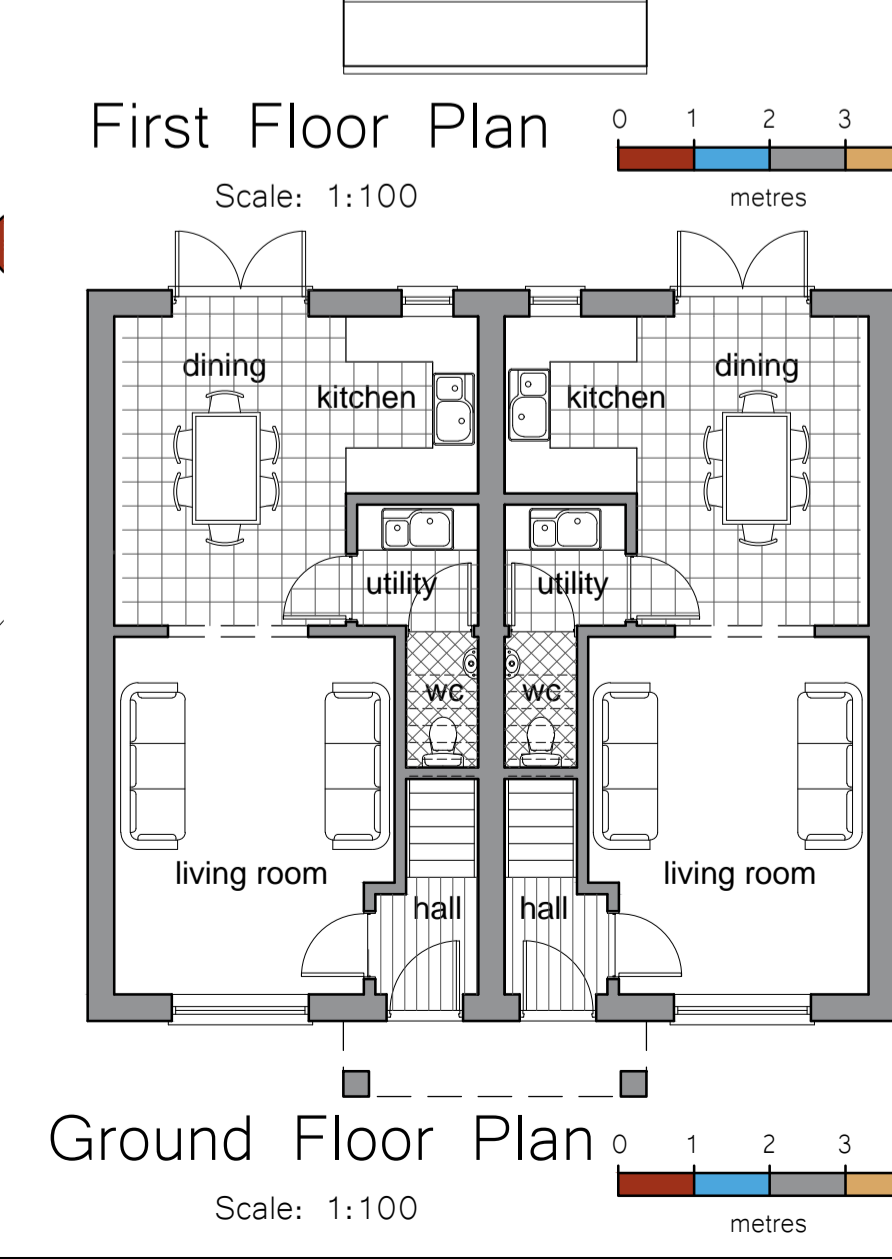
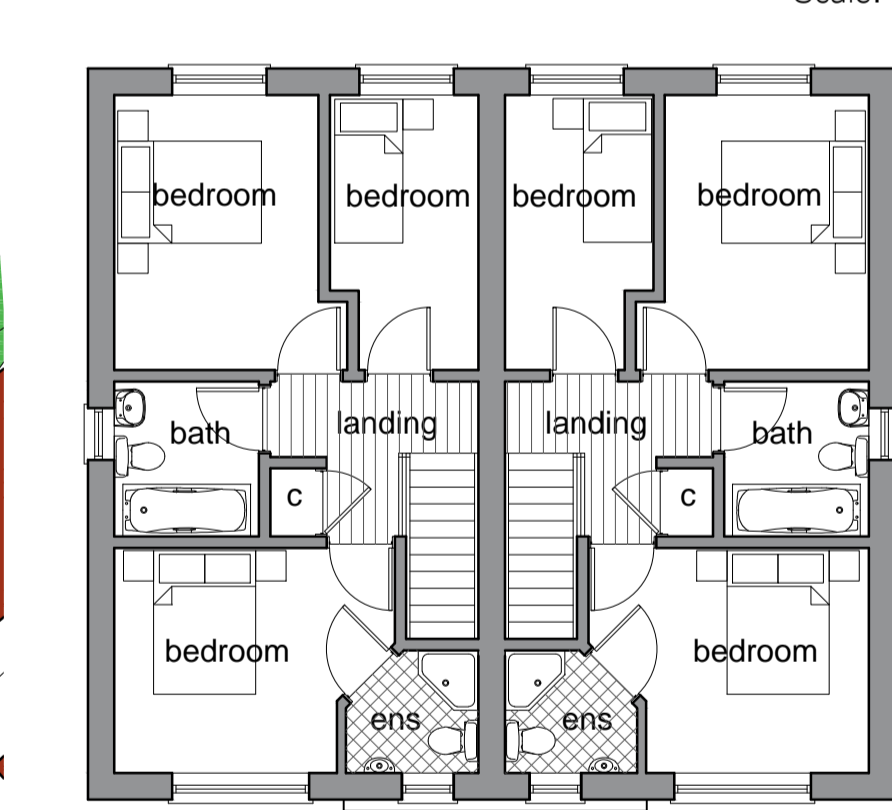
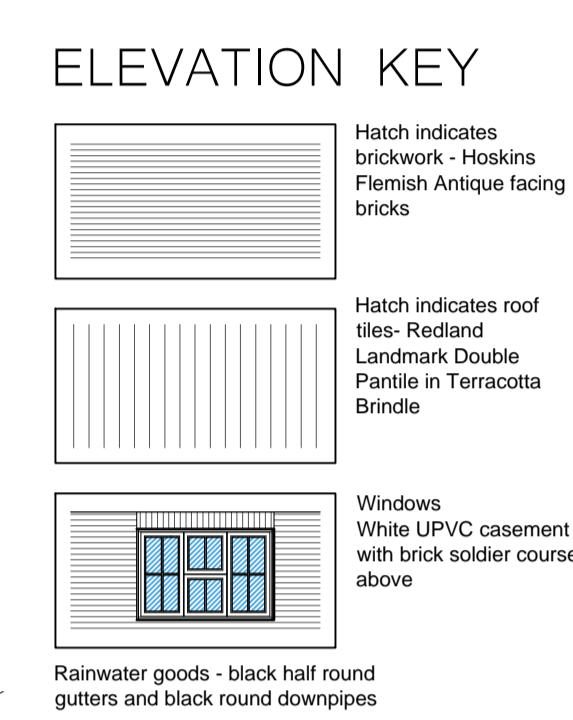
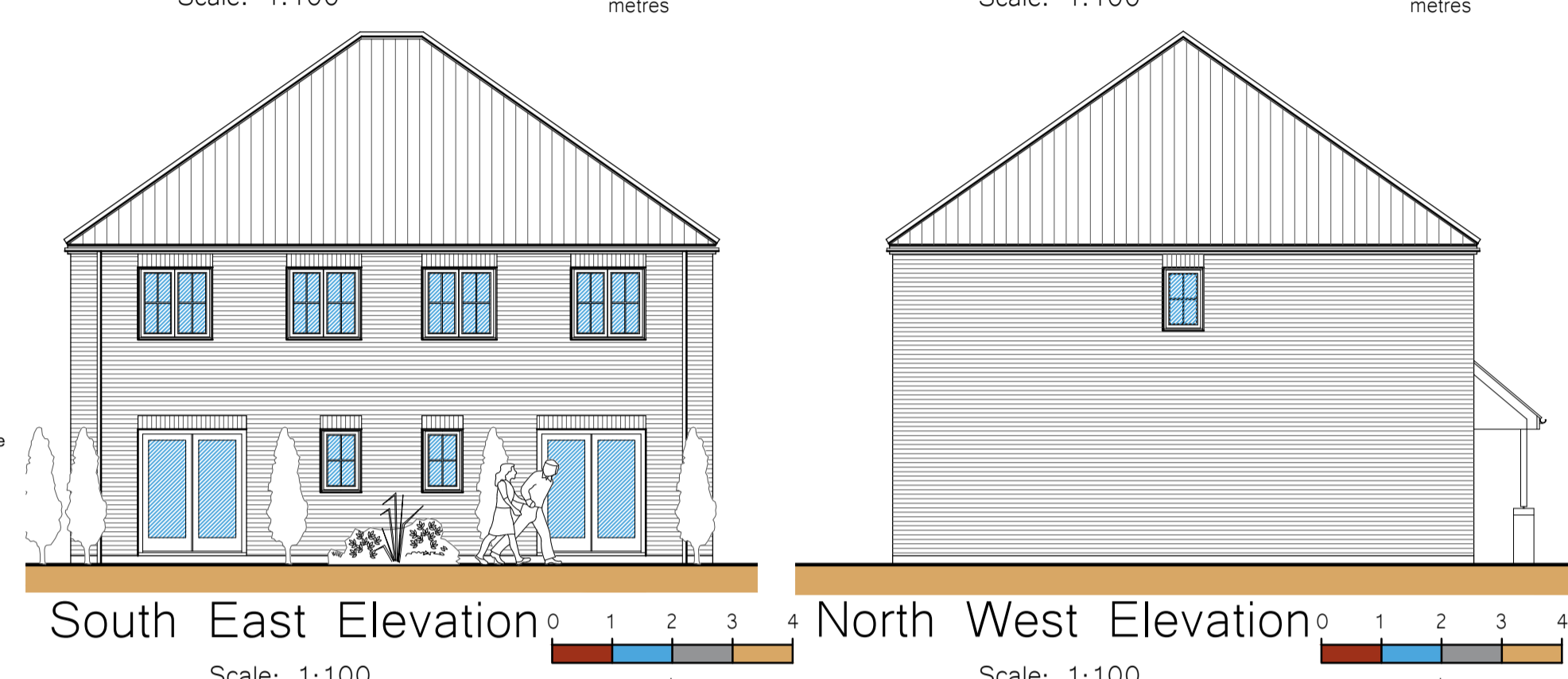
Created on: 09/06/2021

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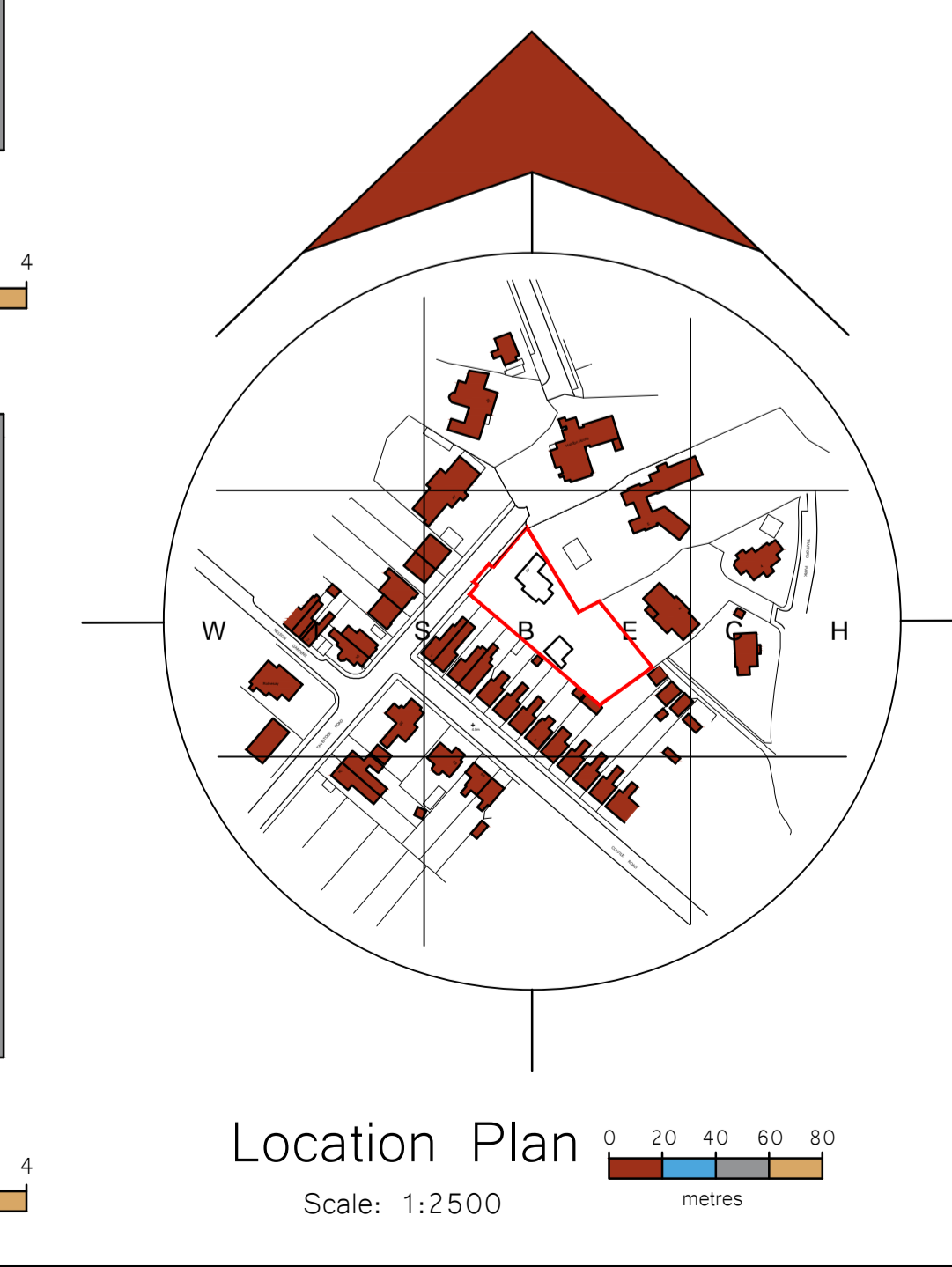
**F/YR21/0603/F**

Scale = 1:1,250





- Method statement for protection of trees on site during construction**
- Prior to the commencement of any construction work on site, protective fencing shall be erected around each tree or tree group. Protective fencing in accordance with above table and BS 5837 unless otherwise agreed in writing with the local Planning Authority. Please see protected areas marked on proposed site plan.
  - No trenches or pipe runs for services and drains shall be sited within 4m of the trunk of any trees retained on the site, unless otherwise agreed in writing with the local Planning Authority.
  - New hard surfaces or paths in accordance with minimum recommended distances for protective fencing.
  - No burning shall take place in a position where the flames could extend to within 5m of foliage, branches or the trunk of any tree to be retained.
- Method statement for nature conservation**
- The existing remaining tree on site is to be protected as above for the duration of the construction to safeguard the habitats of any nesting birds that may be present.

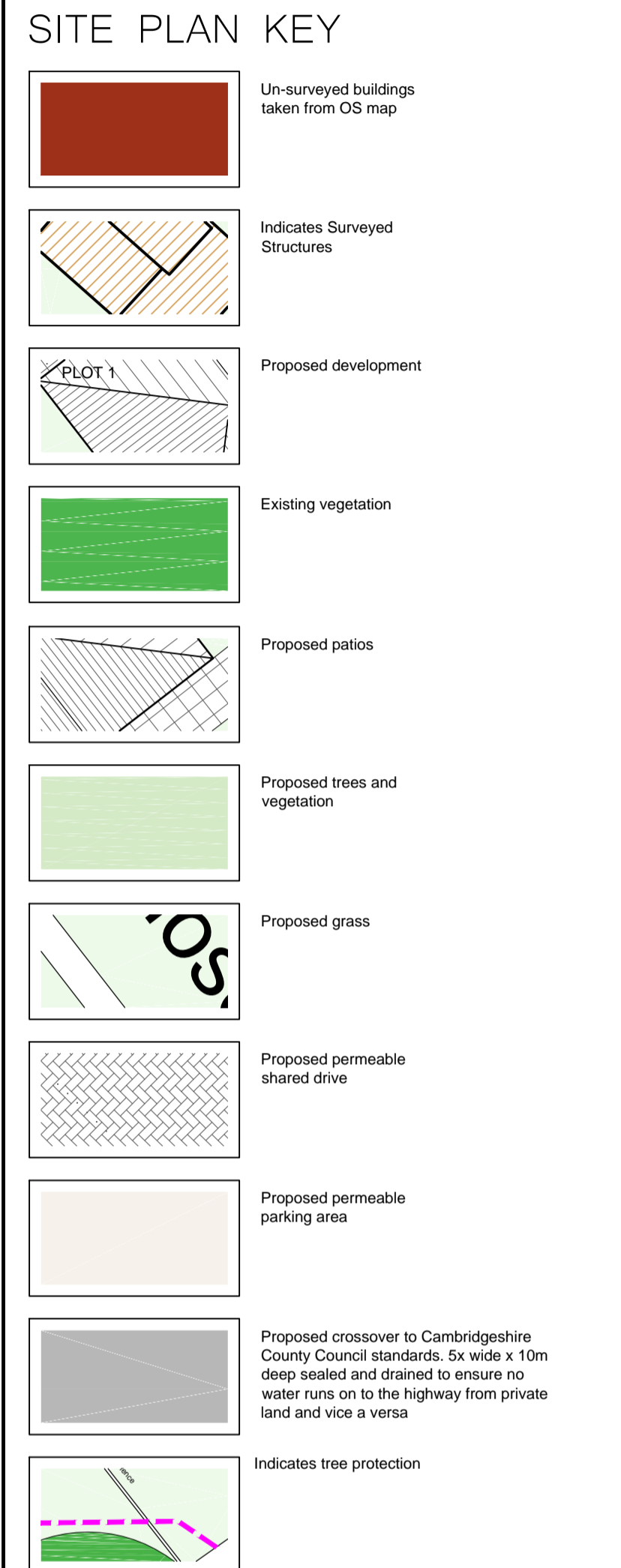


**General Notes**

- All dimensions are shown in 'mm' unless otherwise stated.
- The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
- This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
- Any discrepancies are to be brought to the designers attention.

**AREA SCHEDULE**  
PROPOSED APPLICATION SITE AREA = 1811m<sup>2</sup> (0.44 Acres)

|              |                          |
|--------------|--------------------------|
| PLOT 1-4     | = 43m <sup>2</sup>       |
| Ground Floor | = 43m <sup>2</sup>       |
| First Floor  | = 43m <sup>2</sup>       |
| <b>Total</b> | <b>= 86m<sup>2</sup></b> |



**Revisions**

|   |           |   |
|---|-----------|---|
| D | June 2021 | Plot 1 & 2 Rotated and Acoustic Fence Added to South Boundary |
|---|-----------|---|

**FOR APPROVAL**

**SWANN EDWARDS ARCHITECTURE**

Swann Edwards Architecture Limited, Swann Edwards Architects, Black Barn, Fen Road, Gophim, Wisbech, Cambs. PE13 4AA. t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

|  |                |            |
|--|----------------|------------|
| Job Title                                  | Date           | Drawn by   |
| Proposed Residential Development           | April 2021     | JB         |
| 42 Tavistock Road                          |                | Checked by |
| Wisbech                                    |                | RS         |
| For: Mr S Necker                           |                |            |
| Drawing Title                              | Job No.        | Sheet Size |
| Plans, Elevations, Site and Location Plans | SE-1597        | A1         |
|  | Dwg No. PP1000 | Revision   |
|  |                | D          |