The Planning Inspectorate

Appeal Decision

Site visit made on 11 June 2019

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/D0515/W/19/3221692
Land to the rear of 107 High Street, Chatteris, PE16 6NP

- 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 Budge Steers against the decision of Fenland District Council.
- The application Ref F/YR18/0805/F, dated 20 August 2018, was refused by notice dated 30 October 2018.
- The development proposed is the erection of a 2 storey 3 bed dwelling with attached garage.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form shows the site address as '107 High Street' and the description of the development as 'Proposed New 3 bedroom dwelling'. I consider that the site is more accurately identified as 'Land to the rear of 107 High Street'. The Council describes the development as 'The erection of a 2 storey 3 bed dwelling with attached garage'. This is a more complete description of the appeal proposal and I adopt it and the revised address in the heading of this decision.

Main Issues

3. There are 2 main issues in this appeal i) whether the proposal would preserve the setting of the listed building, at 105 High Street, and preserve or enhance the character and appearance of the conservation area; and ii) the design of the dwelling in relation its surroundings and to residential amenity for future occupiers.

Reasons

Setting of the listed building and the character and appearance of the conservation area

4. The curtilage of the house immediately adjoining the appeal site to the south east is No. 105 High Street, which is listed Grade II. The appeal site and this listed building are situated in the Chatteris Conservation Area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me to have special regard to, among other things, the desirability of preserving the setting of listed buildings. Section 72 of that Act

places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The main elements of the listing describes No. 105 High Street as "*C17 Cottage. One storey and attics... Thatched roof hipped to left end… Rendered brick casing to possible timber frame.*"

5. The development plan policies are contained in the Fenland Local Plan 2014, with Policies LP16 and LP18 being the most relevant to the issues arising in this appeal. Policy LP16 requires the delivery and protection of high quality environments across the district, including protecting and enhancing heritage assets, and Policy LP18 seeks to protect, conserve and take opportunities to enhance the historic environment of Fenland. In addition the policies of the National Planning Policy Framework (the Framework) are relevant, particularly paragraphs 8, 127, 193 and 196.

6. No. 105 High Street has a long narrow rear garden which represents the traditional long narrow mediaeval 'burgage' plots which characterise market towns such as Chatteris. Until recently, the land behind No. 107 would have been another clear example of a burgage plot. Indeed, even with the recently permitted houses on the back of this burgage plot, because of the way in which they have had to be constrained by the ownership boundaries and the need for an access, the mediaeval layout can still be perceived by a knowledgeable eye. Nevertheless, this recent development has impinged on the setting of the listed building by eroding the clarity of the feature. This is to the detriment of the setting of the listed building and the character and appearance of the conservation area. The addition of another dwelling behind No.107 would further erode the significance of the setting of the listed building and the conservation area. With regard to the listed building, the fact that the appeal dwelling would be closer to No.105, means it would have a greater effect than the recently permitted dwellings that I have referred to.

7. I find that the appeal proposal would be damaging to the setting of the listed building: I assess this as 'less than substantial harm'. The Framework, at paragraph 196, states *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*. In this regard the public benefits would be the addition of a market dwelling to the housing stock, bringing the economic benefit of short term employment, and the social benefit of increasing the supply of homes (Framework paragraph 8 a and b). However, these are not substantial benefits, and do not outweigh the harm caused to the heritage asset. In this instance I do not regard securing the site's optimum viable use as overriding because I consider that this would need to be something more compelling than simply producing a marketable development on garden land in a close-knit urban environment.

8. In addition, since the appeal proposal would further erode the legibility and significance of the mediaeval burgage feature and harm the setting of the listed building, I find that it fails to meet the desirable outcome of preserving or enhancing the character or appearance of a conservation area. This finding accords with Framework paragraph 193, which states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. This is irrespective of

whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Design and residential amenity

9. No doubt largely due to the constrains of the appeal site, situated on a narrow width of land that also has to accommodate the private access drive, the elevations of the proposed dwelling have very little in the way of windows and doors to break the monotony of the brickwork. The walls themselves have only 2 openings – a folding patio door to the living room and the combined front entry door and 2 full depth windows that provide immediate access into the kitchen/dining room directly from the drive. In addition, within the roof slope there is a small dormer and 3 rooflights on the front elevation and a single rooflight on the rear elevation. Whilst the impact on public and private areas is limited, the gable end on the boundary of the small garden area of the recently permitted house to the north east would be somewhat overbearing and lacking charm, while the front, south east elevation, with the large blank wall alongside the rather contrived entrance door/window combination would be unbalanced, bearing no relationship with the dormer window.

10. This does not accord with the Framework's injunction (paragraph 127) that planning decisions should ensure developments are visually attractive, sympathetic to local character and history with a strong sense of place, with a high standard of amenity for occupiers.

11. In addition to the shortcomings of the design of the dwelling already outlined, there is a lack of consideration in relation to the impact of 3 large mature trees that are subject to a Tree Preservation Order. These are 2 ash and 1 willow that have canopies that overhang the appeal site, and would impact on the limited openings of dormer window and rooflights to the bedrooms and the front entrance door and windows. The result would be poor quality of natural light to much of the accommodation. A further consideration is that the impact of the trees on the wellbeing of future residents would be likely to bring pressure for a drastic reduction in the canopies of these trees, if not their complete removal.

Conclusion

12. The issues dealt with above mean that the appeal proposal would contravene the Framework polices that I have referred to as well as Policies LP16 and LP18 of the Fenland Local Plan 2014 that concern high quality environments and particularly the historic environment. I have taken account of all other matters raised, including the 2004 appeal decision referred to and the planning applications of 2004 and 2005 that were permitted for similar dwellings adjoining the appeal site. I have little information about the appeal decision, but in any event each case must be decided on its individual merits. I note that the appeal and the other decisions were decided well before the Fenland Local Plan was adopted. None of the other matters raised amount to a justification for a different conclusion to the one that I have reached. The appeal is dismissed.

Terrence Kemmann-Lane

INSPECTOR