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## Appeal Decision

Site visit made on 17 March 2015

**by R Schofield BA(Hons) MA MRTPI**

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

**Decision date: 20 March 2015**

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**Appeal Ref: APP/W0530/A/14/2218129**

**Former Bishops Hardware Store, Cambridge Road, Impington, Hoston  
CB24 9NU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mitre Property Development Ltd against South Cambridgeshire District Council.
  - The application Ref S/1152/13/FL, is dated 7 June 2013.
  - The development proposed is erection of 29 No One and Two bed residential apartments (following demolition of existing buildings) together with associated infrastructure.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. Although the Council did not issue a decision notice, I have been provided with a Statement that sets out the issues that would have constituted the reasons for refusal of the application had the Council been in position to determine it. Further to providing that Statement, the Council clarified that it no longer raises objections to the proposed development on affordable housing grounds. On this basis the main issues are:
  - the effect of the proposed development on the character and appearance of the area; and
  - whether the proposed development would be premature, having regard to the preparation of the Local Plan for South Cambridgeshire.

### Reasons

#### *Character and appearance*

3. Impington is an attractive village, typically characterised by historic buildings, which are predominantly dwellings; mature planting; wide streets; and open spaces. Although there are some exceptions, dwellings are typically two storey detached and semi-detached houses of buff brick, with some attractive detailing. Extensive terraces of houses are not a primary feature of the area, even on the so-called Pepys Terrace nearby. Roofs are of slate and are pitched, punctuated by dormers and, often decorative, chimney stacks.

Roofscapes exhibit changes in height and orientation. Staggered building lines and gaps between dwellings further serve to break up the massing of development. There is a business park further up Cambridge Road, which is distinct from the residential, village location in which the appeal site is situated. Thus, the area maintains a quiet, domestic feel and a sense of spaciousness.

4. The appeal proposal would introduce a building of atypical form, mass and scale into this context. At three storeys tall throughout it would rise well above, and dominate, the majority of other buildings in the area. The continuous building line around the outside of the plot would result in an incongruous terracing effect, at odds with the predominant built form of the area, presenting a flat, undistinguished and predominantly unbroken elevation tight to Cambridge Road and the Guided Busway. Although the extensive roofscape would be punctuated by windows, its roofline would remain unbroken and unrelieved, further emphasising the building's considerable scale, mass and undue sense of dominance.
5. Overall, the proposed building would appear as an incongruous intervention in, and fail to reflect, its low key, domestic, village environment. It would be unduly dominant in, and oppressive upon, the streetscene, thus compromising the general sense of spaciousness along Cambridge Road. This effect would be exacerbated by the building's prominent position. Having the pitched element of the roof set back from the eaves would not make the building's mass any less oppressive when viewed from ground level.
6. It is suggested that the scheme emphasises the corner of the site and its immediate connection with the Guided Busway. Notwithstanding that the building would dominate, rather than emphasize the corner of the site, it was not readily apparent from my site visit how the design of the building makes any connection with the Guided Busway. Indeed, it cannot be considered that the Guided Busway possesses any defining characteristics of the area, to which development on the appeal site should seek to respond as a primary concern.
7. The site itself cannot be regarded as a positive feature of the area and its redevelopment is likely to provide an enhancement. Nonetheless, I do not consider that this is a sound reason for permitting a development that would, albeit for different reasons, also fail to make a positive contribution to the area.
8. There is no reason *per se* why a contemporary design, which takes advantage of the site's corner location and presents an active frontage around it, could not be appropriate. However, taking the above matters into consideration I conclude that the scale, mass, form and appearance of the proposed building would have an adverse impact upon, and be at odds with, the character and appearance of the area. It would conflict, therefore, with policies DP/2 and DP/3 of the South Cambridgeshire District Council Development Control Policies DPD, which seek, among other things, to ensure that new development is of a high quality design and preserves or enhances the character of the local area, responds to the local context and respects local distinctiveness and village character.
9. The National Planning Policy Framework (the Framework) is clear that planning decisions should not attempt to impose particular architectural styles or to stifle innovation (paragraph 60). However, it is also explicit that it is proper to seek to promote or reinforce local distinctiveness. Thus, the appeal scheme would also conflict with this aspect of the Framework.

### *Prematurity*

10. The Council is in the process of producing its Local Plan, draft policy E/8 of which seeks to secure a mixed-use scheme on the appeal site. However, the Local Plan has yet to pass Examination and it there are unresolved objections to the policy in question. Thus, the Plan has some way to go before it is adopted and there can be no certainty that the policy will remain in the form it is at present. Thus, in accordance with paragraph 216 of the Framework I give this policy little weight and it is not determinative here.
11. Notwithstanding this, the Planning Practice Guidance<sup>1</sup> is clear that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
  - a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
12. I am not persuaded that the development of what would be a relatively small residential development, rather than a mixed-use scheme, on the appeal site could be regarded as being so substantial, or its cumulative effect so significant, that to grant permission now would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Local Plan. Consequently, I conclude that the appeal proposal would not be premature having regard to the preparation of the Local Plan for South Cambridgeshire.

### **Other Matters**

13. It is common ground that the Council is unable to demonstrate a five-year supply of deliverable housing sites and that the scheme would be of benefit in helping to meet a housing shortfall. I have also found that the appeal proposal would not be premature having regard to the preparation of the Local Plan for South Cambridgeshire. However, these factors are not sufficient to outweigh my concerns in relation to the appeal proposal's impact upon the character and appearance of the area. Thus, it would not be the sustainable development for which the Framework indicates that there is a presumption in favour. In reaching this conclusion, I have borne in mind paragraphs 47-49 of the Framework, as well as its guidance, at paragraph 17, that planning should always seek to secure high quality design and take account of the different roles and character of different areas.
14. I have been provided with a Unilateral Undertaking, which makes provision for affordable housing, a community facilities contribution, off-site open space contribution, household waste recycling receptacles contribution, strategic

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<sup>1</sup> Paragraph: 014 Reference ID: 21b-014-20140306

waste contribution and monitoring contribution. However, for the reasons outlined above, this provision would not outweigh my concerns in relation to the appeal scheme and, thus, the obligation has had little bearing upon my decision.

15. My attention was drawn to two other appeal decisions<sup>2</sup> where Inspectors allowed appeals in the District and concluded that the Council could not demonstrate a five-year supply of deliverable housing sites. However, for the reasons set out above I have not found the benefits of the scheme to significantly and demonstrably outweigh the harm, unlike the Inspectors in those cases. Thus, other than acknowledging their findings with regard to the five-year supply of deliverable housing sites, I give them little weight as comparable decisions.
16. Finally, it is suggested that if the appeal scheme conforms to the development plan as a whole, even if there are minor infringements of policy, it should be permitted. However, I have found fundamental conflict with development plan policy.

### **Conclusion**

17. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*R Schofield*

INSPECTOR

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<sup>2</sup> 2209166 and 2207961