
Appeal Decision

Site visit made on 24 January 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 7th February 2017

Appeal Ref: APP/D0515/W/16/3163076

**Land north of Hollingworth House, Cats Lane, Tydd St Giles,
Cambridgeshire PE13 5LE**

- 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 Ms Ellen Wheeler against the decision of Fenland District Council.
 - The application Ref F/YR16/0253/F, dated 22 March 2016, was refused by notice dated 19 September 2016.
 - The development proposed is erection of 2x detached dwellings and garages, Land North of 'Hollingworth House', Cats Lane, Tydd St Giles, PE13 5LE.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located on the eastern side of Cats Lane, the northern approach road to the village of Tydd St Giles. The irregular shaped parcel of land forms a sizeable gap between a detached bungalow to the north, known as Shallon, and the rear garden of Hollingworth House to the south which fronts onto Hockland Road. The Grade II listed Paget Hall lies opposite the site, set back from the road in extensive grounds. The presence of mature landscaping and trees, together with the significant gaps between the dwellings creates an attractive sylvan and distinctive semi-rural character to the locality. In my view, this part of Cats Lane marks a transition between the tighter grain development within the village and the open countryside beyond.
4. The site already benefits from permission for the erection of a 2-storey 4-bed dwelling and detached double garage¹. Policy LP3 of the Fenland Local Plan (2014) (LP) provides a settlement hierarchy which identifies Tydd St Giles as a small village where development will be considered on its merits but will normally be limited in scale to residential infilling. There is no dispute between the parties that the site represents an infill location adjoining the main settlement and accords with Policy LP3 in locational terms. In this regard, I have found no reason to disagree.

¹ Planning application ref: F/YR15/0792/F

5. The heart of the village comprises mainly linear frontage development along four principal roads with dwellings in generous plots set back from the road with open frontages and well established gardens. I acknowledge that the proposed dwellings would be situated within ample plots that would not be atypical in size to others found in the village, including that of Shallon to the north of the site. However, the character of the appeal site and surrounding area has a distinctly different feel to the more regimented pattern of development found within the main part of the village, with a more loose-knit, spacious pattern of development and a semi-rural wooded character.
6. Notwithstanding that the two plots would be comparable with the size of others in the locality, the presence of two detached dwellings set alongside each other and relatively close together would, in my opinion, appear discordant and overdeveloped in the immediate context of their surroundings. The presence of the detached garage close to the road and the extent of the area required for access, manoeuvring and parking would exacerbate this harm. The proposal would be at odds with the spacious and loose form of buildings in this part of Cats Lane resulting in an incongruous form of development that would diminish the semi-rural character and appearance of the site and area.
7. Whilst the majority of the tree belt to the front of the plot is proposed to be retained and further planting could be conditioned, I do not consider that this would be sufficient to mitigate the harm I have found above. At the time of my site visit when the trees were not in leaf, they afforded ineffective screening.
8. I am mindful that the principle of residential development has already been established at the site. The appellant submits that two dwellings would be a more efficient use of the land. Nevertheless, the current scheme would result in a significant increase in built development to that previously approved. Although the construction of one dwelling would still result in a measure of perceptible change, I consider that the increase in built development would result in the site having a more developed appearance than would be the case with the extant permission, to the detriment of the sylvan and semi-rural character of the site and area.
9. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area and find conflict with LP Policies LP12 and LP16 which require, amongst other things, development of high quality design that will not adversely harm the character and appearance of settlements, which make a positive contribution to the local distinctiveness and character of the area and development that enhances its local setting and responds to and improves the character of the local built environment.

Other Matters

10. The appellant submits that the scheme would contribute additional housing to meet local demand and housing supply. However it has not been demonstrated that there is a lack of supply and the harm the scheme would cause to the character and appearance of the area significantly and demonstrably outweighs the limited benefit arising from only two houses to that supply.
11. The appellant also considers that the proposal supports sustainable development in line with guidance contained within the National Planning Policy Framework (the Framework). However, due to the harm that I have identified

to the character and appearance of the area, the scheme would not accord with the environmental dimension of sustainable development set out at paragraph 7 of the Framework. Therefore, in the overall round, the scheme would not constitute sustainable development.

12. I note that the Council has not raised any objection to the proposal in terms of neighbour amenity, impact on existing trees, highway access, health and well-being, economic development or the design of the proposed dwellings and I have no reason to disagree. However, these matters are not sufficient to outweigh the harm that I have found to the character and appearance of the area.
13. Preserving the setting of a listed building is a matter of considerable importance and weight and I am mindful of my duty under Section 66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990. I note that the Council does not consider that the proposal would have an adverse impact on the setting of the nearby Grade II listed Paget Hall. Given the degree of separation and the neutral contribution of the appeal site to its setting, I agree that the proposal would not result in a magnitude of change that would constitute harm. Hence, the effect of the proposal would be neutral and therefore the setting of the nearby listed building would be preserved. Nevertheless this does not diminish the harm to the character and appearance of the area that I have found above.
14. I have considered all other matters, including some support for the scheme, but none outweigh the harm I have identified.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR