
MAIN CASE

Proposal: Proposed 3 bed detached bungalow

Location: Land Between 31 And 33 Baker Drive Burwell

Applicant: Mr Andy Martin

Agent: The Clarke Smith Partnership

Reference No: 14/01097/FUL

Case Officer: Richard West

Parish: Burwell

Ward: Burwell

Ward Councillor/s: Councillor Hazel Williams
Councillor David Brown
Councillor Lavinia Edwards

Date Received: 29 September 2014 Expiry Date:

[P138]

1.0 EXECUTIVE SUMMARY

- 1.1 This application is for planning permission for the erection of a 3-bed detached bungalow on land identified as between No.31 & 33 Baker Drive.
- 1.2 The site is located within, but adjoining the edge of, the development envelope of Burwell. The east boundary of the site adjoins open countryside and comprises the development envelope boundary. The north boundary adjoins a cemetery. The south and west boundaries adjoin Nos. 31 and 33 Baker Drive. The main issues in assessing the application are the planning history, principle of development and the impacts on the visual appearance and character of the area, amenity, highways and car parking and biodiversity.
- 1.3 The erection of a new dwelling within the Burwell development envelope is acceptable in-principle in accordance with policies CS1 of the Core Strategy and GROWTH2 of the Local Plan and the impact of the proposed dwelling on highways, car parking provision, biodiversity is considered acceptable in accordance with policies S6, S7 and EN6 of the Core Strategy and COM7, COM8 and ENV7 of the Local Plan.
- 1.4 The proposed dwelling, by reason of its close proximity to the neighbouring properties, the complexity of the roof design and chimneys that draw attention and the size of the dwelling, the introduction of built form into the open garden land

between the existing bungalows and the location of the garage and proposed car parking and the bulk of development along the boundary of the rear garden of no.33 Baker Drive, would have a detrimental impact on neighbouring amenity and the visual appearance and character of the area. The proposal is therefore contrary to policies EN1 and EN2 of the Core Strategy and ENV1 and ENV2 of the Local Plan and Section 7 of the NPPF.

1.5 The application is recommended for refusal.

1.6 This application has been called in to Planning Committee by Councillor D Brown in the interests of transparency due to the planning history of the site and the considerable interest in the village.

1.7 **A site visit has been arranged for 11.45am, prior to the Planning Committee meeting.**

2.0 THE APPLICATION

2.1 The application seeks planning permission for the erection of a 3-bed detached bungalow on land identified as between No.31 & 33 Baker Drive; however the land is considered to be the garden area of No.31. The dwelling would be accessed via a shared access with No.31 and replace the existing garaging. Replacement car parking spaces serving No.31 are to be provided in front of the dwelling on the existing garden area.

3.0 THE APPLICANT'S CASE

3.1 The Applicant's case is set out in the Design and Access Statement, which can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, on the application file.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within, but adjoining the edge of, the development envelope of Burwell. The east boundary of the site adjoins open countryside and comprises the development envelope boundary. The north boundary adjoins a cemetery. The south and west boundaries adjoin Nos. 31 and 33 Baker Drive.

4.2 Baker Drive is a residential area comprising semi-detached bungalows in the immediate vicinity of the application site but there are semi-detached, two storey houses forming part of the wider estate.

4.3 The majority of the application site comprises garden land and an area of overgrown vegetation serving No.31 Baker Drive. To the southern side of the site is a garage, access and soft landscaping to the front of No.31.

5.0 PLANNING HISTORY

5.1

| | | | |
|--------------|--|---------------------------------|------------------------------|
| 08/00980/FUL | Construction of 2No. storey chalet dwelling with garages and parking spaces | Refused Appeal dismissed | 30.12.2008 05.11.2009 |
| 09/00171/FUL | Construction of 2No. storey chalet dwelling with garages and parking spaces | Refused | 04.06.2009 |
| 11/00057/FUL | Construction of dwelling and replacement garage | Declined | 15.03.2011 |
| 12/00975/FUL | Construction of single storey dwelling and replacement garage at No. 31 Baker Drive. | Refused | 16.01.2013 |

6.0 REPLIES TO CONSULTATIONS

- 6.1 3 neighbours were consulted and a site notice was posted on 17.10.2014 – 2 responses were received objecting to the application for the following reasons:
- Loss of garaging for No.31 Baker Drive;
 - Out of character with the surrounding area;
 - Due to the height, size and proximity to No.33 the bungalow will be overbearing and overshadowing;
 - A 3-bed house is likely to be bought by a younger family, who will be living amongst elderly neighbours; and
 - Any demand for housing in the village will be met by the nearby allocated housing site.
- 6.2 Burwell Parish Council – no objections
- 6.3 CCC Highways – concern was raised over an un-annotated double line on drawing number P-4042-01 in front of the proposed parking spaces. Clarification was sought that this did not represent a gate. Confirmation was received from the agent that this represented a brick edge or granite sets within the driveway. Following confirmation no objection was raised.
- 6.4 Environmental Health – A residential use would be particularly vulnerable to the presence of land contamination and a contamination assessment has not been submitted. Conditions 1 and 4, requiring an appropriate contamination assessment, are recommended to be attached to any planning permission.

6.5 Waste Strategy (ECDC) – No objections subject to informatives.

7.0 THE PLANNING POLICY CONTEXT

7.1 East Cambridgeshire Core Strategy 2009

| | |
|-----|------------------------------------|
| CS1 | Spatial Strategy |
| EN1 | Landscape and settlement character |
| EN2 | Design |
| EN6 | Biodiversity and geology |
| S6 | Transport impact |
| S7 | Parking provision |

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

| | |
|----------|------------------------------------|
| GROWTH 2 | Locational strategy |
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 7 | Biodiversity and geology |
| COM 7 | Transport impact |
| COM 8 | Parking provision |

7.3 Supplementary Planning Documents

Design Guide

8.0 CENTRAL GOVERNMENT POLICY

8.1 National Planning Policy Framework 2012

| | |
|----|--|
| 6 | Delivering a wide choice of high quality homes |
| 7 | Requiring good design |
| 11 | Conserving and enhancing the natural environment |

9.0 PLANNING COMMENTS

9.1 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.

9.2 A hearing session was held with the Planning Inspector on the 11th November 2014 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 14th 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 14th 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.

9.3 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.

9.4 The main issues in assessing the application are the planning history, principle of development and the impacts on the visual appearance and character of the area, amenity, highways and car parking and biodiversity.

Planning History

9.5 The application site has been the subject of several applications previously.

9.6 The first application was for the construction of a two storey, chalet style bungalow, measuring 7.2m high to the ridge, set back on the plot with a forward projecting single storey extension incorporating a garage. This application was refused by the local planning authority and dismissed at appeal by a planning inspector due to unacceptable harm to the character and appearance of the locality and unacceptable harm to the amenity of the neighbouring property No.33 Baker Drive.

9.7 The most recent application was for the construction of a one bedroom, single storey bungalow, measuring 5m high to the ridge, following the building line of no.31 Baker Drive. The application was refused by the local planning authority for being at odds with the spatial layout of the area, detrimental to the transitional character of the area, detrimental to neighbouring amenity, lack of on-site car parking provision and lack of developer contributions. One reason for the refusal notes that there has been no significant change to policy or circumstance since a similar proposal was dismissed at appeal in 2009 (08/00980/FUL).

9.8 The current proposal is single storey, measuring 5.9m to the ridge, which is smaller than the appeal that was dismissed but higher than the most recent application which was refused. The dwelling has been brought to the front of the site and is in closer proximity to nos. 31 and 33 Baker Drive than both the previous applications.

Principle of Development

9.9 The application site is located within the existing and proposed development envelope of Burwell where limited development will take place. Within development envelopes housing to meet local needs will normally be permitted; provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied.

9.10 It is considered that due to the location of the development within the development envelope of Burwell the proposed bungalow is acceptable in-principle, subject to other material planning considerations and is in accordance with policies CS2 of the Core Strategy and GROWTH2 of the Local Plan.

Impact on the visual appearance and character of the area

- 9.11 In the Inspector's report for the previous application ref: 08/00980/FUL, the character of the area was described as following:

The limited scale of No.31 and No.33 Baker Drive and the surrounding semi-detached bungalows, together with their open frontages and the lack of development to the rear of the properties give the street scene in the vicinity of the application site a spacious appearance. These factors give rise to a relatively gradual transition between the urban area thereabouts and the open countryside and the lack of development within the main section of the application site contribute positively to this effect.

Having undertaken a site visit I consider the inspector's description is still accurate. The northern boundary of the site adjoins a grassed area of a cemetery from which there is a sense of openness and transition to the countryside that is made possible by the low density and scale of the bungalows on Baker Drive and the separation of from the cemetery boundary by the rear gardens.

- 9.12 The proposal involves the erection of a single storey, three bedroom bungalow with an internal garage and south facing front elevation. The bungalow will have a pitched roof with the western end hipped and have two chimneys, one above the hip and one on the front roof slope. A rear gabled off-shoot will project from the north elevation towards the cemetery.
- 9.13 The proposed bungalow would be set well back within the site with the front elevation beyond the rear building line of No.33. From the public highway the roof of the dwelling, a section of the front elevation and the chimney will be visible. The building will be of a similar height to the surrounding bungalows although noticeably taller than, and will dominate, the adjacent side extension of No.33. The roof of the proposed dwelling has a complex design and incongruous chimney feature that draws attention, which is contrary to the simple form and roof profiles of the surrounding bungalows.
- 9.14 Due to the close proximity of the proposed dwelling to the neighbouring properties, it is considered that it will appear squashed and unduly cramped which is contrary to the spatial layout of the surrounding built form. Furthermore, the introduction of built form into the open garden land between the existing bungalows will interrupt the gradual transition to the countryside. The interruption of the transitional character will be particularly visible when viewed from the cemetery due to the gable of the proposed bungalow being located 0.4m from the boundary. It is considered that the proposed dwelling will be detrimental to the visual appearance and character of the area when viewed from both Baker Drive and the cemetery and is considered contrary to policies EN1 and EN2 of the Core Strategy and ENV1 and ENV2 of the Local Plan.
- 9.15 The agent provided examples of applications considered to be similar with regards backland development and development in close proximity to the countryside that have been approved. Each planning application is determined on its own planning merits and it is not considered that any of the examples are comparable with the proposed scheme.

Amenity

- 9.16 There are two neighbouring properties that may be impacted by the proposed dwelling; nos.31 and 33 Baker Drive.
- 9.17 The application site adjoins the eastern boundary of no.33 Baker Drive which comprises the gable end of an extension to the bungalow and the side boundary of the rear garden. The rear garden of no.33 is modest in size, backs onto the cemetery and is a short distance from the open countryside. The existing application site comprises a garage serving no.31 that is well forward of the rear building line of no.33 and undeveloped garden land resulting in the occupiers of no.33 receiving low levels of noise and disturbance. The proposed dwelling within close proximity to the shared boundary will have a depth of 7.4m with a hipped roof, measuring 5.9m to the ridge, and comprise an internal garage with the front elevation behind the rear building line of no.33.
- 9.18 A Sunlight Analysis was submitted as part of the application which illustrates that due to the location of the dwelling to the north of the neighbouring properties there will not be a detrimental impact with regards to overshadowing.
- 9.19 The increased development along the shared boundary will decrease the sense of openness and sense of proximity to the open countryside and will result in a development that is more overbearing on the rear garden of the property. The inappropriate proximity of the dwelling to the boundary is also illustrated by need for the roof to be hipped away from the boundary, although this mitigation is negated by the introduction of the chimney.
- 9.20 Due to the doors of the garage being located to the rear building line of no.33 there is likely to be an increased level of noise and disturbance resulting from vehicle associated with the new dwelling. Vehicles using the site will be driving straight onto and reversing straight out of the site and therefore there is not likely to be significant levels of noise which would be created by a vehicle manoeuvring.
- 9.21 With regards to the above impacts on no.33 Baker Drive, the individual impacts of the proposed dwelling are not considered to have a significant detrimental impact on neighbouring amenity that would justify a refusal of planning permission however the cumulative impact of the increased noise and disturbance levels and the increased sense of enclosure and overbearing is considered to have a significant detrimental impact on the amenity of the neighbouring property that is contrary to policy.
- 9.22 The proposed dwelling will be sited on an area currently used as garden land serving no.31. No.31 will maintain levels of private amenity space that meet the requirements as laid out in the Design Guide SPD.
- 9.23 The proposed dwelling does not exceed the rear building line of no.31 and therefore will not impact on any of the rear facing windows of the dwelling or create a sense of enclosure to the garden that could be considered to have a detrimental impact on amenity of the users.

- 9.24 The proposed dwelling will have sufficient private amenity space in accordance with requirements as laid out in the Design Guide SPD.
- 9.25 In summary, it is considered that the proposed dwelling will provide a reasonable level of amenity for the occupiers of the dwelling and will not have a detrimental impact on the occupiers of no.31 Baker Drive. However, it is considered the proposed dwelling will have a significant detrimental impact on the amenity of the occupiers of the no.33 Baker Drive that is sufficient to justify a refusal of planning permission in accordance with policies EN2 of the Core Strategy and ENV2 of the Local Plan.
- 9.26 It is noted that the agent provided examples of applications considered to be similar with regards to accesses adjoining and passing rear gardens. Each planning application is determined on its own planning merits and it is not considered that any of the examples are comparable with the proposed scheme.
- Highways and car parking
- 9.27 The application proposes to use the existing access serving no.31 Baker Drive as a shared access to no.31 and the new dwelling. The existing garage will be removed to provide one internal garage in the proposed dwelling and two off-road car parking spaces in front of the garage. The loss of the existing car parking to no.31 will be replaced in front of the dwelling on land currently used as a front garden. Provision of car parking spaces to serve the dwellings is considered to be in accordance with policies S7 of the Core Strategy and COM8 of the Local Plan.
- 9.28 CCC Highways were consulted on the application and raised no objection subject to a condition. Clarification was sought over two parallel unidentified lines at the front of the driveway on the plan. Confirmation was received that these lines represent a brick on edge or granite setts within the driveway. Baker Drive is not a classified road and as such it is considered acceptable for vehicles to reverse onto the highway without being detrimental to highway safety. It is considered that the proposed dwelling will not have a detrimental impact on highway safety and is in accordance with S6 and COM7 of the Local Plan.
- Biodiversity
- 9.29 The area to be developed is currently used as garden land serving no.31 Baker Drive. A section of the garden area is overgrown. There was no visible evidence of protected species and due to the location of the site forming the boundary of the settlement it is considered the area is unlikely to be of biodiversity value. The proposed development is not considered contrary to policies EN6 of the Core Strategy and ENV7 of the Local Plan.
- Conclusion
- 9.30 The erection of a new dwelling within the Burwell development envelope is acceptable in-principle in accordance with policies CS1 of the Core Strategy and GROWTH2 of the Local Plan.
- 9.31 The impact of the proposed dwelling on highways, car parking provision, biodiversity has been assessed and are considered acceptable in accordance with

policies S6, S7 and EN6 of the Core Strategy and COM7, COM8 and ENV7 of the Local Plan.

- 9.32 The proposed dwelling, by reason of the introduction of built form into the open garden land between the existing bungalows and close proximity to the neighbouring properties, would appear squashed and unduly cramped which is contrary to the spatial layout of the surrounding built form and would interrupt the gradual transition to the countryside. The interruption of the transitional character will be particularly visible when viewed from the cemetery due to the gable of the proposed bungalow being located 0.4m from the boundary. It is considered that the proposed dwelling will be detrimental to the visual appearance and character of the area when viewed from both Baker Drive and the cemetery and is considered contrary to policies EN1 and EN2 of the Core Strategy and ENV1 and ENV2 of the Local Plan.
- 9.33 The proposed dwelling, by reason of the location of the garage and proposed car parking and the increased proximity of development along the boundary of the rear garden of no.33 Baker Drive, would lead to an increased level of noise and disturbance resulting from vehicle associated with the new dwelling and would increase the sense of enclosure and overbearing on the rear garden, the cumulative impacts of which would have a significant detrimental impact on the amenity of the occupiers of no.33 Baker Drive and is considered contrary to policies EN2 of the Core Strategy and ENV2 of the Local Plan.
- 9.34 It is considered that the design issues could not be overcome by simple amendments to the application and therefore amended plans were not sought. It is noted that the applicant did not engage in pre-application advice.

10.0 RECOMMENDATION

RECOMMENDATION: Refusal for the following reasons:

1. Policies EN1 and EN2 of the Core Strategy and ENV1 and ENV2 of the Local Plan seek to ensure that new development is of a high quality, enhancing and complimenting local distinctiveness which creates positive, complimentary relationships with the existing development. Design which fails to have regard to local context and does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused.

The limited scale of No.31 and No.33 Baker Drive and the surrounding semi-detached bungalows, together with their open frontages and the lack of development to the rear of the properties give the street scene in the vicinity of the application site a spacious appearance. These factors give rise to a relatively gradual transition between the urban area thereabouts and the open countryside and the lack of development within the main section of the application site contribute positively to this effect. The northern boundary of the application site adjoins a grassed area of a cemetery from which there is a sense of openness and transition to the countryside that is made possible

by the low density and scale of the bungalows on Baker Drive and the separation of from the cemetery boundary by the rear gardens.

The proposed dwelling, by reason of the introduction of built form into the open garden land between the existing bungalows and close proximity to the neighbouring properties, would appear squashed and unduly cramped which is contrary to the spatial layout of the surrounding built form and would interrupt the gradual transition to the countryside. The interruption of the transitional character will be particularly visible when viewed from the cemetery due to the gable of the proposed bungalow being located 0.4m from the boundary. It is considered that the proposed dwelling will be detrimental to the visual appearance and character of the area when viewed from both Baker Drive and the cemetery and is considered contrary to policies EN1 and EN2 of the Core Strategy and ENV1 and ENV2 of the Local Plan.

For the above reason, the proposed development is considered contrary to policies EN1 and EN2 of the Core Strategy and ENV1 and ENV2 of the Local Plan and Section 7 of the NPPF.

2. Policies EN2 of the Core Strategy and ENV2 of the Local Plan seek to ensure that development has no significantly detrimental effect on the residential amenity of nearby occupiers

The application site adjoins the eastern boundary of no.33 Baker Drive. The rear garden of no.33 is modest in size, backs onto the cemetery and is a short distance from the open countryside. The existing application site comprises a garage serving no.31 that is well forward of the rear building line of no.33 and undeveloped garden land resulting in the occupiers of no.33 receiving low levels of noise and disturbance.

The proposed dwelling, by reason of the location of the garage and proposed car parking and the increased proximity of development along the boundary of the rear garden of no.33 Baker Drive, would lead to an increased level of noise and disturbance resulting from vehicle associated with the new dwelling and would increase the sense of enclosure and overbearing on the rear garden, the cumulative impacts of which would have a significant detrimental impact on the amenity of the occupiers of no.33 Baker Drive and is considered contrary to policies EN2 of the Core Strategy and ENV2 of the Local Plan.

For the above reason, the proposed development is considered contrary to policies EN2 of the Core Strategy and ENV2 of the Local Plan.

11.0 APPENDICES

- 11.1 Appendix 1 – Inspector’s Appeal Decision – Application Reference: 08/00980/FUL

| <u>Background Documents</u> | <u>Location(s)</u> | <u>Contact Officer(s)</u> |
|------------------------------------|-----------------------------------|---|
| | Room No. 011 The Grange Ely | Richard West Planning Officer 01353 665555 richard.west@eastcambs.gov.uk |



Appeal Decision

Site visit made on 13 October 2009

by **I Jenkins BSc CEng MICE MCIWEM**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
5 November 2009

Appeal Ref: APP/V0510/A/09/2106069

31 Baker Drive, Burwell, Cambridgeshire, CB25 0AB

- 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 Andrew Martin against the decision of East Cambridgeshire District Council.
- The application Ref 08/00980/FUL, dated 10 October 2008, was refused by notice dated 30 December 2008.
- The proposed development is described as construct a private dwelling house, of two-storeys chalet style with family and senior occupant facility also construction of two garages (1no. replaced at No. 31 Baker Drive) and parking spaces.

Decision

1. I dismiss the appeal.

Main issues

2. I consider that the main issues in this case are the effect of the proposal on: the character and appearance of the locality; and, the living conditions of neighbouring residents, with particular reference to noise and disturbance.

Reasons

3. The appeal property is situated at the northeastern end of a row of semi-detached bungalows. No. 31 faces in a northwesterly direction across its front garden and that of an adjacent dwelling, No. 33, which itself faces in a southwesterly direction and is also a semi-detached bungalow. Whilst the appeal site includes the land occupied by the driveway of No. 31 and its garage, which is sited alongside the side boundary shared with No. 33, the largest part of the site comprises the northeastern section of the side/rear garden of the appeal property. This part of the site adjoins the rear garden of No. 33 to the northwest and a field to the southeast. This field wraps around part of the site's northeastern boundary and the remainder of this boundary adjoins a grassed area within a cemetery. Whilst the appeal site lies within the Burwell development envelope, where residential development is acceptable in principle, subject to certain policy requirements, the adjacent field forms part of the open countryside.
4. The limited scale of No. 31 and the neighbouring dwellings, together with their open front gardens and the lack of development to the rear of the properties give the street scene in the vicinity of the appeal site a spacious appearance. To my mind, these factors also give rise to a relatively gradual transition between the urban area thereabouts and the open countryside, and the lack of

development within the main section of the appeal site contributes positively to this effect.

5. The proposal involves the erection of a two-storey 'chalet' style dwelling close to the northeastern boundary of the main section of the appeal site. The property would have a single-storey southwestern offshoot containing a carport and two garages, which would extend to within a short distance of the northeastern gable of No. 31. All but the northwestern wall of the existing single garage of No. 31 would be demolished to make way for an extension of the driveway to the new dwelling.
6. The proposed dwelling would be set well back behind a straight line drawn between the front corner of No. 33 and that of No. 31, and the only roadside frontage of the new dwelling would be the entrance to the driveway shared with the appeal property. Under these circumstances, I consider that the proposal is correctly described by the Council as backland development. The proposed dwelling would be noticeably taller than its immediate neighbours. However, this on its own would not be fatal to the proposal as the wider street scene includes two-storey dwellings adjacent to single-storey properties. Nonetheless, as a result of its dominant scale, backland location and close proximity to its neighbours, the proposal would appear unduly cramped. Furthermore, it would interrupt the existing relatively gradual transition to the countryside. This would be particularly noticeable when the proposed development is seen from the adjacent cemetery.
7. I consider that the proposal would unacceptably harm the character and appearance of the locality and in this respect it would conflict with saved¹ Policies 28, 58, 59 and 62 of the *East Cambridgeshire District Local Plan, 2000* (LP).
8. The rear garden of No. 33, which is modest in size, backs onto the cemetery and is a short distance from the open countryside. In addition, the entrance to the existing garage of No. 31 is positioned well forward of the rear building line of No. 33. Under these circumstances, in my view, the levels of noise and disturbance experienced by the residents of this neighbouring property when using their rear garden are likely to be low at present. However, vehicles manoeuvring into and out of the proposed garages and carport would do so close to the southeastern side boundary of the back garden of No. 33. This boundary would be enclosed by a short section of the retained northwestern wall of the garage of No. 31 and the remainder by the existing 1.8 metre high panel fence with a narrow area of new screen planting in front of it. I consider that the noise likely to be associated with those comings and goings, such as car doors slamming and engines revving, would significantly increase the levels of noise and disturbance experienced by the residents of No. 31. I regard the proposal as unneighbourly.
9. In my judgement, the impact of the proposed development on the conditions in the remaining rear garden area of No. 31 would be far less, as that area would be shielded by the proposed garages. Nonetheless, I conclude overall that the proposal would unacceptably harm the living conditions of neighbouring

¹ Saved under the terms of a Direction pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004.

residents, with particular reference to the noise and disturbance likely to be experienced by those occupying No. 33. In this respect the proposed development would conflict with saved LP Policies 28, 29 and 62.

10. I have considered all of the other matters raised, including the examples of existing developments in the area referred to by the appellant. However, whilst I do not know the full circumstances of those cases, in my view, none are directly comparable to the proposal before me. The bungalows accessed from a spur road in the northwest corner of the Baker Drive estate front onto the road and so do not constitute backland development in my view. The re-development of the site formerly occupied by Nos. 79 & 81 Ness Road includes three new dwellings, one of which is in a backland position. Nevertheless, it is a chalet dwelling which is subservient to the two frontage houses, and this plot adjoins residential development at the sides and to the rear.
11. PPS1², in common with PPS3³, gives encouragement to development that would make more efficient use of previously-developed land in a sustainable way, whilst respecting local character. Furthermore, it indicates that good design, which is a key element in achieving sustainable development, should contribute positively to making places better for people. I understand that the density of development proposed would be similar to that of a number of other sites in the locality and I acknowledge that the proposal would make more efficient use of the appeal site, from which a range of facilities are reasonably accessible. In addition, I see no reason to doubt the view of the appellant that there is a demand for housing in the area which the proposed dwelling would help to meet. However, given my conclusions on the main issues, in my view, the proposal would not fit well overall with the patterns of development encouraged by PPS1 and PPS3. Neither these, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issues.
12. For the reasons given above I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR

² Planning Policy Statement 1: Delivering Sustainable Development.

³ Planning Policy Statement 3 (PPS3): Housing.
