
Appeal Decision

Site visit made on 31 July 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/H0520/W/16/3162291

The Moorings, Chapel Lane, Houghton PE28 2AP

- 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 W King against the decision of Huntingdonshire District Council.
 - The application Ref 16/01121/FUL, dated 18 May 2016, was refused by notice dated 20 September 2016.
 - The development proposed is erection of a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal preserves or enhances the character or appearance of the Houghton and Wyton Conservation Area
 - The effect of the proposal on the setting and significance of the Church of St Mary a Grade II listed building
 - whether the appeal site represents an appropriate location for residential development, with particular reference to flood risk.
 - Whether or not any effect of the development on local infrastructure would be adequately offset.

Reasons

Conservation Area and Listed Building

3. The Houghton and Wyton Conservation area covers much of the historic areas of the villages of Houghton and Wyton together with an extensive area of meadow land to the south and east covering the river valley setting of the villages. The Houghton and Wyton Conservation Area Character Assessment 2012 (HWCACA) describes the long history of the settlements evident in the built form and historic landscape creating its significance as a heritage asset. It splits the conservation area into character areas and the appeal site is located partially within the Houghton Green character area and the Thicket Road East and Meadows character areas. The removal of the remains of the

medieval floodbank and the creation of a new flood protection bank have amalgamated parcels of land on the appeal site which at the time of the preparation of the HWCACA were viewed as different character zones.

4. Chapel Lane is one of a number of small lanes radiating from the historic village green area of Houghton. It initially contains historic buildings at the back of the carriageway providing a relatively hard edge to the road. As the road continues towards the meadow area the buildings are mostly set back with increased planting creating a more rural character at the southern end of the street where the appeal site is located. This is reflected in the HWCACA which highlights the special contribution of trees, gardens, open spaces and views to the character and appearance of the conservation area.
5. The appeal site forms the garden of The Moorings and contains a number of mature trees, particularly along the frontage to Chapel Lane. As a result it contributes positively to the open, rural character and appearance of this part of the conservation area.
6. The submitted layout plan 2016.25/WK1 shows that the proposed house would be sited outside of the canopy of the principal trees around the entrance and along the frontage of the appeal site. Nevertheless, the plotting of the canopy of the trees is based on a tree survey which was undertaken in August 2007 some 10 years ago. While the appellant indicates that the situation has not changed, I observed on site that the canopy of tree 16 extended at least halfway over the existing garage on site, significantly further than plotted on the layout plan. As a result, it is likely that the canopy of tree 16 would interfere with the proposed siting of the dwelling leading to pressure for its removal. Furthermore, from my observations, the height and extent of the canopies of trees 14, 15 and 17 would mean that ground floor habitable room windows on the west elevation of the dwelling would be likely to be in shade for much of the time.
7. The submitted tree survey indicates that trees 14-17 on the site, which would be in the garden of the new dwelling, have been assessed as being good or ok with most capable of having 40+ years useful life expectancy at that time.
8. The future occupiers would be aware of the proximity of the trees and that they are protected under conservation area legislation when purchasing the property. However, it is not unreasonable to assume that dissatisfaction with shade, falling leaves and debris along the western side of the dwelling could well grow with experience. If the development were to be allowed therefore, even though some of the garden would be unshaded, there would still be a significant risk of that leading to pressure for substantial reduction or complete felling of some of the trees which could be difficult for a reasonable local planning authority to resist. As a consequence, the site would become more urbanized and the green back drop to Chapel Lane would be lost which would be severely harmful to the rural character and appearance of this part of the conservation area.
9. While the appellant states that the new driveway serving the proposed house would be constructed under permitted development, I also note that it would require excavation under the canopy of tree 16. While not particularly determinative in itself this reinforces my view that, in the absence of an up to date tree survey which indicates otherwise, the proposal would place increased

pressure upon and conflict with the existing verdant planting belt around the Chapel Lane frontage of the site.

10. The subdivision of the garden of The Moorings would lead to two plots similar to others on the east side of Chapel Lane where one plot fronts Chapel Lane and the other to the rear fronts Mill Street. The proposed house would not encroach significantly beyond the extent of The Stockyards which is opposite the appeal site and is a large, relatively modern, detached house. It would be of a similar character and appearance to The Stockyards and would be located in its plot in a complementary way to the general pattern of buildings in this part of the Conservation Area as required by the HWCACA. As a result the proposal would not extend significantly beyond that existing into an area that was historically outside the settlement, or into the adjacent open space. Therefore, the contribution of the open space to the setting of the built settlement would not be materially harmed. Nevertheless this would not outweigh the harm, I have already identified, caused by the potential loss of trees.
11. The appeal site is adjacent to the Church of St Mary which is a Grade II Listed Building. Mostly dating from the 14th century, the church was restored in 1870/71 and sits within a quiet graveyard between Chapel Lane and Mill Street. The Church is set close to Mill Street so that the graveyard is adjacent to Chapel Lane and the appeal site. Houses are located to the north and south of the Church with those to the north being set back from the boundary. The Moorings to the south is set closer to the boundary but in line with the church with garden space adjacent to the church and Chapel Lane.
12. There are limited views of the church from the northern end of Chapel Lane and due to the configuration of the buildings and road layout views are only afforded as the church is approached. Even then mature trees within the area means that only glimpses of the main body of the church are afforded from public vantage points. The significance of the listed building mainly derives from its architectural interest, as noted in its listing description, but the high number of trees within the undeveloped gardens and graveyard at the southern end of Chapel Lane form a substantial element of the significance of its green, secluded, peaceful setting.
13. The proposed house would be two storey and although set back from the boundary with the church, not by a significant amount. As a consequence, the proximity, height and massing of the proposed house would erode the openness of the area around the church, which together with the existing bungalow would give a hard edge to the southern boundary of the church. I appreciate that there are some evergreen trees on the boundary which would screen the dwelling to an extent. However, according to the tree survey some are deciduous and therefore in the autumn and winter months it is likely that the house would be more visible.
14. I have already found, on the basis of the evidence before me, I cannot be certain that the long term retention of the trees on the appeal site along the frontage of Chapel Lane, which make an important contribution to the setting of the Grade II listed building, would be feasible or possible. Accordingly, the proposal would have an adverse impact on the significance of the green, secluded setting of the heritage asset.

15. Whilst the harm to the character and appearance of the conservation area and the setting of the listed building would, in this instance, be less than substantial, it is a consideration of significant weight and, under the terms of the National Planning Policy Framework (Framework) requires justification by way of public benefits the development may bring.
16. The construction of the building would derive some economic benefits but this would be for a limited time. The development would contribute one unit of accommodation within an accessible location towards the Council's housing supply.
17. Nevertheless, the Council confirm it has a five year housing land supply. Although I accept that housing targets are a minimum not a maximum, the contribution of only one house would be of a very limited benefit. As such, the contribution to housing supply in the area has limited weight.
18. The Framework notes that heritage assets are an irreplaceable resource and that great weight should be given to their conservation. The benefit of the additional housing would not therefore in this instance outweigh the resulting harm to the conservation area.
19. For the reasons above I consider that the proposal would not preserve or enhance the character or appearance of the Houghton and Wyton Conservation Area or preserve the setting and significance of the Church of St Mary Grade II Listed Building. It would therefore be contrary to Policies En2, En5, En6, En16, En18, En25 and H33 of the Huntingdonshire Local Plan Part One 1995 (LP), Policy HL5 of the Huntingdonshire Local Plan Alteration 2002 (LPA), policy CS1 of the Huntingdonshire Core Strategy 2009 (CS), emerging policy LP13, LP31 and LP29 of the Draft Local Plan to 2036: Stage 3 2013 (DLP) and the Framework. These require, amongst other things, that development should be of the highest standard of design, respects mature trees within the townscape, avoids loss and minimises risk of harm to trees, preserves or enhances the character or appearance of the conservation areas, and the setting of listed buildings.

Flooding

20. The Environment Agency confirms that the site is within Flood Zone 3. Paragraph 101 of the Framework requires decision makers to steer new development to areas at the lowest probability of flooding by applying a Sequential Test to those developments on sites in areas at risk of flooding and not already allocated within the development plan. Planning Practice Guidance (the PPG) indicates that the aim is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered (taking into account the flood risk vulnerability of land uses and applying the Exception Test if required).
21. The appellant has not submitted a formal sequential test but states in his appeal statement that there are few available sites for development in the area with the majority of land already developed or outside of settlement limits. Furthermore planning permission has been granted on other sites within the

District that are also within Flood Zone 3a. He concludes that if they pass the sequential test then the appeal proposal must as well as there has been no significant changes in local planning or housing supply position. Therefore he considers the sequential test is passed. However, no further evidence of the sites referred to has been submitted.

22. I note that the EA has no objection to the conclusions of the appellant's Flood Risk Assessment (FRA) that suitable mitigation measures can be incorporated and could be the subject of appropriate conditions. I therefore have no reason to dispute the findings of the FRA. However, the EA also advise in their letter of 4 August 2016 that the sequential and exception test must be passed for the application in accordance with the Framework.
23. Notwithstanding the absence of an objection from the Environment Agency on this matter I am, nevertheless, required to ensure that the proposal meets the requirements of national guidance. On the basis of the evidence before me, in the absence of a sequential test including details of the sites referred to, I am unable to conclude that there are no reasonably available alternative sites for a new housing development in lower flood risk areas within the area.
24. I note the findings of the FRA and the appellant's assertion that the site is defended from flooding together with comments regarding the exception test. However, Paragraph 103 of the Framework makes it clear that the FRA is only considered after the application of the Sequential Test and if required the Exception Test. The proper application of the sequential test has not occurred in this instance.
25. I therefore conclude that in the absence of any substantive evidence to demonstrate that the dwelling could not be located in an area with a lower risk of flooding, the proposal would not provide a suitable site for housing with regard to flood risk. It would therefore be contrary to Policy CS1 of the CS, Policy LP6 of the DLP, Policy CS9 of the LP, the Framework and the PPG which seek to avoid inappropriate development in areas at risk of flooding by directing development away from those at highest risk unless a sequential test proves acceptable.

Local infrastructure

26. Policies CS10 of the CS and LP2 of the DLP require that appropriate provision is made for infrastructure including for waste recycling. The Developer Contributions Supplementary Planning Document, 2011, (SPD) also states that household waste management helps in developing sustainable communities by enabling the reduction and recycling of waste. It refers to the need for developer contributions to allow for the provision of appropriate coloured waste storage containers (wheeled bins) by the Council for new residential developments.
27. A contribution towards waste management would be used to pay for the refuse containers required by the new house. Having regard to local policy and the SPD, I am satisfied that the provision of waste bins for the development is a legitimate and necessary requirement and that a contribution in this regard would meet the relevant tests. The appellant submitted a Unilateral Undertaking (UU), intended to secure a financial contribution towards household waste management after the deadline for final comments on the appeal. Had I found the development to be acceptable in all other respects,

then I would have accepted the UU and sought the comments of the Council. In its absence, therefore, I conclude that the effect of the development on local infrastructure would not be adequately mitigated or offset and the proposal would conflict with Policy CS10 CS and LP2 of the DLP and the SPD.

Other matters

28. I have been referred to the fact that, in the past, planning permission has been granted for the replacement of the existing bungalow on the appeal site with a two storey dwelling, and for the erection of a replacement garage and store. I note though that even though the proposed house was of a similar design to that proposed now, it was as a replacement for the existing dwelling, set back in the site and away from the trees on the front of the site. Furthermore, the proposed replacement garage would not have had a footprint as large as the current proposed house. Moreover, I am advised that all past planning permissions are now time expired and therefore could not be implemented. I therefore give them limited weight in my consideration.

Conclusion

29. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR