
Appeal Decision

Site visit made on 19 December 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 09 February 2017

Appeal Ref: APP/H0520/W/16/3157513

21 Water End, Alwalton, Cambridgeshire, United Kingdom PE7 3UY

- 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 D Eudale against the decision of Huntingdonshire District Council.
 - The application Ref 15/02309/FUL, dated 12 December 2015, was refused by notice dated 29 February 2016.
 - The development proposed is the erection of two dwellings with detached garages, private drive and associated hard and soft landscaping works.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - i) the effect of the proposal on the character and appearance of the Conservation Area; and,
 - ii) the effect of the proposal on the living conditions of occupiers of No 19 and No 21 Water End, with particular regard to noise and disturbance and privacy.

Reasons

Conservation Area

3. The appeal site constitutes part of the garden to No 21 Water End and is within the Alwalton Conservation Area (CA). As the site is within the CA, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in accordance with the statutory duty under s72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
 4. A key characteristic of the CA is the core of the village which is on elevated land with a steep slope to the river valley. The appeal site is within proximity of existing buildings and therefore is not in isolation of existing built form. Nevertheless, the site is at the top of a bank which slopes down to the river. The bank itself is wooded and open in character; the appeal site contributes to this sense of openness and therefore is of significance to the character and appearance of the CA overall.
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5. Saved policies H33, EN5, EN6 and EN9 of the Local Plan¹ seek to preserve and enhance conservation areas, resist the sub-division of large curtilages, the impairment of important open spaces, trees, street scenes and views and encourage high standards of design. Whilst these policies are not inconsistent with the Framework, paragraphs 132 and 133 of the Framework require a proposed development to be assessed against the significance of the conservation area and in relation to an assessment of harm.
6. The proposed development would occupy an area of the garden which also includes tennis courts. The Council have supported the principle of development on the site in light of policy C3 of the Core Strategy² which supports infill development within the village. However, whilst the principle of development in this location may be acceptable and although the tennis courts are urban in character, the development, being two stories in height and to the size proposed, would have a notable presence. This presence would detract from the open character and appearance of the CA and therefore the proposal would neither preserve or enhance the character or appearance of the CA.
7. Views of the proposal from around the site would be limited; glimpsed views would be possible from the river and local footpaths. The landscaping proposed, together with any additional landscaping that the appellant has offered by way of a planning condition, would also help integrate the development with its rural and landscaped setting. The adverse effects of the proposal would therefore be confined to the form and scale of the proposal and its presence on the site. The harm to the significance of the CA has a heritage asset would therefore be less than substantial.
8. Paragraph 134 of the Framework states that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset (such as a conservation area), this harm should be weighed against the public benefits of the proposal. Paragraph 20 of the Planning Practice Guidance³ identifies what constitutes a public benefit; namely anything that delivers economic, social or environmental progress.
9. I find no reason to consider that the design quality of the proposal and the architecture and materials proposed would not reinforce local distinctiveness and contribute positively to local character. The environmental credentials of the proposal, to include high thermal mass and low embodied energy are also welcomed. The development would also provide a number of economic benefits, including contributing to the New Homes Bonus and Council Tax Revenue, providing jobs during construction and supporting local services and facilities within the village and would contribute to the Council's housing stock, by way of number and tenure. However, as the development is for two dwellings, these public benefits would be limited as well as being of limited benefit to the CA overall. As such I find that the public benefits would not be sufficient to outweigh the less than substantial harm found.
10. The Framework advises that great weight should be given to the conservation of designated heritage assets. In this instance the development would neither preserve or enhance the character or appearance of the CA. As such it would

¹ Huntingdonshire District Council, Huntingdonshire Local Plan, Part One, Adopted December 1995

² Huntingdonshire District Council, Local Development Framework, Core Strategy, Adopted September 2009

³ Paragraph 020 Reference ID: 18a-020-20140306

conflict with the requirements of Saved policies H33, EN5, EN6 and EN9 of the Local Plan.

Living conditions

11. The Design and Access Statement acknowledges that there would be some noise from moving vehicles and I agree; cars using the access and turning areas would generate noise. Noise would also be emitted from vehicle doors being opened and closed. The access to the site would be close to and would run for much of the length of the rear gardens to No 21 and No 19 Water End. Given the proximity of the access to these gardens, I have no doubt that vehicles would be heard by the occupiers of these properties when in the garden. However given the width of the access, the number of vehicles that could pass at any one time would be limited. Combined with the slow speed of moving vehicles, the noise from engines would be low and therefore would not unduly disturb occupiers in their garden.
12. Oblique views from the windows within the house on plot 2 to the windows above ground floor level at No 19 Water End would be possible. However, given the offset position of the windows to each other and the distance between the windows, overlooking would not interfere with the privacy of the internal living spaces to be considered harmful to the living conditions of the occupants.
13. In all, therefore, I find that the development would not be contrary to Saved policy H31 of the Local Plan which seeks to maintain appropriate standards of privacy and amenity.

Other matters

14. I recognise that the proposal has evolved over time and has been subject to an earlier appeal⁴. Whilst the commitment to the scheme and the efforts made to overcome previous concerns is welcome, I have found that the proposal remains harmful to the character of the CA and therefore would be in conflict with the development plan and the Framework.
15. Planning application 15/00765/FUL was for a dwelling further into the village than the current proposal and therefore had a greater affinity with existing built form. This material difference in site context makes comparing the development proposals unjust. Notwithstanding this, each case must be considered on its own merits and I have reached my conclusions on the facts and circumstances pertaining to this particular case.
16. At the heart of the Framework is a presumption in favour of sustainable development. Paragraph 14 of the Framework explains that for decision-taking, this means *approving development proposals that accord with the development plan unless the development plan is absent, silent or relevant policies are out of date*, in which case permission should be granted unless insets two and three of bullet point four of paragraph 14 apply. Inset two restricts development in Conservation Areas. I have considered the proposed development against the policies within the Framework relating to heritage assets and have found harm. In the context of the Framework, therefore, the development is not sustainable and therefore should not be granted planning permission.

⁴ APP/H0520/A/04/1149814

17. I have noted the cursory reference to the Framework in the Council's reasons for refusal, however, the Officer's report sets out clearly the relevant sections of the Framework for consideration. Whilst the report's conclusions could have made more explicit reference to the relevant sections of the Framework, this does not undermine the content of the Council's case for me to consider the proposal any differently.

Conclusion

18. Notwithstanding my conclusions on living conditions, they do not outweigh the harm that I have identified in respect of the effect of the development on the character and appearance of the CA. For the reasons given above, I conclude that the development would be contrary to the development plan and the Framework and therefore the appeal is dismissed.

R Walmsley

INSPECTOR