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## Appeal Decision

Site visit made on 18 January 2017

**by John Morrison BA (Hons) MSc MRTPI**

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

**Decision date: 31 January 2017**

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**Appeal Ref: APP/H0520/W/16/3159693**

**Plot to east of No 18 Church Street, Stilton, Peterborough, Cambs PE7 3RG**

- 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 Mr John Hartley against the decision of Huntingdonshire District Council.
  - The application Ref 16/01500/FUL, dated 11 July 2016, was refused by notice dated 6 September 2016.
  - The development proposed is a 3 storey dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I note that there has been a previous appeal dismissed on the appeal site for the erection of a three storey dwelling in July 2016, reference APP/H0520/W/16/3146946. I make reference to this in my findings below.

### Main Issues

3. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area and b) the living conditions of the occupiers of existing neighbouring dwellings, specifically Numbers 8 and 18 Church Street.

### Reasons

#### *Character and Appearance*

4. The appeal site is a vacant and semi overgrown narrow strip of land that fronts Church Street to the south. Number 18 lies immediately west and to the east is the access to the private housing development of Stackyard Close. Given both the open break in built form created by the access to Stackyard Close and the width of Church Street, the appeal site is prominent position in the street scene. Whilst designs vary, buildings in the street scene are mostly two storey and of simple design.
  5. The proposed dwelling would be similar in external appearance to and share some design features with No 18. It would present a gable elevation to the road and have a bay window to the ground floor. Whilst I note that the eaves height of the proposed dwelling would be marginally lower than No 18, the angle of the pitch would be steeper, resulting in what would still be an overall
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- taller building. Whilst I further note that presentation of a narrow frontage to the street is not uncommon, the visual effect of this additional height in the case of the proposed dwelling would be exacerbated by both its narrowness and the inclusion of a window, central to the gable, at second floor height.
6. The proposed dwelling would therefore appear unduly tall and obvious in the street scene. Given the prevailing height of other buildings that would surround it, it would be contrary to the established character and appearance of the street scene despite the fact that it would be stepped into the site from its frontage with the public highway.
  7. The effective switching of the design from the previously dismissed appeal to the scheme before me from a sloping roof to the road to a gable has resulted in the side elevations comprising less brick and a roof that slopes away. Whilst this has made a difference to the appearance of the east elevation (which would be the most prominent given its juxtaposition to the access to Stackyard Close) it would still be bulky and block like in its overall form and as such would add to the harm that I have identified.
  8. Whilst I note the appeal site is not in the High Street Conservation Area (HSCA), its prominence means it would be read as part of the wider street scene which includes views into and out of it as well as Nos 4 and 20 Church Street which are listed. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of these listed buildings.
  9. Since, due to its height and design, the proposed dwelling would have an adverse effect on the street scene which the aforementioned buildings are part of, it would cause some harm to them. It would also be harmful to views into and out of the HSCA. This harm would be less than substantial and in accordance with paragraph 134 of the Framework<sup>1</sup> it should be weighed against the public benefits.
  10. Whilst resulting in the provision of a single market dwelling, I acknowledge that the proposed development would have some benefit albeit this would be limited. I have not been provided with any further evidence relating to any other public benefits and as such I can reach no other conclusion than that they would not outweigh the harm that I have identified.
  11. For the above reasons, the proposed development would result in harm to the character and appearance of the area and consequently it would conflict with saved Policy En25 of the Local Plan<sup>2</sup>, emerging Policy LP 13 of the Draft Local Plan<sup>3</sup> and Part 2 of the Design Guide<sup>4</sup>.
  12. These Policies and additional guidance, along with sections 7 and 12 of the Framework, seek to ensure that, amongst other things, new development is of a high quality and contextually appropriate design and appearance and contributes positively to local character. In addition, they set out the importance of the historic environment and how development should preserve or enhance its character or appearance.

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<sup>1</sup> The National Planning Policy Framework 2012

<sup>2</sup> Huntingdonshire Local Plan Part One Adopted December 1995

<sup>3</sup> Huntingdonshire Local Plan to 2036: Stage 3 2013

<sup>4</sup> Huntingdonshire District Council: Huntingdonshire Design Guide Supplementary Planning Document 2007

13. I note the Council's reference to saved Policy H32 of the Local Plan. However, this is more specific to the consideration of the effect of development where it results from the subdivision of large curtilages.

#### *Living Conditions*

14. The proposed dwelling would be stepped into the site from both its frontage with the public highway and the shared boundary with No 18. This, coupled with the fact that the most affected space would be used for vehicular access and parking would lessen the effects of the presence of three storey built form on the occupiers of No 18. I am therefore satisfied that the proposed dwelling would not unduly harm the living conditions of its occupiers.
15. There would be windows in the rear (north) elevation of the proposed dwelling, in broadly the same position as the previously dismissed scheme. I note the Inspector in this case found that the siting of new windows would not give rise to harm to the living conditions of neighbours through a loss of privacy. The re siting of the dwelling in the scheme before me would bring those rear windows closer to the rear garden of No 18, however, their position and resulting line of sight from them would not harm the privacy that occupiers of No 18 would enjoy in their rear garden.
16. The use of and open nature of the curtilage to No 8 Church Street is such that I do not consider the proposed development would be harmful to the living conditions of occupiers.
17. For the above reasons therefore, I find that the proposed development would not be harmful to the living conditions of the occupiers of neighbouring dwellings. As such, and with regard to this particular issue, there would be no conflict with saved Policy H31 of the Local Plan, emerging Policy LP 15 of the Draft Local Plan and the Design Guide.
18. These Policies and additional guidance seek to ensure, along with one of the core principles of the Framework, a good standard of amenity for existing and future occupiers of land and buildings.
19. I note the Council's reference to saved Policy H35 of the Local Plan and emerging Policy LP 18 of the Draft Local Plan. In respect of the former, this is related to the effect of development proposals involving a tandem or back land layout. With regard to the latter, this concerns parking provision. I am therefore of the view that they are not directly relevant to the assessment of the effect of development on the living conditions of occupiers.

#### **Other Matters**

20. I note the Secretary of State's successful appeal to the High Court on the matter of planning obligations for small scale development in relation to the West Berkshire case<sup>5</sup>. I make this comment with regard to a completed Unilateral Undertaking (UU) for a financial contribution to the cost of wheeled bins. Even if I were to take the UU into account in the determination of this appeal in light of the outcome of the aforementioned case, it would not change my conclusions on the proposed development.

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<sup>5</sup> Secretary for State for Communities and Local Government v West Berkshire District Council and Reading Borough Council.

## **Conclusion**

21. Whilst I have not found harm in respect of the living conditions of existing neighbouring occupiers, this would not be sufficient to outweigh the harm that would be caused to the character and appearance of the area in the manner that I have set out above.
22. Having regard to all other matters raised therefore, the appeal fails.

*John Morrison*

INSPECTOR