
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: 14 March 2017

Appeal Ref: APP/W0530/W/16/3155882
18A High Street, Great Shelford CB22 5EH

- 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 & Mrs B McAuley against the decision of South Cambridgeshire District Council.
 - The application Ref S/1024/16/FL, dated 4 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is demolition of existing shed and erection of a lifetime home.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council is unable to demonstrate a five year supply of housing land. This has not been disputed by parties and therefore it is on this basis that I have considered the appeal.

Main Issues

3. These are:
 - (i) the effect of the proposal on the character and appearance of the area and the Conservation Area; and,
 - (ii) the effect of the proposal on the living conditions of future occupants, with particular regard to garden space.

Reasons

4. The starting point for the consideration of this appeal is the development plan. Paragraph 49 of the National Planning Policy Framework (the Framework) states that *housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*
5. Policies DP/2, DP/3 and CH/5 of the Development Plan Document (DPD)¹ are positively worded policies which seek development that is of a high quality

¹ South Cambridgeshire District Council, Development Control Policies, Development Plan Document (adopted July 2007)

design and, in conjunction with the Framework, sustains and enhances heritage assets. These policies are not specific to the supply of housing and therefore I give them weight.

Character and appearance and Conservation Area

6. The access to the appeal site is positioned between existing residential properties which are within a notable row of frontage properties. The houses are set within and to the front of long and narrow plots. The long length of the plots, together with the absence of any structures of a notable height, creates an open and spacious character to the area.
7. The appeal site is perhaps the greatest anomaly within the row of plots as it has a dwelling to the rear of the plot, No 18a High Street. However, although the dwelling is notable in scale, its position to the back of the plot leaves a front garden which is open in character and contributes to the openness experienced across the plots adjacent to and beyond the appeal site.
8. The appeal site is within the Great Shelford Conservation Area (CA). The Conservation Area Appraisal (CAA)² recognises that an important characteristic of the village is the scale of the gardens, many of which are noted as being 'very long.' The CAA also acknowledges that Great Shelford's historic development can be still read in its street patterns and buildings. Whilst historically the gardens may have been shorter, the long gardens as they exist today contribute to the open and spacious character of the area and the CA and its setting overall, and are an integral part of the village's developmental history. The appeal site and in particular the front garden to No 18a High Street contribute to the open and spacious character of the area and is of significance to the character and appearance of the CA overall.
9. The new dwelling would occupy the area that is currently the front garden to No 18a High Street. The development would be a notable structure within an area where other structures are smaller in scale and subservient to their surroundings. The building would therefore appear incongruous and out of keeping with the character and appearance of the area.
10. In occupying the grounds of No 18a and being within a small plot of its own, the development would not be representative of the existing pattern of development whereby dwellings are subservient to the scale of their plot. The new dwelling would, therefore, appear as a cramped form of development, out of keeping with the prevailing pattern of development.
11. I find, therefore, that the development would be contrary to policy DP/2 of the DPD which seeks development that is compatible with its location. I recognise that there are shorter plots to frontage properties including, but not exclusive to, numbers No 8, No 18 and No 28 High Street. There are also a number of outbuildings within the rear gardens of the existing houses; examples include a studio behind No 38 High Street and an outbuilding at the back of No 30. Compared with the longer plots, the shorter ones are fewer in number and therefore do not undermine the significance of the longer plots in defining the character and appearance of the area or of the CA. Similarly the outbuildings are ancillary in form and scale to their surroundings to not detract from the open and spacious character of the area.

² South Cambridgeshire District Council, Great Shelford Conservation Area (2007)

12. The site plan before me shows that at both ends of the row of properties fronting High Street, the layout of development changes. Land off Buristead Road and the land that is identified as No 4 High Street, includes buildings within different sized and more irregular shaped plots. This form of development does not detract from the prevalent form of long and narrow plots which characterise the area around the appeal site.
13. Policy CH/5 of the DPD requires planning applications for development proposals in or affecting conservation areas to be determined in accordance with legislative provisions and policy and guidance including the Framework which, at paragraphs 132 and 133, require a proposed development to be assessed against the significance of the conservation area and with regards to the assessment of harm. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) states that '*special consideration shall be paid to the desirability of preserving or enhancing the character or appearance of the area.*' Paragraph 132 of the Framework expects great weight to be given to the conservation of a heritage asset.
14. I have found that the new dwelling would impinge on the open and spacious character of the area. The moderate size of the land which the development would occupy in comparison with the CA as a whole would result in the development causing less than substantial harm to the significance of the designated heritage asset. Paragraph 134 of the Framework states that *where the development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.* Paragraph 020 of the Planning Practice Guidance (PPG)³ identifies public benefits as being *anything that delivers economic, social or environmental progress...of a nature or scale to be of benefit to the public at large and should not just be a private benefit.*
15. The new dwelling has been designed to reflect the character of the village and in turn help to sustain the CA as a heritage asset. The new dwelling would also contribute to the Council's need for housing within a location that the Council considered acceptable in principle, although the contribution one dwelling could make to the need for housing is limited.
16. The new dwelling would be a Lifetime Home. Both the Written Ministerial Statement (WMS) dated March 2015 and the relevant paragraphs on Housing Standards in the Planning Practice Guidance (PPG) indicate that such a standard cannot be applied because it has been replaced by the new system of Building Regulations and standards. Both the WMS and the PPG are up-to-date standards of government policy and for this reason they outweigh the requirements of the development plan. The benefit of a Lifetime Home therefore carries limited weight.
17. I understand that the site's former use was commercial. Nevertheless, the site is now a garden for No 18a. The Framework excludes private residential gardens from the definition of brownfield land and therefore the redevelopment of a brownfield site carries limited weight in favour of the appeal.
18. Returning to paragraph 134 of the Framework, I have found for the reasons given above that the development would result in less than substantial harm to the CA. Weighed against this is the limited contribution the development would

³ Reference ID: 18a-020-20140306

make to the Council's housing supply and the positive impact the design of the dwelling would have on the character and appearance of the CA. The public benefits identified would not offset the harm. For this reason the proposal would not preserve or enhance the character and appearance of the CA and therefore would be contrary to the provisions of the Act, the policies of the Framework and Policy CH/5 of the DPD which seek to preserve and enhance the historic environment.

Living conditions

19. The Council's SPD⁴ acknowledges that private gardens can be provided in a variety of ways, provided they are of a *size and shape to allow effective use for the number of people the property is designed for*. For the size of dwelling proposed, the SPD recommends an area of 40 sqm.
20. Whilst I have no reason to doubt that the total area around the building exceeds the 40 sqm recommended, the size and shape of these areas vary. The most spacious area would be the garden area adjoining the bedroom. This would be accessed from doorways to the utility and entrance hall which are not within a convenient position of the garden. The area would also be overshadowed by built development and trees which would undermine the quality of the garden space and therefore prospective resident's enjoyment of it.
21. There would be space around the building for other activities including drying washing and growing plants. However, these spaces are limited in size and shape and therefore would be inflexible, unable to support a range of activities and do not compensate for the inadequacies in garden space found elsewhere within the site.
22. In all, therefore, I find that the garden area proposed would provide a poor standard of garden space, harmful to the living conditions of future occupants, contrary to policy DP/3 of the DPD which seeks development that does not have an unacceptable adverse impact on residential amenity and contrary to the SPD as indicated.

Other matters

23. I note appeal APP/W0530/A/09/2116731 whereby the Inspector described the area relating to land to the rear of No 19 High Green as semi-rural. Whilst I have no drawings of this proposal to make any comparisons, I see that High Green is some distance from the appeal site and therefore within a different area and context to the appeal site. I do not find, therefore, that the semi-rural character identified is a constituent part of the context to the appeal site for it to have any bearing on my findings.
24. The appellant draws my attention to various planning permissions within the CA. I have limited information on these permissions to comment in detail, however, from the information before me I note that several planning permissions⁵ permit the creation of additional units of accommodation within existing buildings. These do not compare with the proposed development

⁴ South Cambridgeshire District Council, Local Development Framework, District Design Guide: High Quality and Sustainable Development in South Cambridgeshire, Supplementary Planning Document (Adopted March 2010) (SPD)

⁵ S/1307/15/FL, S/1537/15/FL, S/0992/15/FL and S/0790/10/F

which proposes a new dwelling on open land. The permissions therefore carry little weight. In any event, my decision is based on the particular circumstances of the scheme that is now before me.

25. I understand planning application S/2573/14/FL was granted for development within a more prominent location within the CA than the appeal site. However, the matter of prominence is not comparable with layout and character for comparisons between the two to carry any weight in favour of this appeal.
26. I note that comments from the Council's Conservation and Landscape Officer were not reported within the Planning Officer's Delegated Report. Notwithstanding any inferences associated with this, the Council has provided justified reasons for its decision which I have taken into account in making my decision on the appeal.
27. In its Appeal Statement, the Council refers to the prominence of the proposed dwelling and its visibility from High Street. I concur with the appellant that, given the secluded position of the site, the dwelling would not prominent within views from the street to have an impact on the character and appearance of the area or the CA. Nevertheless, this does not overcome the harm that I have found to the character and appearance of the area and to the CA and its setting for the reasons discussed.

Conclusion

28. For the reasons given above I conclude that the development would be contrary to the development plan and therefore the appeal is dismissed.

R Walmsley

Inspector