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**MAIN CASE**

Proposal: Proposed 2 No. Houses with accommodation in roof, Double Garages, Access, Parking & Associated Site Works

Location: Land to Rear of 1 & 3 Bancroft Lane, Soham, Ely, CB7 5DG

Applicant: Mr Rod & Mr Ray Peachey

Agent: Andrew Fleet

Reference No: 14/01060/FUL

Case Officer: Lesley Westcott

Parish: Soham

Ward: Soham North

Ward Councillor/s: Councillor Tony Cornell  
Councillor James Palmer

Date Received: 29 September 2014      Expiry Date:

**[P137]**

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**1.0      EXECUTIVE SUMMARY**

- 1.1      The application seeks full planning permission for the erection of 2 No.4 bed detached houses (with accommodation in the roof), 2 no. detached double garages, vehicular access, parking and turning area on land to the rear of Nos.1 & 3 Bancroft Lane.
- 1.2      Section 38 (6) of the Planning and Compulsory Purchase Act requires that decisions on planning applications are made in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for the District currently comprises the East Cambridgeshire Core Strategy, 2009 and the Cambridgeshire and Peterborough Minerals and Waste Plan 2012.
- 1.3      A hearing session was held with the Planning Inspector on the 11<sup>th</sup> November to discuss the Further Proposed Modifications to the Local Plan (the additional Soham allocations that were approved by Full Council in September 2014). The Inspector indicated that he would consider the evidence presented to him and would contact the Council by the 14<sup>th</sup> November if he had concerns about the Further Proposed Modifications, and the Council's ability to demonstrate that it has a five year supply of housing land. The Council did not receive any further communication from the Inspector by Friday 14<sup>th</sup> November. In light of this and the previous legal advice sought the Council can therefore continue to operate on the basis that it has a five year supply of land, in advance of receiving the Inspector's final report.

- 1.4 For this reason, current housing applications will not be considering the proposal in terms of the presumption in favour of sustainable development set out in the NPPF and policies within the development plan will be the starting point for any assessment, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act.
- 1.5 The application site is located within the development envelope of Soham and comprises a builder's yard to the rear of Nos.1 & 3 Bancroft Lane and a driveway located between Nos.1 & 3 Bancroft Lane. Nos.1 & 3 Bancroft Lane are two-storey detached properties located to the north of Bancroft Lane. Vehicular access to both dwellings is off the private drive located between Nos.1 and 3 Bancroft Lane, which also serves the application site. There is parking at the front of both Nos. 1 & 3 Bancroft Lane and No.3 Bancroft Lane also has a double garage located to the rear of the dwelling which is accessed off the private drive.
- 1.6 The key considerations in determining this application are considered to be: the principle of development, loss of employment, design, Impact on the character of the area, residential amenity and highway safety.
- 1.7 The proposed development by virtue of the access arrangements, limited width of the plot and positioning and scale of the proposed dwellings on the site does not reflect the form and character of the immediate street scene which largely consists of properties fronting the highway, resulting in a contrived form of backland development at odds with the character and appearance of the area contrary to relevant policy of the Core Strategy, The East Cambridgeshire Local Plan and National Planning Policy Framework. The proposed development would be detrimental to the residential amenity of Nos.1 and 3 Bancroft Lane due to the proximity of the proposed access and associated increase in noise and disturbance from vehicular movements and general disturbance associated with residential development in this backland location. It is also considered that the design of the proposed dwellings is neither of a high quality contemporary architecture, nor does it have the proportions and detailing of a traditional building. The proposed dwellings are considered bulky in design which is exacerbated by the contrived, heavy main roof detail. The scheme would fail to enhance the character of the area. As such the proposed development is considered to be contrary to Core Strategy and East Cambridgeshire Draft Local Plan Policy and the NPPF.
- 1.8 This application has been called in to Committee by Councillor James Palmer because of the previous refusal.
- 1.9 **A Site visit has been arranged for 9.20am, prior to the Planning Committee meeting.**

## **2.0 THE APPLICATION**

- 2.1 The application seeks full planning permission for the erection of 2 No.4 bed detached houses (with accommodation in the roof), 2 no. detached double garages (to be sited in front of the proposed dwellings), vehicular access, parking and turning area, on land to the rear of Nos.1 & 3 Bancroft Lane. The proposed houses

and double garage will be identical in design and appearance. The proposed dwellings will comprise a lobby, kitchen/dining room, sitting room, bedroom and bathroom at ground level and 3 no. bedrooms, bathroom and ensuite to master bedroom at first floor level. The houses and garages will be constructed in buff bricks and Spanish slate roofs and the house windows will be dark grey upvc.

2.2 The proposed dwellings:

- Footprint of 93.2 metres squared (Main house 9.5 metres in width and 8 metres in depth. Front projection 4 metres in width and 1.8 metres in depth and rear projection 4 metres in width and 2.5 metres in depth).
- Main roof 7.1 metres to apex and 2.9 metres to eaves level.
- Front and rear projection 6.9 metres to apex of roof and 4.2 metres to eaves level.
- Dormer window and Juliette balcony to master bedroom in first floor rear elevation.

2.3 The proposed double garages:

- 6.2 metres in width and 6.5 metres in depth
- Pitched roof 6 metres to apex of roof and 2.2 metres to eaves level.
- Side hung doors

2.4 The scheme also makes provision for 2 no. parking spaces in front of each proposed dwelling and a shared turning area in front of the proposed 2 no. dwellings.

### 3.0 **THE SITE AND ITS ENVIRONMENT**

3.1 The application site is located within the development envelope of Soham and comprises a builder's yard to the rear of Nos. 1 & 3 Bancroft Lane and a driveway located between Nos. 1 & 3 Bancroft Lane. Nos. 1 & 3 Bancroft Lane are two-storey detached properties located to the north of Bancroft Lane. No.1 is constructed from buff bricks and concrete tiles and No.3 is constructed from red brick with concrete roof tiles. Vehicular access to both dwellings is off the private drive located between Nos. 1 and 3 Bancroft Lane, which also serves the application site. There is parking at the front of both Nos. 1 & 3 Bancroft Lane and No.3 Bancroft Lane also has a double garage located to the rear of the dwelling which is accessed off the private drive.

3.2 The site is bounded by a mixture of boundary treatments including moveable metal fencing panels, brick walls, hedges and approximately 1.8 metre high close boarded fencing. The area is predominantly residential in nature, with an open field located to the north. The site is also located within close proximity of Qua Fen Common.

### 4.0 **PLANNING HISTORY**

14/00496/FUL	Erection of a Three Bedroomed Bungalow and Double Garage	Refused	30.06.2014
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Reason for refusal set out in full below:

- "1 The form and character of the immediate street scene largely consists of properties which front the existing highway. Development in depth from Bancroft Lane has been achieved through comprehensive development of a sufficient scale to create a new character within the street scene. The proposed development by virtue of the access arrangements, limited width of the plot and positioning on the site does not reflect this pattern, resulting in a contrived form of backland development at odds with the character and appearance of the area. The proposal therefore fails to comply with policy EN2 of the Core Strategy 2009, policy ENV2 of the East Cambridgeshire Draft Local Plan (pre-submission version) 2013 and the Design Guide SPD 2012 which seek to ensure that development respects the character of the area and is of a scale and form which relates sympathetically to the surrounding area.*
- 2 The proposed scheme would be detrimental to the residential amenity of Nos. 1 and 3 Bancroft Lane due to the proximity of the proposed access and associated increase in noise and disturbance from vehicular movements and general disturbance associated with residential development in this backland location. The proposal therefore fails to comply with policy EN2 of the Core Strategy 2009 and policy ENV2 of the East Cambridgeshire Draft Local Plan (pre-submission version) 2013 which seek to ensure that there are no significant detrimental impacts on the residential amenity of nearby occupiers."*

04/00388/OUT	Outline application for the erection of a detached bungalow and garage, access road and associated site works	Withdrawn	26.05.2004
88/01653/OUT	Bungalow and Garage	Refused	25.01.1989

## **5.0 REPLIES TO CONSULTATIONS**

5.1 Parish Council: No concerns

5.2 Environmental Heath: No objection subject to standard conditions - hours of construction and deliveries and the vehicular access being of solid construction e.g not loose gravel, to prevent potential noise issues to close neighbours.

5.3 Environmental Health Contamination Officer: Has requested further details.

5.4 Highways: no objections subject to conditions relating to: minimum width of access and drainage measures, onsite parking and turning, space for construction vehicles to park and unload, and visibility splays.

5.5 Waste Services: No objections. Applicant to be advised that waste and recycling will need to be presented at the public highway by the resident of the new property.

5.6 **Neighbours:** Site notice posted and 4 no. neighbour notified. 1 no. letter of objection received from 21 Holmes Lane raising the following issues:

- The reasons for refusal of planning application 14/00496/FUL are still relevant.
- Detrimental impact on highway safety. There could be at least 8 or more vehicles using the access to the rear of the properties. The access leads onto Bancroft Lane which is a busy road and where several cars are parked on the road and pavement (existing dwellings do not have off-street parking) which will restrict visibility. Bancroft Lane leads onto Holmes Lane and Qua Fen Common which are both busy roads.
- 2 no. 2 bed bungalows would have been more appropriate, as there would be less vehicular movement on the site.

## **6.0 THE PLANNING POLICY CONTEXT**

6.1 East Cambridgeshire Core Strategy 2009

CS1 Spatial Strategy  
CS2 Housing  
EC1 Retention of employment sites  
EN1 Landscape and settlement character  
EN2 Design  
S7 Parking provision

6.2 East Cambridgeshire Draft Local Plan Pre-submission version (as amended June 2014)

GROWTH 2 Locational strategy  
GROWTH 5 Presumption in favour of sustainable development  
EMP 1 Retention of existing employment sites and allocations  
ENV 1 Landscape and settlement character  
ENV 2 Design  
COM 8 Parking provision

6.3 Supplementary Planning Documents

Design Guide

## **7.0 CENTRAL GOVERNMENT POLICY**

7.1 National Planning Policy Framework 2012

7 Requiring good design  
6 Delivering a wide choice of high quality homes

## **8.0 PLANNING COMMENTS**

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act requires that decisions on planning applications are made in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development

Plan for the District currently comprises the East Cambridgeshire Core Strategy, 2009 and the Cambridgeshire and Peterborough Minerals and Waste Plan 2012.

- 8.2 A hearing session was held with the Planning Inspector on the 11<sup>th</sup> November to discuss the Further Proposed Modifications to the Local Plan (the additional Soham allocations that were approved by Full Council in September 2014). The Inspector indicated that he would consider the evidence presented to him and would contact the Council by the 14<sup>th</sup> November if he had concerns about the Further Proposed Modifications, and the Council's ability to demonstrate that it has a five year supply of housing land. The Council did not receive any further communication from the Inspector by Friday 14<sup>th</sup> November. In light of this and the previous legal advice sought the Council can therefore continue to operate on the basis that it has a five year supply of land, in advance of receiving the Inspector's final report.
- 8.3 For this reason, current housing applications will not be considering the proposal in terms of the presumption in favour of sustainable development set out in the NPPF and policies within the development plan will be the starting point for any assessment, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act.
- 8.4 The key considerations in determining this application are considered to be:
- The principle of development
  - Loss of employment
  - Impact on the character of the area
  - Design
  - Residential amenity
  - Highways

**The principle of development**

- 8.5 The site is located within the development envelope of Soham. As such, the broad principle of development is acceptable provided that all other material planning considerations are satisfied. The main considerations in the determination of this planning application are loss of employment, design, highways, impact on the character of the area and residential amenity.
- 8.6 Planning permission for a dwelling to the rear of No. 3 Bancroft Lane accessed from the private drive between Nos.1 & 2 Bancroft Road was refused under 88/01653/OUT on the following grounds: piecemeal development, out of character with the area, residential amenity (privacy), highway safety (visibility splays). This decision was appealed and later dismissed by the Planning Inspectorate. Planning application 14/00496/FUL was refused on 30 June 2014 on the grounds of form and character and detrimental impact on residential amenity, it is considered that these reasons are still pertinent to the current planning application.

**Loss of employment**

- 8.7 The application site is currently a builder's yard which is used for storage of building materials. The Council seeks to retain land or premises used for employment purposes unless it can be demonstrated that continued use of the site for employment purposes is no longer viable. Correspondence contained within

04/00388/OUT indicates that the builder's yard had already been unused for some years at the time of the previous application 14/00496/FUL. Although it would appear that it has more recently been used for storage of building materials. Although inactivity alone is not considered to be sufficient evidence to demonstrate that a site is no longer suitable for employment use, there are more suitable locations for a builder's yard than what is effectively a private rear garden.

- 8.8 Policy EC1 of the Core Strategy and EMP1 of the Draft Local Plan seek to retain existing employment sites. Given the location of the site, the size of the site, its shared access with Nos.1 & 2 Bancroft Lane and close proximity to residential properties it is considered that a business/employment use in this location could have an adverse impact on residential amenity. On balance, it is considered that an alternative business use would be inappropriate on this site. The loss of employment on this site is therefore considered to be acceptable.

**Impact on the character of the area**

- 8.9 The predominant character of this part of Bancroft Lane is development along the road frontage with ancillary buildings to the rear. The exception is a backland development of 4 dwellings to the east of the application site between Nos. 15 and 25 which was granted under planning application 83/00664/OUT. However, this was a comprehensive development of sufficient scale to create its own character within the context of the street scene whilst the current proposal is an isolated scheme on a narrow plot (26 metres wide tapering in to 22.6 metres to the rear of the site). There would be restricted views of the proposed dwellings from the existing street scene due to their positioning behind Nos. 1 & 3 Bancroft Lane which are two storey properties. However, this glimpsed view of the 2 no.2 storey dwellings to the rear would be out of keeping with the character of the area.

- 8.10 Whilst it is appreciated that the applicant has acquired No. 1 Bancroft Lane since the refusal of planning application 14/00496/FUL. It is considered that the applicant still has not explored the possibility of a more comprehensive development with the adjacent properties as required in the Design Guide SPD. Even with this additional area of land it is demonstrated that an acceptable comprehensive scheme has not been achieved due to the constrained width of both curtilages. To illustrate this, the 4 dwelling scheme referred to above was developed within a plot with a width of approximately 60m compared to the width of 22.6 - 26m of the current planning application site.

**Design**

- 8.11 It is considered that the design of the proposed dwellings would fail to enhance the character of the area. The design of the proposed dwellings is not considered to be either a distinctive piece of high quality contemporary architecture, nor does have the proportions or detailing of traditional buildings. It is considered that the proposed dwellings are bulky in design, which is exacerbated by the proposed main roof which is considered to be contrived and heavy in detail. As such the proposal would be contrary to Policy EN2 of the Core Strategy, Policy ENV2 of the East Cambridgeshire Draft Local Plan and Paragraph 64 of the NPPF which states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*.

8.12 While the footprint and scale of the proposed dwellings will be similar to that of Nos.1 & 3 Bancroft Lane and it is considered that there is sufficient space on the plot to accommodate the size of the proposed dwellings in accordance with the minimum requirements set out within the Design Guide SPD. Given the backland position of the site it is considered that the proposed dwellings would not be subservient to Nos. 1 & 3 Bancroft Lane and would compete in terms of size and scale. It is considered that the design and scale of the dwellings would be inappropriate and out of character with the area.

8.13 The proposed design of the double garages is considered to be acceptable. Whilst the siting of the proposed garages between the front elevations of the proposed dwellings and the highway this does not accord with requirements set out in the Design Guide SPD, this is considered to be acceptable since there is no space to provide an access road to the rear given the width of the plot and the garages would not be visible from the public realm due to the location of Nos.1 & 3 Bancroft Lane.

#### **Residential amenity**

8.14 Policy EN2 of the Core Strategy seeks to ensure that there is no detrimental impact on the residential amenity of nearby occupiers. It is proposed to retain the host dwelling with no new or altered vehicular access. The access is currently shared by Nos. 1 and 3 Bancroft Lane and is located immediately adjacent to Nos.1 & 3. There are windows at ground floor and first floor level in the side elevations of both properties. The introduction of increased vehicular movements in such close proximity to the habitable rooms of Nos. 1 and 3 Bancroft Lane would have a detrimental impact on residential amenity through noise and general disturbance.

8.15 A recent appeal decision (April 2014) has been dismissed for the construction of 2 No. semi-detached houses at 22 Cambridge Rd, Ely planning application 13/00614/FUL APP/V0510/A/14/2213138 (attached as Appendix 1) which had a similar proposed access arrangement between 20 & 22 Cambridge Road (drive width 2.8 metres). It should be noted that whilst it was not one of the Council's reasons for refusal, the Inspector referred to the proximity of the access drive to the sides of those properties and the disturbance that would result from its use.

8.16 The proposed dwellings are located more than 20m from neighbouring dwellings. This distance is considered sufficient to ensure that the proposal would not have an unreasonable overbearing impact or overlooking issues. The proposed scheme does not incorporate any windows or rooflights in the proposed side elevations overlooking the rear garden areas to No. 21 Holmes Lane and 5 Bancroft Lane. Given the size, scale, orientation and location of windows/rooflights and distances of separation of the properties, it is considered that there would be no adverse impact on the residential amenity currently enjoyed by neighbouring dwellings by reason of overlooking or overbearing impact.

#### **Highways**

8.17 The proposed development makes provision for a detached double garage, parking for 2 no. cars in front of each proposed dwelling and a shared turning and manoeuvring area, which complies with highway standards. The proposed development would be served from an existing access off Bancroft Lane and



sufficient off street parking provision would be retained in association with Nos. 1 & 3 Bancroft Lane. The County Highways Engineer raises no objections to the proposed scheme subject to conditions relating to: minimum width of access and drainage measures, onsite parking and turning, space for construction vehicles to park and unload, and visibility splays. It is therefore considered that the proposal complies with Policy S7 of the Core Strategy and Policy COM 8 of the East Cambridgeshire Local Plan.

### **Summary**

- 8.18 The proposed development by virtue of the access arrangements, limited width of the plot and positioning and scale of the proposed dwellings on the site does not reflect the pattern of existing development, resulting in a contrived form of backland development at odds with the character and appearance of the area. The design of the proposed dwellings in this application is neither of a high quality contemporary architecture, nor do they have the proportions and detailing of a traditional building. The design of the proposed dwellings is bulky in appearance, which is exacerbated by the contrived, heavy main roof detail, and would fail to enhance the character of the area contrary to Core Strategy, East Cambridgeshire Local Plan and the NPPF.
- 8.19 In addition to the proposed development would be detrimental to the residential amenity of Nos. 1 and 3 Bancroft Lane due to the proximity of the proposed access and associated increase in noise and disturbance from vehicular movements and general disturbance associated with residential development in this backland location, contrary to Core Strategy, East Cambridgeshire Local Plan and the NPPF, the application is recommended for refusal.

## **9.0 RECOMMENDATION**

### **RECOMMENDATION: Refuse**

- 1 The form and character of the immediate street scene largely consists of properties which front the existing highway. Development in depth from Bancroft Lane has been achieved through comprehensive development of a sufficient scale to create a new character within the street scene. The proposed development by virtue of the access arrangements, limited width of the plot and positioning and scale of the proposed dwellings on the site does not reflect this pattern, resulting in a contrived form of backland development at odds with the character and appearance of the area. The proposal therefore fails to comply with policy EN2 of the Core Strategy 2009, policy ENV2 of the East Cambridgeshire Draft Local Plan (pre-submission version) 2013 and the Design Guide SPD 2012 which seek to ensure that development respects the character of the area and is of a scale and form which relates sympathetically to the surrounding area.
- 2 The proposed development would be detrimental to the residential amenity of Nos.1 and 3 Bancroft Lane due to the proximity of the proposed access and associated increase in noise and disturbance from vehicular movements and general disturbance associated with residential development in this backland location. The proposal therefore fails to comply with policy EN2 of the Core Strategy 2009 and policy ENV2 of the East Cambridgeshire Draft Local Plan

(pre-submission version) 2013 which seek to ensure that there are no significant detrimental impacts on the residential amenity of nearby occupiers.

- 3 The design of the proposed dwellings in this application is neither of a high quality contemporary architecture, nor do they have the proportions and detailing of a traditional building. The design of the proposed dwellings is bulky in appearance, which is exacerbated by the contrived, heavy main roof detail, and would fail to enhance the character of the area. As such the proposal would be contrary to Policy EN2 of the Core Strategy, Policy ENV2 of the East Cambridgeshire Draft Local Plan and the NPPF.

## **10.0 APPENDICES**

10.1 Appendix 1: Appeal decision APP/V0510/A/14/2213138 – 22 Cambridge Road, Ely

<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
88/01653/OUT	Room No. 011	Lesley Westcott
04/00388/OUT	The Grange	Planning Officer
	Ely	01353 665555
14/00496/FUL		lesley.westcott@eastcambs.gov.uk

## Appeal Decision

Site visit made on 15 April 2014

**by Nick Palmer BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 May 2014**

**Appeal Ref: APP/V0510/A/14/2213138**  
**22 Cambridge Road, Ely, Cambridge CB7 4HL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Azzam Sawalhi against the decision of East Cambridgeshire District Council.
- The application Ref 13/00614/FUL, dated 3 July 2013, was refused by notice dated 12 December 2013.
- The development proposed is the construction of two semi-detached houses.

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Azzam Sawalhi against East Cambridgeshire District Council. This application is the subject of a separate Decision.

### Procedural Matter

3. The appellant has alleged that the wording of the Council's decision notice does not reflect the decision made by the Council's Planning Committee. No details are before me other than the stated reason for refusal and the Council's explanation of this as set out in its appeal statement. I intend to deal with the appeal on this basis.

### Main Issue

4. The main issue in the appeal is the effect of the proposal on the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Ely Conservation Area.

### Reasons

5. Cambridge Road is characterised by residential development most of which dates from the 19<sup>th</sup> century, although the host property is within a row of 20<sup>th</sup> century houses and there are modern residential developments to the rear of those houses. To the south west of the appeal site there are large dwellings of two storeys with attic accommodation. The generally large gardens along that part of the road together with the tree cover within those gardens provide a spacious and verdant quality to the area. This quality is also present in Houghton Gardens which comprises modern development including bungalows.

In the vicinity of the appeal site the development has a more dense urban form with terraced houses abutting the street on the opposite side of Cambridge Road.

6. The proposed dwellings would be of two storeys plus attic accommodation and would reflect the height of the adjacent block of flats at Cambridge Court as well as the larger dwellings to the south west of the site. However the proposal would be on a narrow site and its scale and bulk would be disproportionate in relation to the width of the site. This would result in the proposal having a cramped appearance.
7. The proposal would perpetuate the line of backland development and in this respect would broadly reflect the existing pattern of development. However, the adjacent housing developments were undertaken on sites that had previous commercial uses and therefore the circumstances of those developments were different from the appeal proposal. The rear garden of the host property contributes to a sense of spaciousness at the rear which would be lost. The proposal would be viewed in conjunction with Cambridge Court giving an impression of a bulky and dominant development at the rear.
8. The proposed access and car park would occupy a large area in relation to the rear gardens to be retained for the properties and would dominate the space, adding to the visually intrusive nature of the proposal. The boundary treatments would screen the site to some extent but this would not be sufficient to overcome my concerns in this respect.
9. The parties agree that the site area is 550 square metres, a large part of which would be the access drive and car park. The area of each plot would therefore be considerably less than the recommended 300 square metres in the East Cambridgeshire Design Guide Supplementary Planning Document (SPD) (2012). The adjacent developments at Cambridge Court, Samuels Way and Mariott Drive are at high densities but for the above reasons the proposal would represent an over-development of the site that would be out of character with its surroundings.
10. The proposal would differ from the adjacent backland developments in that the width of the site and the width of the access drive would be more restricted. This would constitute piecemeal backland development which would not accord with the SPD or with policy EN 2 (d) of the East Cambridgeshire Core Strategy (CS) (2009).
11. The detailed design of the proposed dwellings and the materials to be used would be in general keeping with the character of the area but this does not overcome my concerns as set out above.
12. For the above reasons the proposal would unacceptably harm the character and appearance of the area and would not be in keeping with the generally spacious character of the Conservation Area and its pattern of development. I conclude on this basis that the proposal would not preserve or enhance the character or appearance of the Ely Conservation Area. The proposal would not accord with policy EN 2 of the CS which requires development to have regard to local context including ensuring that the scale and massing of buildings relate sympathetically to the surrounding area. For the same reasons the proposal would not accord with paragraph 58 of the National Planning Policy

Framework ('the Framework') which requires that development responds to local character.

13. The harm to the character and appearance of the Conservation Area would be less than substantial having regard to the context of the adjacent backland development. There would however be insufficient public benefit, with due regard to the additional homes provided, their sustainable form of construction and the proposed frontage planting, to outweigh the less than substantial harm caused.

#### *Other Matters*

14. The proposal would affect the amenities of residents at Cambridge Court by reducing light to the side kitchen windows in that development. It would also affect the amenities of the occupiers of 20 and 22 Cambridge Road because of the proximity of the access drive to the sides of those properties and the disturbance that would result from its use. The rear gardens to the proposed dwellings would also be heavily shaded by the Robinia tree at the rear of the site as well as by the adjacent trees, the dwellings themselves and the adjacent flats. The proposal would not therefore provide attractive rear garden spaces for the occupants of the dwellings. These matters add weight to my conclusions on the main issue.
15. The proposal would be centrally situated with regard to shops and services in the centre of Ely and would be accessible by public transport but this does not overcome the harm that would be caused as identified above.
16. I have taken account of all other matters raised including the sustainable construction of the proposal, the adequacy of the access and parking proposals, the provision of needed housing and the proposed planting on the frontage but these do not alter my conclusions on the main issues.
17. I note the appellant's submission regarding the retention of the Robinia tree but this does not alter my conclusions.
18. For the above reasons I conclude that the appeal should be dismissed.

*Nick Palmer*

INSPECTOR