



Appeal Decision

Site visit made on 15 August 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 25 August 2017

Appeal Ref: APP/V0510/W/17/3173973

Land between 31 And 37 Brinkley Road, Dullingham CB8 9UW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Sean Dudley of Dudley Developments against the decision of East Cambridgeshire District Council.
 - The application Ref 17/00061/OUT, dated 12 January 2017, was refused by notice dated 13 March 2017.
 - The development proposed is described as outline planning permission to construct 1 no. dwelling together with ancillary buildings for garages & bin storage using the existing access point from Brinkley Road and positioned within the identified Development Envelope for New Building as detailed in the Landscape Appraisal prepared by Liz Lake Associates dated November 2016.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made in outline with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative only.

Main Issue

3. The effect of the development on the character and appearance of the area having particular regard to the location of the site adjacent to the Dullingham Conservation Area (CA) and within the setting of the Grade I listed Church of St Mary.

Reasons

4. The appeal site comprises a large open field to the side and rear of a dormer style dwelling that forms part of a linear development of residential properties of a variety of ages, styles and designs running along the eastern side of the Brinkley Road within the village of Dullingham. The Dullingham CA lies adjacent to the western and northern boundaries of the site and the Grade I listed Church of St Mary is located immediately to the north of the site.
5. To the south and north-west are the garden areas and the outbuildings associated with the adjacent properties. Where outbuildings and other structures exist behind the residential properties, these are very low, clearly subsidiary, and have little impact upon the sense of space and openness in the

area. This gives the area a strong unifying character and appearance, which is further enhanced by the presence of mature landscaping and established trees within the gardens, church graveyard and the agricultural fields to the east of the site.

6. The proposal would involve the construction of a new detached dwelling and ancillary buildings. An indicative plan shows a development envelope area for a proposed two storey dwelling and ancillary buildings to the rear of Nos. 29 and 31 Brinkley Road.
7. In visual terms, given the enclosed nature and the gently sloping topography of the site and immediate surroundings, the appeal site would not be highly visible in the wider landscape. Nevertheless, the proposed development, even within the smaller development envelope area, would be situated in an important open gap between the existing properties along Brinkley Road and the listed building. The appeal site provides a significant contribution to the visual quality and the openness of the area. It adds substantially to the character and appearance of this part of the village and provides an important contribution to the setting of the listed building and the CA.
8. These shortcomings would be exacerbated by the proposal's position, which would be visible from a number of public vantage points from the vehicular access to the site from Brinkley Road, the adjacent church graveyard and the public footpath running along the eastern boundary of the site. The proposed development would, in my view, cause harm to the important views of the Church of St Mary from Brinkley Road, in particular from the access point into the site between Nos. 31 and 37 Brinkley Road.
9. I have considered the appellant's argument and the supporting landscape appraisal that the location of the new detached dwelling and ancillary buildings within a development envelope area has been carefully considered in order to mitigate impacts on the adjacent properties and the area. Whilst the enhanced landscaping and boundary treatment and strategically placed tree planting would mitigate some of the impacts of the proposal on the area, these aspects do not overcome the adverse effects outlined above. I therefore accord these matters limited weight.
10. I have considered the appellant's comments regarding the intention to focus the proposal's built form within the smaller development envelope thereby creating a development area similar to the adjacent property at Church Villa. However, the submitted plans show a much larger red lined 'proposed site boundary' and the intended use of this wider area is not clear. The change of use of this land to a residential use could lead to further domestic paraphernalia, outbuildings and structures that would erode the openness and the undeveloped nature of the appeal site. This would adversely harm rather than positively contribute to the open character and appearance of the area and the setting of the adjacent CA and listed building.
11. Given the location of the appeal site adjacent to the CA and the listed building, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA and the setting of the listed building. I consider that the appeal scheme in this location would have negative material impact and would fail to preserve or enhance the CA and would harm the setting of the adjacent listed building. It would introduce a dominant structure that would restrict the views of the listed building and as such would have

negative material impact on the open setting of the listed church. The setting would therefore not be preserved.

12. Given the modest scale of the development the harm to the CA and the setting of the listed building would be less than substantial but in accordance with paragraph 134 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits to the proposal. I note the appellant's desire is to provide a single dwelling to meet the local housing need. However, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.
13. Consequently, I conclude that the development would harm the character and appearance of the area and the CA and would harm the setting of the Grade I listed Church of St Mary. It would conflict with the design and conservation aims of Policies ENV1, ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015. These policies seek, amongst other things, to ensure that development is of a high quality design that creates a positive, complementary relationship with existing development, local context and landscape setting, and preserves or enhances the character or appearance of the Conservation Areas and listed buildings and does not materially harm the immediate or wider setting of the listed building.
14. In addition, it would not accord with the aims of the Framework that development should seek to secure a high quality of design and conserve heritage assets in an appropriate manner (paragraph 17); to respect the local character (paragraph 58); and take into account the desirability of new development making a positive contribution to local character and distinctiveness in conserving and enhancing the historic environment (paragraph 131).

Other matters

15. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. In these circumstances, Paragraph 49 of the Framework states that housing applications should be considered in the context of Paragraph 14 of the Framework that sets out the presumption in favour of sustainable development. For decision making this means that where the development plan is absent, silent or relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
16. The appellant states that the proposal would constitute a sustainable form of development that would be well connected to existing services and facilities and provide some social and economic benefits through contributing to the supply of housing in the area and the local and wider economy through the construction of a new dwelling. However, one additional dwelling would make a limited contribution to the vitality of this rural community and, more generally, to the housing stock in the district.
17. While I note the appellant's views that the appeal scheme's design, biodiversity enhancements and the additional landscaping would amount to environmental benefits, I have found above that taken overall the development would harm the area's character and appearance and would fail

to preserve or enhance the CA and the setting of the adjacent listed building. This harm would conflict with the environmental dimension of sustainable development and, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the Framework as a whole. The proposal would not therefore amount to sustainable development in the terms of the Framework.

18. I have noted the objections from Dullingham Parish Council and local residents to the proposal. However, in light of my findings on the main issue of the appeal, my decision does not turn on these matters.

Conclusion

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

David Troy

INSPECTOR