
Appeal Decision

Site visit made on 27 July 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/V0510/D/17/3175575

17 Deacons Lane, Ely, CB7 4PS

- 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 Andrew Stearn against the decision of East Cambridgeshire District Council.
 - The application Ref 17/00131/PDR, dated 26 January 2017, was refused by notice dated 7 April 2017.
 - The development proposed is the addition of a front porch door; amend front paths and add railings to the boundary between numbers 17 and 19.
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Decision

1. The appeal is dismissed insofar as it relates to the addition of a front porch door. The appeal is allowed insofar as it relates to the amended front paths and to the new railings on the boundary between numbers 17 and 19, and planning permission is granted for the amended front paths; and new railings at 17 Deacons Lane, Ely, CB7 4PS, in accordance with the terms of the application Ref 17/00131, dated 26 January 2017 and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and photographs: 1:1250 scale Location Plan; 1:200 scale Block Plan; and Photo 2.

Main Issue

2. The main issue is whether the appeal proposals would preserve or enhance the character or appearance of the Ely Conservation Area (CA).

Reasons

3. The appeal property is an end-of-terrace dwelling, which is situated in a residential area, north of the city centre. The property is situated within the CA, which covers a wide geographical area, including the city centre and its surroundings. It is also the subject of an Article 4 Direction, which has been put in place in order to enable the Council to control alterations that cumulatively could be harmful to the character and appearance of the CA. Because of its wide geographical area, the character and appearance of the CA is varied in
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terms of its built form and architectural style. However, in the vicinity of the appeal property, its character is that of close-knit residential dwellings, including Victorian terraces. Many of these have been altered but others, including the appeal property, have retained many of their distinctive architectural features. These include recessed front doors behind open-fronted porches.

4. The appeal proposal contains three separate elements. These are: a front door on the existing open-fronted porch; new railings along the front side boundary between number 17 (the appeal property) and number 19 Deacons Lane; and the replacement of the existing pathways (leading up to the front door and in front of the bay window) with reclaimed quarry tiles and rope edging.
5. There is a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reflected in Policy ENV11 of the adopted East Cambridgeshire Local Plan 2015 (LP). It is also reaffirmed in Section 12 of the National Planning Policy Framework (the Framework). Policy ENV11 also seeks to retain attractive traditional features, including doors. In addition, the Council's Supplementary Planning Document – Design Guide, states that where recessed doorways exist, they should be retained (page 39).
6. The Council has no objection to the railings and pathways, which would match the existing railings along the front boundary of the dwelling and would use materials that would be sympathetic to the historic character of the CA. I have no reason to disagree with the Council's assessment. Therefore, I find that these elements of the proposal would preserve and enhance the character and appearance of the CA. Accordingly, there would be no conflict with the LP or with the Framework, as referred to above.
7. Turning to the proposed porch door, I noted at my site visit that some doorways within the CA have been enclosed. These include the doorway at number 13 Deacons Lane, which the appellant has referred to as something he proposes to replicate. The Council states that some of these other alterations and additions were carried out prior to the Article 4 being put in place. In my opinion, where the recessed doors with open porches have been retained, including at the appeal property and at nearby numbers 3-9 Deacons Lane (Lyndene Villas), they are an attractive and distinctive feature that has a positive impact on the character and appearance of the CA. The appellant states that it would be his intention to have the door open much of the time. Nevertheless, I consider that the proposed door would reduce the significance of this important feature and it would be harmful to the character and appearance of the CA. Therefore, it would conflict with Policy ENV11 of the LP and with the Framework.
8. I consider that the harm to the CA is less than substantial in the context of paragraph 134 of the NPPF. Therefore, it is necessary to consider whether the harm is outweighed by any public benefits that can be attributed to the proposal. The appellant has referred to problems with damp and mould within the hallway of the dwelling and the effect that this has on the health of a family member. I observed some mould in the hallway around the existing front door during my site visit. However, I have not been provided with any substantive evidence to show that the proposed door would resolve this issue.

Consequently, I am unable to conclude that the harm that I have identified is outweighed by this possible benefit.

Conditions

9. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans and photograph is necessary, for the avoidance of doubt and in the interests of proper planning.

Conclusion

10. For the above reasons, it is concluded that the appeal should be dismissed regarding the proposed front porch door. In relation to the amended front paths and the new railings on the boundary between numbers 17 and 19 Deacons Lane, the appeal is allowed.

Ian McHugh

INSPECTOR