Planning Inspectorate

Appeal Decision

Site visit made on 19 August 2025

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/H0520/W/25/3367410
50 Windsor Road, Yaxley, Cambridgeshire PE7 3JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr G D'amore against the decision of Huntingdonshire District Council.
- The application Ref is 24/01902/FUL.
- The development proposed is erection of 2no. dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - The effect of the proposed development on the character and appearance of the surrounding area;
    - The effect of the proposed development on the living conditions of the occupiers of 52 Windsor Road, with particular reference to privacy;
    - The effect of the proposed development on biodiversity;
    - Whether the proposal makes suitable provision for waste; and
    - The effect of the proposed development on the nearby trees.

Reasons

Character and appearance

3. The appeal site comprises a parcel of land to the rear of 50 Windsor Road and fronts onto Lancaster Way. The surrounding area is primarily characterised by two-storey detached and semi-detached dwellings which vary in character and appearance.

4. Whilst dwellings along Lancaster Way are gradually staggered, the proposed dwellings would fail to respect the established building line. In comparison to other nearby dwellings, the proposed units would sit forward of the established building line along Lancaster Way and sit close to the pavement. The Council does not have formally adopted private amenity space standards as part of their local planning policies. Nonetheless, the dwellings would have shallow gaps to the boundaries and the private garden areas would be small compared to adjacent dwellings. The proposed development would therefore appear a cramped,

incongruous and intrusive form of development that would fail to reflect the character and appearance of the surrounding area.

5. For the reasons given above, the proposed development would cause harm to the character and appearance of the surrounding area. Consequently, it would conflict with Policies LP11 and LP12 of the Huntingdonshire's Local Plan to 2036 (2019) (LP). These seek, amongst other things, to ensure new development is well designed and contributes positively to the area's character.

6. It would also conflict with the placemaking principles set out in Chapter 3 of the Huntingdonshire Design Guide Supplementary Planning Document (2017). This states that buildings should respect a common building line.

Living conditions

7. The proposed rear elevations would have windows serving a bedroom and bathroom to each dwelling. The drawings show that the bedrooms would have an obscure window to a height of 1.5m from finished floor level and the bathrooms would have full height obscure window.

8. There would be a very limited gap between the rear elevations of the proposed dwellings and the shared boundary with 52 Windsor Road. At the time of my site visit there was a high hedge between the appeal site and No 52. However, there is no guarantee that the vegetation would not be reduced in height or retained in perpetuity.

9. The proposed obscure glazing would restrict views towards No 52's rear garden but given the proposed height of the obscure glazing element, views from the bedrooms would still be possible if the hedging was reduced in height or removed. The appellant highlights that it is likely to be a child's bedroom. However, there is no guarantee that would be the case. Consequently, given the very limited distance between the rear facing bedroom windows and No 52's rear garden, the proposed development could result in high levels of overlooking. Whilst there is a level of mutual overlooking between properties, which is to be expected in a built-up area such as this, the proposal is likely to result in an unacceptable loss of privacy.

10. For the reasons given above, the proposed development would have an unacceptable effect on the living conditions of the occupiers of No 52, with particular reference to privacy. Consequently, it would conflict with Policy LP14 of the LP. This seeks, amongst other matters, to ensure a high standard of amenity is provided, and ensure that proposals will not result in overlooking causing loss of privacy.

Biodiversity

11. A biodiversity matrix and Biodiversity Net Gain Statement were submitted as part of the planning application. The appellant highlights that prior to purchasing the site, the site had been stripped and cleared. Furthermore, the information submitted as part of a previous application showed that knotweed had been removed from the site and the site had been cleared following this, and there is no record of the ecological survey.

12. The site was overgrown at the time of my site visit. The Council highlight that significant site clearance has taken place since January 2022 which includes

approximately 42m of hedgerow clearance. Based on the evidence submitted and my site visit observations, the proposal is not retrospective. Paragraph 6 of Schedule 7A of the Town and Country Planning Act 1990 makes provision relating to unauthorised degradation taking place. It is the appellant's responsibility to ensure that the submitted metric is correct. There is insufficient evidence to demonstrate that the report represents a competent survey that accurately establishes a robust baseline and biodiversity value.

13. In the absence of a robust biodiversity matrix, the application fails to demonstrate the baseline biodiversity has been correctly assessed in accordance with Paragraph 6 of Schedule 7A of the Town and Country Planning Act 1990 and that a 10% biodiversity net gain can be achieved. Taking into account the requirements of Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, it would not be appropriate to seek to address this issue by planning condition until the appellant has adequately considered the pre-development biodiversity value.

14. For the reasons given above, the proposal would have an unacceptable effect on biodiversity. Consequently, the proposal would conflict with Policy LP30 of the LP which states that a proposal will ensure no net loss in biodiversity and provide a net gain where possible.

15. It would also conflict with paragraph 187 d) of the National Planning Policy Framework (the Framework). This states decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Waste

16. The appellant highlights that a Unilateral Undertaking (UU) was not a requirement when they made the application and the site had agreement under the previous application which could have been adopted or amended.

17. Part H of the Council’s Developer Contributions Supplementary Planning Document (2011) (SPD) requires financial contributions towards the cost of waste storage containers for new residential development, agreed through the submission of a UU prior to determination. No UU has been submitted with the appeal and therefore the proposal would be contrary to the SPD.

18. On the evidence before me, I am satisfied that a financial contribution towards such facilities would be necessary, directly related, and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the Framework. Based on the evidence submitted, I am not satisfied that this matter could be dealt with by condition, as suggested by the appellant.

19. For these reasons, in the absence of a completed UU in respect of wheeled bins, the proposal would not make suitable provision for waste and would be contrary to Policy LP4 of the LP. This seeks contributions to make a proposal acceptable in planning terms.

Trees

20. Close to the appeal site are trees within the highway verge which positively contribute to the area. These are not shown in the proposed site plan, and an

Arboricultural Assessment has not been provided. Given the distance between the proposed development (including proposed access arrangement) and the nearby highway trees, and subject to planning conditions, the proposal would have an acceptable effect on the trees and their root protection areas. Thus, I am satisfied that the access arrangements would have an acceptable effect on the adjacent highway trees.

21. For the reasons given above, the proposal would have an acceptable effect on the nearby trees. Consequently, the proposal complies with Policy LP31 which seeks, amongst other things, to ensure proposals conserve and enhance existing trees.

Planning Balance and Conclusion

22. I have found that the proposal would have an acceptable effect on the nearby trees. However, it would cause harm to the character and appearance of the surrounding area, would have an unacceptable effect on the living conditions of the occupiers of No 52 and on biodiversity, and would not make suitable provision for waste. Thus, the proposed development would conflict with policies LP11, LP12, LP14, LP30 and LP4 of the LP. Given the Council's housing land supply position, paragraph 11(d)(ii) of the Framework is engaged.

23. Weight may still be afforded to policies depending on their consistency with the Framework. The most relevant policies are consistent with the aims of the Framework. There is nothing within the Framework to suggest that the policy requirements should be lessened on account of the shortfall in housing supply. In that context, I attach significant weight to the conflict with the development plan.

24. In considering paragraph 11(d)(ii) of the Framework, I must determine whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

25. For the reasons given above, the proposed development would cause harm to the character and appearance of the surrounding area, would have an unacceptable effect on the living conditions of the occupiers of No 52 and on biodiversity, and would not make suitable provision for waste.

26. The site constitutes a sustainable location for the scale of development proposed and would result in the delivery of two homes which would contribute towards the Council's housing supply. Furthermore, the development would also provide economic benefits, including during the construction phase and the local economy through spending on local services and facilities. Nonetheless, the benefits of the scheme would not outweigh the conflict found. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

27. The proposal would be contrary to policies LP11, LP12, LP14, LP30 and LP4 of the LP and I afford this conflict, with the relevant policies of the development plan, significant weight.

28. For the reasons given above, to conclude, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR