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EAST CAMBRIDGESHIRE  
 - 7 FEB 1992  
 DISTRICT COUNCIL

Your reference  
 -  
 Our reference  
 T/APP/V0510/A/91/194352/P8  
 Date  
 - 6 FEB 92

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
 APPEAL BY MR AND MRS RAMPLEY  
 APPLICATION NO: E/0099/91/0

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the East Cambridgeshire District Council to refuse outline planning permission for the erection of a single-storey dwelling on land adjacent to 37 Trinity Close, Fordham. I have considered the written representations made by you and by the District Council and also those made by Cambridgeshire County Council. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 15 January 1992.
2. The application is in outline, but the form does not indicate which matters of detail were reserved for subsequent consideration. I have regarded the proposal as being an outline one with all matters of detail reserved, and I have treated the details of siting and means of access as being illustrative of one way in which the site could be developed.
3. From my consideration of the written representations, and my inspection of the site and its surroundings, I consider the main issues in this case to be: i. the likely effect of the proposal on the living conditions of adjacent residents in terms of noise and disturbance and; ii. the likely impact of the proposed development on the character and appearance of the area.
4. Relevant local planning policies are the Council's informal policies on backland and tandem development, and Policy 25 of the draft East Cambridgeshire Local Plan. Although the former is non-statutory, and the Local Plan is at an early stage of the statutory procedures, I have given the policies some weight as they reflect the advice on backland development in Development Control Policy Note 2. The policies seek, inter alia, to resist the development of backland sites where there would be an adverse effect on the amenity of adjacent properties. The informal policies also refer to the difficulties of forming satisfactory access to such sites. The site lies within the defined development envelope for Fordham, and the Council do not argue that residential development in that envelope is unacceptable in principle.





5. I have had regard to the documents of Government advice referred to. However, the site is not in the area covered by PPG9, and I have attached only limited weight to the revision of PPG3, due to its draft status.

6. The site lies off the head of the south-western limb of Trinity Close, which is a cul-de-sac. To the north is your clients' bungalow, which is one of a row of similar dwellings which face towards the east. To the east is another bungalow, No. 38 Trinity Close, which is in a row of dwellings which face towards the north. You argue that the proposal would not constitute backland development. However, as matters of fact the site has no frontage to Trinity Close, apart from the access, and the proposed bungalow would lie behind the building lines of both the adjacent properties. As you state, the absence of a road frontage does not in itself render your clients' proposal unacceptable, but it is my view that the advice regarding the development of backland contained in DCPN2 is of relevance to my assessment of this case.

7. Moving to the first issue, notwithstanding that means of access would be a reserved matter, the only possible access would be by the existing driveway which serves 37 and 38 Trinity Close, and cuts across the frontage of both those properties in relatively close proximity to them. A vehicle turning area is indicated within the north-eastern part of the site, which would be screened from No. 38, but would be relatively close to the bedroom windows in the southern elevation of your clients' bungalow. As you indicate, the local highway authority have no objection in principle, but their consideration was of the highway safety aspects of the access, and not of the effect on the amenities of adjacent properties.

8. Provision of the access would involve the demolition of a garage, which you indicate formerly served No. 32 Trinity Close. However, in my view the erection of a dwelling, with a requirement for 3 parking spaces, would generate considerably more movements of both vehicles and pedestrians than this garage. Such movements would be additional to those which could be generated by your clients' existing bungalow. There would also be additional manoeuvring of vehicles within the site. In view of the proximity of the drive and the turning area to the existing bungalows, I consider that significant harm would be caused to the living conditions of the adjacent residents by noise and disturbance. For that reason I consider that the proposed development would conflict with Policy 25 of the draft Local Plan, with the Council's informal policies on backland and tandem forms of development, and with the advice in DCPN2. I have concluded in relation to the first issue that the appeal should be dismissed.

9. In coming to that view I have noted that the site was once intended to provide public amenity space, and that you have argued that such a use would have generated more activity. However, I have considered the appeal against the background of the current use of the site as garden land associated with your clients' bungalow.

10. Turning to the second issue, Trinity Close is a modern estate development, which has a relatively spacious feeling due to 2 substantial areas of open space. I do not consider that the proposal would detract greatly from that feeling of spaciousness. Moreover, neither the appeal site, nor the remaining plot to 37 Trinity Close, would be out of character with other plots in the



area in terms of size. However, the estate is also characterised by the relatively regimented and planned layout of the dwellings. There is only limited variation in building lines, and the properties are regularly positioned in rows, orientated so that their main elevations are mostly on either an east-west axis or a north-south axis, with gardens to front and rear.

11. By contrast, a dwelling on the appeal site would lie behind the building lines of both the rows of properties which converge at this corner, and would need to be sited at an angle to them in order to provide adequate turning facilities and to position windows so as to avoid overlooking of adjacent properties. The illustrative plan indicates that the constraints on the site would necessitate an irregular footprint for the dwelling, and its positioning in close proximity to the northern, western and southern boundaries, with the only significant area of garden being provided to the south-east. This garden would not be apparent in views from the highway, and it is my view that the dwelling would appear cramped. Demolition of the garage and the adjoining wall would open up the site to greater view, and the proposed dwelling would also be apparent from your clients' bungalow, and from No. 91 Mill Lane, which overlooks from the south-west. I have come to the view that the proposed dwelling would appear as an alien feature in relation to the estate layout, would not fit well into its surroundings, and that it would cause significant harm to the character and appearance of the area. For this reason also I consider that the appeal should be dismissed.

12. I observed the other properties on Trinity Close which you have suggested are comparable to the proposal, and I have also noted your reference to 2 previous appeal decisions (T/APP/V0510/A/88/89500/P4 and T/APP/H0520/A/89/122565/P2). However, in my view, the existing properties in Trinity Close, and those proposed in the 2 appeals, are dissimilar from your clients' proposed dwelling in terms of their siting relative to adjacent properties. In any event, I have treated this appeal on its own planning merits.

13. I have noted that permission has been granted to change the use of the site to residential garden, and that covenants restricting its use have been released. However, I do not consider those matters to affect my consideration of the planning merits of this appeal.

14. I do not consider that the personal circumstances of your clients, in wishing to accommodate one of their parents and one of their grandparents, outweigh the planning objections to the proposal.

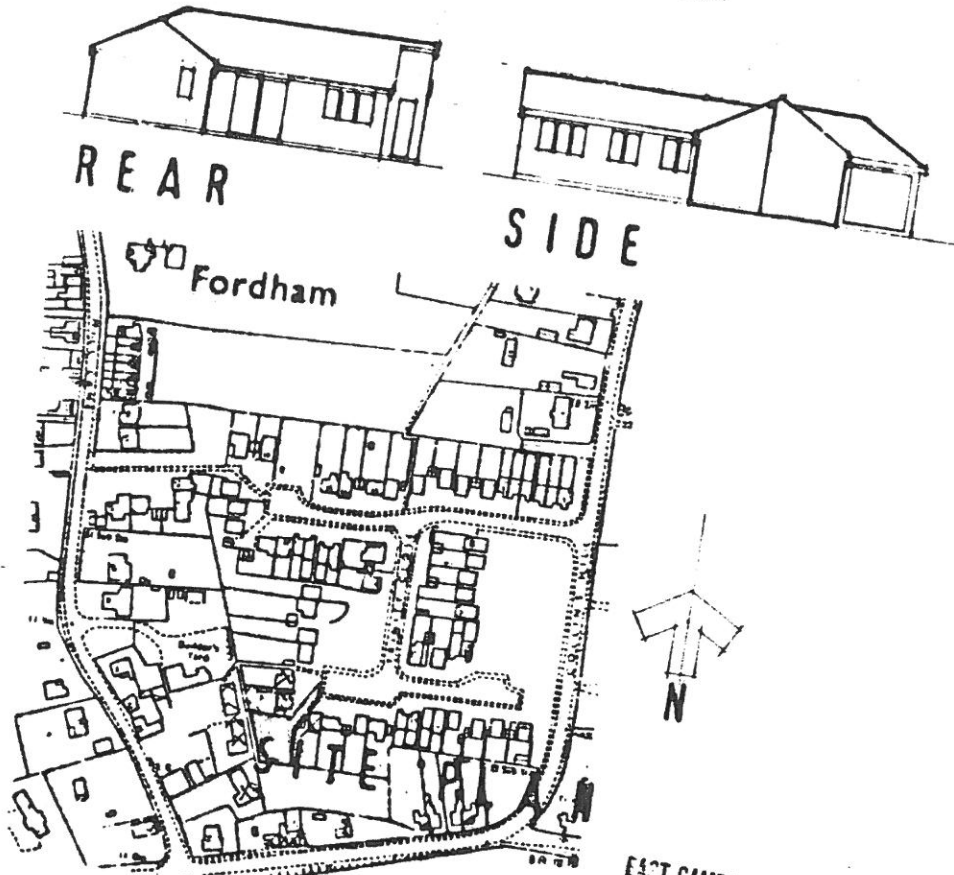
15. I have taken account of all of the other matters drawn to my attention, including the encouragement of the full and effective use of urban land contained in Circular advice, but they do not outweigh the factors which led me to my decision.

16. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir  
Your obedient Servant

SRB Amos  
S R B AMOS MA(Cantab) MCD MRTPI  
Inspector

REVISIONS:



EAST CAMBS. DISTRICT COUNCIL  
09 00 - 4 FEB 91  
REF. 0000

<b>PROPOSED BUNGALOW</b> LAND ADJACENT TO <b>37 TRINITY CLOSE</b> <b>FORDHAM</b> <b>ELY</b> <b>CAMBRIDGESHIRE</b> FOR <b>MR. &amp; MRS. P. RAMPLEY</b>	<b>SITE LAYOUT</b>	
	1:200	90/052-1
	<i>Architectural Technician</i> <b>ANDREW FLEET MBIAT</b> 71 Brewhouse Lane, Soham, Cambs. CB7 5JN Ely (0353) 720651.	