
F/YR21/0908/F

Applicant: Mr Goodhew

**Agent: Mr Gareth Edwards
Swann Edwards Architecture Limited**

Land South and West Of 12, High Road, Guyhirn, Cambridgeshire

Erect 1 x dwelling (2-storey, 4-bed) involving formation of a new access

Officer recommendation: Refuse

Reason for Committee: Referred by the Head of Planning on advice of Committee Chairman

1. EXECUTIVE SUMMARY

- 1.1. The application seeks full planning permission for the construction of a single dwelling on the land, accessed from High Road, Guyhirn.
- 1.2. Guyhirn is identified as a Small Village within the settlement hierarchy where development is limited to being small scale residential infilling.
- 1.3. The application site is located in flood zone 3, and the flood risk assessment accompanying the application fails to adequately address the matter of the sequential test.
- 1.4. The proposed dwelling is notably taller and wider than the properties to either side of it, within the context of which the site is viewed. The property would be conspicuous within the street scene and would result in a detrimental impact on the character of the area.
- 1.5. The proposal is therefore recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The application site is an open piece of land between existing residential dwellings along High Road, Guyhirn. To the north it is flanked by a pair of semi-detached two-storey dwellings with hipped roofs and a central chimney stack.
- 2.2. To the south is a detached two-storey dwelling with gabled side elevations and a chimney to its southern elevation.
- 2.3. The dwellings are distinctive due to their set back from the main highway, the group of properties on this side of the road all being sited approximately 25m back from the edge of the highway.
- 2.4. The application site is located in flood zone 3.

3. PROPOSAL

- 3.1. The proposal is for the construction of a 2-storey dwelling, with an attached double garage/master bedroom located forward of the main building. The proposal would also involve the creation of a new access for the adjacent dwelling to the north and widening of the existing vehicular access on the site to serve the new property.

4. SITE PLANNING HISTORY

F/YR20/1126/O	Erect 1 x dwelling (2-storey, 4-bed) involving formation of a new access	Refuse 19/3/2021
F/YR16/0284/O	Erection of 2 dwellings (outline application with all matters reserved)	Refuse 15/6/2016

5. CONSULTATIONS

Wisbech St Mary Parish Council

Recommend approval

Environment Agency

No objection. Recommendation of the Flood Risk Assessment should be followed.

Cambridgeshire County Council Highways Authority

No objection subject to the imposition of conditions

FDC Environmental Health

No objection. Request condition regarding unsuspected contamination

Local Residents/Interested Parties

Objections were received from three properties on High Road, Guyhirn. The letters of objection raised the following issues:

- Design/Appearance
- Out of Character (in particular due to height)
- Visual Impact
- Precedent
- Land has been artificially divided so as to propose the development
- Access would lead to flooding of the adjacent land
- Impact on amenity of neighbours due to vehicle headlights and driveway surfacing
- Mains water pipe/stop valve located at the access
- Proposed access will be located at the existing point of the bus stop
- Proposed access will be out of character to others
- Dwelling is not in line with the rest of the neighbouring dwellings and does not resemble other nearby properties
- No indication of where soak away is to be located
- Fence heights don't match
- Surprised by the committee decision in disregarding the absence of sequential test previously – application should have been refused on these grounds as the 2016 application was.
- Simply stating no alternative sites are available is not entirely accurate

- Ownership of the land should be irrelevant – the aim of flood prevention policy would not be well served if land ownership was to be accepted as a reason to set aside the sequential test
- Further information on renewable energy should be provided as this can affect the external appearance
- Location of possible oil tank
- Applicant doesn't use roadside waste collection service
- Further details of foul drainage required

Two letters of support were received (one from a resident of High Road, Guyhirn, one from a resident of Wisbech St Mary) giving the following reasons:

- Believe it will be a great family home
- Won't affect the local area as it is infill
- Won't be immediately visible when driving along High Road

6. STATUTORY DUTY

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

National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration in planning decisions.

Para 78: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

Para 155: Development should be directed away from areas at highest risk of flooding.

Para 157: Need to apply the sequential and exceptions tests.

Para 158: Development should not be permitted if there are reasonably available sites in areas at lower risk of flooding.

Para 159-161: Need for the exception test.

National Planning Practice Guidance (NPPG)

Determining a planning application

National Design Guide 2019

Context

Identity

Built Form

Uses

Homes and Buildings

Resources

Lifespan

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
LP12 – Rural Areas Development Policy
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

8. KEY ISSUES

- **Principle of development**
- **Flooding and Flood Risk**
- **Highway Safety**
- **Character and Appearance**
- **Residential Amenity**

9. BACKGROUND

- 9.1. There have been two previous planning applications on the site for the construction of dwellings. The first proposed up to 2 dwellings with that application being made in outline with all matters reserved. That application was refused on the basis that the application site was located within flood zone 3 and the information submitted alongside the application failed to satisfy the sequential test.
- 9.2. Pre-application advice was subsequently sought on the site regarding its development for either 2 or 3 dwellings. The advice given supported the previous planning application decision on the land, indicating that development would not be supported unless the sequential test could be satisfied.
- 9.3. A second planning application was then submitted for the construction for a single dwelling on the land. This application was recommended for refusal on the basis of an inadequate sequential test and the impact of the dwelling on the character of the area. The committee chose to refuse the application but only on the basis of the second reason for refusal (character).

10. ASSESSMENT

Principle of Development

- 10.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy.
- 10.2. Guyhirn is a Small Village, one of nine such settlements within that level of the hierarchy where development is to be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling.
- 10.3. The scale of the proposed development for a single dwelling is appropriate to the scale considered acceptable under policy LP3 for a settlement in this level of the hierarchy, and the site would also be considered to be a residential infill scheme. In principle therefore, a single dwelling would not be contrary to the provisions of policy LP3. Consideration must therefore be given to site specific matters.

Character and Appearance

- 10.4. 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.
- 10.5. The application site forms part of a distinctive group of dwellings located on the western side of High Road. In particular this group of dwellings has the following distinctive features.
- 10.6. Building Line – The properties exhibit a strong adherence to a building line running north-south parallel to High Road. This building line is eroded approximately 80m to the north of the site, however the site itself is located at the centre of the feature.
- 10.7. Separation from High Road – Similar to the above, the site is located in the centre of a group of properties that all benefit from ample front gardens – approximately 25m in depth when measured from High Road.
- 10.8. Scale – the dwellings in this group are exclusively 2-storey in scale.
- 10.9. Linear – the dwellings in this area would most appropriately be described as ribbon development, running parallel with High Road and with little to no development at depth behind the frontage properties. The properties are also without exception designed with their roof ridges parallel to High Road.
- 10.10. The proposal is for the construction of a two-storey dwelling on the land, which is comprised of a main section of building running north-south across the application site, and a secondary element comprising a detached double garage projecting forward of the main dwelling. The double garage also contains the master bedroom of the proposed dwelling at first floor level and is constructed with a gable elevation facing the road.
- 10.11. The application is accompanied by a street scene drawing showing the proposed dwelling in context with the surrounding properties. This drawing demonstrates that the proposed dwelling is of notably greater scale than the properties to either side, its ridge height being 1.5m+ above the ridges of the dwellings to either side and the property being approximately twice the width of the individual dwellings to either side. It is clearly demonstrated therefore that the proposed development is not of an appropriate scale within its context.
- 10.12. In response to the previous refusal of planning permission on the site, the whole dwelling has been relocated further back into the site so that the front wall of the garage/master bedroom section of the building is in line with the dwellings to either side. This means that the forwardmost part of the building is now in line with the dwellings on either side. The design of the dwelling is such that the garage/master bedroom projects forward of the main part of the building by approximately 11 metres with the main mass of the building located further back into the site. This results in the building appearing as set back from that building line.

- 10.13. The overall impact therefore whilst less proximal to the highway is equally as out of character with the development as the previous scheme, and the scheme would require actual design/layout changes to the dwelling itself to overcome this matter rather than simple relocation within the plot. Unfortunately, the applicant did not engage with the Local Planning Authority prior to resubmitting the application in order to address this point. As such, the proposal is contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).

Residential Amenity

- 10.14. 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.
- 10.15. The main aspects from the dwelling face west/east, with the design of the property avoiding any windows facing the neighbouring properties to the north and south at the first-floor level. The only exception to this is the main bedroom and dressing room windows, which face north however these windows face the side elevation of the neighbouring house to the north due to the manner in which the master bedroom projects forward of the main house. The ground floor side windows are screened by an existing 1.8m timber fence and there are no upper floor side windows in that dwelling. As such, these windows do not result in material harm to residential amenity.
- 10.16. There will be some element of overlooking of the neighbouring garden as is normal from any property with rearward facing windows however this overlooking is limited and does not result in unacceptable impacts on neighbouring privacy.
- 10.17. However, the relocation of the dwelling on the site does result in additional impacts not arising under the previous location of the building within the plot. By re-siting the proposed dwelling back within the plot, the side gables (9.2m high to the ridge) of the property are now proposed to be located adjacent to the gardens immediately to the rear of the neighbouring dwellings. Whilst the gables are not located directly on the boundaries of the plot, they would have a substantial detrimental impact through overbearing on the amenity of both the flanking dwellings, with an additional overshadowing effect to the dwelling to the north of the site, on the part of the garden most intimately connected with the enjoyment of the property.
- 10.18. This impact would be significant and would be contrary to the requirements of policy LP16 of the Fenland Local Plan sufficient to justify refusal of the scheme.

Highway Safety

- 10.19. 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.
- 10.20. The application proposes the widening of an existing access and the creation of a new access serving the host property. Given the lack of objection from the Highway Authority it is considered that the proposal complies with the relevant policy of the Fenland Local Plan, and should the application be recommended

for approval then appropriate conditions could be imposed to control the access to the site

Flooding and Flood Risk

- 10.21. Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.
- 10.22. The application is accompanied by a flood risk assessment and a separate sequential test document is provided. The agent states that that document identifies two permissions that could “*perhaps*” accommodate the proposal but that neither is available for sale.
- 10.23. An appeal decision dated 9th December 2021 (appeal reference APP/D0515/W/21/3273824) for a site in Murrow details the sequential test process and in particular has the following to say with regard to the use of online sales portals in relation to the sequential test and confirming if permissions are ‘reasonably available’. It should be noted in this regard that the Planning Inspector is also a qualified Solicitor.
- 10.24. *“I have had regard to the Rightmove document provided in support of this matter. However, rather than providing justification for the appeal scheme, this simply points to there being no active marketing of any sites (within Murrow) upon one selling portal. In my view, it does not clearly demonstrate that there are no alternative sites available to accommodate the development.*
- 10.25. The Inspector goes on to say that *“the reasons presented...do not justify discounting available sites that could accommodate the proposed development with a lower risk of flooding. Indeed, if I were minded to accept these arguments it would fundamentally undermine the sequential risk-based approach, as it would be extremely difficult or impossible to identify an alternative site on this basis”*.
- 10.26. In essence, the Inspector is stating that simply because a site is not being actively marketed for sale does not mean it is not reasonably available to accept development, and that to accept that argument would be contrary to the purpose of the sequential test, which is enshrined in the National Planning Policy Framework.
- 10.27. However, whilst the application does not demonstrate that the development would be sequentially acceptable, weight must be given to the previous decision of the Council regarding the development of this site when no reason for refusal was included within the decision concerning this issue. To introduce such a reason again could be seen as inconsistent and unreasonable behaviour

11. CONCLUSIONS

- 11.1. The proposal for the construction of an infill dwelling within the village of Guyhirn is acceptable in principle given the status of the village within the settlement

hierarchy, however the site is located within flood zone 3 and the application is not accompanied by a satisfactory sequential test, however this issue was not used as a reason for refusal previously.

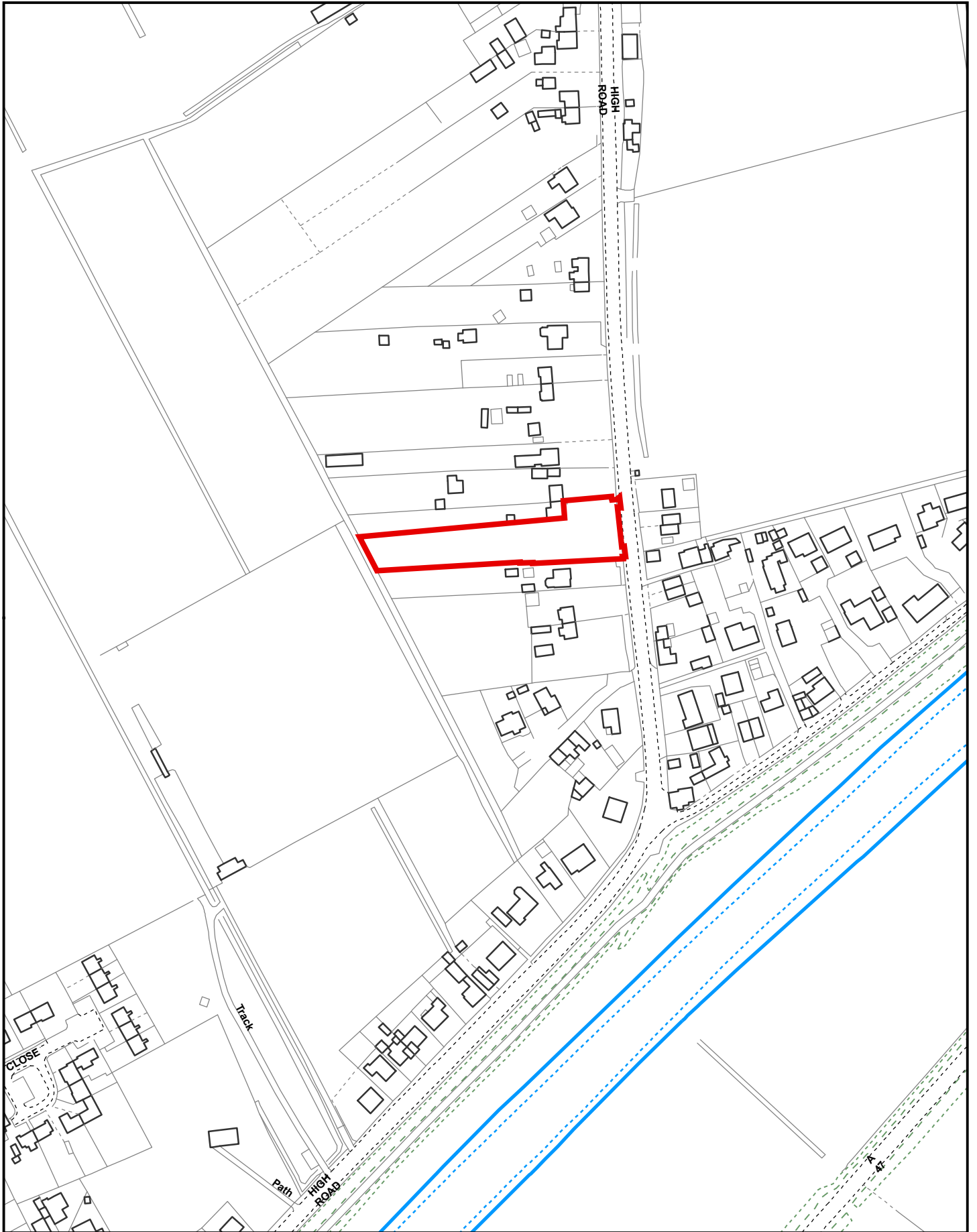
- 11.2. The dwelling fails to respect the distinctive character and appearance of the residential development in its immediate vicinity, and results in a disharmonious feature within the street scene. In addition, it would have an adverse impact upon the residential amenity of neighbouring residents. It is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).

12. RECOMMENDATION

REFUSE, for the following reasons

Reasons

1	Policy LP16 of the Fenland Local Plan (2014) requires development proposals to demonstrate that they will not adversely impact on the amenity of neighbouring users, citing several examples of such impacts. The proposal would result in the presence of the dwelling in close proximity to the boundaries of the plot and an associated overbearing impact on the amenity value of the rear of those properties. This would apply to the dwellings to both sides of the site but in particular to that to the north due to the additional impact of overshadowing as a result of the proposal. The scheme would therefore be contrary to policy LP16 of the Fenland Local Plan (2014).
2	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. The proposals submitted fail to identify or take into account the particular features of the surroundings of the application site that result in its distinctive character, and the dwelling proposed would be of a design, scale and position that would result in a detrimental impact on the street scene contrary to the provisions of policy LP16 of the Fenland Local Plan (2014).



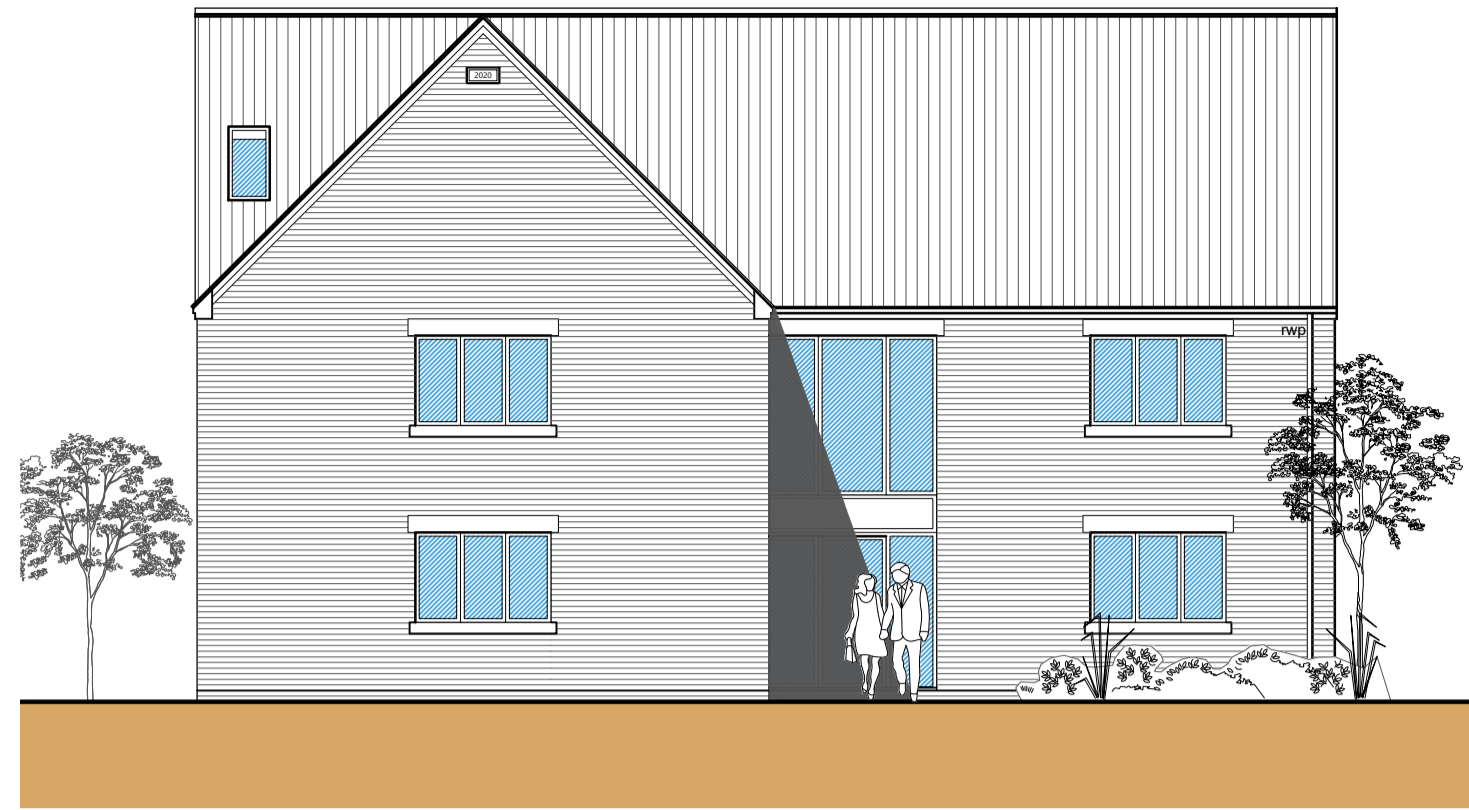
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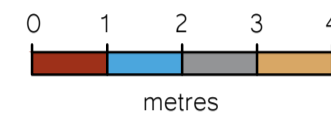
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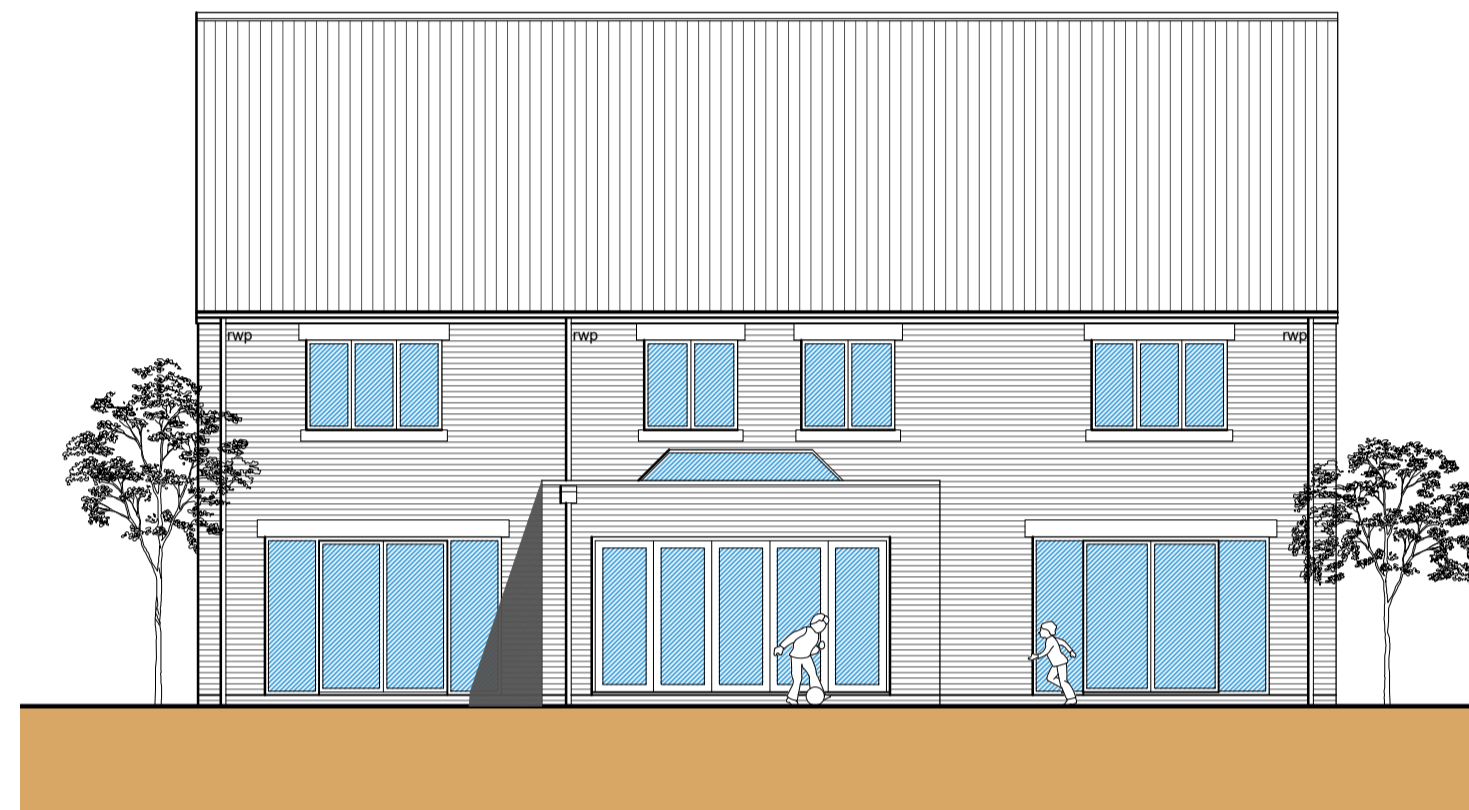
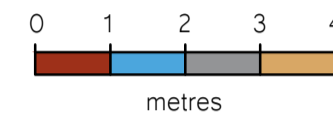
Front Elevation (E)

Scale: 1:100



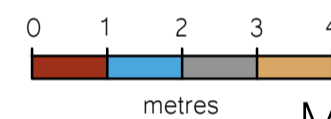
Side Elevation (N)

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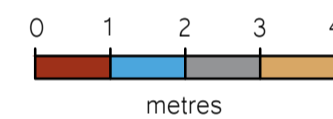
Rear Elevation (W)

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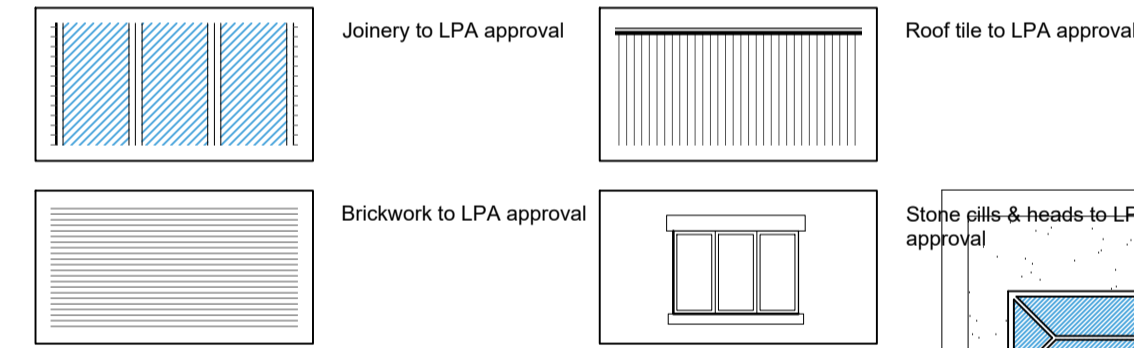


Side Elevation (S)

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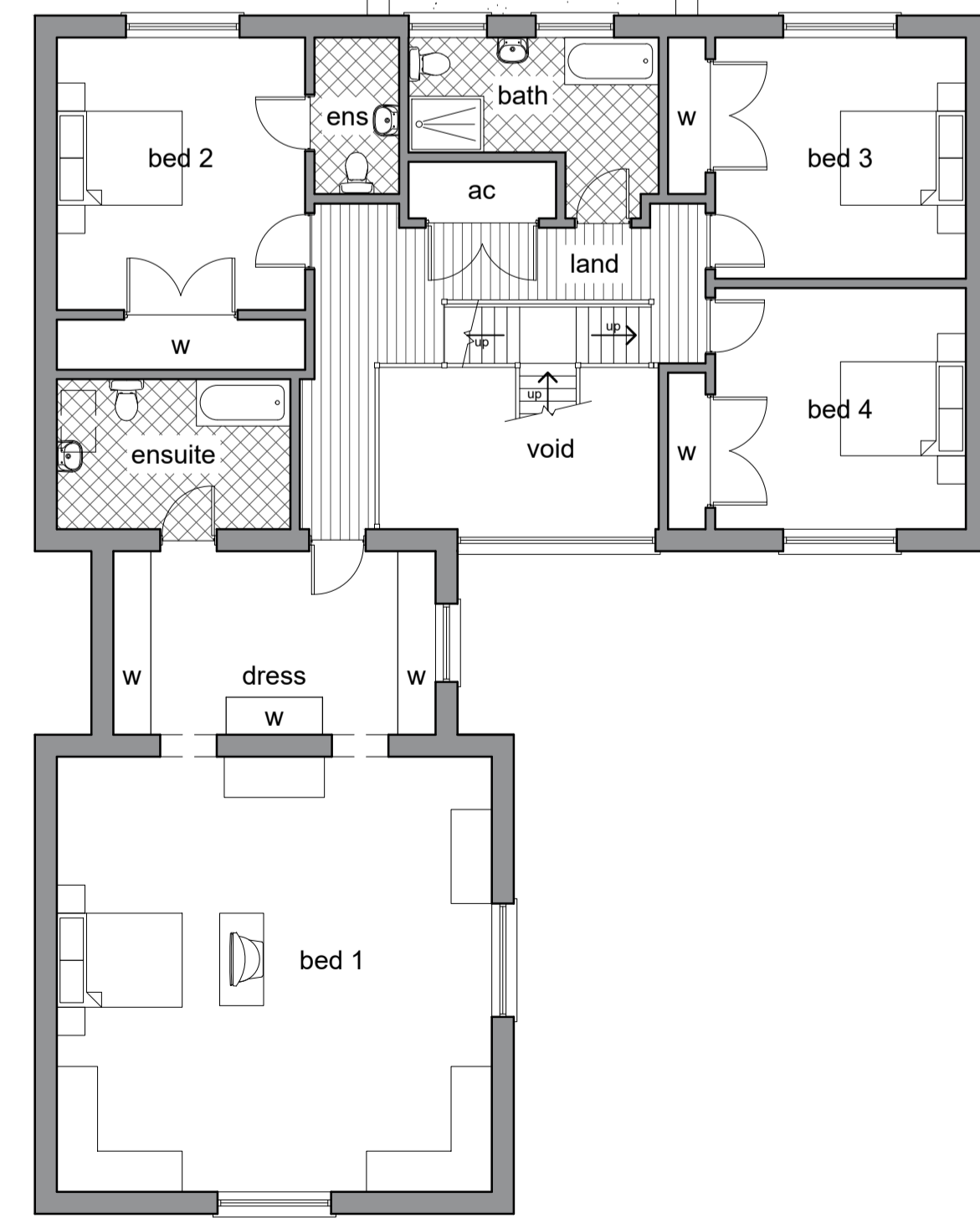
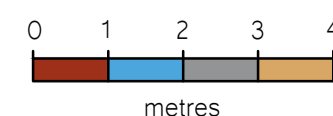


MATERIALS KEY



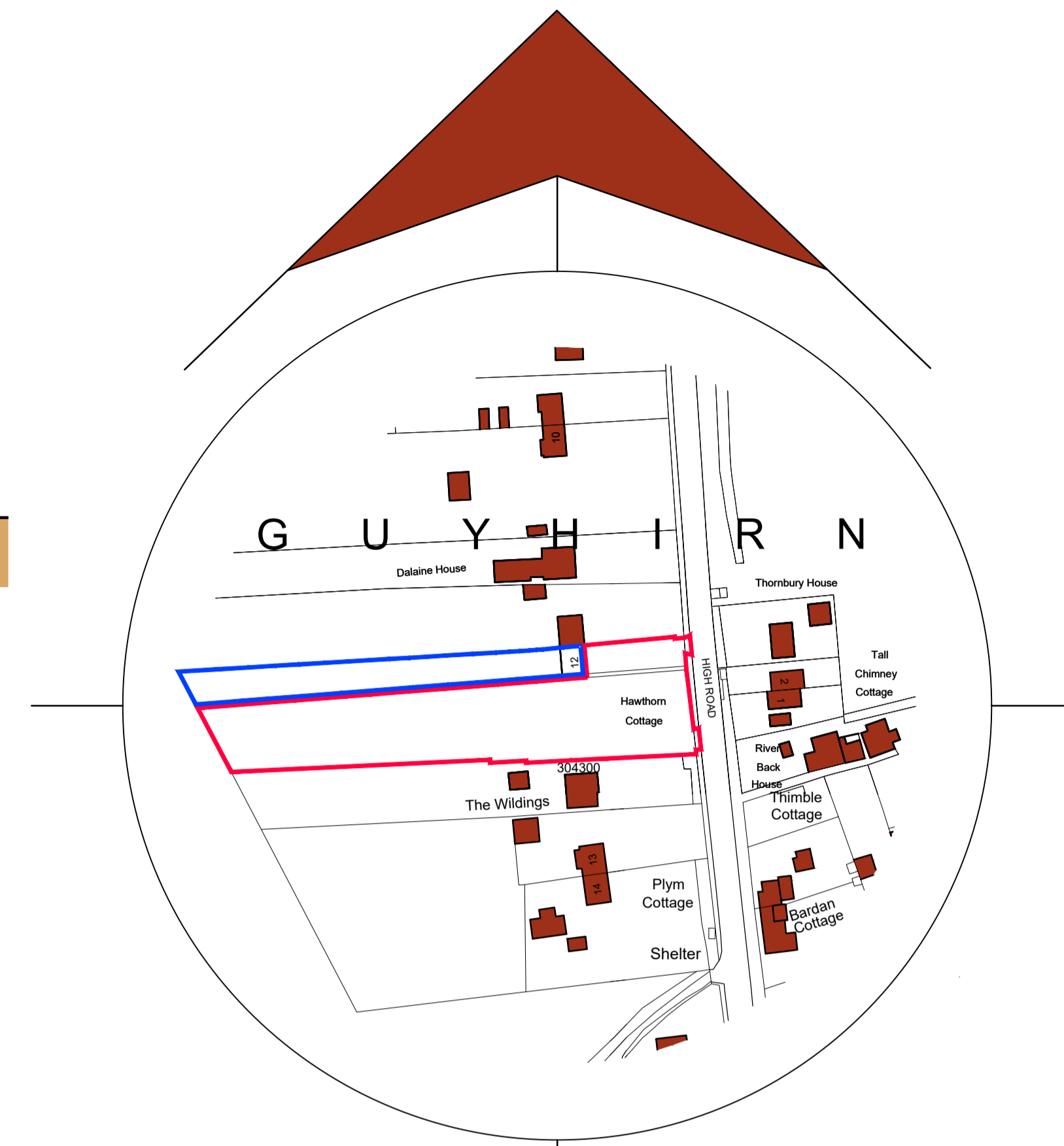
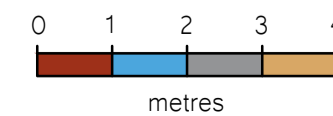
Ground Floor Plan

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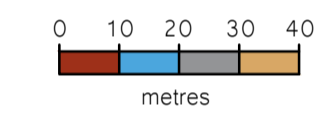
First Floor Plan

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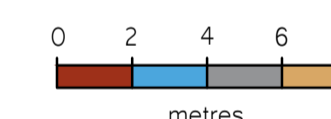
Location Plan

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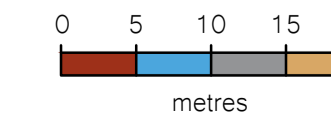
Street Scene

Scale: 1:200



Site Plan

Scale: 1:500



- 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.

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants as issued to the Principal Designer.

SITE PLAN KEY

- Un-surveyed buildings taken from OS map
- Existing vegetation
- Existing site access
- Proposed 3.6 x 5.0m sealed and drained to site access to Cambus CC Highways spec
- Surveyed Property
- New Dwelling
- Lawned Garden
- Gravel Driveway
- Proposed 2.0x2.0m pedestrian vision splay

Status

FOR APPROVAL



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Job Title Proposed Dwelling 12 High Road Guyhirn, Wisbech For: Mr Goodhew	Date May 2021	Drawn by G.E. Checked by SHE
Drawing Title Planning Drawing Floor Plans and Elevations	Job No. SE-1460 Dwg No. PP-1110	Sheet Size A1 Revision B