Planning Inspectorate

Appeal Decision

Site visit made on 31 March 2026

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2026

Appeal Ref: 6004184
18 Bencroft Lane, Warboys, Cambridgeshire PE28 2SE

- 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 Ken Skinner against the decision of Huntingdonshire District Council.
- The application reference is 25/00635/FUL.
- The development proposed is Erection of a self-build, two bedroom chalet bungalow.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At appeal stage, the appellant has provided amended plans showing an additional, rectangular section of land to the rear as amenity space, demarked by a blue line, alongside an additional grassed area to the front. Although this land appeared to form part of the garden of the appeal property when I viewed on site, its inclusion represents a material change to the proposal which has not been subject to full public consultation. As such, there is a risk of prejudice to interested parties if I were to take these amended plans into account. I have therefore assessed the proposal on the basis of the plans before the Council at the time of its decision.

3. The Council has indicated that it wishes to withdraw its fifth reason for refusal, related to effects on biodiversity and protected species, following receipt of a Preliminary Ecological Appraisal (PEA) and a Preliminary Roost Assessment (PRA) at appeal stage. Consequently, this matter no longer forms a main issue of the appeal, but I address the evidence before me in Other Matters below.

Main Issues

4. Thus, the main issues of the appeal are:

   - The effect of the proposal on the character and appearance of the area;
   - Whether the proposal would provide a suitable standard of accommodation, with respect to outlook and external space;
   - The effect of the proposal on neighbours' living conditions, and;
   - The effect of the proposal on trees.

Reasons

Character and Appearance

5. The appeal site comprises land to the side of the dwelling at 18 Bencroft Lane, a short, residential cul-de-sac of sizeable, mainly detached, individually designed

properties set back from the road in spacious grounds. No 18 stands at the head of the cul-de-sac, a generous, two storey dwelling presenting an attractive, symmetrical frontage to the road behind imposing entrance gates. The appeal site presently forms part of the garden, laid to grass and other soft landscaping. A detached brick and timber outbuilding stands to the rear corner.

6. Within this context, the proposed dwelling would represent an anomalous addition. It would occupy a narrow, deep plot, at odds with the prevailing pattern within Bencroft Lane of broad fronted dwellings on wide plots. The limited size of the site would result in a tight layout with the dwelling inset no more than one metre from either side boundary, and standing within two metres of the existing dwelling. This cramped arrangement and proximity would severely undermine the sense of spaciousness and proportionality achieved by the existing dwelling within its grounds. Despite this plot coverage, when compared to neighbouring properties, the site and the proposed dwelling would be demonstrably smaller in size and would fail to respect the prevailing scale of the surrounding built form.

7. Moreover, although there is individuality to the designs of dwellings within Bencroft Lane, they share some common traits, including broad and active frontages facing the road, and use of traditional materials including buff and red brick. In contrast, the proposed dwelling would present a uniquely narrow frontage to the road with a conspicuous, blank façade to the front of the projecting, single storey element. The recessed position of the front door would further weaken the composition of the front elevation, as would the awkward alignment between the first floor window and the offset ridge line above. The use of grey, fibre cement cladding boards would be a further departure from the prevailing materials palette that would exacerbate its discordant appearance within the street scene. The result would be a building of disjointed and uncharacteristic design that would fail to respect the prevailing architecture of the surroundings.

8. The appellant points to a number of examples of development in the area. The recent development of housing to the rear is noted, but ultimately this now forms the existing context, and it does not alter my findings on the effects of the propsoal as experienced from Bencroft Lane. The addition at 12 Bencroft Lane, although indicated to be a separate residential unit, nonetheless appears as a side extension to the main dwelling, and not a detached dwelling. Its use of cladding boards is noted, but this is at a much smaller scale and it is viewed as an ancillary element to the main building, in a similar manner to the existing rear extensions to No 18 which also used contrasting materials. As such, I do not regard this as setting a precedent for development of the scale or form proposed.

9. Infill development is referred to at 4 School Road, Ramsey Road and Old Mill Avenue; however, from the evidence before me, the site circumstances differ from the scheme before me, including in terms of the sizes of the plots and the scale and pattern of existing development. The examples at 9 and 11 Fyson Way are dwellings purpose built as part of a wider estate, and so designed to stand as close as they do. The example at 1 Pond Close stands to the side of the existing dwelling on a notably wider plot and is designed to reflect the materials of surrounding properties. Ultimately, these examples are not directly comparable to the appeal before me, and do not alter my findings on the proposal, which I have considered on its own merits.

10. For these reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area, in conflict with Policies LP11 and LP12 of Huntingtonshire's Local Plan to 2036 (May 2019) (the HLP), which supports development that responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including the natural, historic and built environments, to help create distinctive, high quality and well-designed places.

Standard of Accommodation

11. The Council's concerns are twofold. Firstly, that insufficient external amenity space would be provided to the rear; and secondly, that outlook for occupants would be poor due to the proximity of ground floor windows to the rear boundary.

12. The plans originally submitted to the Council, and upon which it decided the application, showed the rear boundary of the site at between 800mm and 2417mm from the rear wall of the proposed dwelling. The remaining external space to the sides would comprise narrow passageways, with a hard surfaced driveway to the front. As set out above, I have considered these plans.

13. The Council does not have specific standards for external amenity space, but Policy LP14 requires that a high standard of amenity is provided for all users and occupiers of the proposed development, and that the physical relationships arising from the design and separation of buildings are not oppressive or overbearing.

14. The rear garden as proposed would be exceptionally modest in size and of limited utility. Although it would be south facing, it would provide little more than a confined patio space that would be disproportionately small relative to the size of the dwelling and the overall site. This lack of adequate external space would undermine the standard of accommodation provided.

15. The proposed space to the front would not adequately compensate for a lack of space to the rear, given it would be towards the public side of the dwelling and would form a single, hard surfaced area shared with the car parking. Even if partly landscaped, it would still be unsuitable due to the proximity of vehicles and the fact that it would be to the northern side of the dwelling and thus would be in shadow for significant parts of the day.

16. With respect to outlook, the appellant states that the rear boundary would be limited in height to one metre. As a result, ground floor views from the rear windows would not be obscured, and in these respects, occupants would benefit from adequate levels of outlook.

17. In reaching a view, I am mindful that the dwelling would exceed relevant internal space standards; however, the shortcomings in the size and quality of proposed external space would result in an unacceptable standard of accommodation, contrary to the aforementioned requirements of Policy LP14.

Neighbours' Living Conditions

18. The proposed dwelling would occupy a deep footprint extending beyond the depth of the existing dwelling at No 18 at a setback of 1m from the proposed shared boundary. At 4.5 metres to the eaves and with a largely solid western elevation, the dwelling would form an imposing and dominant feature at close range in views from several ground floor windows of No 18. This stark change in from an open, lawned garden would harm the outlook enjoyed by occupants, in particular from

the patio area to the eastern side which would sit between the two dwellings and become noticeably more enclosed than at present.

19. However, the existing dwelling would retain ample garden space to the southern and western sides of the property, and a number of ground floor rooms, including the kitchen, the orangery to the eastern side and the conservatory to the rear, all enjoy dual or triple aspects. As such, whilst there would be a loss of outlook to the eastern side, there would still be high quality of outlook and external space to the retained property overall.

20. The Council did not assess harm in respect of the effects of the proposed dwelling on daylight or privacy, noting the dual aspect nature of ground floor rooms and the screening of views that proposed boundary fencing and obscured glazing would provide. I have no evidence to counter these conclusions.

21. Therefore, I find on this issue that the proposal would not result in demonstrable harm to neighbours' living conditions, and so would accord with the requirements of Policy LP14.

Effect on Trees

22. The Council's concern relates to a lack of information as to potential effects on trees occupying a strip of land beyond the red line of the site to the east which runs alongside the entrance drive to Fenton Field Farm. The appellant has provided an arboricultural statement which sets out that two Category C trees would be removed to facilitate the dwelling – a cherry plum towards the centre of the site and a bird cherry near the front entrance. A trial trench was dug to the rear which confirmed no significant roots of a large ash tree just outside of the site boundary would be affected by the footings of the proposed dwelling. The Council is satisfied with the proposals in these respects and I have no reasons to find otherwise.

23. However, the Council points to the effect on retained trees. A Pedunculate Oak T004 would be located adjacent to the proposed parking area. It is indicated to be experiencing signs of retrenchment and crown dieback, attributed by the Council to stressors including historic root damage from vehicle compaction on the adjacent farm track to the east. Nonetheless, it is categorised B2 in good structural condition with a 20+ year life, and it makes a positive contribution to the verdant setting of the dwelling at the end of the vista along Bencroft Lane. The proposal would result in consistent parking beneath the tree that would increase stress on it and exacerbate existing signs of decline, even if no-dig techniques and permeable surfacing are employed. It would also increase the risk of pressure from residents to scale back or remove the tree due to concerns over falling debris or the costs of ongoing tree maintenance.

24. Similar concerns are raised in respect of the Ash T001, which is shown would partly overhang the rear corner of the proposed dwelling. The appellant indicates the trees was recently pruned. Nonetheless, at such proximity, pressure for pruning or removal is likely to arise again in future to improve sunlight and daylight to windows and garden areas, as well as due to perceptions of risk from falling debris. Having seen the constrained size of the site, I am not persuaded that planning conditions would be capable of removing this risk. As a result, there would remain consequent threat to the long term health of these trees and their contribution to the visual amenity of the area.

25. For these reasons, I conclude that the proposal would result in harm to trees of amenity value, which would in turn harm the character and appearance of the area, contrary to Policy LP11 of the HLP which requires development to respond positively to its context and draw inspiration from key characteristics of its surroundings, including the natural, historic and built environments, to help create distinctive, high quality and well-designed places; and Policy LP31 which supports proposals which seek to conserve and enhance any existing tree, woodland, hedge or hedgerow of value that would be affected by the proposed development.

Other Matters

26. The appellant has provided a PEA and PRA, which conclude that the appeal site does not possess bat-roosting potential or other signs of protected species. It also assesses no adverse impacts are expected in terms potential nesting habitats for birds in off-site hedgerows. As a result, the Council is satisfied that the proposal would not pose adverse impacts on biodiversity, geodiversity or protected species and would accord with Policy LP30 of the HLP. On the evidence before me, I have no compelling reasons to find otherwise, and this is not a matter weighing against the proposal.

27. The Council did not refuse permission on the grounds of highway safety. I note its concern that access is proposed over the highway verge to the front of the site which is presently grassed and not laid to gravel as indicated on plans. This would need to be addressed separately, but the evidence otherwise indicates sufficient space is proposed for car parking on site and the local highway authority does not oppose the creation of an access in principle. I see no reason to disagree. Although the Council adds further concern over a lack of space to the rear for cycle parking, there would be sufficient space within the front part of the site for storage of cycles and bins.

28. The appellant has set out their individual circumstances underpinning the proposal. I recognise the proposal would deliver undoubted positives for the appellant, but these would ultimately be personal benefits. Given that the planning system acts in the wider public interest, these are not factors which weigh materially in favour of the proposal.

Conclusion

29. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites, though an exact figure is not provided. In this scenario, Paragraph 11(d)(ii) of the Framework states that permission should be granted unless any adverse impacts of doing so 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.

30. In this scenario, policies which are most important for determining the application are deemed to be out-of-date. This includes Policies LP1, LP2 and LP8 which all relate to the location of housing and are not offended by the proposal. These policies still accord with key aims of the Framework to direct development to the most sustainable locations, including in terms of accessibility, and still merit considerable weight. Policies LP11 and LP12 are consistent with the Framework in terms of recognising the importance of achieving high quality design, as are

Policies LP14 and LP31 in terms of requiring high standards of amenity and recognising the important contribution trees make to the character and quality of urban environments. Therefore, these policies are still afforded significant weight.

31. The proposal would add to the district's housing stock at a time when the Council cannot demonstrate a sufficient housing land supply, in line with the Framework aim of boosting the supply of housing. However, even in this circumstance, the benefit of a single dwelling would be limited. There would also be modest, but nonetheless positive economic activity generated by the construction of the development, but given the scale of the proposal, this would attract limited weight in its favour. I acknowledge the intended energy and water efficiency measures proposed for the dwelling, which are benefits of further limited weight.

32. Set against this, the proposal would cause significant harm to the character and appearance of the area, including due to the risk posed to existing trees, and so would not amount to an effective use of land or create well-designed places, as expected by the Framework. There would also be shortcomings in the standard of accommodation that would fail to accord with the Framework's expectation of creating places with a high standard of amenity.

33. Overall, I find that the adverse impacts of granting planning permission, taken together, would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole and having particular regard to the stated key policies. Therefore, the presumption in favour of sustainable development does not apply.

34. In the final balance, there are no material considerations that would justify a decision being made other than in accordance with the development plan. Therefore, for the reasons set out, I conclude that the appeal should be dismissed

K Savage

INSPECTOR