

Appeal Decision

Site visit made on 7 February 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 3rd March 2017

Appeal Ref: APP/W0530/W/16/3158244

**14 Maltings Lane, Great and Little Chishill, Royston, Hertfordshire
SG8 8SW**

- 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 Peter Clarke against the decision of South Cambridgeshire District Council.
 - The application Ref S/0838/16/FL, dated 23 March 2016, was refused by notice dated 5 August 2016.
 - The development proposed is change of use of existing garage and workshop to provide single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether acceptable living conditions would be created for future occupiers, with particular regard to internal and private amenity space.
 - The effect of the proposal on the living conditions of the occupiers of No. 14 Maltings Lane, with particular regard to privacy.
 - The effect of the proposal on the character and appearance of the Great Chishill Conservation Area ('GCCA') and the setting of No. 14 Maltings Lane, a Grade II listed building.

Reasons

Living conditions of future occupiers

3. It has been put to me that the proposal does not meet the government's Nationally Described Space Standard ('the standard') and I note that based on the Council's calculations, which are not disputed by the appellant, that the dwelling would be below the 58m² standard for such a dwelling. However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can only be applied where there is a relevant current local plan policy. In this case, there is no relevant current policy and I have consequently considered the appeal scheme on its merits in terms of the overall quality of the residential accommodation provided.
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4. In any reasonable assessment of the accommodation it would be undoubtedly small and although the ground floor room would have outlook onto the lane, the extent of sloping roof in the bedroom area would severely limit day to day occupation of this space. Following the addition of furniture typically required for day to day living purposes, in my view, there would be severely restricted circulation space and when combined with low ceiling heights and the extent of sloping roof, it would result in a claustrophobic and cramped bedroom and living space.
5. I acknowledge that conversions and changes of use of existing buildings can make a useful contribution to the overall delivery of residential development in the district and that different households have different needs for accommodation requiring a variety of different sizes and forms of residential unit. However, the design and layout of such provision is still required to provide an acceptable standard and quality of accommodation which I do not consider would be the case in this instance.
6. Turning to the provision of amenity space, a small area is proposed in the corner of the rear garden of No. 14, on the opposite side of the lane. The space would provide approximately 40m² of amenity space but this would be severely restricted by the parking and turning area and overshadowed by a large tree, which the appellant confirms would not be removed. Because of the narrow nature of the lane the space would not be private and would not be positioned sufficiently close to internal living accommodation. There would be little opportunity for flexibility of use and personalization and any additional landscaping is likely to further limit the use of the space. It would not therefore accord with the guidance for such spaces in the Council's District Design Guide 2010 ('DDG').
7. Taking everything together, the proposal would not result in acceptable living conditions for future occupiers in terms of internal space and private amenity space. In this respect, it would conflict with Policy DP/3 of the South Cambridgeshire District Council Local Development Framework Development Control Policies 2007 ('DPD'). Amongst other things, this states that planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity. Furthermore, it would not accord with the relevant advice in the DDG.

Living conditions of No. 14 Maltings Lane

8. The design and siting of the building in relation to No. 14 would mean that some overlooking from the roof lights in the front roof slope would be possible. Whilst this would be partially to the side of No. 14, it would also be of the immediate rear garden of that property and exacerbated by the fact that No. 14 sits at a lower level than the appeal site.
9. Moreover, the greater intensity of occupation from residential use would result in a greater propensity and likelihood of overlooking when compared to the building's approved use as a garage/workshop. Whilst the harm in terms of privacy would not be significant, nevertheless it weighs against the proposal. It would therefore conflict with Policy DP/3 of the DPD and the DDG insofar as these seek to protect residential amenity.

Heritage assets

10. I find that the significance of the GCCA lies in, like many village conservation areas, the historic core of the village and buildings of varying ages, forms and styles on plots of differing sizes and layouts, all of which helps to illustrate the development of the village over time. Given the rural surroundings there are some attractive views both from the GCCA out into the countryside and back into its built-up area.
11. Maltings Lane is on the periphery of the village and is a relatively self-contained part of the GCCA which also exhibits considerable variety in its buildings, plot sizes and layout such that there is no especially uniform pattern or rhythm of development. The building is an attractive timber framed building with weatherboarding under a slate roof. It appears as a subservient addition that complements the setting of this part of the GCCA which also has a group of 5 listed buildings around a small green and contains a number of smaller incidental garage and domestic storage buildings.
12. The proposal does not include any changes to the external appearance of the building apart from the introduction of bi-fold doors that would extend from the floor level to ceiling level across the majority of the front elevation. However, given the secluded position of the building and the variety of materials evident within Maltings Lane, such a change would not appear incongruous in this varied edge-of-village street scene.
13. Turning to the setting of No. 14, the National Planning Policy Framework ('the Framework') states that the setting of a heritage asset is the surroundings in which it is experienced and that this can be more extensive than its curtilage. Heritage assets are clearly influenced by the comprehension of external factors and development within their setting, the extent of which is not fixed and can evolve over time, as has occurred with the building that is the subject of this appeal, which has been recently constructed.
14. Although close to the appeal site No. 14 has a well-defined historic boundary to the lane in the form of a mature hedgerow and is clearly physically and visually separated from the appeal site it. No. 14 is also viewed in the context of other development including a large white conservatory and more modern single storey, flat roofed garage buildings. In this particular case, there would be a very limited perception of the external alterations from No. 14 and moreover, I find that there is no historic or aesthetic connection between the appeal site and that building that forms part of how the significance of that asset is experienced because the historic and aesthetic interest and significance of the property is most readily appreciated from further down Maltings Lane and from within the central green.
15. For these reasons, the proposal would preserve the character and appearance of the GCCA and would not harm the significance of No. 14 as a designated heritage asset, in terms of its setting. It would not conflict with Policies CH/4 and CH/5 of the DPD which require development to not adversely affect the curtilage or wider setting of a listed building and that proposals in conservation areas are determined in accordance with legislative provisions and national policy. In the context of the Framework, the proposal would not cause harm to the significance of a designated heritage asset and therefore would not conflict with the heritage objectives of the Framework.

Other Matters

16. I have been referred to what the appellant contends are similar examples of conversions within the wider area. However, I have not been provided with the full details and therefore cannot be sure that they are directly comparable to the appeal proposal before me and they do not therefore alter my views in relation to the first and second main issue. In any event, each case must be considered on its own merits.
17. I have also had regard to an appeal decision in 1989¹ for a single dwelling and garage on land adjacent No. 14 Maltings Lane that was dismissed on the harm to heritage assets. However, that would appear to have been for an entirely different form of development and because I have not been provided with the full details I cannot be certain that it is also directly comparable to the proposal before. Consequently it does little to alter my views in relation to the third main issue.

Planning balance and conclusion

18. I note that the Council have confirmed that they do not have a 5 year supply of housing land. However, the principle of housing is not at issue in this appeal and the policies which form the basis for the Council's objections are criteria based policies regarding qualitative and aesthetic design, amenity and heritage considerations rather than policies that constrain the supply of housing land. In this particular case and on the evidence before me, the development plan is not absent, nor is it silent, relevant policies are not out of date and the proposal would not accord with it. Accordingly, it would not be the sustainable development for which the Framework indicates a presumption in favour.
19. In the unweighted balancing exercise required the limited economic and social benefits from one additional smaller dwelling and the personal circumstances of the appellant in terms of his future aspirations and needs do not outweigh the failure to provide acceptable living conditions for future occupants and the harm that I have identified in terms of privacy.
20. Although I have found no harm to the significance of designated heritage assets, the proposal would fail to provide acceptable living conditions in terms of internal space and amenity space and would cause some harm to the living conditions of the occupiers of No. 14 in terms of privacy. In my view, these are the prevailing considerations and although the proposal would accord with some aspects of the development plan, it would conflict with the development plan, when read as a whole. Material considerations do not indicate that a decision should be made other than in accordance with it and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

¹ T/APP/W0530/A/89/121332/P8.