
Appeal Decision

Site visit made on 6 February 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 03 March 2017

Appeal Ref: APP/H0520/W/16/3161193

Land at No 22, 22 High Street, Warboys, Cambs PE28 2RH.

- 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 B Hensley against the decision of Huntingdonshire District Council.
 - The application Ref 16/01163/FUL, received by the Council on the 17 June 2016, was refused by notice dated 30 August 2016.
 - The development proposed is the erection of one dwelling including widening of existing access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The setting of No 22 (Grade II listed) and the Warboys Conservation Area (WCA); and
 - The living conditions of neighbouring occupiers.

Preliminary Matters

3. The Council has referred to policies in the "*Draft Huntingdonshire Local Plan to 2036: Stage 3 2013*" (the emerging LP). Although this plan is not at an advanced stage, the policies cited in the reasons for refusal are broadly consistent with advice in the *National Planning Policy Framework* (the Framework). Therefore in accordance with paragraph 216 of the same, I attach moderate weight to these policies.

Reasons

Effect on The Chestnuts and the WCA

4. The site and surrounding area are within the WCA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66(1) of the Act requires that, when considering development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting.
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5. The Chestnuts (No 22) is an attractive gault brick and slate Victorian residence located on the south side of High Street a short distance from the centre of Warboys. It is set back generously from High Street behind a large rectangular front garden containing a variety of trees. There is an off-street parking area adjacent to the gable end which is accessed from Popes Lane. The spaces around the building are in keeping with its scale and allow for good views of both the side gable elevation and the symmetrical garden facing facade. Due to the diminutive stone wall fronting High Street, the site has a high level of visual exposure from public vantages. The significance of the building as a heritage asset is derived mainly from it being a well preserved example of formal architecture from its period, which includes its spacious landscaped setting which in turn makes a positive contribution to the spacious character around the Popes Lane junction, a key feature of this part of the WCA.
6. Many of these qualities are reflected in the "*Warboys Conservation Area Character Statement 2006*" (WCAS) which states that larger houses are differentiated from the shops and terraces by their set back from the road. The front garden of the appeal property is identified in Map 2 as containing important trees and a green frontage. At paragraph 3.8.3 the WCAS states that the gardens of the larger villas are important green spaces and care should be taken to preserve them. Policy H33 of the "*Huntingdonshire Local Plan 1995*" (the LP) stipulates that the sub-division of large curtilages will normally be resisted where the setting of a listed building or the qualities of the conservation area are not preserved or enhanced.
7. The submitted plans show a building of a similar scale and footprint to No 22. It could not therefore be reasonably described as small. It would rob No 22 of a large section of its garden and would significantly reduce the extent of space in which the listed building is appreciated. In my view, the subdivision of the plot in this manner would be harmful to the spacious setting of No 22 thus compromising its formal character. This would be most apparent from High Street from where the width of the plot would be significantly reduced. The siting of the new dwelling forward of No 22 would have the effect of demoting the importance heritage asset as it would appear as a backdrop to the new dwelling in most views. The orientation between the two properties would also diminish the quality of views of the asset from Popes Lane.
8. I have considered the appellant's argument that the development would enhance the setting of No 22 by obscuring views of the gable end of 2 Popes Lane. However, this is not an uncommon arrangement where two roads intersect. Consequently, I find nothing unusual or harmful in the orientation or the appearance of the blank flank wall to No 2 that would justify the erection of a dwelling in the curtilage of No 22 and the associated harm I have identified above.
9. The Framework advises that the significance of a heritage asset can be harmed as a result of development within its setting. Having regard to the extent of harm identified above, the proposal would not preserve the special interest or setting of No 22, and would conflict with guidance within the Framework which seeks to conserve heritage assets in a manner appropriate to their significance. The harm identified would amount to "less than substantial harm" which the Framework advises must be weighed against the public benefits of the scheme.

10. The proposal would provide a single dwelling in a location with good access to local services. I also acknowledge that employment would be provided during the construction phase. These benefits carry moderate weight. Nevertheless, heritage assets are an irreplaceable resource and the Framework is also clear that in considering the impact of development on the significance of heritage assets, great weight should be given to the asset's conservation. Consequently, I conclude that the small economic and social benefits of the scheme would be insufficient to outweigh the harm the proposal would cause to the setting of No 22, the character and appearance of the wider WCA and their significance as heritage assets.
11. Notwithstanding that the detailed design of the dwelling would be acceptable, the development would fail to comply with Policies En2, En5, En6, En25 and H33 of the LP, Policy HL5 of the "*Huntingdonshire Local Plan Alterations 2002*", Policy CS1 of the "*Core Strategy 2009*" and Policy LP31 of the emerging LP. Collectively these seek high quality design that protects the setting of listed buildings, preserves or enhances the character or appearance of conservation areas and encourage development that raises the quality of the place. Finally, there would be conflict with the statutory duties under the Act in relation to listed buildings and conservation areas and paragraphs 133 and 134 of the Framework.

Living conditions

12. I have noted the Council's concern about the proximity of the dwelling to No 22 and the potential loss of outlook and light to the occupiers to these occupiers. However, whilst there would be some overshadowing, the Council has not quantified how much. In my view, given the orientation of the two properties, any loss of light to No 22 would be limited and not at a level likely to cause unacceptable harm.
13. In terms of outlook, the dwelling would only encroach marginally into a 45 degree splay line drawn from eastern most ground floor window. Bearing in mind, this is a built-up area where some intrusion into view is almost inevitable, I do not consider that occupiers of No 22 would be subjected to an unreasonable level of enclosure or overbearing elements in views from windows in the garden facing elevation.
14. On the second main issue, I therefore conclude that there would be no unacceptable harm caused to the living conditions of neighbouring occupiers. There would thus be no conflict with Policies H31 of the LP and Policy LP15 of the emerging LP. These seek to ensure a high standard of amenity for surrounding residents is maintained.

Conclusion

15. For the reasons given above and taking into account of all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector