

Appeal Decision

Site visit made on 30 January 2017

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 21st February 2017

Appeal Ref: APP/H0520/W/16/3161389

69 Luke Street, Eynesbury, St Neots, Cambs PE19 2TN

- 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 Paul Ursell against the decision of Huntingdonshire District Council.
 - The application Ref 16/00491/FUL, dated 27 February 2016, was refused by notice dated 5 October 2016.
 - The development proposed is erection of 5 dwellings and associated infrastructure; demolition of part of existing dwelling and extension to form new kitchen.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Paul Ursell against Huntingdonshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues for this appeal are the effect of the proposed development: on the character and appearance of the St Neots Conservation Area (the CA); and on the living conditions of occupiers of Nos 10 and 12 Hardwick Road taking particular account of privacy and outlook.

Reasons

4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this appeal the development plan comprises the Saved Policies of the Huntingdonshire Local Plan 1995 and the Local Plan alteration 2002 (which for ease I will refer jointly to as the LP) and the Huntingdonshire Core Strategy 2009 (CS). In accordance with Paragraph 215 of the National Planning Policy Framework (the Framework) appropriate weight can also be given to the emerging Draft Huntingdonshire Local Plan to 2036 Stage 3 (the emerging LP) according to the degree of consistency with the Framework.
 5. St Neots is a market town. The appeal site lies within a primarily residential area with access to public transport and to a range of shops, services and
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employment opportunities. On this basis I conclude that the appeal site is in an accessible location.

6. The appeal site is very overgrown. At least part of the land appears to be the garden of No 69. On part of the land there are remains of polytunnels and greenhouses. It is described variously in the submitted documents as: used for market gardening but appears to have been unmanaged for many years; an overgrown unused allotment; and a vegetable garden¹. As the definition of previously developed land in the Framework excludes land in built up areas such as private gardens and allotments on the basis of the available evidence I cannot safely conclude the appeal site would fall within the definition. Nevertheless additional dwellings in this accessible location would meet those aims of the development plan, the emerging LP and the Framework that seek to increase the supply of housing and would be acceptable in principle provided other material planning considerations are satisfied.

Character and appearance

7. The Planning (Listed Buildings and Conservation Areas) Act, 1990, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 132 of the Framework states that great weight should be given to the conservation of designated heritage assets. Policies En2, En5, En6 and En7 of the LP² and Policy LP31 of the emerging LP seek to protect and enhance heritage assets in the District. Policies En25, H32 and HL5 of the LP, CS1 of the CS, LP13 of the emerging LP and the Framework seek to make good use of land and seek good quality design that respects the local area.
8. The CA comprises a number of divisions. No 69 Luke Street, as shown in the St Neots Conservation Area Character Assessment 2006, is in the Eynesbury Sub Division (the ESD). The environs of the site are described in the ESD as close to the western portal which provides the best access to the riverside from the original village envelope. The south and west boundaries of the appeal site define the border of the heritage asset³.
9. There is no consistent architectural design, style or size of houses in the immediate vicinity of the appeal site. On Luke Street most of the nearby properties to the west are terraced houses. The terraced houses to the north side are built to the footpath edge but most nearby properties have front gardens. There are more modern bungalows and houses on Hardwick Road and Ferrars Avenue. Montagu House is an eighteenth century three storey property attached to a lower stone building, with an archway under to Montagu Court, which is attached in turn to a more modern three story brick property on the junction of Luke Street/Hardwick Road/Montagu Street. Following my site visit I consider the immediate public realm pre-dominantly has a relatively spacious character.
10. No 84 Luke Street and Montagu House are Listed Buildings. The proposed new houses would be some distance from both of the Listed Buildings and would have negligible impact on their setting. The proposed demolition of an out building and alterations to No 69 would not detract from the CA and its

¹ Tree Survey, Ecological Survey, Pre application Letter dated 20 June 2014

² Paragraph 3 Development Management Committee report

³ Paragraph 7.5 officer report to the Development Management Committee 19 September 2016

restoration would have a beneficial impact on the character and appearance of the CA. Due to their position behind No 69 the proposed houses would not interrupt important views into or out of the CA from the public realm.

11. No 69 is between Montagu House and No 67 Luke Street. Houses at Nos 47 to 67 (odds) Luke Street have long rear gardens although that of No 67 is shorter than the others. There are three bungalows on Montagu Court behind Montagu House. The rear gardens of bungalows on Hardwick Road and Ferrars Avenue adjoin the remainder of the appeal site boundaries.
12. The appeal site comprises two broadly rectangular pieces of land arranged in a "T" shape. The first piece is relatively long and narrow and extends from Luke Street to the end of the gardens of No 3 Montagu Court and No 67 Luke Street. The second piece sits crossways behind the gardens of those properties and extends to the rear boundaries of properties on Ferrars Avenue. The first piece of land would accommodate a shared access, a visitor parking space, and parking and garden for No 69. The proposed houses would be some distance behind No 69 on the second piece of land.
13. The shared access would be between No 69 and the adjacent house No 67. It would curve behind No 69 to avoid trees and to provide a central access between the proposed new houses. The proposals show two pairs of semi-detached houses on Plots 1/2 and 4/5 to either side of the central access. There would be one detached house on Plot 3 sited very close to the side wall of the house proposed on Plot 2. The appeal site in total is relatively large. However, due to its shape; the disposition and sizes of the two pieces of land; and the space that would be occupied by the shared access; the proposed five dwellings would have plot sizes that would be uncharacteristically small compared to the majority of the nearby properties. Given this I consider that the proposed houses would sit uncomfortably in relation to adjoining properties, particularly the bungalows around the site.
14. The front elevations of the proposed houses would be uncharacteristically close together for the local area. The space available for planting between and around the houses would be limited and would be dominated by the access, parking and turning areas. Although parts of the first floor of Plots 2, 4 and 5 would have accommodation in the roof space the heights of the new dwellings as shown on the plans would be between 6.790 m and 7.275 m which would add to the cramped appearance of the proposed development. Moreover, the garden depths of Plots 1, 2 and 3 in particular would be very short. For a combination of the above reasons I conclude the proposed layout would appear cramped and contrived. It would be over intensive development that would harm the spacious character and appearance of the area.
15. The individual buildings would be of a fairly standardised design that would not be out of character with some of the surrounding buildings particularly on Ferrars Avenue and Hardwick Street. However, on balance I consider the design does not take best advantage of the opportunities for improving the character and quality of the area and the way it functions, as sought by Paragraph 64 of the Framework, irrespective of the degree to which it would be visible from Luke Street or the use of appropriate materials.
16. For the combination of the reasons set out above on balance I conclude the proposed development would amount to poor design which the Framework says should be refused. Whilst the harm to the significance of the heritage assets

taken as a whole would, with reference to the Framework, be less than substantial it would, nevertheless, comprise a real and serious harm. Paragraph 134 of the Framework says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

17. The Huntingdonshire Annual Monitoring Report 2015/16, published December 2016, calculates an up-to-date supply of housing land of 5.24 years. The Council indicates this is based on a cautious approach and incorporates a 5% buffer to meet the current housing land requirement and to make up for a current shortfall. I have seen no substantive evidence to challenge this. On this basis I consider that, although the development plan precedes the Framework and the emerging plan does not attract full weight, the relevant development plan policies are not absent, silent or out of date for the purposes of Paragraph 14 of the Framework. The presumption in favour of sustainable development in Paragraph 49 is therefore not engaged.
18. The construction of five dwellings would make a small positive contribution to the overall supply of housing in the Borough irrespective of whether the Council can demonstrate a five year deliverable supply of housing land. There would also be some economic benefit, albeit short lived, in respect of employment during construction. This weighs in favour of the proposals.
19. The proposed development would make efficient use of land, would include the retention and refurbishment of No 69 and would provide off street parking for that property. However, none of these matters relies on a development of the scale proposed and accordingly they weigh neither for nor against the proposals. The proposals would remove what has arguably become an eyesore. However, the lack of maintenance of land is not a good reason to allow an otherwise unacceptable form of development.
20. Taking all these matters into account, I conclude that the public benefits of the proposals would not, on balance, be sufficient to outweigh the harm that would be caused to the character and appearance of the area. The proposals would therefore conflict with those policies of the development plan and the emerging LP and those principles of the Framework that seek good design that preserves and enhances the character or appearance of conservation areas⁴.

Living Conditions

21. The proposed semi-detached houses on Plots 4/5 would be at a slight angle to the boundary shared with Nos 10 and 12 Hardwick Street. Some of the first floor rooms would be partially accommodated in the roof space to reduce the overall height of parts of the proposed houses. However, at minimum, the proposed buildings would be some 6.79 m which would be higher than many single storey properties. Due to their width the semi-detached houses would overlap the majority of the rear boundary of No 10 and about half the width of the rear boundary of No 12. On balance I conclude that the combination of the height and width of the proposed dwellings on Plots 4/5 and the relatively small plots of the proposed houses would, due to the overall bulk, mass and position of the buildings, have an unacceptable harmful effect on the outlook from the gardens of Nos 10 and 12.

⁴ En2, En5, En6, En7, En25, H32 and HL5 of the LP; Policy CS1 of the CS; LP31 and LP13 of the emerging LP

22. The proposed development would introduce five first floor windows facing towards Nos 10 and 12 a little less than 10m from the shared boundary. I acknowledge that the occupiers of Nos 10 and 12 would prefer to retain the level of privacy they currently enjoy. However, a degree of overlooking between residential properties is to be expected in a built up area. On balance I conclude that the separation distance between existing and proposed windows would be sufficient in this case. Accordingly I conclude that the degree of overlooking that would arise would not be so great as to justify refusal on the grounds of unacceptable loss of privacy.
23. For the reasons set out above I conclude that the proposed development would have an unacceptable harmful effect on the outlook from the gardens of Nos 10 and 12. Accordingly the proposed development would conflict with those requirements of Policy H31 of the LP and Policy LP15 of the emerging LP and those principles of the Framework that seek a good standard of amenity for all existing and future occupiers of land and buildings.

Other Matters

24. I acknowledge that, in accordance with the principles of the Framework, the appellant engaged in pre-application discussions with the Council, amended the proposals and that the officer report recommended that permission be granted. Local residents would have preferred more measurements annotated on the plans. However, such matters do not go to the heart of the planning considerations in relation to the proposals. I have considered the appeal on the basis of the evidence before me and have reached my own conclusions in relation to the relevant material planning considerations.
25. Third parties have raised concerns including the effect of the proposed development on noise and disturbance, traffic, trees, wildlife, storage of wheeled bins and drainage. Whilst I acknowledge these concerns I note that the Council has raised no objections on these grounds. The available evidence and my observations during my site visit do not lead me to any different conclusion.

Overall conclusion

26. The proposed development would add to the housing stock of the Borough. However, in conflicting with Policies En25, H31, H32 and HL5 of the LP; Policy CS1 of the CS; Policies LP13 and LP15 of the emerging LP the proposals do not comply with the development plan taken as a whole. For the reasons set out above and taking into account all other relevant matters raised I conclude that the appeal should not succeed.

SDHarley

INSPECTOR