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F/YR24/0360/F

**Applicant: Mr W Hammond**

**Agent : Mr Gareth Edwards  
Swann Edwards Architecture Limited**

**Land North East Of 11, Clarkson Avenue, Wisbech, Cambridgeshire**

**Erect a dwelling (2-storey 2-bed), involving new access, demolition of existing outbuildings and reduction in height of existing front wall**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations received contrary to Officer Recommendation**

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**Government Planning Guarantee**

**Statutory Target Date For Determination: 19 June 2024**

**EOT in Place: Yes**

**EOT Expiry: 19 February 2025**

**Application Fee: £578**

**Risk Statement:**

**This application must be determined by 19<sup>th</sup> February 2025 otherwise it will be out of time and therefore negatively affect the performance figures.**

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**1 EXECUTIVE SUMMARY**

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| <p>1.1 This application seeks to erect 1 dwelling (2-storey 2-bed) in existing garden land associated with 11 Clarkson Avenue.</p> <p>1.2 Policy LP16 part (d) and Policy 18 of the Fenland Local Plan 2014 seeks to ensure that proposals make a positive contribution to the local distinctiveness and character of the Conservation Area and that the character of the local built environment informs the layout and features of proposed development.</p> <p>1.3 The introduction of a dwelling in such close proximity to the back edge of the footpath would introduce a visual change within the street and would appear significantly out of character with the street scene, creating an incongruous feature within the prevailing character along the north-eastern side of Tavistock Road. The location of the proposed dwelling within existing garden land associated with No. 11 results in a loss of suitably generous garden land associated with a non-designated heritage asset and a loss of the historically designed layout of the site. As such, the proposal would fail to make a positive contribution to the local distinctiveness and character of the area and results in less than substantial harm to the character and appearance of the Bowthorpe Conservation Area and therefore would be contrary Policies LP16 part (d) and LP18 of the Fenland Local Plan 2014.</p> |
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1.4 As such, the application is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated on land to the northeast of 11 Clarkson Avenue, a semi-detached dwelling which sits on the corner of Clarkson Avenue and Tavistock Road within a residential area of Wisbech. The application site currently serves as garden land associated with No. 11 and fronts onto Tavistock Road. There are two existing outbuildings situated within the site.
- 2.2 The application site is situated within a Conservation Area. The site is bounded by a brick wall to the north-western boundary along Tavistock Road. There are also some mature trees within the rear garden of 11 Clarkson Avenue which are protected by virtue of their location within the Conservation Area.
- 2.3 Neighbouring properties are situated to the north-east, south-east and north-west of the application site.
- 2.4 The application site is situated within Flood Zone 1.

## **3 PROPOSAL**

- 3.1 This application seeks to erect a 2-storey, 2-bed dwelling involving the creation of a new access, demolition of existing outbuildings and reduction in height of the existing front wall.
- 3.2 The dwelling would have a footprint of approximately 6.6 metres x 13 metres. The proposed roof would be dual pitched with an eaves height of 5.9 metres and 8.4 metres approx.
- 3.3 Fenestration would predominantly be situated to the front and rear elevation of the dwelling, with the provision of a south-east facing ground floor obscure glazed window and 2 roof lights to the rear roof slope.
- 3.4 The proposed dwelling would be situated approximately 1.8 metres from the back edge of the footpath. Private amenity space would be situated to the rear of the dwelling, which would be enclosed by a 1.8 metre high fence. The brick wall to the front of the site would be decreased to 900mm.
- 3.5 2 parking spaces are proposed to be situated to the north-east of the proposed dwelling.
- 3.6 The submitted Arboricultural Impact Assessment indicates the removal of one tree situated adjacent to the north-western boundary of the site (reference T4).
- 3.7 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

## 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR17/0424/TRCA	Fell 1no Silver Birch and works to 1no Beech tree within a conservation area	Granted 27/06/2017

## 5 CONSULTATIONS

### 5.1 Wisbech Town Council

*That the application be supported*

### 5.2 FDC Environmental Health

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality.*

*Due to the proposed demolition of existing structures and close proximity of noise sensitive receptors, it is recommended that the following conditions are imposed in the event that planning permission is granted:*

#### **UNSUSPECTED CONTAMINATION**

*If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.*

#### **WORKING TIMES**

*No demolition or construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.*

### 5.3 FDC Arboricultural Officer

*The arboricultural report provided satisfactorily identifies the tree constraints in relation to the proposal, with indicative protection measures that can be implemented. The report identifies that foundations will need to be excavated in the root protection area (RPA) of T3 (Beech) and that it is unlikely that this will have a detrimental impact on the tree, but preconstruction root pruning is undertaken. I would suggest that an assessment trench is undertaken along the foundation line so that the significance of the roots can be assessed, rather than agreeing to root pruning straight off. Then if significant roots are present the foundation for the building could then be designed to accommodate their retention. Although I do agree it is less likely significant roots will be impacted and root pruning a potential option.*

*The report identifies some shadow cast will fall over the building, but the proposed layout plans show the living room the far end of the building and minimal windows to the rear, so it is likely shadow cast will not be a significant issue to future residents.*

*The removal of T4 is acceptable to facilitate the development is acceptable and the dead tree T1, however, as part of the proposal I would suggest a replacement tree of native origin is conditioned to be planted along this boundary to offer street scene amenity and softening to the development. The future impact on the boundary wall and appropriateness for site will need to be considered to ensure any new tree can establish and provide amenity value for many years without conflict that might cause residents to want to remove it.*

*I have no objection, but if you are minded to approve then a robust tree protection method statement will be provided, with details on roots present where foundations need to be opened in the RPA prior to works commencing.*

#### **5.4 FDC Conservation Officer**

Comments were initially received from the FDC Conservation Officer raising concerns with regard to insufficient details being submitted with regard to proposed materials. These initial comments noted that the scale and proportion of the proposed development was not necessarily poor, however necessary details were lacking. The comments highlighted the property opposite the application site as an important reference point for the use of correct materials and detailing within the Conservation Area. Subsequently, an objection was made to the application due to the insufficient details provided.

Following these initial comments, further comments were provided following a further review of the application:

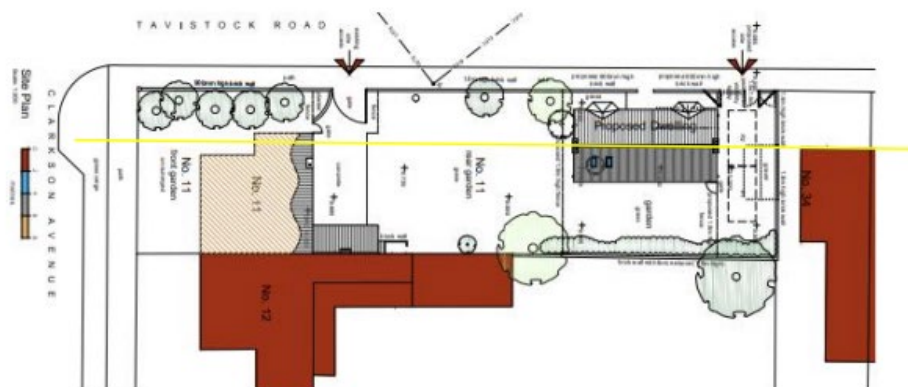
##### *Considerations:*

- 1. Consideration is given to the impact of the proposal on the architectural and historic interests of a Non-Designated Heritage Asset with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- 2. Consideration is given to the impact of this proposal on the character and appearance of Bowthorpe Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 3. Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2023, specifically, paragraphs 201, 203, 205, 206, and 208*
- 4. A heritage statement has been submitted with the application that just about meets the requirements of 207 of the NPPF.*
- 5. Due regard is given to relevant planning history.*

*The site is located within the Bowthorpe Conservation Area of high character significance and containing buildings of substantial architectural quality and detailing, which is indicative of the status of the area at the time of construction.*

*The Tavistock Road frontage is formed by a positive late C19 wall and behind is an outbuilding thereabouts contemporary with the host dwelling fronting onto Clarkson Avenue. The early C20 'designed' layout of this part of the Bowthorpe is important to how this area is appreciated as are the substantial plots that are consistent the substantial houses they serve. Carving up the plots like this in a conservation area, raises objection as to the principle of development.*

*There is strong concern with the fact that the building it set substantially forward of the established building line, as shown by the yellow line in the plan extract below.*



*With the substantial forward projection of the established building line, of at least half of the depth of the proposed building, it would become an unduly prominent and dominant feature within the streetscene and Conservation Area.*

*The image below shows the streetscene looking southwest, depicting no's 34 and 36 in the foreground and a positive and verdant treed backdrop and positive walling formed by the beneficial garden of the host property. This character would be substantially changed and indeed harmed by the erection of a new dwelling in this position, let alone one that sits substantially forward of the building line.*

*On the basis that, if approved, the most prominent and dominant feature within the street scene, by way of its substantial forward projection, would be a new build that is almost certain to be of inferior architectural detailing to that of its high quality early C20 surroundings; leads to a strong presumption to refuse this application on the basis that it would result in harm to the character and appearance of the conservation area.*



*With further consideration on this matter following my initial comments that objected to and required further information, I am of the view that the principle of this development is not supportable from the standpoint of its unacceptably detrimental impacts on the Bowthorpe Conservation Area and no further information is required.*

*Proposed dwelling design: Whilst the scale and proportion of the proposed dwelling considered in isolation is not poor, the plans are somewhat limited in necessary detail. The proposed 2 storey dwelling is shown in a 'similar' style to that of the adjacent property on the immediate left (no's 34 and 36). However, it should be borne in mind the dangers of unsuccessful assimilation and sub-par quality of materials presents itself with the early C21 rendition of a 'similar' design opposite, without the necessary detail and quality of materials, should stand as a clear reference point for the importance of correct materials and detailing in conservation areas.*

*Further to the points raised above that object to the principle of development and associated impacts of a building situated substantially forward of the established building line. I am also of the view that the costs associated with building a dwelling that assimilates acceptably into its setting with substantial use of worked stone, high quality and detailed clay traditional brickwork, natural slate roofs and necessary decorative elements, would make this an unviable scheme in any event. To build in a truly complimentary style that would not stand out as the noticeably poor relation would be hugely expensive.*

*Conclusion: Following further consideration of this proposal, there is an in-principal objection to the loss of the suitably generous garden that the host building (a non-designated heritage asset) benefits from, the loss of the historic 'designed' layout of the site and surroundings and the harm to the character and appearance of the conservation area that would ensue.*

*Furthermore, there is a strong objection to the position of the proposed building set substantially forward of the established building line and resulting in an incongruous and dominant feature within the streetscene.*

*Finally, there is a strong presumption that a suitably detailed dwelling that would not stand out as a particularly inferior quality of appearance, is almost certainly unviable in this instance.*

*For the reasons set out above, there is a strong objection to the proposal on the basis that it would result in less than substantial harm to the character and appearance of the Bowthorpe Conservation Area (medium on the spectrum). The Council is bound by local and national policy and legislation to conserve and enhance conservation areas. This proposal is considered to do neither in this instance and therefore should meet a strong presumption for refusal in accordance with policy LP18 of the Fenland Local Plan (2014) and in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Finally, there are considered to be limited public benefits of this proposal and cannot be considered to outweigh the harm.*

*RECOMMENDATION: Refuse – Principle of development, dominant position of the building set forward of the established building line and considerable detrimental impacts on the character and appearance of the Bowthorpe Conservation Area*

## 5.5 CCC Archaeology

*The development lies in an area of archaeological potential to the east of the historic core of Wisbech. However due to the scale of the development and archaeological potential of the area, we do not consider archaeological intervention to be proportionate. Therefore, we have no objections or requirements for the scheme.*

## 5.6 CCC Highways

### *Recommendation*

*On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.*

### *Comments*

*The development benefits from an existing vehicle access with the highway. The proposed new access includes pedestrian visibility splays. Given the existing access layout of the host dwelling being of a similar nature and the quiet nature of the street, I would have no objects, in this instance.*

*In the event that the LPA are mindful to approve the application, please append the following Conditions and Informatives to any consent granted:*

### *Conditions*

#### *HW18A Visibility Splays*

*Prior to first use the visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the approved plans; The splays shall thereafter be maintained free from any obstruction exceeding 0.9m above the level of the adjacent highway carriageway.*

## 5.7 Wisbech Society

*No objections*

## 5.8 Local Residents/Interested Parties

1 letter of objection has been received with regard to this application from an address point in Clarkson Avenue. The reasons for objection are summarised as follows:

- Impact on Conservation Area
- Out of Character
- Trees
- Water supply

8 letters of support have been received with regard to this application (1 from Tavistock Road, 1 from Waterless Road, 1 from Nelson Gardens, 1 from Blenheim Way, 1 from Hollycroft Road, 1 from Clarkson Avenue, 1 from Lynn Road and 1 from Trafford Park). The reasons for support are summarised as follows:

- Enhance the area

- Garden area
- Enhance the local community
- In keeping with surroundings

## **6 STATUTORY DUTY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
- 6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF) 2024**

- Chapter 2 - Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

### **7.2 National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **7.3 National Design Guide 2021**

Context  
Identity  
Built Form

### **7.4 Fenland Local Plan 2014**

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP8 – Wisbech
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP18 – The Historic Environment
- LP19 – The Natural Environment



## 7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP23: Historic Environment
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP32: Flood and Water Management

## 8 KEY ISSUES

- **Principle of Development**
- **Heritage and Visual Amenity of the Area**
- **Residential Amenity**
- **Highways and Parking**
- **Flood Risk**
- **Ecology**
- **Trees**
- **Biodiversity Net Gain (BNG)**

## 9 ASSESSMENT

### **Principle of Development**

- 9.1 The application site is situated to the northeast of 11 Clarkson Avenue, within the market town of Wisbech. Policy LP3 of the Fenland Local Plan designates Wisbech as a Primary Market Town. The majority of the district's new housing, employment growth, retail growth and wider service provision should take place in these settlements. As such, the broad principle of development on the site is considered to be acceptable subject to further policy considerations outlined in the following assessment section.
- 9.2 The application site is also situated within a Conservation Area and therefore consideration needs to be given to the heritage impacts of the proposal.

### **Heritage and Visual Amenity of the Area**

- 9.3 Policy LP16 and LP18 of the Fenland Local Plan support the principle of development subject to development respecting and enhancing the character and identity of the surrounding area and that the development does not have any adverse impacts on the surrounding Conservation Area.

- 9.4 The proposed dwelling would face onto Tavistock Road. The Tavistock Road frontage is formed by a late C19 wall with an outbuilding behind associated with the host dwelling fronting onto Clarkson Avenue.
- 9.5 The proposed dwelling on site would be a 2-storey detached dwelling, situated in close proximity to the back edge of the footpath (approximately 1.8 metres). The depth of the application site is approximately 15 metres and therefore it is unlikely that any other arrangement could be accommodated within the site without compromising on the provision of private amenity space to the rear.
- 9.6 Neighbouring properties to the north-west and north-east of the site also face onto Tavistock Road. These properties all however feature a clearance between the dwelling on site and the back edge of the footpath. The property immediately north-east of the site (No. 34) is situated approximately 5.2 metres from the back edge of the footpath. These surrounding properties are all 2-storey dwellings.
- 9.7 The FDC Conservation Officer highlights the sites' location within the Bowthorpe Conservation Area and acknowledges the high character significance and buildings of substantial architectural quality and detailing, which is indicative of the status of the area at the time of construction. They further note that the early C20 layout of this part of the Bowthorpe Conservation Area is important to how the area is appreciated, and the substantial plots are consistent with the substantial houses they serve. The proposed dwelling within the existing rear garden space associated with No. 11 would carve up the site, with the loss of the generous garden that the host building benefits from. The existing dwelling on site is a non-designated heritage asset and therefore the loss of the historic layout of the site poses harm to the character and appearance of the Conservation Area.
- 9.8 Furthermore, as aforementioned the dwelling on site would be situated in close proximity to the back edge of the footpath. The street pattern on the south-eastern side of Tavistock Road is consistent in terms of alignment with the dwellings at No. 34 and No. 36 being situated further back from the back edge of the footpath. The proposed dwelling would sit substantially further forward than the established building line, thus creating a prominent and dominant feature within the streetscene which would appear at odds with the surrounding character. If approved, the dwelling would create a significant incongruous feature which would be out of character with the early C20 surroundings.
- 9.9 The dwelling immediately opposite the site is acknowledged as having a more modern design with regard to the surrounding properties. However, it should be noted that the north-western side of Tavistock Road does not feature an established building line like that of the south-eastern side. In addition to this, the building is set further back into the site and obscured from view by large existing trees when looking both south-west and north-east. As such, it is not considered that the dwelling immediately opposite the site is comparable to the proposed dwelling on site.
- 9.10 The existing outbuilding within the site is a well detailed and interesting remnant of how these large dwellings and large gardens were laid out historically. However, considering that there are permitted development rights for the demolition of small out building structures not exceeding 115 cubic metres within conservation area, no objection can be raised to the demolition of the outbuilding.

- 9.11 To summarise, the introduction of a dwelling in such close proximity to the back edge of the footpath would introduce a visual change within the street and would appear significantly out of character with the street scene, creating a prominent and incongruous feature at odds with the prevailing character along the south-eastern side of Tavistock Road. The location of the proposed dwelling within existing garden land associated with No. 11 results in a loss of suitably generous garden land associated with a non-designated heritage asset and a loss of the historically designed layout of the site. As such, the proposal would fail to make a positive contribution to the local distinctiveness and character of the area and results in less than substantial harm to the character and appearance of the Bowthorpe Conservation Area. The proposal represents limited public benefit given that it is for the erection of a single dwelling and as such does not outweigh the harm introduced upon the Conservation Area.
- 9.12 The application is therefore considered contrary Policy LP16 and Policy LP18 in this regard.

### **Residential Amenity**

- 9.13 Neighbouring properties are situated to the north-east (No. 34), south-east (No. 12) and south-west (No. 11) of the application site.
- 9.14 The proposed dwelling would be situated within existing garden land associated with No. 11, with a clearance of approximately 23.5 metres between the dwellings, which would ensure overbearing or overshadowing impacts are not introduced. There is no fenestration proposed on the south-west facing elevation of the dwelling and therefore no overlooking impacts to consider.
- 9.15 The rear elevation of the proposed dwelling would face onto private amenity space associated with No. 12. Whilst the proposed dwelling would be visible to the neighbouring property, it is unlikely to introduce any overbearing impacts due to the proposed private amenity space proposed between the dwelling itself and the north-western boundary of No. 12. Similarly, the proposed dwelling would unlikely introduce any adverse overshadowing impacts given the direction of sun travel from east to west. There is one first-floor window proposed to the rear elevation of the proposed dwelling, which would serve a bathroom. This window would be obscure glazed and therefore would not introduce any adverse overlooking impacts. There are also 2 roof lights proposed to the rear roof slope of the dwelling. These roof lights would not overlook the rear garden of No. 12.
- 9.16 The closest neighbouring property would be No. 34, which would be situated approximately 5.2 metres from the side elevation of the proposed dwelling. The principle elevation of the building would be set further forward than the neighbouring property and thus would be somewhat visible from the front windows of the neighbouring property. However, given the clearance between the properties it is unlikely that any significant overbearing impacts would be introduced. Given the location of the dwelling and the direction of sun travel, there may be some slight overshadowing as a result of the proposed dwelling, however these impacts would predominantly fall upon the highway and therefore would not introduce any significant adverse impacts. One first-floor window is proposed to serve the en-suite, however this would be obscure-glazed and therefore would not introduce any adverse overlooking impacts.

- 9.17 As such, it is unlikely that the proposed dwelling would introduce any significant impacts upon surrounding residential amenity.
- 9.18 In terms of residential amenity for future occupiers, Policy LP16 of the Fenland Local Plan states that development should set aside at least 1/3 of the site for private amenity space. The application form states that the site measures 296 square metres. The private amenity space proposed to the rear of the site measures approximately 100 square metres and therefore complies with the requirements of Policy LP16.
- 9.19 Upon consultation with the FDC Environmental Health team, no objections were raised to the development on site. The comments did recommend conditions should permission be granted, including a working times condition. However, given that the application is for a single dwellinghouse, it is not considered reasonable to include such condition.
- 9.20 As such, the development is considered to be compliant with Policy LP16 in this regard.

### **Highways and Parking**

- 9.21 The development would be accessed via a new access which includes pedestrian visibility splays. Upon consultation with CCC Highways, no objections have been raised to the proposed access as it would be of a similar nature to existing vehicle arrangements. A visibility splays condition has been suggested should permission be granted.
- 9.22 In terms of parking, tandem parking is proposed to the north-east of the dwelling, serving 2 spaces. Appendix A states that 2 on site parking spaces should be provided for dwellings with up to 3 bedrooms. Whilst no on site turning is provided, tandem parking is commonplace within the street scene and therefore is considered to be acceptable in this instance.
- 9.23 As such, there are no issues to address with regards to Policy LP15.

### **Flood Risk**

- 9.24 The proposal is located within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations. The comments raised by the neighbouring property are acknowledged, however water supply would be considered under Building Regulations.

### **Ecology**

- 9.25 An Ecological Impact Assessment has been submitted as part of this application. Consultations were undertaken with CCC Ecology however no response has been received.
- 9.26 The submitted report notes that the garage building was assessed as having negligible potential for bats, with no roosting opportunities noted. The outbuilding was classed as having low suitability on the basis that the potential is not negligible because there were raised pantiles. However, there were no signs under lifted tiles when inspected and it is our professional opinion that the risk of potential impact from the proposals upon the conservation status of bats is

negligible. The risk of potential impact of the proposals upon roosting bats is also negligible.

- 9.27 The Assessment states that works can proceed without further survey, however does suggest that if work has not commenced by October 2026 then further surveys should be undertaken. No other protected species were assessed as being present on site.
- 9.28 The Assessment also sets out mitigation measures to be adopted within the development which can be conditioned should permission be granted. The Assessment also sets out suggested enhancements (bat tube and bird boxes) which could also be conditioned.
- 9.29 As such, there are no issues to address with regard to Policy LP19.

### **Trees**

- 9.30 The application has been accompanied by an Arboricultural Impact Assessment which identifies the tree constraints in relation to the proposal. Upon consultation with the FDC Arboricultural Officer, no objections were raised to the scheme subject to the submission of a tree protection method statement prior to works commencing on site. The comments received from the Arboricultural Officer raise no objection to the removal of T4. The comments also acknowledge no objection to the removal of T1, albeit this is situated outside of the red line boundary of the application site, within the rear garden of No. 11 and therefore would require separate tree works consent given its location within the Conservation Area. The comments suggest that a replacement tree is conditioned to be planted.

### **Biodiversity Net Gain (BNG)**

- 9.31 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 9.32 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to the requirement for statutory net gain coming into force.

## **10 CONCLUSIONS**

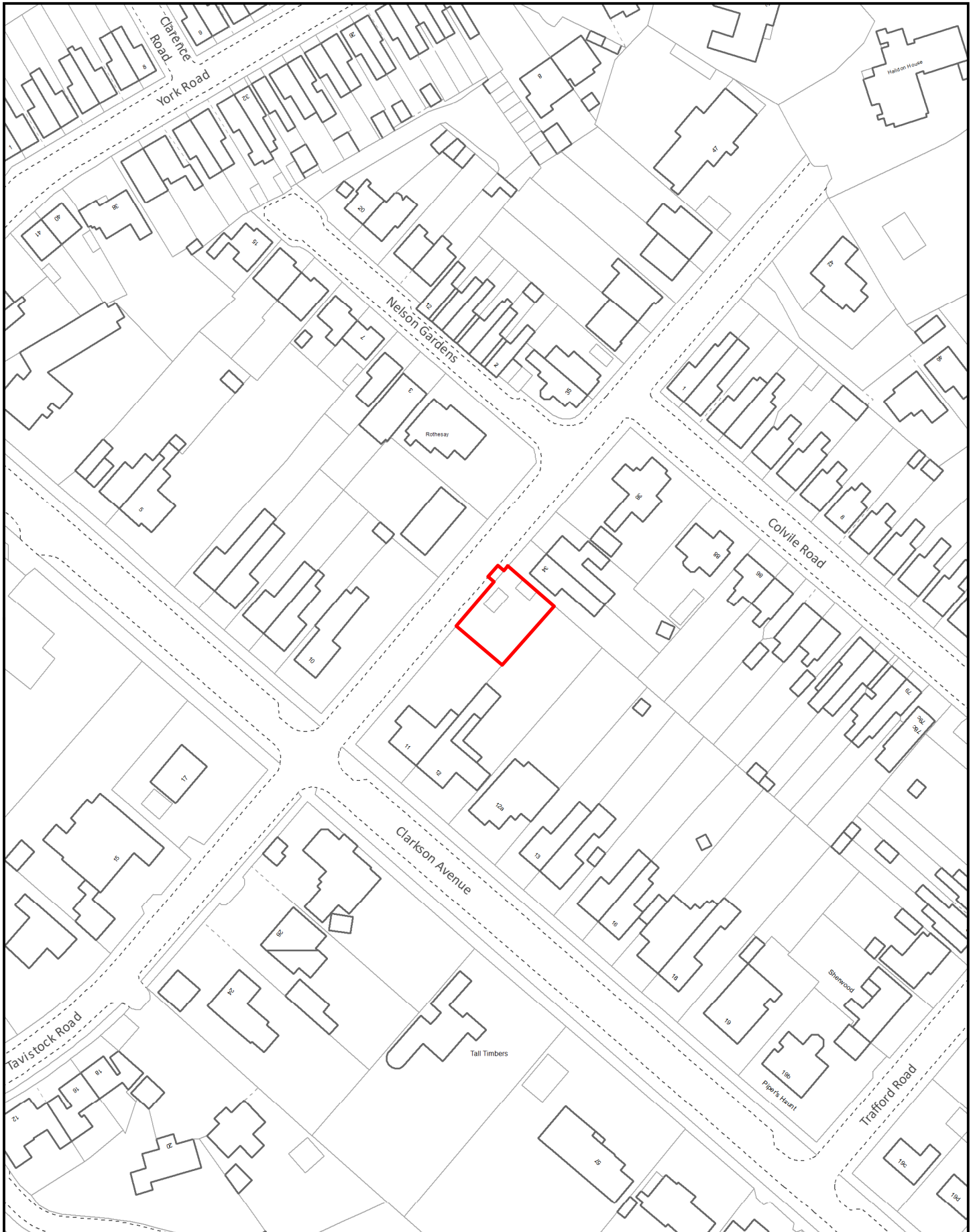
- 10.1 The introduction of a dwelling in such close proximity to the back edge of the footpath would introduce a visual change within the street and would appear significantly out of character with the street scene, creating a visually prominent and incongruous feature at odds with the prevailing character along the south-eastern side of Tavistock Road.

- 10.2 The location of the proposed dwelling within existing garden land associated with No. 11 also would result in a loss of suitably generous garden land associated with a non-designated heritage asset and a loss of the historically designed layout of the site, thus adversely impacting upon the character of the Conservation Area.
- 10.3 The proposal represents limited public benefit given that it is for the erection of a single dwelling and as such does not outweigh the harm introduced upon the Conservation Area.
- 10.4 As such, the proposal would fail to make a positive contribution to the local distinctiveness and character of the area and results in an adverse impact upon the character and appearance of the Bowthorpe Conservation Area and therefore would be contrary Policies LP16 part (d) and LP18 of the Fenland Local Plan 2014.

## 11 RECOMMENDATION

### 11.1 Refuse; for the following reason:

1	<p>Policy LP16 part (d) and Policy 18 of the Fenland Local Plan 2014 seeks to ensure that proposals make a positive contribution to the local distinctiveness and character of the Conservation Area and that the character of the local built environment informs the layout and features of proposed development.</p> <p>The introduction of a dwelling in such close proximity to the back edge of the footpath would introduce a visual change within the street and would appear significantly out of character with the street scene, creating a visually prominent and incongruous feature at odds with the prevailing character along the south-eastern side of Tavistock Road. The location of the proposed dwelling within existing garden land associated with No. 11 results in a loss of suitably generous garden land associated with a non-designated heritage asset and a loss of the historically designed layout of the site. As such, the proposal would fail to make a positive contribution to the local distinctiveness and character of the area and results in an adverse impact upon the character and appearance of the Bowthorpe Conservation Area and therefore would be contrary Policies LP16 part (d) and LP18 of the Fenland Local Plan 2014.</p>
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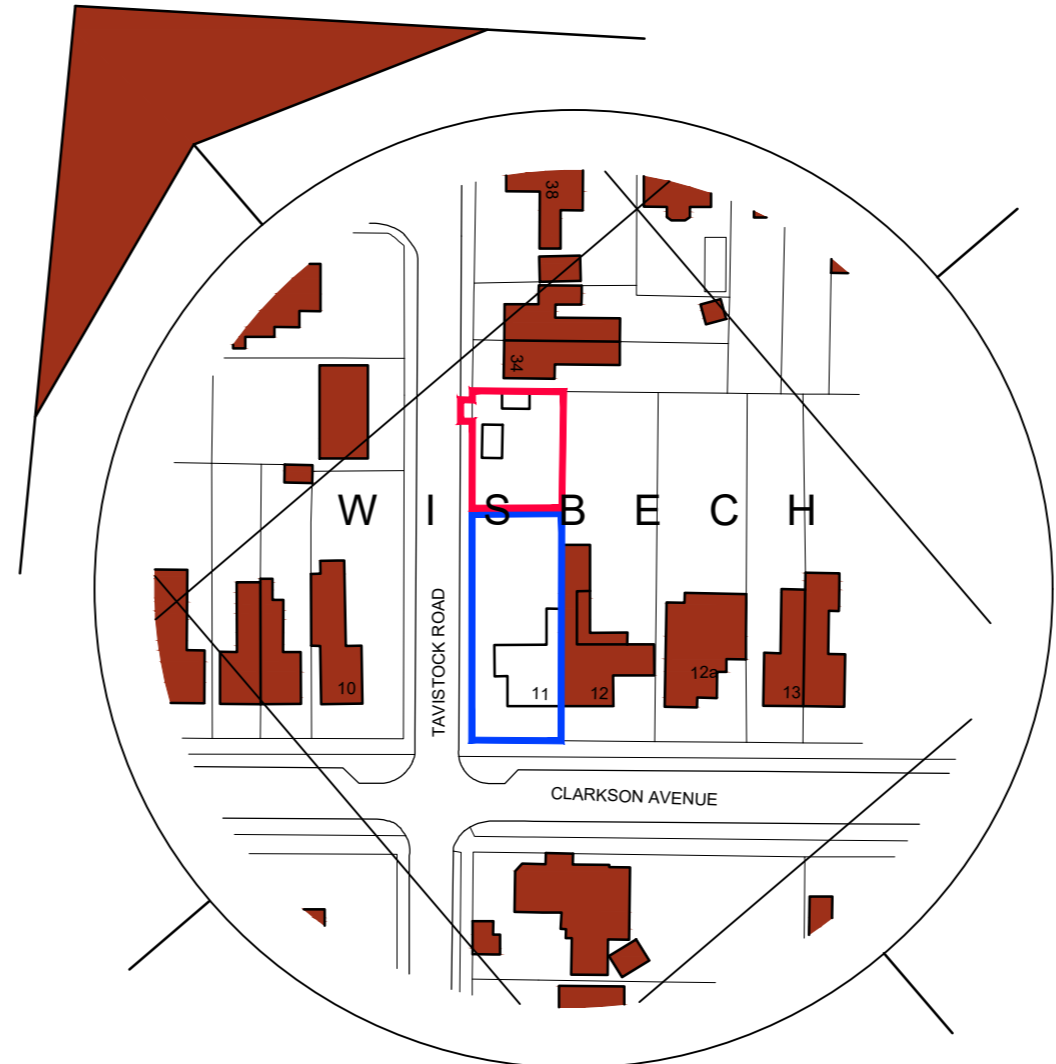
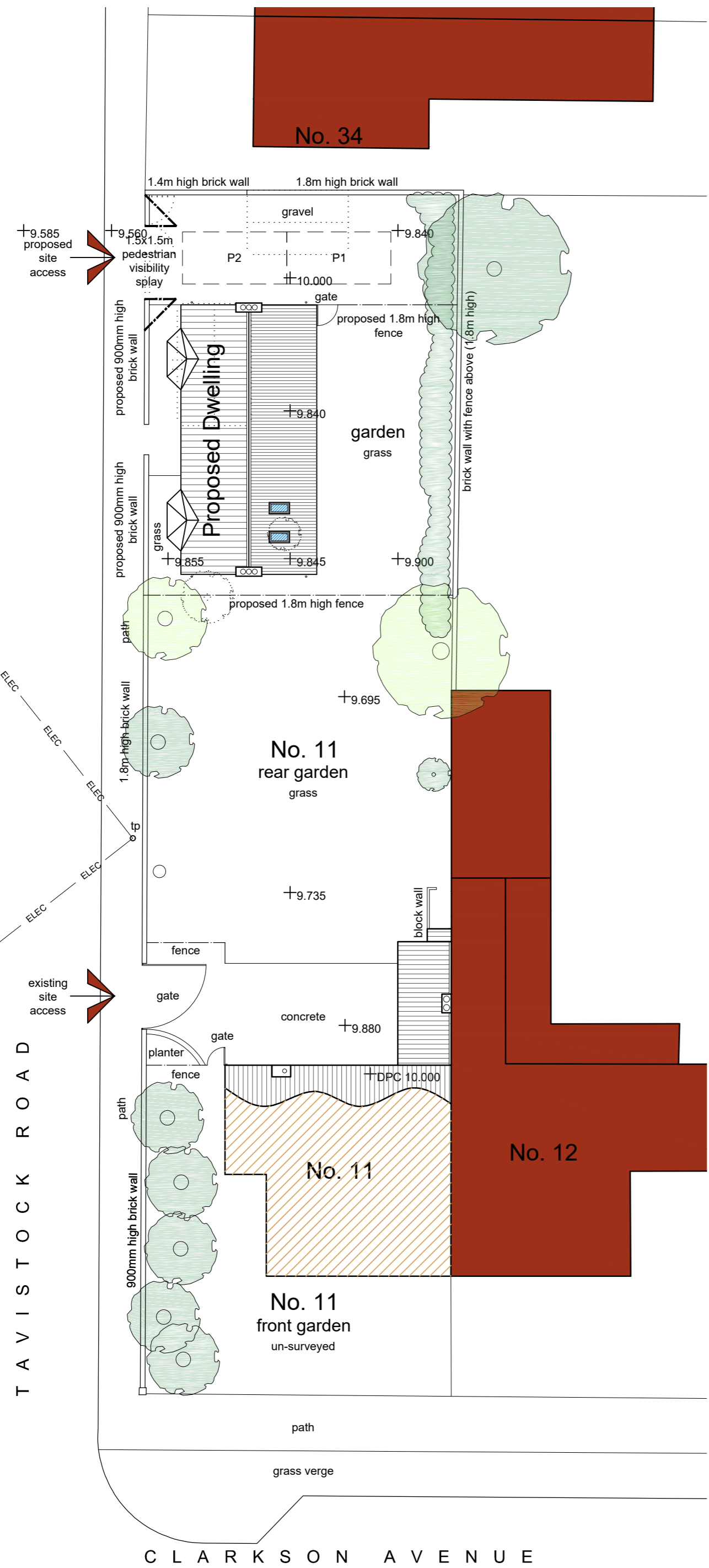
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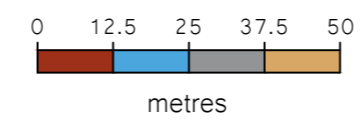
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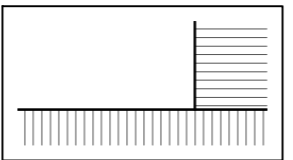
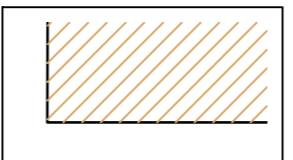

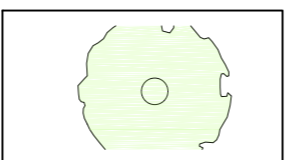
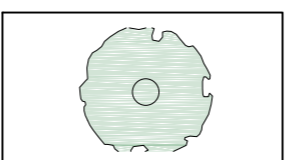
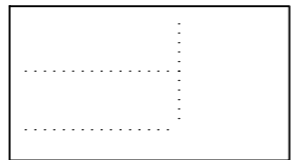
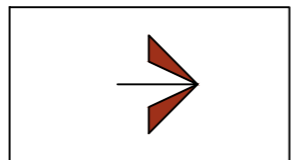
 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council



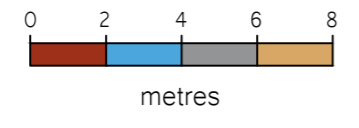
**Location Plan**  
Scale: 1:1250



**SITE PLAN KEY**

-  Indicates surveyed buildings
-  Indicates un-surveyed buildings on site
-  Indicates un-surveyed buildings taken from OS map
-  Indicates position of surveyed trees, hedging and planting
-  Indicates approximate position of un-surveyed trees, hedging and planting
-  Indicates features to be demolished
-  Indicates site access

**Site Plan**  
Scale: 1:200



- General Notes**
1. All dimensions are shown in 'mm' unless otherwise stated.
  2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  4. Any discrepancies are to be brought to the designers attention.

Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

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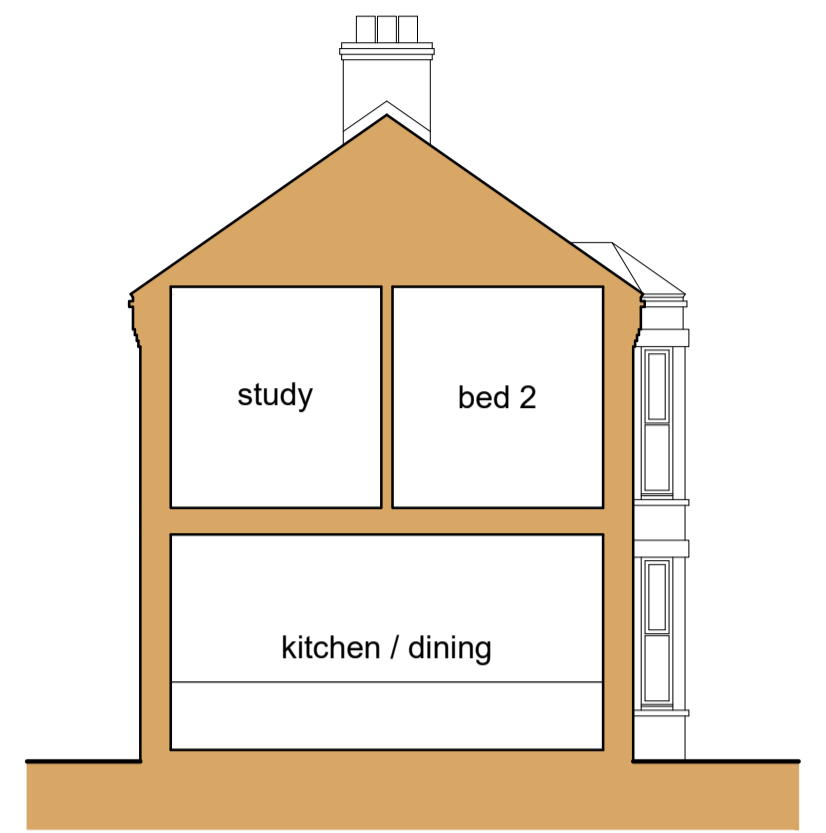
Job Title Proposed Dwelling, Land to the Rear of 11 Clarkson Avenue, Wisbech, PE13 2EN For: Mr Hammond	Date December 2023	Drawn by BR
	Checked by GE	
Drawing Title Planning Drawing Site and Location Plan	Job No. SE-2045	Sheet Size A2
	Dwg No. PP1000	Revision A



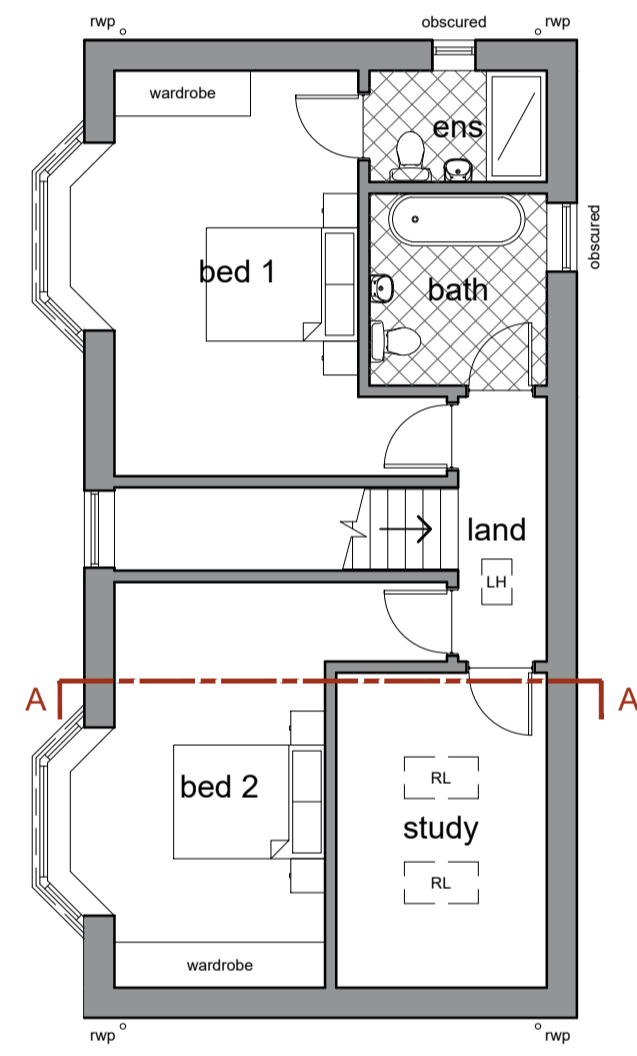
**General Notes**  
 1. All dimensions are shown in 'mm' unless otherwise stated.  
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.  
 4. Any discrepancies are to be brought to the designers attention.



**Street Scene**  
 Scale 1:100  
 metres



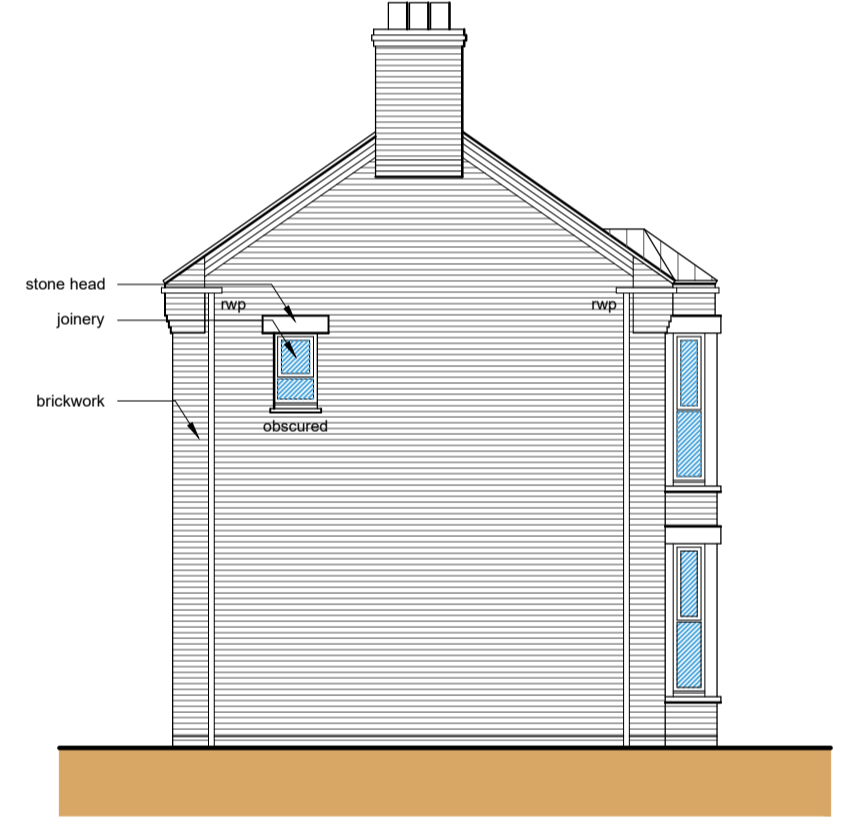
**Section A-A**  
 Scale 1:100  
 metres



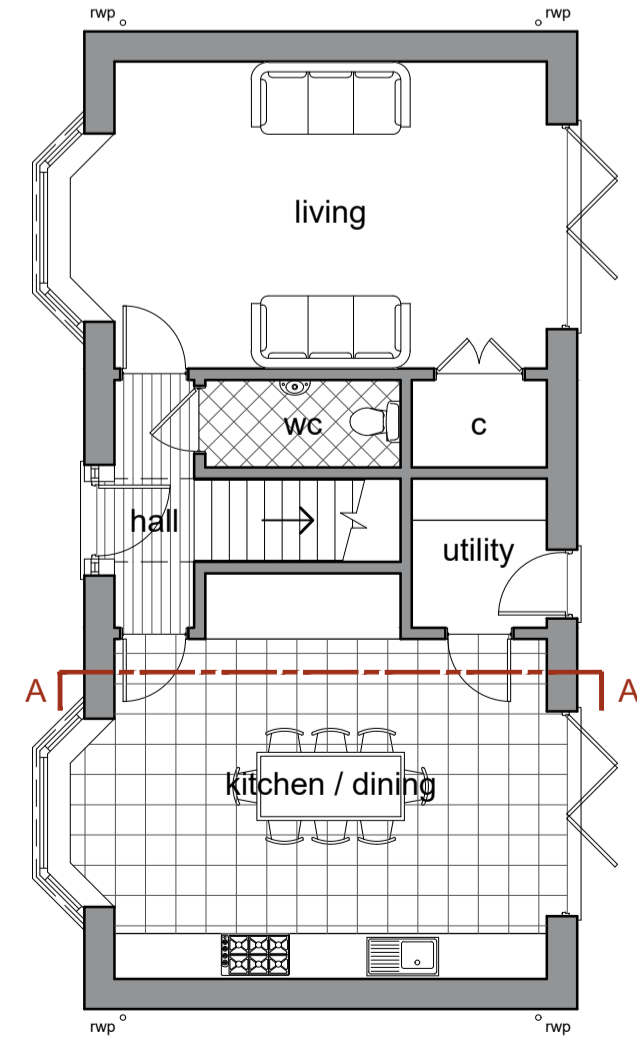
**First Floor Plan**  
 Scale 1:100  
 metres



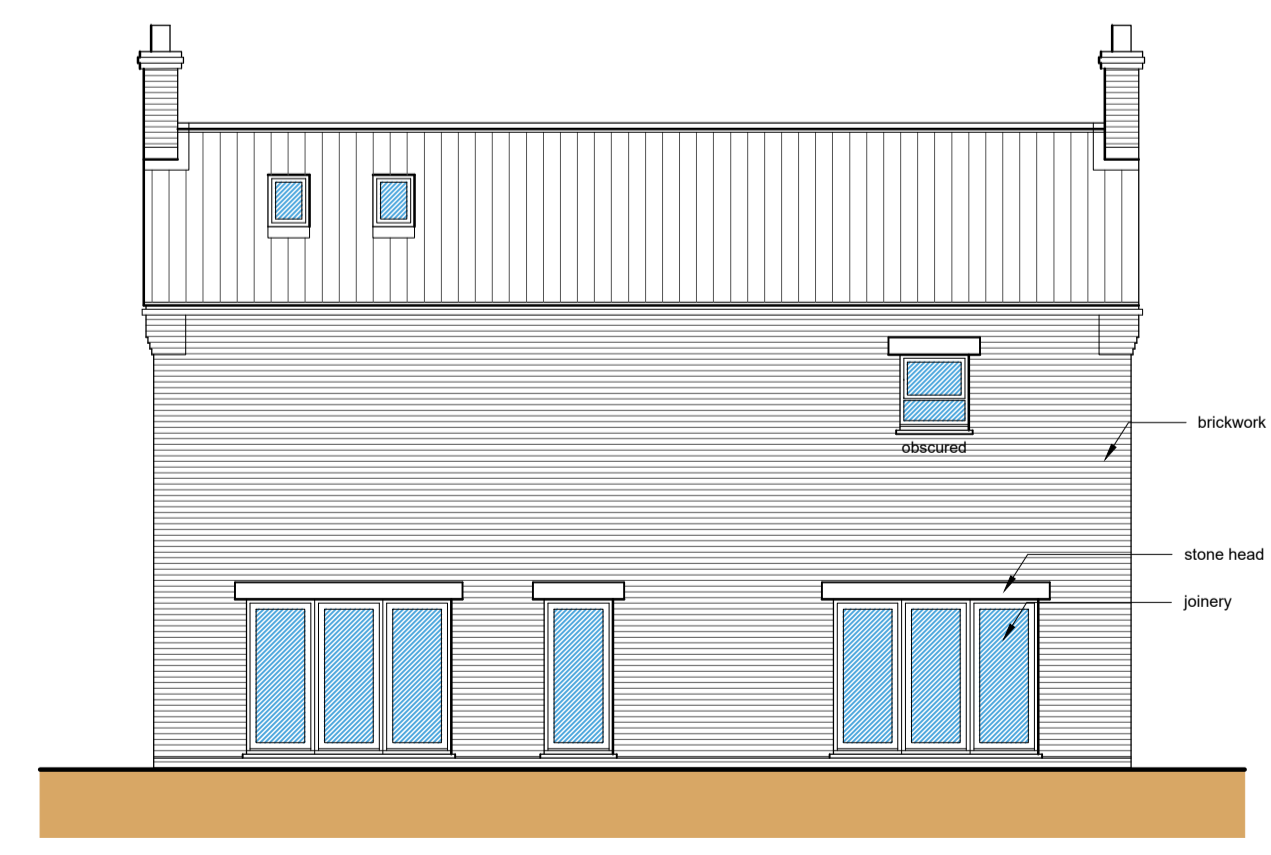
**Front Elevation (NW)**  
 Scale 1:100  
 metres



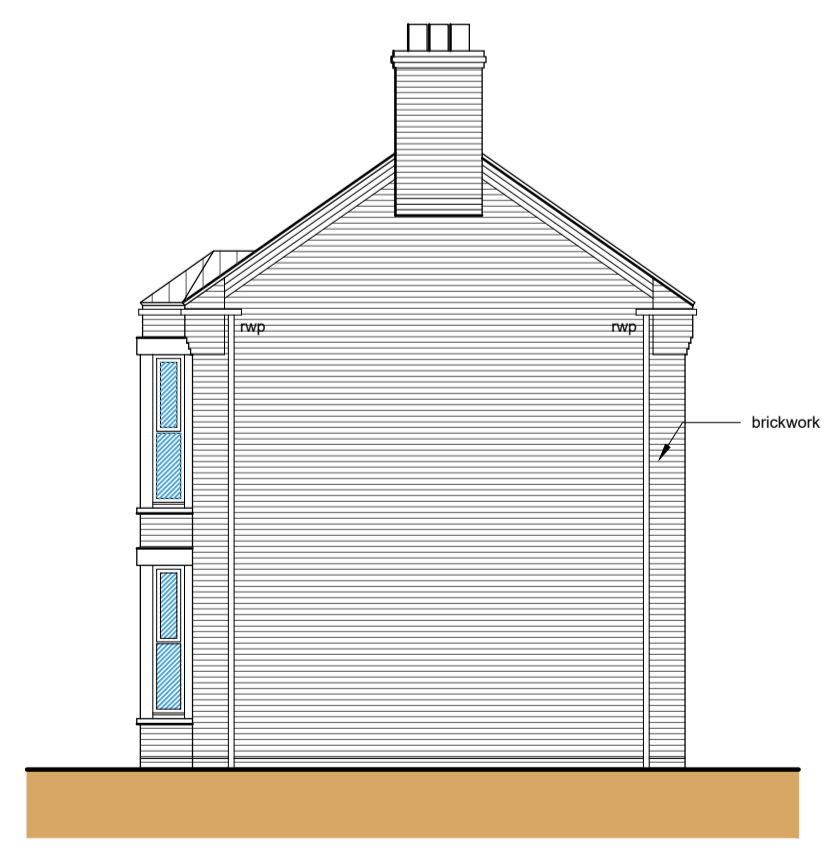
**Side Elevation (NE)**  
 Scale 1:100  
 metres



**Ground Floor Plan**  
 Scale 1:100  
 metres



**Rear Elevation (SE)**  
 Scale 1:100  
 metres



**Side Elevation (SW)**  
 Scale 1:100  
 metres

Status  
**FOR APPROVAL**

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Job Title Proposed Dwelling, Land to the Rear of 11 Clarkson Avenue, Wisbech, PE13 2EN For: Mr Hammond	Date December 2023	Drawn by BR
Checked by GE	Job No. SE-2045	Sheet Size A1
Drawing Title Planning Drawing Floor Plans, Elevations and Sections	Dwg No. PP1100	Revision B