
Appeal Decision

Site visit made on 23 January 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 09 February 2017

Appeal Ref: APP/H0520/W/16/3156915

Chandlers, Spaldwick, Cambridgeshire PE28 0TA

- 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 Steve Daniels against the decision of Huntingdonshire District Council.
 - The application Ref 15/02245/FUL, dated 2 December 2015, was refused by notice dated 24 June 2016.
 - The development proposed is a subterranean three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Some of the plans submitted for the appeal had the elevations transposed on them, with north referring to south and so on. The correct notation was confirmed by the appellant subsequent to my site visit and revised plans were received.

Main Issue

3. The main issue in this case is the effect of the proposal upon the setting of St James's Church, a Grade I listed building, and whether the proposal would preserve or enhance the Spaldwick Conservation Area.

Reasons

4. The appeal site lies at the end of Chandlers, a fairly modern short cul-de-sac with 6 dwellings located on it. The street is accessed off Thrapston Road, and ascends gently towards the northern elevation of St James' Church. The Grade I listed church is set above the historic village area of Spaldwick and surveys its surroundings. The church, parts of which date from the 12th century, is constructed in stone and pebble rubble, with a tower of coursed rubble and an ashlar spire. Despite its village location, the church has the partial appearance of being within open countryside, with farmland to the south and west of the building and a large graveyard to the north.
 5. The site also lies within the Spaldwick Conservation Area (SCA). The SCA covers the historic central area of the village, and can be characterised by reasonably dense development, largely of two stories with varied roof design. Most properties are constructed in the local yellow brick. The SCA is dominated
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- by the church, set on a high point overlooking much of, and set above the historic village.
6. The proposal seeks to construct a partially subterranean dwelling. The site, and land owned by the appellant is set in a reverse 'L' shape on the east and southern ends of Chandlers, and appears to include part of the current garden of No 6 Chandlers. In essence the southerly (towards the church) and westerly elevations of the proposal would be set underground, with soil graded to cover the roof. The northerly and easterly elevations, towards No 6 and the street would be more visible. Aside from the garden area, at the time of my visit the site had the character of slightly overgrown open grassland. Public footpaths run around the east and across the south side of the site.
 7. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
 8. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
 9. Policies EN2 and EN5 of the Local Plan¹ and policy CS1 of the Core Strategy² together state that any development affecting a building of special architectural or historic interest will be required to have proper regard to the setting of that building, that development within conservation areas will be required to preserve or enhance their character or appearance, and that development will preserve and enhance the diversity of the District's villages including sites and areas of architectural and historic importance and their setting.
 10. Aside from a change in levels, the proposal would have little effect on views from the church, due to the design of the proposal and the buried elevations. However, the house would be clearly visible from the public footpath to the east and from the end of Chandlers itself. I have been referred by both parties to a previous appeal decision³ at the site dating from January 2012. I do not have the full details of this previous proposal but note that from the evidence provided it appears that this scheme was sited on the eastern side of the site. The current proposal has been drawn up to address some of the concerns of the previous Inspector, altering the siting and design of the dwelling to avoid the same issues on aspects that the previous Inspector raised.
 11. However, I am unconvinced that the house would not be seen from views on Thrapston Road when looking up Chandlers towards the church; a plan has

¹ Huntingdonshire Local Plan Part One, 1995

² Huntingdonshire District Council Local Development Framework Core Strategy September 2009

³ APP/H0520/A/11/2162495

been submitted which indicates that the footprint of the house would not feature in such views, however this focuses solely on the church and takes no account of other visible areas within its setting. From the bottom of Chandlers the eastern gable end of No 6 is clearly visible; from this view much of the eastern elevation of the dwelling would also be fully visible within the setting of the church.

12. Although partially set into the ground, from these views, the dwelling would appear somewhat awkward and out of place within the setting of the church. Chandlers, whilst modern, is traditionally designed with an array of two storey buildings featuring differing materials and varied roof designs. As such, it takes account of its setting and enhances the SCA. The creation of the proposal would present almost a single storey flat roof structure towards Chandlers. Whilst I can appreciate that the proposed materials of black timber weatherboarding and a small red brick plinth would, to a certain extent, mirror No 6, the large areas of glass on this visible elevation would draw attention to the underground dwelling and would detract from both the setting of the church and the character and appearance of the SCA. Furthermore, whilst I note the appellant's willingness to accept conditions removing permitted development rights and any effects of domestic paraphernalia, the overall footprint of the proposed development would also inevitably erode the openness surrounding the church, and the depth of view available of the church from Chandlers.
13. However, having regard to the Framework, due to the low level nature of the proposal and its effect on a small part of the wider SCA, I consider that the harm caused to the heritage assets would be less than substantial. In such circumstances Paragraph 134 of the Framework indicates that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
14. The public benefits of the scheme may be considered to include the provision of a new house, with the economic and social benefits that would accrue through such a development and the future residents of the proposal. The appellant also considers that without such development the site will remain disused and overgrown. However, I note in this respect that part of the site appears to be the garden to No 6 and as such is not overgrown. There is also no guarantee that the proposal would make any difference to the condition of the land to the east, which would not fall within the defined curtilage of the proposal; although a submitted Design and Access statement refers to a 'sensory garden' this does not appear to be detailed or confirmed on any plans that I have. Consequently, whilst there are some public benefits, these are limited, and insufficient to outweigh the less than substantial harm that the proposed development would cause to both the significance of the CA and the setting of the Grade I listed building.

Other matters

15. A unilateral undertaking has been submitted concerning a contribution towards refuse bin arrangements. However, since I am dismissing the appeal on other grounds I have not considered this matter further.

Conclusion

16. To summarise, I conclude that the proposal would fail to preserve the setting, and therefore the significance of the Grade I listed St James Church, and would neither preserve nor enhance the character or appearance of the SCA. Although I have concluded that the proposed development would cause less than substantial harm to these heritage assets, I do not consider that the public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with the Framework and the Local Plan Policies EN2 and EN5 and Core Strategy Policy CS1.
17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR