

PLANNING APPEAL DECISIONS

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

Planning Application Reference: F/YR21/0123/F**Site/Proposal:** Erect a 2-storey side and single-storey rear extension to existing dwelling

Officer Recommendation:	Refuse	Decision Level:	Delegated following advice of Committee Chairman	Appeal Decision:	Dismissed
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Main Issues:

- Impact upon the amenity of neighbouring users
- Impact upon the character of the area

Summary of Decision:

The site lies on the northern side of Newgate Street, within the settlement of Doddington. The dwellings along Newgate Street are 2-storey and predominantly semi-detached. The proposed scheme was considered to increase the mass of the dwelling on site and infill an area of garden space, removing the spacing between the dwelling and the neighbour, which would appear out of character with the surrounding area. This impact would be exacerbated by the contrast in styles, materials and heights creating a prominent and jarring feature within the street scene. The inspector agreed that the development would remove the spacing between the dwellings and create a continuous block which would visually compare to a terraced row of properties, thus differing from the neighbouring dwellings and as such creating an incongruous addition. The inspector concluded that the development would be contrary to Policy LP16.

It was also considered that the single-storey extension would have no adverse impacts upon neighbouring users, however the 2-storey extension would have overbearing and overshadowing impacts given the location of the development on the boundary line of the site; effectively boxing in a section to the rear of the neighbouring property at No. 51. The inspector agreed with the Council regarding the impact of the single storey extension, but concluded however, that the 2-storey extension would not significantly enclose or have overbearing impacts on the neighbouring dwelling and garden and as such the development would be compliant with Policy LP2 and LP16 with regard to protecting the amenity of neighbouring users.

The appeal was therefore dismissed on the grounds of the adverse impact on the character and appearance of the area.

Planning Application Reference: F/YR20/0635/F

Site/Proposal: Land South West of 32 Eastwood End, Wimblington
Erect 1 x dwelling (single-storey, 3-bed)

Officer Recommendation:	Refuse	Decision Level:	Committee	Appeal Decision:	Allowed
Main Issues:					

- **Impact upon the character of the area**
- **Sustainability of location having regard to the spatial strategy**

Summary of Decision:*Background:*

Proposals for residential development of the site had been refused on 5 previous occasions with 3 being dismissed at appeal. The site had previously been found to cause harm to the character of the area and on the grounds that the site was not sustainably linked to the settlement (of Wimblington). This latter point had been subject to differing opinions by Inspectors, with the last appeal in 2018 being the only appeal finding that Eastwood End was well linked.

Whilst the proposal in this latest application was for a single storey dwelling (rather than 2-storey as per previous applications), this was felt to cause harm to the character of the area in view of its location relative to existing dwellings and the semi-rural character of the site, adjacent to a public right of way, contrary to Local Plan policy LP16(d). Furthermore, the Council determined that the site was not sustainably linked to the settlement, in conflict with Local Plan policies LP3 and LP15.

Character harm:

The Inspector found that the reduced scale and design was sufficient to avoid harm to the character of the area and street scene and that the site (contrary to previous Inspectors' findings) was more closely related to the built settlement, than to the open countryside and would have little impact on public views.

Sustainability of location:

The Inspector concluded that the site was adequately linked to the settlement of Wimblington affording occupiers a choice of transport modes despite acknowledging the lack of lit footpaths would not be suitable for all possible users. The Inspector acknowledged that appeal Inspectors' opinions on this point differed but recognised the conclusions of the previous appeal and the current NPPF.

Costs application

The Council submitted an application for partial award of costs in view of the previous appeal decisions which identified character harm through the development of the site.

The Inspector refused the award of costs, in view of the change to the design and scale of the proposed dwelling which, in their opinion, were critical factors in determining the effects of the development on the character of the area in previous appeals.

Planning Application Reference: F/YR20/1111/F

Site/Proposal: 158 Leverington Common, Leverington, Wisbech, Cambs, PE13 5BP
Erect a dwelling (single-storey 2-bed)

Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Dismissed
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Main Issues:

- Impact upon the character of the area; and
- The Impact to neighbouring occupants with particular regard to outlook and light.

Summary of Decision:*Character harm:*

The inspector felt that the pattern of development, overall, contributed to a strong sense of uniformity in an area that has a pleasantly open and spacious semi-rural feel.

By reason of the proposed position of the dwelling beyond the rear build lines of No. 158 and 156, it would depart from the established build line and appear at odds with the prevailing character of the area.

The constrained width of the appeal site and consequent absence of spacing between the built form and an absence of a frontage to the highway, the appeal scheme would appear cramped within its plot and a strident, dominant and incongruous addition within the streetscene. The proposal would have a significant adverse effect that would erode the established pattern and character of development within the surrounding area.

It was concluded that the development would conflict with Policy LP12 and LP16 of the Fenland Local Plan (2014) insofar as these policies require development to respond to and improve the character of the built environment.

Amenity impacts:

The appeal property would be closely positioned to the common boundaries of neighbouring dwellings Nos 156 and 158. Both dwellings contained several windows including patio doors within their rear elevations. The inspector concluded that due to the unrelenting height, depth and mass and its proximity to the neighbouring dwellings, the appeal scheme would overwhelm and appear unacceptably dominant and overbearing to the occupiers of Nos. 156 and 158. This would be harmful to their outlook and materially compromise their living conditions, with regard to outlook and loss of light. Thus, the proposal would be contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014).

Conclusion:

The appeal scheme was considered contrary to the development plan by the Inspector. The material considerations were of insufficient weight to justify the development proposed. Accordingly, the appeal was dismissed.