



Planning Appeal Decision

Site visit made on 1 November 2005

by **Lucy Drake BSc MSc MRTPI**

an Inspector appointed by the First Secretary of State

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Date

- 8 NOV 2005

Appeal Ref: APP/H0520/A/05/1186359

9 Folly Close, Yaxley, Peterborough, PE7 3NH

- 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 Mrs Drewnicki against the decision of Huntingdonshire District Council.
- The application No.0501295OUT, dated 18 April 2005, was refused by notice dated 16 June 2005.
- The development proposed is the demolition of the existing dwelling and the erection of four dwellings.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The planning application was submitted in outline form with only the principle of the development for consideration at this stage.

Main Issues

2. The main issues in this case are:
 - (a) The effect of the proposals upon the character and appearance of this part of Yaxley.
 - (b) The effect upon the living conditions of nearby residents with regard to noise and disturbance.
 - (c) The resultant living conditions of future occupants of the proposed dwellings.

Planning Policy

3. The development plan for the area includes the Cambridgeshire and Peterborough Structure Plan 2003 and the Huntingdonshire Local Plan 1995, together with the Local Plan Alteration 2002. The appeal site is a strip of land, about 20m wide and 100m long, which lies to the rear of the dwellings at 1-8 Folly Close and, at its northern end, includes the dwelling at 9 Folly Close. Within the Local Plan, the northern third to half of the site (the exact boundary is hard to place because of the thickness of the line on the Proposals Map) is included within the settlement limit of Yaxley, with the remaining part excluded from the limit and thus, for planning purposes, falling within the countryside.
4. Structure Plan Policy P1/2 says that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location. Local Plan Policies En17 and H23 state a general presumption against housing development outside

defined village environmental limits, with the exception of dwellings required for the efficient management of agriculture or other rural activities. Within existing residential areas new residential is acceptable in principle, although Local Plan Policy H31 says that new dwellings should achieve appropriate standards of privacy and amenity and Policy H35 that tandem development will normally be resisted where there are amenity disbenefits for the frontage dwelling and inconvenient location problems for private open space and parking.

Reasons

The effect of the proposals upon the character and appearance of this part of Yaxley.

5. Notwithstanding the comments of the planning inspector in the 1990 appeal (T/APP/H0520/A/90/156099/P8), the local planning authority continued to exclude the southern portion of the site from the settlement limit in the 1995 Local Plan. The appeal site has the appearance of a dwelling set within a large and mainly undeveloped curtilage which provides an attractive open rear outlook from the houses at 1-5 Folly Close, across the site to the fields beyond.
6. The development of the site as proposed would almost certainly entail at least two of the houses being within the designated countryside and the whole site taking on a far more built-up character and appearance. There is no suggestion that any of the dwellings are intended for agricultural purposes. The building of houses on the part of the site excluded from the settlement limit would be contrary to Structure Plan and Local Plan Policy policies and harmful to the character and appearance of this part of Yaxley.

The effect upon the living conditions of nearby residents with regard to noise and disturbance.

7. The occupants of 1-7 Folly Close currently enjoy a very peaceful and undisturbed environment to the rear of their homes. Their gardens, which are relatively modest in size, back onto the long curtilage of a single dwelling with no vehicular activity. The fact that much of this land was excluded from the settlement limit in the Local Plan would give them a reasonable expectation that no development would take place that was not either related to the single residential occupation or to agricultural or other appropriate rural use. The construction of four dwellings on the site, in place of one, would introduce considerably greater amount of noise and disturbance into this backland area arising from vehicular and normal domestic activity which would be unreasonably harmful to the living conditions of adjoining residents.
8. The dwelling at 8 Folly Close backs onto the front garden area of No.9 although it is screened from it by a line of conifers along its rear boundary. This dwelling, and that at 33 London Road to the north, lie on either side of the road access to No.9 and the proposed development. Whereas at present this access is used solely for access to No.9, and as an additional rear access to 33 London Road, the development of the appeal site as proposed would result in a substantial increase in traffic movements along it, and to the rear of 8 Folly Close. This would cause material harm to the living conditions and quiet enjoyment of their homes for the occupiers of those two properties. On both counts the proposal would be contrary to Local Plan Policy H31 in terms of its effects upon amenity.

The resultant living conditions of future occupants of the proposed dwellings.

9. The appeal proposal would involve the clearance of the site and the erection of four new dwellings, in contrast to the previous appeal scheme (Ref 05/1175714) of June 2005 in which the existing dwelling would have been retained and two new houses built in the southern part of the site. While mindful of my colleague's views, and the fact that the proposed layout was submitted for illustrative purposes only, I do not consider that it would be impossible to design a layout, especially if all but the frontage dwellings were single storey, which would provide satisfactory living conditions for future occupants. The situation of the frontage property would be no different from many corner plots and those for the other properties would be similar to many modern cu-de-sac developments. While the development could be regarded as a form of tandem development, I do not consider that the concerns envisaged by Local Plan Policy H35 necessarily apply in this case.

Conclusions

10. Notwithstanding my comments on the last main issue, I consider the objections to the proposal on the basis of the location of the majority of the site within the countryside, its effect upon the character and appearance of the area and its effect upon the living conditions of adjoining occupiers are considerable and should outweigh all other considerations. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

11. I dismiss the appeal.

LM Drake

INSPECTOR

