
Appeal Decision

Site visit made on 27 September 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 16 October 2017

Appeal Ref: APP/D0515/W/17/3180292

land west of 1 King Edward Road, Chatteris, Cambs

- 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 S Colgrave against the decision of Fenland District Council.
 - The application Ref F/YR16/1138/O, dated 7 December 2016, was refused by notice dated 28 February 2017.
 - The development proposed is the erection of two semi-detached dwellings including partial demolition of existing store.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made in outline form with all matters reserved for future consideration except for access, layout and scale. I have determined the appeal on the same basis. A plan has been submitted showing the appearance of the proposed dwellings but I have treated that as indicative only.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the setting of designated heritage assets.

Reasons

4. The appeal site is located on King Edward Road, which is a narrow street off the main High Street in Chatteris. The High Street is within the Chatteris Conservation Area. The Conservation Area designation extends along the north side of King Edward Road continuing back onto the south side about three quarters of the way along the road. Furthermore Nos 12 and 14 High Street on the corner of High Street and King Edward Road are Grade II listed buildings. As a result, although the appeal site itself is not within the Conservation Area, or listed, the character and appearance of the road on which it is located is heavily influenced by the heritage assets.
5. Buildings on the High Street, within the vicinity of King Edward Road, are mainly sited at the back edge of the footpath giving a good degree of enclosure to the street. The buildings on King Edward Road have a varied degree of set back. Nevertheless, if not set at the back edge of the footway most have some form of front boundary treatment creating a degree of enclosure to the street

- which is visible from the High Street. As a result, both roads have an enclosed character and appearance either through boundary treatment or buildings.
6. The frontage of the appeal site can be seen from Nos 12 and 14. In my opinion, therefore, the setting of Nos 12 and 14 includes the hard edge of both the High Street and King Edwards Road that consists of a hard edge to the road, contributing to the assets' significance, either through a boundary wall or a built structure which, on King Edward Road, are punctuated by vehicle accesses.
 7. The appeal site contains most of a derelict barn set back within the site, bounded in part at the front by a high timber fence. At the time of my site visit there was one car parked between the building and the road. As a result, the state of the building detracts from the appearance of the area, but the timber fence contributes to the enclosure within the road.
 8. The proposed two houses would be sited roughly in the location of the existing building which is to be partly demolished. Parking space for four cars would be sited to the front of the houses adjacent to the road and all front boundary treatment removed to allow adequate visibility and access for the cars.
 9. I acknowledge that the existing building is an historic feature of the road and that by siting the proposed houses in a similar position this aspect would be retained. Furthermore, part of the derelict building would be removed and the remainder made good which would improve the appearance of the area.
 10. Nevertheless, the proposed access would necessitate the removal of all of the boundary treatment. Consequently, the more open setting and wide access would attract more prominence in the street scene, detracting from its enclosed character and appearance. This would be exacerbated by the presence of four parked cars on the open frontage which would be visually incongruous and dominant. I note in this respect the proposal would be contrary to Policy DM3(b) of the Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document 2014 (the SPD). This requires that provision for parking motor vehicles does not dominate the design of the scheme or the resulting street scene, in order for it to meet criteria d of Policy 16 of the Fenland Local Plan 2014 (the LP) which seeks to protect and deliver high quality environments.
 11. I acknowledge that parked cars are a feature of the road, not only currently at the appeal site but also at the adjacent commercial property and residential properties to the west. Furthermore, some properties are set well back in their plots. However, crucially these properties also retain some form of boundary treatment. In addition car parking is mostly set back within the site and does not form a dominant feature within the street scene. Accordingly, although the part removal and improvement of the existing building would enhance the setting of the Conservation Area, its replacement with the appeal proposal, through the lack of enclosure to the road, would result in material harm to the setting of both the Conservation area and Nos 12 and 14 High Street.
 12. For the reasons above therefore, I conclude that the proposal would be harmful to the character and appearance of the area with particular regard to the setting of designated heritage assets. This harm to the setting of the assets would dilute their significance. It would therefore be contrary to Policy LP16(a), LP16(d) and LP18 of the LP and the SPD. These require that

development protects and enhances the historic environment and heritage assets and makes a positive contribution to local distinctiveness and the character of an area.

Other matters

13. The appellant states that if the houses were to be located closer to the road then there would be potential for overlooking and a loss of privacy for the occupiers of Bramble Cottage on the opposite side of the road. However, that is not the proposal in front of me, and any assessment would be made by the Council in the first instance were such plans submitted.
14. I have also been referred to planning permission F/YR06/0908/F granted for the erection of two dwellings on the site. However, I have been supplied with no further details and therefore am unable to make any meaningful comparisons with the appeal proposals.

Balancing and Conclusion

15. I have found that the proposal would be harmful to the setting of designated heritage assets and hence the character and appearance of the area contrary to local and national policy and I give significant weight to this harm. In the parlance of the National Planning Policy Framework (the Framework) the harm to the designated heritage assets would be less than substantial. Nevertheless, I must have special regard to the desirability of preserving the setting of the asset and any harm should require clear and convincing justification. The harm I have found carries great weight in my decision, but in accordance with Paragraph 134 of the Framework this harm should be weighed against any public benefits of the proposal.
16. I note that the two houses in an accessible location would contribute to the Council's five year housing land supply on a derelict brownfield site as required by the Framework. However, a net increase of two dwellings would be a small contribution so I afford this benefit only moderate weight.
17. In addition, the construction of the dwelling would derive some economic benefits but this would be for a limited time. Furthermore, given the small scale of the development, the contribution to the local economy from the spending power of future occupants is unlikely to be significant.
18. Therefore, the public benefits that might accrue if the development was to be allowed would not outweigh the harm to the designated heritage assets. Along with the other harm that would arise from the impact on the character and appearance of the area this leads me to find that overall the scheme would not be sustainable development as envisaged by the Framework. Consequently, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR